
STATUTORY INSTRUMENTS

1995 No. 1625

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

PART II

HISTORIC MONUMENTS

Application to special cases

Application to Crown land

37.—(1) Notwithstanding any estate of the Crown in Crown land, but subject to the following provisions of this Article—

- (a) a monument which for the time being is Crown land may be included in the Schedule; and
- (b) any restrictions or powers imposed or conferred by any of the provisions of this Part shall apply and be exercisable in relation to Crown land and in relation to anything done on Crown land otherwise than by or on behalf of the Crown, but not so as to affect any estate of the Crown therein.

(2) Except with the consent of the appropriate authority—

- (a) no power under this Part to enter, or to do anything, on any land shall be exercisable in relation to land which for the time being is Crown land; and
- (b) no estate in land which for the time being is Crown land shall be acquired compulsorily under this Part.

(3) In this Article—

“the appropriate authority”, in relation to any land, means—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in the case of any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;
- (c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that government department;

“Crown estate” means an estate belonging to Her Majesty in right of the Crown, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

“Crown land” means land in which there is a Crown estate;

“government department” means a department of the Government of the United Kingdom or a Northern Ireland department.

Monuments in territorial waters

38.—(1) A monument situated in, on or under the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Northern Ireland (referred to in this Article as a monument in territorial waters) may be included in the Schedule under Article 3(1) and the remaining provisions of this Part shall apply accordingly to any such monument which is a scheduled monument (but, subject to paragraph (5), not otherwise).

(2) In relation to any monument in territorial waters which is under the ownership or guardianship of the Department, references in this Part to land associated with the monument (or to associated land) include references to any part of the sea bed occupied by the Department for any such purpose relating to the monument as is mentioned in Article 18(1).

(3) Without prejudice to any jurisdiction exercisable apart from this paragraph, proceedings for any offence under this Part committed in United Kingdom territorial waters adjacent to the coast of Northern Ireland may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Northern Ireland.

(4) It is hereby declared that, notwithstanding that by virtue of this Article this Part may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

(5) The powers conferred by Article 24 shall be exercisable in relation to any land forming part of the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Northern Ireland.

(6) References in this Article to the sea bed are references to land permanently covered by the sea.