
STATUTORY INSTRUMENTS

1995 No. 1625

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

PART II

HISTORIC MONUMENTS

Powers of entry

Powers of entry

32.—(1) Any person authorised in writing by the Department may at any reasonable time enter any land—

- (a) in, on or under which the Department knows or has reason to believe there is an historic monument, for the purpose of inspecting the land with a view to recording any matters of archaeological or historical interest;
- (b) in, on or under which there is an historic monument which the Department is satisfied is likely to be destroyed or substantially damaged, for the purpose of carrying out such inspection or excavation as the Department considers necessary or expedient in order to obtain and record particulars of the monument;
- (c) for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that or any other land under this Part or in connection with any claim for compensation under this Part in respect of any such acquisition or for any damage to that or any other land.

(2) Subject to paragraph (3), a person entering any land in exercise of the power conferred by paragraph (1)(a) may carry out excavations in the land for the purpose of archaeological investigation.

(3) No excavation shall be made in exercise of the power conferred by paragraph (2) except with the consent of every person whose consent to the making of the excavation would be required apart from this Article.

Supplementary provisions with respect to powers of entry

33.—(1) A person may not in the exercise of any power of entry under this Part, other than that conferred by Article 32(1)(c), enter any building or part of a building occupied as a dwelling house without the consent of the occupier.

(2) Subject to the following provisions of this Article, a person may not in the exercise of any power of entry under this Part, other than that conferred by Article 7 or 16, demand admission as of right to any land which is occupied unless prior notice of the intended entry has been given to the occupier—

- (a) where the purpose of the entry is to carry out any works on the land (other than excavations in exercise of the power under Article 32(2)) not less than 14 days before the day on which admission is demanded; or
- (b) in any other case, not less than 24 hours before admission is demanded.

(3) A person seeking to enter any land in exercise of any power of entry under this Part shall, if so required by or on behalf of the owner or occupier thereof, produce evidence of his authority before entering.

(4) Any power of entry under this Part shall be construed as including power for any person entering any land in exercise of the power of entry to take with him any assistance or equipment reasonably required for the purpose to which this entry relates and to do there anything reasonably necessary for carrying out that purpose.

(5) Without prejudice to paragraph (4), where a person enters any land in exercise of any power of entry under this Part for the purpose of carrying out any archaeological investigation or examination of the land, he may take and remove such samples of any description as appear to him to be reasonably required for the purpose of archaeological analysis.

(6) Subject to paragraph (7), where any works are being carried out on any land in relation to which any power of entry under this Part is exercisable, a person acting in the exercise of that power shall comply with any reasonable requirements or conditions imposed by the person by whom the works are being carried out for the purpose of preventing interference with or delay to the works.

(7) Any requirements or conditions imposed by a person by whom any works are being carried out shall not be regarded as reasonable for the purposes of paragraph (6) if compliance therewith would in effect frustrate the exercise of the power of entry or the purpose of the entry; and that paragraph does not apply where the works in question are being carried out in contravention of Article 4(1) or (6).

(8) Any person who intentionally obstructs a person acting in the exercise of any power of entry under this Part shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Treatment and preservation of archaeological objects found

34.—(1) Where a person enters any land in exercise of any power of entry under this Part for any of the following purposes, that is to say—

- (a) to carry out any excavations in the land or any operations affecting any historic monument situated in, on or under the land;
- (b) to observe any operations on the land in exercise of the power under Article 8(3)(a) or (4)(b); or
- (c) to carry out any archaeological examination of the land;

he may take temporary custody of any archaeological object discovered during the course of those excavations or operations or (as the case may be) during the course of that examination, and remove it from its site for the purpose of examining, testing, treating, recording or preserving it.

(2) The Department may not retain the object without the consent of the owner beyond such period as may be reasonably required for the purpose of examining and recording it and carrying out any test or treatment which appears to the Department to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(3) Nothing in this Article shall affect any right of the Crown in relation to treasure trove.