

NATIONAL MONUMENTS (AMENDMENT) ACT, 1954

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AN ACT TO AMEND THE NATIONAL MONUMENTS ACT, 1930.

22nd December, 1954,

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

1954-37, 1

The Principal Act

In this Act "the Principal Act" means the National Monuments Act, 1930 (No. 2 of 1930).

1954-37, 2

Transfer by local authority of guardianship or ownership of national monument to Commissioners

Section 7 of the Principal Act is hereby amended by the substitution for subsection (1) of the following:

"(1) Where a local authority—
 (a) have been appointed by deed under this or any other Act to be the guardians of a national monument, or
 (b) are the owners of a national monument,
they may, with the consent of the Commissioners and with the consent of the owner in cases where the local authority are the guardians, transfer by deed such guardianship or ownership to the Commissioners and upon such guardianship being so transferred the deed appointing such local authority to be guardians shall have effect under this Act as if it appointed the Commissioners to be the guardians of such monument."

1954-37, 3

Preservation orders.

Section 8 of the Principal Act is hereby amended by the substitution for subsections (1) and (2) of the following:

"(1) Where it appears to the Commissioners, on a report made by the Advisory Council or otherwise, that a monument which in their opinion is a national monument is in danger of being or is actually being destroyed, injured or removed, or is falling into decay through neglect, the Commissioners may by order (in this Act referred to as a preservation order) undertake the preservation of such monument.

(2) The Commissioners, may at any time, by order made after consultation with the Advisory Council, revoke a preservation order."

1954-37, 4

Temporary preservation orders.

(1) Where it appears to the Commissioners that a monument which in their opinion is a national monument is in immediate danger of injury or destruction the Commissioners may by order (in this Act referred to as a temporary preservation order) undertake the preservation of such monument.

(2) A temporary preservation order shall, unless previously revoked by order of the Commissioners, remain in force for a period of six months and shall then expire.

(3) A temporary preservation order shall not be in substitution for or operate to prevent the making of a preservation order.

(4) References in section 9 (other than paragraphs (2) and (3)) and in section 14 of the Principal Act to preservation orders shall be construed as including references to temporary preservation orders.

1954-37, 5

Construction of section 11 of Principal Act.

The power of the Commissioners under section 11 of the Principal Act to acquire a national monument shall, in the case of property vested in them under section 25 of the Irish Church Act 1869, be construed as including power to acquire such land as may be required in order to provide means of access thereto or to fence, cover in or otherwise preserve from injury such property or to preserve the amenities thereof.

1954-37, 6

Effect of orders vesting ecclesiastical structures.

For the removal of doubt, it is hereby enacted that any church, ecclesiastical building or structure, expressed to vest in the Secretary of the Commissioners by order made under subsection (1) of section 25 of the Irish Church Act, 1869, is vested in the Commissioners and is a national monument within the meaning of The Principal Act.

1954-37, 7

Power to erect notices.

The Commissioners may cause to be erected at a national monument which is the subject of a preservation order or a temporary preservation order a notice of the existence of such order and for that purpose any officer of the Commissioners, duly authorised by them in that behalf, may enter on such monument and any other lands or premises

1954-37, 8

Publication of lists of national monuments.

(1) The Commissioners shall from time to time cause to be published in Iris Oifigiúil lists of—

(a) such monuments as are reported by the Advisory Council and as the Commissioners consider to be monuments the preservation of which is of national importance, and

(b) such other monuments as the Commissioners think fit.

(2) When it is intended to include a monument in a list under subsection (1) of this section, the Commissioners shall notify the owner of the monument of that intention and of the penalties which may be incurred by a person guilty of an offence under this section.

(3) Where the owner of a monument which is included in a list under subsection (1) of this section, having received notice under subsection (2) of this section, proposes to demolish or remove in whole or in part, alter structurally or make additions to the monument, or make excavations in the neighbourhood thereof, he shall give notice of his intention to the Commissioners and shall not,

except in the case of urgent necessity and with the consent of the Commissioners, commence any work of demolition, removal, alteration, addition or excavation for a period of two months after having given such notice.

(4) Every person who acts in contravention of subsection (3) 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 fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

1954-37, 9

Removal of monuments to sites of other monuments.

Where the Commissioners are the owners of a national monument as defined in subsection (1) of section 13 of the Principal Act they may, if they think it desirable to do so, remove the monument to the site of such other national monument as they may think fit and approve.

