BILLE NA SÉADCHOMHARTHAÍ NÁISIÚNTA (LEASÚ), 1993
NATIONAL MONUMENTS (AMENDMENT) BILL, 1993

Mar a ritheadh ag Seanad Éireann
As passed by Seanad Éireann

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Ownership of archaeological object.
3. Waiver of rights of State to ownership of archaeological object.
4. Possession, etc. of archaeological object.
5. Reporting of possession, etc. of archaeological object.
6. Appointment of designated persons and places.
7. Forfeiture of detection devices and diving equipment.
8. Inspection and excavation by Director.
9. Power to take possession of archaeological object.
10. Payment to person finding archaeological object.
11. Acquisition of national monument, etc. by Commissioners.
12. Recorded monuments.
13. Offences and penalties.
14. Amendment of section 2 of Principal Act.
15. Amendment of section 14 of Principal Act.
16. Amendment of section 3 of Act of 1987.
17. Amendment of section 23 of Principal Act.
18. Amendment of section 25 of Principal Act.
19. Amendment of section 26 of Principal Act.
20. Amendment of section 22 of Act of 1987.

[No. 52*a* of 1993]

0157

Section
21. Laying of regulations under this Act.

22. Short title, construction, collective citation and commencement.

SCHEDULE

Compulsory Acquisition of Land

Acts Referred to

Acquisition of Land (Assessment of Compensation) Act, 1919	1919, c. 57
Companies Act, 1963	1963, No. 33
Continental Shelf Act, 1968	1968, No. 14
Lands Clauses Acts	
Lands Clauses Consolidation Act, 1845	1845, c. 18
National Monuments Act, 1930	1930, No. 2
National Monuments (Amendment) Act, 1954	1954, No. 37
National Monuments (Amendment) Act, 1987	1987, No. 17
National Monuments Acts, 1930 to 1987	
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Registration of Title Act, 1964	1964, No. 16

BILLE NA SÉADCHOMHARTHAÍ NÁISIÚNTA (LEASÚ), 1993
NATIONAL MONUMENTS (AMENDMENT) BILL, 1993

BILL

entitled

AN ACT TO MAKE FURTHER PROVISION FOR THE PROTECTION AND PRESERVATION OF ARCHAEOLOGICAL OBJECTS, TO DEFINE ARCHAEOLOGICAL OBJECTS TO INCLUDE TREASURE TROVE, TO AMEND AND EXTEND THE NATIONAL MONUMENTS ACTS, 1930 TO 1987, AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act except where the context otherwise requires:

"the Act of 1987" means the National Monuments (Amendment) Act, 1987;

"the Director" means the Director of the National Museum of Ireland;

"designated person" has the meaning assigned to it by *section 6* of this Act;

"designated place" has the meaning assigned to it by *section 6* of this Act;

"functions" includes powers and duties;

"the Minister" means the Minister for Arts, Culture and the Gaeltacht;

"the Principal Act" means the National Monuments Act, 1930;

"water" or "waters" includes—

(*a*) any (or any part of any) river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial,

(*b*) any area submerged at high water of ordinary spring tides, an estuary or arm of the sea and the tidal waters of any channel, creek, bay, inlet or river,

(*c*) the territorial waters of the State,

2158

(*d*) the waters in any area standing designated for the time being by an order made under section 2 (3) of the Continental Shelf Act, 1968.

(2) In this Act a reference to an object found in the State includes a reference to an object found in, or floating on or under any waters. 5

Ownership of archaeological object.

2.—(1) Without prejudice to any other rights howsoever arising in relation to any archaeological object found before the coming into operation of this section, there shall stand vested in the State the ownership of any archaeological object found in the State after the coming into operation of this section where such object has no known 10 owner at the time when it was found.

(2) In this section "owner" means the person for the time being having such estate or interest in the archaeological object as entitles him to the actual possession thereof.

Waiver of rights of State to ownership of archaeological object.

3.—Whenever, before or after the coming into operation of this 15 section, any archaeological object becomes the property of the State, the Minister, on the advice of the Director, may waive the ownership of the State in such object.

