

Prevention of damage to the historic environment in Northern Ireland

Archaeological legislation in Northern Ireland (NI) is provided by the Historic Monuments and Archaeological Objects (NI) Order 1995. The 1995 Order is similar to heritage legislation in other parts of the United Kingdom but lacks some of the recent updates, such as enforcement powers. It also differs in that archaeological excavation in NI must be licensed by the relevant authority, that authority being the Historic Environment Division (HED) of the Department for Communities, who undertake a range of tasks required to protect the historic environment.



Example of a damaged scheduled monument in Northern Ireland.
Credit: Historic Environment Division

Paul Logue, Senior Inspector,
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Potential offences range from illegal metal detecting, which in NI links to any search for archaeological objects that involves digging, and/or the possession of a detector on a scheduled monument, to contravening the conditions attached to an excavation licence or scheduled monument consent, or unauthorised damage to/alteration of a scheduled monument.

HED has recently created a post to deal with suspected breaches of the 1995 Order and that role has primarily centred on alleged damage to scheduled monuments. A close working relationship has been established between HED and the Police Service for Northern Ireland (PSNI) who lead any required investigation and have appointed a Heritage Liaison Officer at Detective Inspector rank. Likewise HED and PSNI welcome the support of our justice partners in the Public Prosecution Service NI who occupy the pivotal role in any subsequent charging and court process. Working together, we have seen two convictions already this year at scheduled monuments. The first involved damage to a Second World War heavy anti-aircraft battery, where the defendant received a sentence initially set at a fine of £32,000, which was then reduced by a third to £20,000 to take account of an early guilty plea and genuine remorse. The second more serious offence involved the demolition of late 19th-century lime kilns, where the guilty party had a sentence set at £80,000, reduced to £50,000 as a result of a similar early guilty plea and genuine remorse.

While we welcome such action and will continue to pursue prosecutions where warranted, the approach in NI is a developing one and we must keep in mind that it remains important to seek to work with and educate land owners, archaeologists and others to promote compliance and so hopefully avoid the need for investigation and prosecution in the first place.



Paul Logue

Paul is an archaeologist with 30 years' experience in various jobs within the private and public sector. His current role is in the Historic Environment Division, Dept for Communities N Ireland, investigating the type of potential offences commonly referred to as heritage crime.