



Number 19 of 1999

**ARCHITECTURAL HERITAGE (NATIONAL INVENTORY)
AND HISTORIC MONUMENTS (MISCELLANEOUS
PROVISIONS) ACT, 1999**

ARRANGEMENT OF SECTIONS

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[No. 19.] **Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999.** [1999.]

Acts Referred to

Local Government (Planning and Development) Act, 1963	1963, No 28
Local Government (Sanitary Services) Act, 1964	1964, No 29
National Monuments Acts, 1930 to 1994	
National Monuments (Amendment) Act, 1987	1987, No 17

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Number 19 of 1999

**ARCHITECTURAL HERITAGE (NATIONAL INVENTORY)
AND HISTORIC MONUMENTS (MISCELLANEOUS
PROVISIONS) ACT, 1999**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL INVENTORY OF ARCHITECTURAL HERITAGE AND FOR RELATED MATTERS AND TO PROVIDE FOR THE OBLIGATIONS OF SANITARY AUTHORITIES IN RESPECT OF REGISTERED HISTORIC MONUMENTS. [6th July, 1999]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“architectural heritage” means all—

- (a) structures and buildings together with their settings and attendant grounds, fixtures and fittings,
- (b) groups of such structures and buildings, and
- (c) sites,

which are of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest;

“authorised officer” means a person appointed under *section 3(1)* as an authorised officer;

“functions” includes powers and duties;

“the inventory” means the National Inventory of Architectural Heritage established under *section 2 (1)*;

“the Minister” means the Minister for Arts, Heritage, Gaeltacht and the Islands;

“premises” includes land, structures and buildings;

“site” means an area which is partially built upon and is sufficiently distinctive and homogeneous to be topographically definable.

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(2) In this Act—

- (a) a reference to a section is to a section of this Act unless it is indicated that a reference to some other enactment is intended,
- (b) a reference to a subsection is to a subsection of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended, and
- (c) a reference to another enactment is to that enactment as amended or modified at any time by any enactment.

Establishment and maintenance of the inventory.

2.—(1) The Minister shall cause to be established and maintained an inventory to be known as the National Inventory of Architectural Heritage.

(2) The Minister may do any or all of the following:

- (a) determine the form and content of the inventory;
 - (b) designate for the purposes of the inventory categories of architectural heritage;
 - (c) cause the designated category or categories to which each entry in the inventory belongs to be specified in the inventory;
 - (d) cause an entry in the inventory to be amended or deleted.
- (3) (a) The Minister may make information contained in the inventory available to a planning authority but solely for the purpose of the exercise by the authority of its statutory functions (including planning and development) relating to architectural heritage.
- (b) The Minister may publish information from the inventory and in so doing shall have regard to the security, privacy and safety of property and persons affected.
- (c) In this subsection “planning authority” has the meaning assigned by section 2(2) of the Local Government (Planning and Development) Act, 1963.

Appointment and functions of authorised officers.

3.—(1) The Minister, or an officer of the Minister authorised by him or her in that behalf, may, in writing, appoint persons as authorised officers for the purposes of this section.

(2) Every person appointed under *subsection (1)* shall, on appointment, be provided by the Minister or the appointing officer, as the case may be, with a certificate of appointment.

(3) When exercising a function conferred by this section, an authorised officer shall, if requested by any person affected, inform such person of the nature of the function being exercised and produce for inspection that officer’s certificate of appointment.

(4) Subject to *subsection (5)*, an authorised officer may do any or all of the following:

- (a) at all reasonable times enter any premises for the purposes of the establishment and maintenance of the inventory;

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(b) in any premises entered under this section do all things S.3 necessary for or incidental to those purposes;

(c) require any occupier of the premises to give the authorised officer such assistance as he or she may reasonably require for those purposes.

(5) (a) An authorised officer shall not enter a private dwelling, or such part of any premises as constitutes a private dwelling, except—

(i) where he or she considers it necessary for the purposes of his or her functions under this section, and

(ii) (I) with the consent of the occupier, or

(II) in accordance with a warrant issued under *subsection (8)*.

(b) Where an authorised officer in the exercise of functions under this section intends to enter a private dwelling, then he or she shall, in addition to informing any other person in accordance with *subsection (3)*, inform the occupier of the dwelling of—

(i) the nature of that function being exercised, and

(ii) the reasons why the authorised officer considers it necessary to gain entry,

and the officer shall give an opportunity to the occupier to give reasons why entry should be refused.

(6) Where an authorised officer in the exercise of functions under this section is prevented from entering any premises or a part of any premises (including any refusal to permit entry to a private dwelling), the officer may apply to a judge of the District Court having jurisdiction in the District Court district in which the premises are situated for a warrant authorising the officer to enter those premises.

(7) Notice of an application under *subsection (6)* shall be given to the occupier of the premises in respect of which the application is being made, or, if the premises are unoccupied, to the owner.

(8) If, on application under *subsection (6)*, a judge of the District Court is satisfied on the sworn information of the authorised officer concerned that he or she has, in the exercise of functions conferred under this section, been prevented from entering any premises or a part of any premises, the judge may issue a warrant authorising the officer, at any time or times within one month from the date of issue of the warrant, to enter those premises and exercise any or all of the functions conferred under *subsection (4)*.

4.—(1) A person shall be guilty of an offence if he or she—

Offence and penalty.

(a) obstructs or interferes with an authorised officer in the exercise of the officer's functions under *section 3(4)*, or

(b) without reasonable excuse, fails to comply with a requirement under *section 3(4)(c)*.

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S.4 (2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,500.

(3) Proceedings in respect of a summary offence under this section may be brought and prosecuted by the Minister.

Obligations of sanitary authorities in respect of registered historic monuments.

5.—(1) In this section—

“the Act of 1964” means the Local Government (Sanitary Services) Act, 1964;

“monument” means any historic monument entered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act, 1987.

(2) As soon as practicable after serving or proposing to serve a notice under section 3(1) of the Act of 1964 in respect of a monument, a sanitary authority shall inform the Minister of the particulars of the notice.

(3) A sanitary authority which under section 3(2) of the Act of 1964 carries out works on a monument shall as far as possible preserve the monument in as much as its preservation is not likely to cause a danger to any person or property.

(4) As soon as practicable after carrying out works under section 3(2) of the Act of 1964 on a monument, a sanitary authority shall inform the Minister of the works which have been carried out.

(5) The provisions of this section are in addition to and not in substitution for any provisions of the National Monuments Acts, 1930 to 1994.

Expenses of Minister.

6.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

Short title.

7.—This Act may be cited as the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999.