Possession, etc. of archaeological object.

4.—(1) No person shall have in his possesion or under his control an archaeological object which has been found in the State after the 20 coming into operation of this section unless—

(*a*) the possession or control is for the purpose of satisfying the provisions of section 23 (as amended by the Act of 1987 and this Act) of the Principal Act, or

(*b*) the object is one in which the rights of the State have been 25 waived under this Act.

(2) No person shall purchase or otherwise acquire, sell or otherwise dispose of an archaeological object which has been found in the State after the coming into operation of this section unless the object is one in which the rights of the State have been waived under this Act. 30

(3) Where in a prosecution for an offence under this section possession or control of an archaeological object is proved, it shall be presumed until the contrary is proved that the object was found in the State after the coming into operation of this section.

(4) This section shall not apply to the Director or a designated 35 person.

(5) *Subsection (1)* of this section shall not apply to persons to whom a licence has been granted under section 26 of the Principal Act in respect of any archaeological object found in pursuance of that licence. 40

(6) A reference to an offence under the National Monuments Acts, 1930 to 1987, in sections 20, 21 and 22 of the Act of 1987 shall be construed as including an offence under this section.

(7) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this section 45 may be instituted within two years from the date of the offence.

5.—(1) No person shall have in his possession or under his control an archaeological object which has been found in the State after the coming into operation of the Principal Act unless it has been reported under section 23 (as amended by the Act of 1987) of the Principal Act or under this section within three months of the coming into operation of this section.

Reporting of possession, etc. of archaeological object.

(2) No person shall purchase or otherwise acquire, sell or otherwise dispose of an archaeological object which has been found in the State after the coming into operation of the Principal Act, unless, at the time of purchase, acquisition, sale or disposal or within 30 days thereof he makes a report under *subsection (3)* of this section to the Director or a designated person of the purchase, acquisition, sale or disposal.

(3) A person who makes a report under *subsection (1)* or *(2)* of this section shall—

(*a*) state his name and address, the nature and description of the archaeological object which he wishes to report,

(*b*) the circumstances in which he has come into possession or control of that object, and

(*c*) such other information within his knowledge concerning the object as may be requested by the Director or a designated person,

and, on making that report and providing such information, shall be furnished with a prescribed form.

(4) On being furnished with a prescribed form under *subsection (3)* of this section, a person shall complete and return it by personal delivery or by pre-paid registered post within seven days of its being so furnished.

(5) The Minister may by regulations prescribe the form to be furnished under *subsection (3)* of this section and, without prejudice to the generality of the foregoing, such regulations may make provision for ascertaining—

(*a*) insofar as it can be reasonably ascertained, when the object was found,

(*b*) the circumstances of the acquisition of the object, and

(*c*) insofar as it can be reasonably ascertained, where the object was found.

(6) A person who has in his possession or under his control or who purchases or otherwise acquires or sells or otherwise disposes of an archaeological object which has been found in the State since the coming into operation of the Principal Act shall not—

(*a*) fail to make a report under *subsection (1)* or *(2)* of this section, or

(*b*) wilfully withhold information concerning that archaeological object, or

(*c*) fail within the period specified in *subsection (1)* or *(2)* of this section to return the prescribed form to the Director, or

0159

(*d*) make a report under this section which is to his knowledge false or misleading in a material respect, or

(*e*) in contravention of this section, fail or refuse to give to the Director or a designated person information within his knowledge in relation to the archaeological object concerned, or

(*f*) give to the Director or a designated person information in relation to the archaeological object concerned which is to his knowledge false or misleading in a material respect.

(7) Where in a prosecution for an offence under *subsection (1)* or *(2)* of this section possession or control of an archaeological object is proved it shall be presumed until the contrary is proved that the object was found in the State after the coming into operation of the Principal Act.

(8) This section shall not apply to the Director or a designated person.

(9) *Subsection (1)* of this section shall not apply to persons to whom a licence has been granted under section 26 of the Principal Act in respect of any archaeological object found in pursuance of that licence.

