**Information Note**

***SI No. 252 of 2024 – Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 (Commencement) Order 2024***

On 30 May 2024, a Commencement Order to enter specific provisions of the *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (the Act)into force.

Provisions of the Act that have now been commenced concern World Heritage Property in the State, inventories, the protection of certain records, the promotion of heritage, and the issuing of statutory guidance. The specific provisions are as follows:

1. **sections 1 to 6;**

* **Section 1** gives effect to the short title of the Act and provides for a number of commencement arrangements
* **Section 2** provides definitions for frequently used terms in the Act
* **Section 3** outlines the broad policy principles of the legislation, which bodies and individuals must take account of when exercising any function(s) under the Act
* **Section 4** sets out the extent of the territorial application of the Act
* **Section 5** enables the Minister for Housing, Local Government and Heritage to make regulations for matters referred to as “prescribed” in the Act
* **Section 6** provides for a number of matters relating to expenses and financial matters

1. **section 7 insofar as relates to the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999 (other than section 5);**

* This section enables the Minister to repeal legislation outlined in Schedule 1 of the Act insofar as it relates to the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999 (other than section 5)

1. **Part 3;**

* This Part provides for measures to assist with the implementation of the 1972 Convention Concerning the Protection of World Cultural and Natural Heritage
* In this Part, the term “World Heritage Property” is defined for the first time in Irish legislation, and the Minister for Housing, Local Government and Heritage has been designated as the competent authority for overseeing World Heritage affairs

1. **Part 8;**

* This Part provides for inventories, records and research, in addition to the publication and promotion of public knowledge and awareness
* **Section 158** enables the Minister to establish and maintain inventories of historic heritage and World Heritage Property
* **Section 159** ensures that records compiled, and archaeological objects discovered, in the course of licensable activities are legally protected in the event of the dissolution of companies holding such records, or the death of licences holders. Under this section, such companies or individuals will be required to notify the Monuments Service of the Department of Housing, Local Government and Heritage of the company’s dissolution or the individual’s death, the identity of the company or the individual, and the location of the relevant records or archaeological objects in their possession. Notice must be issued as soon as practicable, but in any event, within 21 days of the dissolution of the company or the death of the individual.
* **Section 160** contains general definitions used in Part 8, Chapter 3 of the Act
* **Section 161** stipulates that relevant authorities (i.e. The Minister, The Board of the National Museum of Ireland, and the Commissioners of Public Works) may promote research into historic heritage, or knowledge and awareness of historic heritage
* **Section 162** provides that a relevant authority may compile, distribute, commission, etc. various forms of material in relation to any matter connected with the authority’s functions under the Act
* **Section 163** enables a relevant authority to assist any person in the protection of any element of historic heritage
* **Section 164** allows a relevant authority providing assistance under sections 161, 162 or 163 to make such assistance subject to conditions
* **Section 165** permits a relevant authority to acquire and make use of copyright, patents, licences, privileges and concessions as may be appropriate

1. **Part 9;**

* This Part concerns the issuing of guidelines and matters relating to historic heritage
* **Section 166** allows the Minister to issue guidelines relating to historic heritage in the course of the preparation of, or the carrying out of, an environmental impact assessment
* **Section 167** permits the Minister to issue guidelines to local authorities relating to their dealings with historic heritage or World Heritage Property
* **Section 168** provides that, in conjunction with the Heritage Council, the co-ordination and development of public policy on historic heritage is a general function of the Minister
* **Section 169** stipulates that, in consultation with the Board of the National Museum of Ireland, the promotion of best practice in disciplines or professions relating to the protection of historic heritage is a general function of the Minister
* **Section 170** provides that, in consultation and co-operation with the Board of the National Museum of Ireland, the promotion of the protection of historic heritage by public authorities is a general function of the Minister
* **Section 171** establishes a general function of a public or local authority to have regard to historic heritage

1. **section 172;**

* This section prohibits a person from knowingly, or recklessly, making a false or misleading statement when providing information to another person under a provision of the Act

1. **section 174;**

* This section prohibits a person from interfering with or obstructing a number of specified bodies or persons (e.g. the Minister, a local authority, the Commissioners of Public Works etc.) in the performance of their respective functions under the Act

1. **subsections (3) and (4) of section 175 insofar as they apply to sections 159(4), 172 and 174;**

* This section outlines fines and/or terms of imprisonment for contraventions of provisions of the Act

1. **subsections (7) and (8) of section 175 insofar as they apply to section 159(2);**

* This section outlines fines and/or terms of imprisonment for contraventions of provisions of the Act

1. **sections 178(2) and 179;**

* **Section 178(2)** relates to continuing offences and sets out the additional penalties a person may face for continuing to be in contravention of the Act after already being convicted of an offence
* **Section 179** concerns offences by bodies corporate

1. **section 182;**

* This section outlines specific defences in respect of offences committed at sea or on water

**(l) sections 188 to 190,**

* **Section 188** outlines general powers of officers, servants and agents, etc. of a relevant authority (i.e. The Minister, the Commissioners of Public Works, The Board of the National Museum of Ireland or a local authority)
* **Section 189** enables the Minister to inspect sites of potential or known historic, archaeological, architectural, etc. interest
* **Section 190** enables the Board of the National Museum of Ireland to inspect any site where an archaeological object or historic object has been found or is situated, or that the Board believes such an object may have been found or is situated

1. **Chapters 7 and 8 of Part 10;**

* Part 10 concerns implementation and enforcement
* **Chapter** **7** enables the Minister to issue enforcement notices in order to assist in the protection of monuments and archaeological heritage through effective measures to deal with contraventions of relevant provisions
* **Chapter 8** concerns the arrest, search, and seizure powers of An Garda Síochána and the Naval Services of the Defence Forces

1. **sections 207, 209 and 210;**

* **Section 207** concerns vicarious liability
* **Section 209** allows an offence under the Act to be prosecuted summarily by the Minister, the Board of the National Museum of Ireland, or a local authority
* **Section 210** specifies time limits for offences that may only be brought by summary proceedings

1. **Chapters 10 and 11 of Part 10;**

* **Chapter 10** provides for costs of prosecutions and civil proceedings, and recovery of debts
* **Chapter 11** provides for Codes of Practice

1. **sections 217 and 218;**

* **Section 217** enables the Minister to seek information with regard to land titles, if required
* **Section 218** permits the sharing of information between specified bodies for the protection and proper management of historic heritage

1. **sections 220 and 221;**

* **Section 220** provides for the delegation of functions of the Board of the National Museum of Ireland to the Director of the National Museum of Ireland
* **Section 221** outlines ways of issuing notice

1. **Schedule 3**

* This schedule contains the text of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage done in Paris on 23 November 1972

Please note that the above is provided for information only and is not a legal interpretation.

**National Monuments Service**

**Department of Housing, Local Government and Heritage**

**May 2024**