1954-37, 10

Burials in specified part of national monument.

An order under section 17 of the Principal Act may relate to such part of a national monument as may be specified in the order and in that event the provisions of that section shall apply only to that part of the monument.

1954-37, 11

Inspection of national monuments.

(1) The Commissioners may cause such inspections and reports as they may direct (either generally or particularly) to be made by their officers in regard to national monuments and places where the Commissioners have reason to believe national monuments exist.

(2) An officer of the, Commissioners may for the purpose of carrying out an inspection under this section enter on any lands and premises and there do all such things as he may consider necessary for the purpose of the inspection.

(3) Every person who obstructs or otherwise interferes with an officer of the Commissioners in the exercise of any of his powers under this

section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(4) Section 20 of the Principal Act is hereby repealed.

1954-37, 12

Amendment of section 22 of Principal Act.

Section 22 of the Principal Act is hereby amended by the substitution for subsection (2) of the following:—

"(2) Every local advisory committee shall consist of such number of persons, not less than three nor more than ten, as the local authority by whom the same is established shall appoint to be members thereof."

1954-37, 13

Amendment of section 23 of Principal Act.

For the references in section 23 of the Principal Act to the Keeper of Irish

Antiquities in the National Museum there shall be substituted references to the Director of the National Museum.

1954-37, 14

Amendment of section 24 of Principal Act.

Section 24 of the Principal Act is hereby amended by the addition of the following subsection—

"(4) (a) The Minister for Education may from time to time by order declare any object, which is in his opinion an archaeological object, to be an object to which this section applies and may revoke any such order.

(b) An object declared to be an object to which this section applies by an order for the time being in force shall be conclusively assumed to be an archaeological object for the purposes of this section without further proof."

1954-37, 15

Constitution of the Advisory council.

(1) The Advisory Council shall, on and after such date as the Minister may by order appoint, consist of—

(a) an officer of the Department of Education, nominated for the purpose by, the Minister for Education, and an officer of the Commissioners, nominated for the purpose by the Minister, and

(b) such number of other persons (including representatives of the following bodies, namely, the Royal Irish Academy the Royal Society of Antiquaries of Ireland and the Royal Institute of the Architects of Ireland) as the Minister nominates to be members thereof.

(2) The Advisory Council shall be reconstituted after the expiration of every five years.

(3) Every member of the Advisory Council shall be eligible for re-nomination.

(4) If a member of the Advisory Council nominated under paragraph (a) of subsection (1) of this section is, for any reason, temporarily unable to act a person may be nominated, in like manner, to act in his stead.

(5) Subsections (2) and (3) of section 21 of the Principal Act are hereby repealed on and from the date appointed by the Minister under subsection (1) of this section.

1954-37, 16

Modification of section 26 of Principal Act.

Nothing in section 26 of the Principal Act shall apply to or render unlawful digging or excavation in or under any land solely for the purpose of securing the safety of a monument or archaeological object which is in imminent danger of destruction or decay.

1954-37, 17

Making of leases and granting of licences by Commissioners or local authority.

(1) Where the Commissioners or a local authority are the owners of a national monument they may, subject, in the case of the Commissioners, to the consent (either general or particular) of the Minister, and, in the case of a local authority, to the consent of the Commissioners, make leases and grant licences in respect thereof for such purposes and for such term and subject to such

conditions, including the payment of rent, as the Commissioners or the local authority, as the case may be, think fit.

(2) The exercise of the rights conferred by subsection (1) of this section on the Commissioners or a local authority shall not relieve them of the duties imposed on them as the owners of a national monument by The Principal Act and this Act.

(3) All moneys received by the Commissioners under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister shall direct.

1954-37, 18

Evidence.

(1) A certificate under the seal of the Commissioners that the Commissioners are the owners or guardians of a specified national monument shall be prima facie evidence of such ownership or guardianship.

(2) A document certified under the seal of the Commissioners to be a copy of an order made by the Commissioners under The Principal Act or this Act shall be prima facie evidence of such order.

1954-37, 19

Time for commencement of proceedings for offences.

Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under The Principal Act or this Act may be instituted within three months from the date when the offence came to the knowledge of the Commissioners.

1954-37, 20

Short title, construction and collective citation.

(1) This Act may be cited as the [National Monuments \(Amendment\) Act, 1954](#).

(2) The Principal Act and this Act shall be construed together as one Act.

(3) The Principal Act and this Act may be cited together as the National Monuments Acts, 1930 and 1954,