
STATUTORY INSTRUMENTS

1995 No. 1625

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

PART III

ARCHAEOLOGICAL OBJECTS

Restriction on searching for archaeological objects, etc.

41.—(1) Any person who, except under and in accordance with any conditions attached to a licence issued by the Department under this Article, excavates in or under any land (whether or not such excavation involves the removal of the surface of the land) for the purpose of searching generally for archaeological objects or of searching for, exposing or examining any particular structure or thing of archaeological interest shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A licence granted by the Department for the purposes of this Article—

- (a) shall specify the land in relation to which and the archaeological purpose for which the licence has effect;
- (b) may be granted subject to such conditions as the Department thinks fit; and
- (c) shall not render lawful the doing of anything which would be unlawful apart from this Article.

(3) A person shall not, under the authority of a licence issued under this Article, enter on the land to which the licence relates except—

- (a) with the consent of the occupier of the land and the owner (if the owner is known); or
- (b) in exercise of a power of entry under Part II.

Reporting of archaeological objects found

42.—(1) Any person who finds an archaeological object (in this Article referred to as “the finder”) shall, within 14 days of finding the object—

- (a) report to a relevant authority—
 - (i) the circumstances of the finding;
 - (ii) the nature of the object found; and
 - (iii) the name (if known) of the owner or occupier of the land on which the object was found; and
- (b) subject to paragraph (2), deposit the object found with the relevant authority.

(2) Where the archaeological object found is not readily portable, the finder shall so specify in his report under paragraph (1), and shall state where any person authorised in that behalf by the Director or the Department may inspect the object.

(3) A police officer to whom a report is made under paragraph (1) shall forthwith—

- (a) send details of that report to the Director; and
- (b) where any archaeological object was deposited with the report, send that object to the Director unless for any reason he considers that the object is not suitable to be sent to the Director.

(4) An archaeological object which is deposited with the Director or the Department under paragraph (1) or sent to the Director under paragraph (3)(b) may be retained by the Director or the Department for the statutory period for the purpose of examining and recording it and carrying out any test or treatment which appears to the Director or the Department to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(5) An archaeological object which is deposited with a police officer under paragraph (1) and not sent by him to the Director under paragraph (3)(b) may be retained by him for the statutory period to facilitate inspection of the object by the Director or a person authorised in that behalf by the Director.

(6) Except with the consent of the Director or the Department, the finder shall not, before the expiration of the statutory period, deliver the archaeological object to a person other than a relevant authority or otherwise part with the possession of the object.

(7) A finder who, without reasonable cause, acts in contravention of any provision of this Article, and any other person (other than a relevant authority) who, knowingly and without the consent of a relevant authority, obtains possession of any archaeological object before the expiration of the statutory period, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) The Department may give financial assistance towards the purchase of any archaeological object, the finding of which has been reported under this Article.

(9) Financial assistance under paragraph (8) may be given subject to such conditions (including conditions as to the public exhibition of the purchased object) as the Department thinks fit.

(10) The Director shall make a report to the Department on every object deposited with or sent to him under this Article.

(11) Nothing in this Article—

- (a) affects any right of the Crown in relation to treasure trove; or
- (b) affects the right of any person to the ownership of an archaeological object.

(12) In this Article—

“the Director” means the Director of the Ulster Museum;

“relevant authority” means the Director, the Department or the officer in charge of a police station;

“the statutory period” in relation to an archaeological object means the period of 3 months beginning with the date on which a report of the finding of that object is made under paragraph (1).