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## STATUTORY INSTRUMENTS

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# 1995 No. 1625

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

### PART I

#### INTRODUCTORY

##### **Title and commencement**

1.—(1) This Order may be cited as the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995.

(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

##### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“archaeological object” includes any object, being a chattel (whether in a manufactured or unmanufactured state), which is, or appears to be, of archaeological or historical interest and which has, by reason of such interest, a value substantially greater than its intrinsic value or the value of the materials of which it is composed;

“the Department” means the Department of the Environment;

“flooding operations” means covering land with water or any other liquid or partially liquid substance;

“guardianship deed” has the meaning given by Article 15(4);

“historic monument” means—

- (a) any scheduled monument; and
- (b) any other monument the protection of which is in the opinion of the Department of public interest by reason of the archaeological, historical, architectural, traditional or artistic interest attaching to it;

“maintenance”, in relation to a monument, includes fencing, repairing, and covering in, of the monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and “maintain” shall be construed accordingly;

“monument” has the meaning given by paragraph (6);

“owner”, in relation to any land, means (except for the purposes of paragraph 2 of Schedule 1 and any regulations under that paragraph) a person, other than a mortgagee not in possession,

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**Changes to legislation:** *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, PART I is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let;

“prescribed” means prescribed by regulations made by the Department;

“protection” includes preservation;

“the Schedule” has the meaning given by Article 3(2);

“scheduled monument” has the meaning given by Article 3(2) and references to “scheduled monument consent” shall be construed in accordance with Articles 4(3) and 5(5);

<sup>F2</sup>“statutory provision” has the meaning given to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“tipping operations” means tipping soil or spoil or depositing building or other materials or matter (including waste materials or refuse) on any land; and

“works” includes operations of any description and, in particular (but without prejudice to the generality of the preceding provision) flooding or tipping operations and any operations undertaken for purposes of agriculture (within the meaning of [<sup>F3</sup>the Planning Act (Northern Ireland) 2011]) or forestry (including afforestation).

(3) For the purposes of this Order “archaeological investigation” means any investigation of any land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and (without prejudice to the generality of the preceding provision) includes in the case of an archaeological investigation of any land—

- (a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land; and
- (b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any excavations or inspections carried out for the purposes of any such investigation.

(4) For the purposes of this Order, an archaeological examination of any land means any examination or inspection of the land for the purpose of obtaining and recording any information of archaeological or historical interest.

(5) In this Order references to land associated with any monument (or to associated land) shall be construed in accordance with Article 18(7).

(6) “Monument” means (subject to paragraph (7))—

- (a) any building, structure or works, whether above or below the surface of the land, and any cave or excavation;
- (b) any site comprising the remains of any such building, structure or works or of any cave or excavation; and
- (c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of anything which is a monument within sub-paragraph (a);

and any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.

(7) Paragraph (6)(a) does not apply to any ecclesiastical building for the time being used for ecclesiastical purposes, and paragraph (6)(c) does not apply—

- (a) to a site comprising any object or its remains unless the situation of that object or its remains in that particular site is a matter of public interest;

(b) to a site comprising, or comprising the remains of, any vessel which is protected by an order under section 1 of the Protection of Wrecks Act 1973<sup>F4</sup> designating an area round the site as a restricted area.

(8) For the purposes of this Order, the site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it which appears to the Department, in the exercise in relation to that monument of any of its functions under this Order, to be essential for the monument's support and preservation.

(9) References in this Order to a monument include references—

(a) to the site of the monument in question; and

(b) to a group of monuments or any part of a monument or group of monuments.

(10) References in this Order to the site of a monument—

(a) are references to the monument itself where it consists of a site; and

(b) in any other case include references to the monument itself.

(11) In this Article “remains” includes any trace or sign of the previous existence of the thing in question.

**F1** 1954 c. 33 (N.I.)

**F2** 1954 c. 33 (N.I.)

**F3** Words in art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 72](#) (with s. 211); [S.R. 2015/49](#), arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**F4** 1973 c. 33

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act am. (prosp.) by [1996 c. 24 s.14\(3\)\(5\)](#)
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