



**BILLE NA hOIDHREACHTA NAISIUNTA, 1980**  
**NATIONAL HERITAGE BILL, 1980**

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*Mar a tionscnaíodh*  
*As initiated*

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**ARRANGEMENTS 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 5 (Guardianship of national monuments) of Principal Act.
6. Amendment of section 8 (Preservation Orders) of Principal Act.
7. Amendment of section 23 (Reports of finding of archaeological objects) of Principal Act.
8. Amendment of section 26 (Restriction of excavation for archaeological purposes) of Principal Act.
9. Amendment of section 14 (Prohibition of injury to national monument) of Principal Act.

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**ACTS REFERRED TO**

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





**BILLE NA hOIDHREACHTA NAISIUNTA, 1980**  
**NATIONAL HERITAGE BILL, 1980**

# BILL

*entitled*

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Short title,  
construction and  
collective citation.

- 1.—(1) This Act may be cited as the National Heritage Act, 1980.  
(2) The Principal Act and this Act may be construed as one.  
(3) The National Monuments Acts, 1930 and 1954, and this Act 10  
may be cited together as the National Monuments Acts, 1930 to 1980.

Interpretation.

- 2.—In this Act—  
“the Act of 1954” means the National Monuments (Amendment)  
Act, 1954;  
“the Commissioners” means the Commissioners of Public Works; 15  
“the Principal Act” means the National Monuments Act, 1930;  
“prospect” includes (with electronic devices or otherwise) explor-  
ing, searching for, getting, raising, taking, carrying away and cognate  
words shall be construed accordingly;  
“sea-wreck” means a sunken, submerged, stranded, derelict or 20  
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  
the State. 25

(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 licence such conditions and restrictions as they shall 30  
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 imprison- 35  
ment for one month, or to both, or  
(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 with; and

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

5.—Section 5 of the Principal Act is hereby amended by the deletion in subsection (1) of “(not being a building which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or the family of such caretaker)” and the said subsection (1), as so amended, is set out in the Table to this section.

Amendment of section 5 (Guardianship of national monuments) of Principal Act.

#### TABLE

(1) The owner of a national monument may by deed notwithstanding any trust, public purpose, incumbrance or charge affecting such monument either—

(a) with the consent of the Commissioners, appoint the Commissioners to be the guardians of such monument, or

(b) with the consent of the local authority in whose functional area such monument is situate, appoint such local authority to be the guardians of such monument.

6.—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."

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

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

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(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"

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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.

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(b) in subsection (2),

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(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

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(iii) by the deletion of "ten pounds" and the substitution therefor 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:—

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#### 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—

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- (a) fails without reasonable excuse to make a report of such finding in accordance with this section, or
- 5 (b) makes under this section a report of such finding which is to his knowledge false or misleading in any material respect, or
- 10 (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
- 15 (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.

20 8.—Section 26 of the Principal Act is hereby amended—

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

- (a) in subsection (1) by the insertion of:—
- (i) “or to prospect with electronic or other devices” after “excavate”;
- 25 (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.

30 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.
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(b) in subsection (2) by the insertion of:—

- 45 (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—

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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—

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.



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

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- (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:—

TABLE

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(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.

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

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

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(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:—

TABLE

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(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.

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

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“(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.

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

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

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

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(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.



**BILLE**

(*mar a tionscnaíodh*)

*dá ngairtear*

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

*An Teachta Seán Ó Dónalláin a thiolaic;*  
14 Bealtaine, 1980

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

Le ceannach díreach ón Oifig Díolta Fojlseachán Rialtais,  
An Stuaire, Ard Oifig an Phoist, Baile Átha Cliath, nó trí  
aon díoltóir leabhar.

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(*as initiated*)

*entitled*

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

*Presented by Deputy John Donnellan,*  
14th May, 1980

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