
STATUTORY INSTRUMENTS

1995 No. 1625

**Historic Monuments and Archaeological
Objects (Northern Ireland) Order 1995**

PART II

HISTORIC MONUMENTS

Offences

Restrictions on possession and use of detecting devices

29.—(1) If a person has a detecting device in his possession in a protected place without the written consent of the Department he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In this Article—

“detecting device” means any device designed or adapted for detecting or locating any metal or mineral on or in the ground; and

“protected place” means any place which is the site of a scheduled monument or of any monument under the ownership or guardianship of the Department.

(3) If a person without the written consent of the Department removes any archaeological object which he has discovered by the use of a detecting device in a protected place he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(4) A consent granted by the Department for the purposes of this Article may be granted either unconditionally or subject to conditions.

(5) If any person—

(a) in using a detecting device in a protected place in accordance with any consent granted by the Department for the purposes of this Article; or

(b) in removing or otherwise dealing with any object which he has discovered by the use of a detecting device in a protected place in accordance with any such consent,

fails to comply with any condition attached to the consent, he shall be guilty of an offence and liable, in a case falling within sub-paragraph (a), to the penalty provided by paragraph (1), and in a case falling within sub-paragraph (b), to the penalty provided by paragraph (3).

(6) In any proceedings for an offence under paragraph (1) or (3), it shall be a defence for the accused to prove that he had taken all reasonable precautions to find out whether the place where he had the detecting device in his possession or (as the case may be) used it was a protected place and did not believe that it was.

Damaging certain historic monuments

30.—(1) A person who without lawful excuse destroys or damages any protected monument—

- (a) knowing that it is a protected monument; and
- (b) intending to destroy or damage the monument or being reckless as to whether the monument would be destroyed or damaged,

shall be guilty of an offence.

(2) This Article applies to anything done by or under the authority of the owner of the monument, other than an act for the execution of excepted works, as it applies to anything done by any other person.

In this paragraph “excepted works” means works for which scheduled monument consent has been given under this Order (including any consent granted by order under Article 5).

(3) In this Article “protected monument” means any scheduled monument and any monument under the ownership or guardianship of the Department.

(4) A person guilty of an offence under this Article shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

Compensation orders for damage to monuments under guardianship

31. Where the owner or any other person is convicted of an offence involving damage to a monument which was at the time of the offence under the guardianship of the Department any compensation order made under Article 14 of the Criminal Justice (Northern Ireland) Order 1994⁽¹⁾ (compensation orders against convicted persons) in respect of that damage shall be made in favour of the Department.

(1) 1994 NI 15