(10) A reference to an offence under the National Monuments Acts, 1930 to 1987, in sections 20, 21 and 22 of the Act of 1987 shall be construed as including an offence under this section.

(11) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this section may be instituted within two years from the date of the offence.

(12) This section shall not apply to any archaeological object which has been imported into the State for a period not exceeding two years for the purpose of exhibition, research or restoration, in pursuance of an agreement made between a person outside the State who claims to be the owner of the object and a person in the State who intends to exhibit, carry out research in respect of, or restore the object:

Provided, however, that no such contract may be performed in the State in relation to any object to which this section would otherwise apply unless the terms and conditions of that contract have been approved of in writing by the Director.

Appointment of designated persons and places.

6.—(1) The Director may appoint such and so many persons (to be known and in the *National Monuments Acts, 1930 to 1994*, to be referred to as "designated persons") for the purposes of exercising any of the functions of the Director under the *National Monuments Acts, 1930 to 1994*.

(2) For the purposes of the *National Monuments Acts, 1930 to 1994*, the Minister may designate places (to be known and in the *National Monuments Acts, 1930 to 1994*, to be referred to as "designated places") wherein archaeological objects that have been discovered since the coming into operation of this section may be placed for safekeeping.

7.—(1) A member of the Garda Síochána may without warrant seize and detain— Forfeiture of detection devices and diving equipment.

(*a*) a detection device found in, or at the site of, a monument referred to in section 2 (1) (*a*) (i) of the Act of 1987 or in or at either of the areas referred to in section 2 (1) (*a*) (ii) or (iii) of the Act of 1987 unless the person in possession of the said device is in possession of a consent in respect of that device issued under section 2 (2) (*a*) of the Act of 1987,

(*b*) any diving equipment which he reasonably believes is about to be used or has been used in any waters protected by an underwater heritage order made under section 3 (1) of the Act of 1987.

(2) A person who obstructs or interferes with a member of the Garda Síochána acting under this section shall be guilty of an offence.

(3) If a person is convicted of an offence under the *National Monuments Acts, 1930 to 1994,* involving the unlawful use of a detection device or diving equipment, the court may order the device or the equipment concerned to be forfeited and either destroyed or otherwise disposed of in such manner as the court may determine.

(4) A court shall not order a detection device or diving equipment to be forfeited under this section if a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(5) An order under this section shall not take effect until the ordinary time for instituting an appeal against the conviction or order concerned has expired, or where such an appeal is instituted, until it or any further appeal is finally decided or abandoned or the ordinary time for instituting any further appeal has expired.

(6) In this section "detection device" has the meaning assigned to it by section 2 (8) of the Act of 1987.

8.—(1) Where the finding of an archaeological object has been reported to the Director or a designated person under the provisions of the *National Monuments Acts, 1930 to 1994,* the Director may inspect, or cause to be inspected by a designated person, the land or premises under which or in the vicinity of which the said object has been found. Inspection and excavation by Director.

(2) The Director or a designated person may enter on any lands or premises and there do all such things as may be reasonably necessary for performing his functions under the *National Monuments Acts, 1930 to 1994,* including carrying out an inspection or excavation where the Director considers that an archaeological object or the site thereof is in immediate danger of destruction or decay.

(3) No person shall impede the Director or a designated person in the exercise of his functions under this section.

9.—(1) Subject to *subsection (2)* of this section, where it is reported to the Director or a designated person that any archaeological object has been found in the State after the coming into operation of this section that has no known owner, the Director shall, as soon as practicable, take possession of such object and may retain it on behalf of the State. Power to take possession of archaeological object.

0160

(2) This section shall not apply to an archaeological object which, in the opinion of the Director, is not of sufficient archaeological or historical interest to justify its retention by the State.

Payment to person finding archaeological object.

10.—(1) The Director may, following consultation with the Minister and the Minister for Finance and with their consent given in writing, pay to each or any of the following, namely, the person who has found an archaeological object, the owner of the land and the occupier of the land on or under which such object was found, a reward where the object is retained by the Director on behalf of the State.

