



54023001288502

BILLE NA SEADCHOMHARTHAÍ NAISIUNTA (LEASU), 1978 **NATIONAL MONUMENTS (AMENDMENT) BILL, 1978**

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Short title, construction and collective citation.
2. Interpretation.
3. Sea-wreck prospection licences.
4. Publication of annual report by Commissioners.
5. Amendment of section 8 (Preservation Orders) of Principal Act.
6. Amendment of section 23 (Reports of finding of archaeological objects) of Principal Act.
7. Amendment of section 26 (Restriction of excavation for archaeological purposes) of Principal Act.
8. Amendment of section 14 (Prohibition of injury to national monument) of Principal Act.

ACTS REFERRED TO

National Monument Act, 1930	1930, No. 2.
National Monument (Amendment) Act, 1954	1954, No. 37.



BILLE NA SEADCHOMHARTHAÍ NAISIUNTA (LEASU), 1978
NATIONAL MONUMENTS (AMENDMENT) BILL, 1978

BILL

entitled

AN ACT TO AMEND AND EXTEND THE NATIONAL 5
MONUMENTS ACTS 1930 AND 1954.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Short title,
construction and
collective
citation.

1.—(1) This Act may be cited as the National Monuments (Amend-
ment) Act, 1978.

(2) The Principal Act and this Act may be construed as one. 10

(3) The National Monuments Acts, 1930 and 1954, and this Act
may be cited together as the National Monuments Acts, 1930 to 1978.

Interpretation.

2.—In this Act—

“the Act of 1954” means the National Monuments (Amendment)
Act, 1954; 15

“the Commissioners” means the Commissioners of Public Works;

“the Principal Act” means the National Monuments Act, 1930;

“prospect” includes (with electronic devices or otherwise) exploring,
searching for, getting, raising, taking, carrying away and cognate
words shall be construed accordingly; 20

“sea-wreck” means a sunken, submerged, stranded, derelict or
abandoned vessel, or any goods, objects or materials found thereon.

Sea-wreck
prospection
licences.

3.—(1) It shall not be lawful for any person, without or otherwise
than in accordance with a licence issued by the Commissioners under
this section, to prospect a sea-wreck within the territorial waters of 25
the State.

(2) The Commissioners may at their discretion issue to any person
a licence (in this Act referred to as a “sea-wreck prospection licence”)
to prospect any specified sea-wreck within the said territorial waters
for any specified archaeological purpose and may insert in such 30
licence such conditions and restrictions as they shall think proper.

(3) Any person who prospects a sea-wreck in contravention of this
section shall be guilty of an offence under this section and shall be
liable

(i) on summary conviction, to a fine of £500, or to imprisonment
for one month, or to both, or 35

(ii) or conviction on indictment, to a fine of £1,000.

(4) Nothing in this section shall apply or render unlawful any action taken out of necessity due to stress of weather or navigational hazards or for the purpose of dealing with an emergency nor shall a licence under this section operate to render lawful the doing of anything which would be unlawful if this section had not been enacted.

4.—The Commissioners shall publish and lay before both Houses of the Oireachtas within three months of the commencement of each calendar year an annual report setting out in particular:—

Publication
of annual
report by
Commissioners.

(i) the number of sea-wreck prospection licences, and excavation licences issued under section 26 of the Principal Act, in force at any time during the previous twelve months,

(ii) the names and addresses of the licensees,

(iii) the location of the excavation or prospection carried out,

(iv) the location of all archaeological objects found in the course of excavation or prospection,

(v) whether the provisions of section 23 of the Principal Act (reports of finding of archaeological objects) have been complied with by the licensee,

(vi) whether each condition and restriction of the licences has been complied with by the licensee and the manner in which it was complied; and

(vii) the amount of public funds (if any) expended in excavation or prospection.

5.—Section 8 of the Principal Act (as amended by the Act of 1954) is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of
section 8
(Preservation
Orders) of
Principal Act.

“(1A) Where it appears to the Commissioners, on a report made by the Advisory Council or otherwise, that a sea-wreck which in their opinion is of archaeological, historical or artistic importance they shall—

(a) by order undertake the preservation of all such objects brought ashore, and

(b) ensure the lodgment of such objects in the National Museum which, in the opinion of the Director of the National Museum, ought to be retained in the said Museum.”

