



BILLE NA SEADCHOMHARTHA NAISIUNTA
(LEASU), 1954.
NATIONAL MONUMENTS (AMENDMENT) BILL, 1954.

Mar a tugadh isteach.
As introduced.

ARRANGEMENT OF SECTIONS.

Section.

1. The Principal Act.
2. Transfer by local authority of guardianship or ownership of national monument to Commissioners.
3. Preservation orders.
4. Temporary preservation orders.
5. Construction of section 11 of Principal Act.
6. Effect of orders vesting ecclesiastical structures.
7. Power to erect notices.
8. Publication of lists of national monuments.
9. Removal of monuments to sites of other monuments.
10. Burials in specified part of national monument.
11. Inspection of national monuments.
12. Amendment of section 23 of Principal Act.
13. Amendment of section 24 of Principal Act.
14. Constitution of the Advisory Council.
15. Modification of section 26 of Principal Act.
16. Making of leases and granting of licences by Commissioners or local authority.
17. Evidence.
18. Time for commencement of proceedings for offences.
19. Short title, construction and collective citation.

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**BILLE NA SEADCHOMHARTHAI NAISIUNTA
(LEASU), 1954.
NATIONAL MONUMENTS (AMENDMENT) BILL, 1954.**

BILLE BILL

entitled

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**AN ACT TO AMEND THE NATIONAL MONUMENTS ACT,
1930.**

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

The Principal
Act.

**1.—In this Act “ the Principal Act ” means the National Monu-
ments Act, 1930 (No. 2 of 1930).**

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Transfer by local
authority of
guardianship or
ownership of
national
monument to
Commissioners.

**2.—Section 7 of the Principal Act is hereby amended by the sub-
stitution for subsection (1) of the following—**

- “ (1) Where a local authority—
- (a) have been appointed by deed under this or any other
Act to be the guardians of a national monument, or
- (b) are the owners of a national monument,

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they may, with the consent of the Commissioners and with the
consent of the owner in cases where the local authority are the
guardians, transfer by deed such guardianship or ownership
to the Commissioners and upon such guardianship being so
transferred the deed appointing such local authority to be
guardians shall have effect under this Act as if it appointed
the Commissioners to be the guardians of such monument.”

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Preservation
orders.

**3.—Section 8 of the Principal Act is hereby amended by the
substitution for subsections (1) and (2) of the following :—**

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“ (1) Where it appears to the Commissioners, on a report
made by the Advisory Council or otherwise, that a monument
which in their opinion is a national monument is in danger of
being or is actually being destroyed, injured or removed, or is
falling into decay through neglect, the Commissioners may by
order (in this Act referred to as a preservation order) under-
take the preservation of such monument.

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(2) The Commissioners may at any time, by order made
after consultation with the Advisory Council, revoke a preser-
vation order.”

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Temporary
preservation
orders.

**4.—(1) Where it appears to the Commissioners that a monument
which in their opinion is a national monument is in immediate
danger of injury or destruction the Commissioners may by order
(in this Act referred to as a temporary preservation order) under-
take the preservation of such monument.**

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(2) A temporary preservation order shall, unless previously revoked by order of the Commissioners, remain in force for a period of six months and shall then expire.

(3) A temporary preservation order shall not be in substitution for or operate to prevent the making of a preservation order.

(4) References in section 9 (other than paragraphs (2) and (3)) and in section 14 of the Principal Act to preservation orders shall be construed as including references to temporary preservation orders.

10 5.—The power of the Commissioners under section 11 of the Principal Act to acquire a national monument shall, in the case of property vested in them under section 25 of the Irish Church Act, 1869, be construed as including power to acquire such land as may be required in order to provide means of access thereto or to fence, cover in or otherwise preserve from injury such property or to preserve the amenities thereof.

Construction of section 11 of Principal Act.

20 6.—For the removal of doubt, it is hereby enacted that any church, ecclesiastical building or structure, expressed to vest in the Secretary of the Commissioners by order made under subsection (1) of section 25 of the Irish Church Act, 1869, is vested in the Commissioners and is a national monument within the meaning of the Principal Act.

Effect of orders vesting ecclesiastical structures.

25 7.—The Commissioners may cause to be erected at a national monument which is the subject of a preservation order or a temporary preservation order a notice of the existence of such order and for that purpose any officer of the Commissioners, duly authorised by them in that behalf, may enter on such monument and any other lands or premises.

Power to erect notices.

30 8.—(1) The Commissioners shall from time to time cause to be published in *Iris Oifigiúil* lists of—

Publication of lists of national monuments.

(a) such monuments as are reported by the Advisory Council and as the Commissioners consider to be monuments the preservation of which is of national importance, and

(b) such other monuments as the Commissioners think fit.

35 (2) When it is intended to include a monument in a list under subsection (1) of this section, the Commissioners shall notify the owner of the monument of that intention and of the penalties which may be incurred by a person guilty of an offence under this section.

40 (3) Where the owner of a monument which is included in a list under subsection (1) of this section, having received notice under subsection (2) of this section, proposes to demolish or remove in whole or in part, alter structurally or make additions to the monument, or make excavations in the neighbourhood thereof, he shall give notice of his intention to the Commissioners and shall not, except in the case of urgent necessity, commence any work of demolition, removal, alteration, addition or excavation for a period of two months after having given such notice.

50 (4) Every person who acts in contravention of subsection (3) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

Removal of monuments to sites of other monuments.

9.—Where the Commissioners are the owners of a national monument as defined in subsection (1) of section 13 of the Principal Act they may, if they think it desirable to do so, remove the monument to the site of such other national monument as they may think fit and approve.