(2) The payment of a reward under *subsection (1)* of this section shall not confer any rights in respect of an archaeological object on the person who has found the object or on the owner or occupier of the land on or under which the object was discovered.

(3) The Director shall take account of all or any of the following criteria in deciding whether or not to pay a reward under *subsection (1)* of this section, namely:

(*a*) the intrinsic value and the general historical and archaeological importance of the object found;

(*b*) the circumstances of the finding of the object;

(*c*) the amount of the rewards paid in the State in respect of the finding of other comparable archaeological objects.

(4) Nothing in this section shall impose an obligation on the Director to pay a reward unless he is satisfied that it is in the public interest to do so.

(5) This section shall not apply to the finder of any archaeological object found while digging or excavating under, or in pursuance of, a licence issued under section 26 of the Principal Act.

Acquisition of national monument, etc. by Commissioners.

11.—(1) The Commissioners may, with the consent of the Minister and the Minister for Finance, acquire by agreement or compulsorily in accordance with the *Schedule* to this Act all or any of the following, namely:

(*a*) any monument that is, in their opinion, a national monument,

(*b*) part of such a monument,

(*c*) any land that is in the vicinity of such a monument and is intended to be used by them for the provision of facilities for persons having access to the monument under the *National Monuments Acts, 1930 to 1994*,

(*d*) any right, easement, title or interest of any kind in, over or in respect of such a monument or land,

(*e*) any easement over land to provide access to or service for such a monument, or part of monument or any land being acquired under this section,

and the Commissioners may so acquire any such monument or land whether they or a local authority are or are not the guardians of the

monument and whether a preservation order is or is not in force in regard thereto.

(2) Section 6 of the National Monuments (Amendment) Act, 1987, is hereby repealed.

Recorded monuments.

12.—(1) The Commissioners may establish and maintain a record of monuments and places where they believe there are monuments and the record shall be comprised of a list of monuments and such places and a map or maps showing each monument and such place in respect of each county in the State.

(2) The Commissioners shall cause to be exhibited in a prescribed manner in each county the list and map or maps of that county drawn up under *subsection (1)* of this section and shall publish in a prescribed manner information about when and where the lists and maps may be consulted.

(3) When the owner or occupier (not being the Commissioners) of a monument or place which has been recorded under *subsection (1)* of this section or any person proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such monument or place, he shall give notice in writing of his proposal to carry out the work to the Commissioners and shall not, except in the case of urgent necessity and with the consent of the Commissioners, commence the work for a period of two months after having given the notice.

(4) In this section "prescribed" means prescribed by regulations made under this section by the Minister.

(5) Section 2 of the Act of 1987 is hereby amended by the insertion in subsection (1) of the following paragraph after paragraph (*c*):

"(*d*) use or be in possession of a detection device in, or at the site of, or in the vicinity of a monument or place recorded under *section 12* of the *National Monuments (Amendment) Act, 1994*,".

Offences and penalties.

13.—A person who contravenes *section 4 (1), 4 (2), 5 (1), 5 (2), 5 (6), 7 (2), 8 (3),* or *12 (3)* of this Act shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both, or

(*b*) on conviction on indictment, to a fine not exceeding £50,000 or, at the discretion of the court, to imprisonment for a term not exceeding 5 years or to both.

Amendment of section 2 of Principal Act.

14.—Section 2 of the Principal Act is hereby amended by the substitution of the following definition for the definition of "archaeological object":

"'archaeological object' means any chattel whether in a manufactured or partly manufactured or an unmanufactured state which by reason of the archaeological interest attaching thereto or of its association with any Irish historical event or person has a value substantially greater than its intrinsic (including artistic)

0161

value, and the said expression includes ancient human, animal or plant remains;".

Amendment of section 14 of Principal Act.

