
STATUTORY INSTRUMENTS

1995 No. 1625

Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

PART II

HISTORIC MONUMENTS

Guardianship of historic monuments

Appointment of Department as guardian of historic monuments

15.—(1) Subject to paragraph (2), the owner of any historic monument may, with the consent of the Department, by deed appoint the Department guardian of the monument.

(2) Where the owner of an historic monument is not the occupier of that monument he may not appoint the Department guardian of the monument unless the occupier is also a party to the deed executed for the purposes of paragraph (1).

(3) Any person who has an estate in an historic monument may be a party to any such deed in addition to the owner of the monument and (where the owner is not the occupier) the occupier.

(4) In relation to any monument of which the Department has been appointed guardian, references in this Order to the guardianship deed are references to the deed executed for the purposes of paragraph (1).

(5) A guardianship deed shall bind every person deriving title from any person executing it, and, where a monument is the subject of a settlement and a person executing the deed is a person having a power of sale of the settled land, the deed shall bind every person entitled to an estate subsisting or which may arise under the settlement, except—

- (a) an estate having priority to the settlement;
- (b) any estate which has been conveyed or created for securing money actually raised at the date of the deed;
- (c) all leases, grants of easements or other rights or privileges granted or made before the date of the deed by the person executing the deed, or by any of his predecessors in title, or by any trustees for him or them under the settlement or under any statutory power, or being otherwise binding on the successors of the person executing the deed.

(6) The Department shall not consent to become guardian of any structure which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

(7) Except as provided by this Order, any person who has any estate in a monument under guardianship shall have the same right and title to, and estate in, the monument in all respects as if the Department had not become guardian of the monument.

(8) The Department may defray or contribute towards the costs incurred by the owner of any historic monument in appointing the Department as guardian of the monument.

Changes to legislation:

Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, Section 15 is up to date with all changes known to be in force on or before 16 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act am. (prosp.) by [1996 c. 24 s.14\(3\)\(5\)](#)
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