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Burials in specified part of national monument.

10.—An order under section 17 of the Principal Act may relate to such part of a national monument as may be specified in the order and in that event the provisions of that section shall apply only to that part of the monument.

Inspection of national monuments.

11.—(1) The Commissioners may cause such inspections and reports as they may direct (either generally or particularly) to be made by their officers in regard to national monuments and places where the Commissioners have reason to believe national monuments exist.

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(2) An officer of the Commissioners may for the purpose of carrying out an inspection under this section enter on any lands and premises and there do all such things as he may consider necessary for the purpose of the inspection.

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(3) Every person who obstructs or otherwise interferes with an officer of the Commissioners in the exercise of any of his powers under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

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(4) Section 20 of the Principal Act is hereby repealed.

Amendment of section 23 of Principal Act.

12.—The report required by section 23 of the Principal Act to be made by a person who finds an archaeological object may be made to the officer of the Commissioners nominated for the time being under paragraph (a) of subsection (1) of section 14 of this Act to be a member of the Advisory Council and, accordingly, references in the said section 23 to the Keeper of Irish Antiquities in the National Museum shall be construed as including references to that officer.

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Amendment of section 24 of Principal Act.

13.—Section 24 of the Principal Act is hereby amended by the addition of the following subsection—

“(4) (a) The Minister for Education may from time to time by order declare any object, which is in his opinion an archaeological object, to be an object to which this section applies and may revoke any such order.

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(b) An object declared to be an object to which this section applies by an order for the time being in force shall be conclusively assumed to be an archaeological object for the purposes of this section without further proof.”

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Constitution of the Advisory Council.

14.—(1) The Advisory Council shall, on and after such date as the Minister may by order appoint, consist of—

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(a) an officer of the Department of Education, nominated for the purpose by the Minister for Education, and an officer of the Commissioners, nominated for the purpose by the Minister, and

(b) such number of other persons (including representatives of the following bodies, namely, the Royal Irish Academy, the Royal Society of Antiquaries of Ireland and the Royal Institute of the Architects of Ireland) as the Minister nominates to be members thereof.

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(2) The Advisory Council shall be reconstituted after the expiration of every five years.

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(3) Every member of the Advisory Council shall be eligible for re-nomination.

(4) If a member of the Advisory Council nominated under paragraph (a) of subsection (1) of this section is, for any reason, temporarily unable to act a person may be nominated, in like manner, to act in his stead.

5 (5) Subsections (2) and (3) of section 21 of the Principal Act are hereby repealed on and from the date appointed by the Minister under subsection (1) of this section.

10 15.—Notwithstanding the provisions of section 26 of the Principal Act, where a report of the finding of an archaeological object or of the discovery of a monument at any specified place is made to the Keeper of Irish Antiquities in the National Museum or to the officer of the Commissioners nominated for the time being under paragraph (a) of subsection (1) of section 14 of this Act as a member of the Advisory Council, the Keeper or officer or any other person authorised in writing in that behalf by the Keeper or officer may dig or excavate in or under the land in that place for the purposes specified in subsection (1) of the said section 26 without a licence, but the Keeper or officer shall, not later than fourteen days from the receipt of the report, notify the Commissioners that such digging or excavation has been or is being carried out and such digging or excavation shall not be carried on after the said period of fourteen days without a licence under the said section 26.

Modification of section 26 of Principal Act.

25 16.—(1) Where the Commissioners or a local authority are the owners of a national monument they may, subject, in the case of the Commissioners, to the consent (either general or particular) of the Minister, and, in the case of a local authority, to the consent of the Commissioners, make leases and grant licences in respect thereof for such purposes and for such term and subject to such conditions, including the payment of rent, as the Commissioners or the local authority, as the case may be, think fit.

Making of leases and granting of licences by Commissioners or local authority.

35 (2) The exercise of the rights conferred by subsection (1) of this section on the Commissioners or a local authority shall not relieve them of the duties imposed on them as the owners of a national monument by the Principal Act and this Act.

(3) All moneys received by the Commissioners under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister shall direct.

40 17.—(1) A certificate under the common seal of the Commissioners that the Commissioners are the owners or guardians of a specified national monument shall be *prima facie* evidence of such ownership or guardianship.

Evidence.

45 (2) A document certified under the common seal of the Commissioners to be a copy of an order made by the Commissioners under the Principal Act or this Act shall be *prima facie* evidence of such order.

(3) For the purposes of this section, the common seal of the Commissioners shall be judicially noticed.

50 18.—Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under the Principal Act or this Act may be instituted within three months from the date when the offence came to the knowledge of the Commissioners.

Time for commencement of proceedings for offences.

Short title,
construction and
collective
citation.

19.—(1) This Act may be cited as the National Monuments
(Amendment) Act, 1954.

(2) The Principal Act and this Act shall be construed together
as one Act.

(3) The Principal Act and this Act may be cited together as the 5
National Monuments Acts, 1930 and 1954.

BILLE NA SEADCHOMHARTHAÍ
NAISIUNTA (LEASU), 1954.

NATIONAL MONUMENTS (AMENDMENT)
BILL, 1954.

BILLE

(mar a tugadh isteach)

dá ngairmtear

Acht do leasú Achtá na Séadchomharthaí
Náisiúnta, 1930.

An tAire Airgeadais do thug isteach.

Do hordáiodh, ag Dáil Éireann, do chlóbhuailadh, 27ú Deireadh Fómhair, 1954.

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