15.—Section 14 of the Principal Act is hereby amended by the insertion of the following subsections after subsection (3):

"(3A) The consent referred to in subsection (2) of this section shall not be given by the Commissioners or the Commissioners and a local authority, in a case referred to in paragraph (*a*) of subsection (1) of this section, unless it is in the interests of archaeology to do so or the Minister has approved of the giving of that consent.

(3B) Subject to subsection (3C) of this section, on being requested to approve of a consent under this section, in a case referred to in paragraph (*a*) of subsection (1) of this section, the Minister may either give such approval or refuse to give such approval and where he gives such approval he shall give it by (other than in a case referred to in subsection (3C) of this section) making an order in that behalf which said order shall set out the terms and conditions, if any, of his approval.

(3C) On being requested to approve of a consent under this section the Minister may approve of the consent referred to in subsection (3A) of this section in a case referred to in paragraph (*a*) of subsection (1) of this section where he thinks it expedient to do so in the interests of public health or safety.

(3D) An order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if an order annulling the order is passed by either such House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.".

Amendment of section 3 of Act of 1987.

16.—Section 3 of the Act of 1987 is hereby amended by—

(*a*) the substitution of the following subsection for subsection (6):

"(6) (*a*) A person who finds a wreck (being a wreck which is more than 100 years old) that is lying on, in or under the sea bed or on or in land covered by water, shall, within 4 days after such finding, make a report of the finding to a member of the Garda Síochána or to the Commissioners and shall, when making the report, give to the member or to the Commissioners his name and address, state the nature of the wreck 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 the report (if any)) give to any member of the Garda Síochána or the Commissioners on request any information within his knowledge in relation to the wreck.

(*b*) A person who finds an object (being an archaeological object) that is lying on, in or under the

sea bed or on or in land covered by water, shall, within 4 days after such finding make a report of the finding to the Director or a designated person and shall, when making the report, give to the Director or a designated person his name and address, state the nature of the object and the time and place at which and the circumstances in which it was found by him and shall also give to the Director or a designated person on request any information within his knowledge in relation to the object.";

(*b*) the insertion of the following subsection:

"(13) In this section 'water' has the meaning assigned to it by *section 1* of the *National Monuments (Amendment) Act, 1994*.".

Amendment of section 23 of Principal Act.

17.—Section 23 (as amended by the National Monuments (Amendment) Acts, 1954 and 1987) of the Principal Act is hereby amended by the substitution therefor of the following section:

"Report of discovery of archaeological object.

23. (1) Where a person finds an archaeological object he shall not remove or otherwise interfere with it unless he has reasonable cause to believe that it is necessary to remove it so as to preserve it or keep it safe.

(2) A person who finds an archaeological object and who has reasonable cause to believe that it is necessary to remove it so as to preserve it or to keep it safe shall remove it to a designated place or any safe place if there is no designated place within 30 miles of its place of discovery.

(3) A person who finds an archaeological object shall report the finding of the object to the Director or a designated person within a reasonable period but not longer than 96 hours from the time of the finding.

(4) Where a person reports the finding of an archaeological object he shall be furnished by the Director or a designated person with a prescribed form and in reporting the find he shall state his name and address, the nature and character of the object found, and a description of the location of the place where the object was found and, if relevant, the address of the designated place or other safe place to which the object has been delivered and specify where the object may be inspected by the Director or a designated person.

(5) A person making a report under subsection (3) of this section shall provide such other information within his knowledge concerning the object or its finding as may be requested by the Director or a designated person.

(6) It shall be the duty of the person who has found an archaeological object, on being furnished with a prescribed form, and in any case no later

0162

than seven days by personal delivery or by prepaid registered post, to complete and return it promptly to the Director.