6.—Section 23 of the Principal Act is hereby amended—

Amendment of
section 23
(Reports of
finding of
archaeological
objects) of
Principal Act.

(a) in subsection (1)—

(i) by the insertion of “or obtains possession of” after “finds”

(ii) by the substitution of “object which he believes or ought reasonably to believe to be an archaeological object” for “archaeological object”

and the said subsection (1), as so amended, is set out in the Table to this paragraph:—

TABLE

(1) Every person who finds or obtains possession of any object which he believes or ought reasonably to believe to be an archaeological object shall, within

fourteen days after he has found such object, make a report of such finding to a member of the Garda Síochána on duty in the district in which such object was so found or the Director of the National Museum and shall when making such report state his own name and address, the nature or character of the said object and the time and place at which and the circumstances in which it was found by him, and shall also, and whether he has or has not made such report as aforesaid, and irrespective of the person to whom he has made such report (if any) give to any member of the Garda Síochána or to the said Director on request any information within his knowledge in relation to such object or the finding thereof and shall permit any member of the Garda Síochána or the said Director to inspect, examine or photograph such object.

(b) in subsection (2),

- (i) by the insertion of "or obtains possession of" after "finds"
- (ii) by the substitution of "object which he believes or ought reasonably to believe to be an archaeological object" for "archaeological object" where it first occurs
- (iii) by the deletion of "ten pounds" and the substitution thereof of "£300 or to imprisonment for one month or to both",

and the said subsection (2), as so amended, is set out in the Table to this paragraph:—

TABLE

- (2) Every person who finds or obtains possession of an object which he believes or ought reasonably to believe to be an archaeological object and—
- (a) fails without reasonable excuse to make a report of such finding in accordance with this section, or
 - (b) makes under this section a report of such finding which is to his knowledge false or misleading in any material respect, or
 - (c) in contravention of this section fails or refuses to give to a member of the Garda Síochána or the Director of the National Museum information in relation to such archaeological object or the finding thereof, or
 - (d) gives to a member of the Garda Síochána or the said Director information in relation to such archaeological object or the finding thereof which is to his knowledge false or misleading in a material respect,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £300 or imprisonment for one month or to both.

Amendment of section 26 (Restriction of excavation for archaeological purposes) of Principal Act.

7.—Section 26 of the Principal Act is hereby amended—

(a) in subsection (1) by the insertion of:—

- (i) "or to prospect with electronic or other devices" after "excavate";

(ii) "or to prospect with electronic or other devices in the inland waterways of the State" after "land"; and

(iii) "or water" after "such land".

and the said subsection (1), as so amended, is set out in the Table to this paragraph.

TABLE

(1) It shall not be lawful for any person, without or otherwise than in accordance with a licence issued by the Commissioners under this section, to dig or excavate or to prospect with electronic or other devices in or under any land (whether with or without removing the surface of the land) or to prospect with electronic or other devices in the inland waterways of the State for the purpose of searching generally for archaeological objects or of searching for, exposing or examining any particular structure or thing of archaeological interest known or believed to be in or under such land or water or for any other archaeological purpose.

(b) in subsection (2) by the insertion of:—

(i) "or to prospect with electronic or other devices" after "excavate"

(ii) "or to prospect with electronic or other devices in any specified inland waterway of the State" after "land"

and the said subsection (2), as so amended, is set out in the Table to this paragraph—

TABLE

(2) The Commissioners may at their discretion issue to any person a licence to dig or excavate or to prospect with electronic or other devices in or under any specified land or to prospect with electronic or other devices in any specified inland waterways of the State for any specified archaeological purpose and may insert in any such licence such conditions and restrictions as they shall think proper.

(c) by the insertion, after subsection (2), of the following subsection:—

"(2A) Without prejudice to the generality of subsection (2) of this section, in order to receive a licence issued under subsection (2), a person shall comply with the following conditions:—

(a) he shall obtain the prior agreement of the landowner to the lodgement of all objects found in the National Museum;

(b) he shall satisfy the Director of the National Museum that adequate arrangements will be made for the publication of a comprehensive report on the excavation within two years of its completion."