(7) The Minister may by regulations prescribe the form to be completed under this section and, without prejudice to the generality of the aforesaid, such regulations may provide for ascertaining— 5

(*a*) the name and address of the person who has found the object concerned, 10

(*b*) the time at which the object was found,

(*c*) the circumstances of the finding of the object,

(*d*) the exact location of the place where the object was found, 15

and

(*e*) the name of the owner or the occupier of the land on which the object was found, if such name can be established following reasonable inquiries. 20

(8) Every person who finds an archaeological object and—

(*a*) disturbs unnecessarily or damages the object,

(*b*) fails to make a report of finding the object in accordance with this section, 25

(*c*) wilfully withholds information concerning the find, or

(*d*) fails within the period specified in subsection (6) of this section to return the prescribed form to the Director, or 30

(*e*) makes under this section a report of a find that is to his knowledge false or misleading in any material respect, or

(*f*) in contravention of this section fails or refuses to give to a Director or a designated person information within his knowledge in relation to the finding of an archaeological object, or 35

(*g*) gives to the Director or a designated person information in relation to such archaeological object or the finding thereof which is to his knowledge false or misleading in any material respect, 40

shall be guilty of an offence and shall be liable— 45

(i) on summary conviction to a fine not exceeding £1,000 or to a

period of imprisonment not exceeding 12 months, or to both such fine and imprisonment, or

(ii) on conviction on indictment to a fine of £50,000 or a term of imprisonment not exceeding 5 years or to both such fine and imprisonment.

(9) This section shall not apply to any person who discovers an archaeological object under and in pursuance of a licence issued in that behalf under section 26 of the Principal Act or a person exempt from having such a licence.".

18.—Section 25 (1) of the Principal Act is hereby amended by the insertion after "destroy" of ", clean, restore or sample by cutting, drilling or other process" and the said subsection as so amended is set out in the Table to this section.

Amendment of section 25 of Principal Act.

TABLE

(1) It shall not be lawful for any person to injure, deface or destroy, clean, restore or sample by cutting, drilling or other process any archaeological object, nor shall it be lawful for any person to alter any archaeological object otherwise than under and in accordance with a licence in that behalf granted under this section.

19.—Section 26 (as amended by the Act of 1987) of the Principal Act is hereby amended by the substitution of the following subsection for subsection (2):

Amendment of section 26 of Principal Act.

"(2) Upon application therefor by any person to the Commissioners and upon being furnished by him with such information in relation to the application as they may reasonably require and after payment to them by the person of such fee (if any) as may be prescribed under section 24 of the National Monuments (Amendment) Act, 1987, for the purposes of this section, the Commissioners having consulted with the Director may at their discretion issue to any person a licence to dig or excavate in or under any specified land for any specified archaeological purpose and may insert in any such licence such conditions and restrictions as they shall think proper.".

20.—Section 22 of the Act of 1987 is hereby amended by the insertion of the following subsection after subsection (4):

Amendment of section 22 of Act of 1987.

"(5) A search warrant under this section may authorise the Director or a designated person to accompany the member of the Garda Síochána named in the warrant on a request being made in that behalf by the member concerned.".

21.—Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be

Laying of regulations under this Act.

0163

annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Short title, construction, collective citation and commencement.

22.—(1) This Act may be cited as the National Monuments (Amendment) Act, 1994.

(2) The National Monuments Acts, 1930 to 1987, and this Act, shall be construed together as one Act.

(3) The National Monuments Acts, 1930 to 1987, and this Act may be cited together as the National Monuments Acts, 1930 to 1994.

(4) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to a particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Section 11.

SCHEDULE

Compulsory Acquisition of Land

1.—(1) Where the Commissioners propose to acquire any land compulsorily under this Act, they shall—

(*a*) deposit for a period of not less than two months in a Garda Síochána station in the district in which the land is situated a map or plan of the land and make the map or plan available there for inspection by members of the public at all reasonable times,

(*b*) publish a notice stating their intention to acquire the land compulsorily under this Act in a newspaper circulating in that district,

(*c*) before publishing the notice aforesaid, in case all the land proposed to be acquired is in the occupation of the same person or persons, post a notice stating their intention to acquire the land compulsorily on or near the land and, in any other case, post such notice on or near the land of each occupier, and

(*d*) give a copy of the notice referred to in *clause (c)* of this subparagraph to—

(i) every (if any) occupier of the land, and

(ii) every (if any) owner of the land,

whose name and the address at which he ordinarily resides can be ascertained by the Commissioners by reasonable inquiries.

(2) The notices referred to in *subparagraph (1)* of this paragraph—

(*a*) shall be in the prescribed form,

(*b*) shall, if they do not contain a map or plan of the land to which they refer, state that a map or plan of the land is deposited in a Garda Síochána station aforesaid and may be inspected there by members of the public at all reasonable times,

(*c*) shall state that an objection by any occupier or owner of the land to the acquisition of the land may be submitted to the Commissioners, and

(*d*) shall state the time within which an objection aforesaid may be submitted to the Commissioners.

2.—(1) The occupier or any owner of land in respect of which a notice under *paragraph 1 (1) (b)* of this Schedule has been published may, within two months after the date of such publication, submit to the Commissioners an objection in writing to the proposed compulsory acquisition referred to in the notice.

(2) An objection under *subparagraph (1)* of this paragraph may be withdrawn by the person who submitted it by notice in writing sent to the Commissioners or to the Minister.

(3) (*a*) Where, in relation to the proposed compulsory acquisition of land under this Act, an objection is submitted to the Commissioners in accordance with *subparagraph (1)* of this paragraph and is not withdrawn, the objection shall be considered by the Minister and the land shall not be acquired compulsorily without the consent of the Minister and the Minister for Finance.

(*b*) Where a public right of way exists over land proposed to be compulsorily acquired under this Act, the land shall not be acquired compulsorily without the consent of the Minister and the Minister for Finance.

(4) An application by the Commissioners for the consent of the Minister and the Minister for Finance to the compulsory acquisition of land under this Act shall be accompanied by—

(*a*) a copy of any objection concerned under *subparagraph (1)* of this paragraph,

(*b*) a copy of the newspaper containing the notice specified in *paragraph 1 (1) (b)* of this Schedule,

(*c*) a copy of the notice specified in *paragraph 1 (1) (c)* of this Schedule, and

(*d*) a copy of the map or plan of the land deposited in pursuance of *paragraph 1 (1) (a)* of this Schedule,

and the Commissioners shall furnish to the Minister and the Minister for Finance such other information in relation to the acquisition as the said Ministers may require.

(5) On an application under *subparagraph (4)* of this paragraph in relation to land—

(*a*) in case the Minister is of the opinion that the provisions of *paragraph 1* of this Schedule have not been complied with in relation to the land or part of the land, he shall refuse to grant his consent to the compulsory acquisition of the land or, as the case may be, refuse to grant his consent to the compulsory acquisition of the part and grant his consent to the acquisition of the remainder of the land,

(*b*) in any other case, the Minister and the Minister for Finance

0164

shall grant their consent to the compulsory acquisition of the land.

3.—(1) Where, in relation to any land in respect of which the provisions of *paragraph 1* of this Schedule have been complied with—

(*a*) no objection is submitted to the Commissioners in accordance with *paragraph 2* of this Schedule,

(*b*) any objection which is submitted as aforesaid is subsequently withdrawn, or

(*c*) the said Ministers give their consent to the compulsory acquisition thereof by the Commissioners,

the Commissioners may by order (in this Schedule referred to as "a vesting order") acquire the land.

(2) Where the Commissioners, before making a vesting order, become aware that the land to be acquired by the order is subject (whether alone or in conjunction with other land) to any annuity or other payment to the Irish Land Commission or to any charge for estate duty, succession duty or inheritance tax payable to the Revenue Commissioners on the death of any person, the Commissioners shall forthwith inform the Irish Land Commission or the Revenue Commissioners, as the case may be, of the intention to make the order.

(3) Whenever the Commissioners make a vesting order, they shall within 14 days after making the order—

(*a*) in case all the land comprised in the vesting order is in the occupation of the same person, or persons, post a notice containing a copy of the order on or near the land and, in any other case, post such notice on or near the land of each occupier, and

(*b*) give a copy of the order to—

(i) every (if any) occupier of the land, and

(ii) every (if any) owner of the land,

whose name and the address at which he ordinarily resides can be ascertained by the Commissioners by reasonable inquiries.