(d) in subsection (3)—

(i) by the insertion of "or prospects with electronic or other devices" after "excavates" and

(ii) by the insertion of "or prospects with electronic or other devices in the inland waterways of the State" after "land" and

(iii) by the deletion of "twenty-five pounds" and the substitution therefor of "£500 or to imprisonment for one month or to both".

and the said subsection (3), as so amended, is set out in the Table to this paragraph— 5

TABLE

(3) Any person who digs or excavates or prospects with electronic or other devices in or under any land or prospects with electronic or other devices in the inland waterways of the State in contravention 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 £500 or to imprisonment for one month or to both. 10

(e) in subsection (4) by the insertion of— 15

(i) "or prospecting with electronic or other devices" after "excavation"; and

(ii) "or prospecting with electronic or other devices in the inland waterways of the State" after "land"

and subsection (4), as so amended, is set out in the Table to this subsection:— 20

TABLE

(4) Nothing in this section shall apply to or render unlawful digging or excavation or prospecting with electronic or other devices in or under any land or prospecting with electronic or other devices in the inland waterways of the State for or in the course of any agricultural or industrial operation nor shall a licence under this section operate to render lawful the doing of anything which would be unlawful if this section had not been passed. 25 30

Amendment of section 14 (Prohibition of injury to national monument) of Principal Act.

8.—Section 14 of the Principal Act is hereby amended :—

(a) in subsection (3) by the insertion of "Subject to subsection (3A)," before "The Commissioners" and the said subsection (3), as so amended, is set out in the Table to this paragraph:— 35

TABLE

(3) Subject to subsection (3A), the Commissioners and every local authority are hereby respectively authorised to give such consent as is mentioned in the foregoing subsection if and whenever they think it expedient in the interests of archaeology or for any other reason so to do and are hereby further authorised to attach to any such consent all such conditions and restrictions as they think fit. 40 45

(b) by the insertion after subsection (3) of the following subsections:—

"(3A) (a) Before a consent under subsection (3) of this section is granted by the Commissioners or a local authority, the proposed work on a national monument shall be provided for in an order under this section. 50

(b) An order made by the Commissioners under this section shall state the following:—

(i) the name and location of the national monument; and

5 (ii) the work proposed to be carried out and the reasons therefor.

10 (c) Whenever an order is proposed to be made under this section, a draft of the proposed order shall be laid before each House of the Oireachtas, and the order shall not be made and such consent as is mentioned in the foregoing subsections shall not be given until a resolution approving of the draft has been passed by each such House.

entitled
An Act to amend and extend the National
Monuments Acts, 1930 and 1934.

No. 10
The National Monuments Bill, 1934
presented by Deputy John Bruton and
Deputy John Duggan, 4th October, 1934

Printed by the Government Stationery Office,
Dublin.
To be purchased through any bookseller, or direct
from the Government Publications Sales Office,
G.P.O. Arcade, Dublin.

Printed by the Government Stationery Office,
Dublin.
To be purchased through any bookseller, or direct
from the Government Publications Sales Office,
G.P.O. Arcade, Dublin.

**BILLE NA SEADCHOMHARTHAÍ
NAISIUNTA (LEASU), 1978**

**NATIONAL MONUMENTS (AMENDMENT)
BILL, 1978**

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do leasú agus do leathnú Achta na
Séadchomharthaí Náisiúnta, 1930 agus 1954.

*Na Teachtaí John Bruton agus Seán Ó Dónalláin
a thíolaic, 4 Deireadh Fómhair, 1978*

**BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais
An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

Cló-bhuailte ag CAHILL PRINTERS LIMITED

16p

BILL

(*as initiated*)

entitled

An Act to amend and extend the National
Monuments Acts, 1930 and 1954.

*Presented by Deputies John Bruton and
John Donnellan, 4th October, 1978*

**DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE**

To be purchased through any bookseller, or direct
from the Government Publications Sale Office,
G.P.O. Arcade, Dublin.

Printed by CAHILL PRINTERS LIMITED

16p