4.—(1) A vesting order shall be in the prescribed form and shall be expressed and shall operate to vest the land to which it relates in the Commissioners in fee simple free from encumbrances and all estates, rights, easements, titles and interests of any kind over or in respect of the land on a specified date not earlier than 21 days after the making of the order.

(2) Notwithstanding anything contained in *subparagraph (1)* of this paragraph, where the Commissioners acquire by a vesting order land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent, or other annual sum (not being merely a rent under a contract of tenancy) payable to the Irish Land Commission, the Commissioners shall become and be liable, as from the date on which the land is vested in them by the vesting order, for the payment to the Irish Land Commission of the purchase annuity, payment in lieu of rent or annual sum or such portion thereof as shall be apportioned by the Irish Land Commission on the land as

if the land had been transferred to the Commissioners by the owner thereof on that date.

(3) When the Commissioners make a vesting order in relation to land, they shall send the order to the registering authority under the Registration of Title Act, 1964, and thereupon the registering authority shall cause the Commissioners to be registered under that Act as owners of the land in accordance with the order.

5.—(1) Where, immediately before a vesting order is made by the Commissioners, any person has any estate, right, easement, title or interest of any kind in, over or in respect of the land acquired by the order, the person may apply to the Commissioners at any time after the making of the order for compensation in respect of the estate, right, easement, title or interest and the Commissioners shall thereupon pay to the person compensation in respect of the estate, right, easement, title or interest together with interest at such rate as the Minister for Finance may determine, from time to time, on the amount from that date to the date of payment thereof.

(2) The amount of any compensation to be paid under this paragraph shall be determined under and in accordance with the Lands Clauses Acts and, for the purposes of these Acts, the Commissioners shall be deemed to be the promoter of the undertaking and this Act and the vesting order concerned shall be deemed to be the special Act; and, for the purposes of such determination, those Acts shall apply with any other necessary modifications and are incorporated (except in so far as they are inconsistent with and subject to any amendments or modification, express or implied, thereof effected by this Act) with this Act.

6.—A document referred to in *paragraph 1 (1) (d)* or *paragraph 3 (3) (b)* of this Schedule may be given to the person concerned—

(*a*) by delivering it to him,

(*b*) by leaving it at the address at which the person ordinarily resides, or

(*c*) by sending it by post in a pre-paid registered letter addressed to the person at the address at which he ordinarily resides or, in the case of a company (within the meaning of the Companies Act, 1963) at its registered office or, in the case of any other body, at its principal office or place of business.

7.—In this Schedule—

"Commissioners" means the Commissioners of Public Works in Ireland and references to the Commissioners include references to their servants and agents;

"land" includes any monument or any right, easement, title or interest in, over or in respect of any monument or land;

"owner", in relation to land, includes a reputed owner of the land;

"prescribed" means prescribed by regulations made by the Minister with the consent of the Minister for Finance.

2165

BILLE NA SÉADCHOMHARTHAÍ NÁISIÚNTA (LEASÚ), 1993

BILLE

dá ngairtear

Acht do dhéanamh socrú breise chun rudaí ársa a chosaint agus a bhuanchoimeád, do mhíniú rudaí ársa le go bhfolófar ciste fionnta, do leasú agus do leathnú Achtanna na Séadchomharthaí Náisiúnta, 1930 go 1987, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Seanadóir Tomás Mac an tSaoir a thíolaic

Ritheadh ag Seanad Éireann,
24 *Feabhra*, 1994

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

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NATIONAL MONUMENTS (AMENDMENT) BILL, 1993

BILL

entitled

An Act to make further provision for the protection and preservation of archaeological objects, to define archaeological objects to include treasure trove, to amend and extend the National Monuments Acts, 1930 to 1987, and to provide for related matters.

Presented by Senator G. V. Wright

Passed by Seanad Éireann,
24*th February*, 1994

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