

Ancient Monuments Protection Act, 1882.

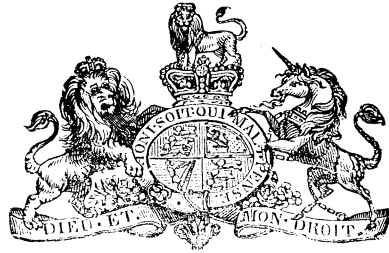
[45 & 46 VICT. CH. 73.]

ARRANGEMENT OF SECTIONS.

A.D. 1882.

Section.

1. Short title of Act.
2. Power to appoint Commissioners of Works guardians of ancient monuments.
3. Power of Commissioners to purchase ancient monuments.
4. Power to give, devise, or bequeath ancient monuments to Commissioners.
5. Inspectors of ancient monuments.
6. Penalty for injury to ancient monuments.
7. Recovery of penalties.
8. Description of Commissioners of Works, and law as to disposition in their favour.
9. Description of owners for purposes of Act.
10. Additions to Schedule by Order in Council.
11. Definitions.
SCHEDULE, containing List of Ancient Monuments to which Act applies.

**CHAPTER 73.**

An Act for the better protection of Ancient Monuments.

A.D. 1882.

[18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Ancient Monuments Protection Act, 1882. Short title of Act.

2. The owner of any ancient monument to which this Act applies may, by deed under his hand, constitute the Commissioners of Works in this Act mentioned the guardians of such monument. Power to appoint Commissioners of Works guardians of ancient monuments.

Where the Commissioners of Works have been constituted guardians of a monument, they shall thenceforth, until they shall receive notice in writing to the contrary from any succeeding owner not bound by such deed as aforesaid, maintain such monument, and shall, for the purpose of such maintenance, at all reasonable times by themselves and their workmen have access to such monument for the purpose of inspecting it, and of bringing such materials and doing such acts and things as may be required for the maintenance thereof.

The owner of an ancient monument of which the Commissioners of Works are guardians shall, save as in this Act expressly provided, have the same estate, right, title, and interest, in and to such monument, in all respects, as if the Commissioners had not been constituted guardians thereof.

The expressions "maintain" and "maintenance" include the fencing, repairing, cleansing, covering in, or doing any other act or thing which may be required for the purpose of repairing any monument or protecting the same from decay or injury. The cost of

A.D. 1882.

maintenance shall, subject to the approval of Her Majesty's Treasury, be defrayed from moneys to be provided by Parliament.

Power of Commissioners to purchase ancient monuments.

3. The Commissioners of Works, with the consent of the Treasury, may purchase out of any moneys which may for that purpose be from time to time provided by Parliament any ancient monument to which this Act applies, and with a view to such purchase the Lands Clauses Consolidation Acts shall be incorporated with this Act, with the exception of the provisions which relate to the purchase and taking of lands otherwise than by agreement. In construing the said Lands Clauses Consolidation Acts for the purposes of this Act, this Act shall be deemed to be the special Act, and the Commissioners of Works shall be deemed to be the promoters of the undertaking.

Power to give, devise, or bequeath ancient monuments to Commissioners.

4. Any person may by deed or will give, devise, or bequeath to the Commissioners of Works all such estate and interest in any ancient monument to which this Act applies as he may be seised or possessed of, and it shall be lawful for the Commissioners of Works to accept such gift, devise, or bequest if they think it expedient so to do.

Inspectors of ancient monuments.

5. The Commissioners of Her Majesty's Treasury shall appoint one or more inspectors of ancient monuments, whose duty it shall be to report to the Commissioners of Works on the condition of such monuments, and on the best mode of preserving the same, and there may be awarded to the inspectors so appointed such remuneration and allowance for expenses, out of moneys provided by Parliament, as may be determined by the Commissioners of Her Majesty's Treasury.

Penalty for injury to ancient monuments.

6. If any person injures or defaces any ancient monument to which this Act applies, such person shall, on summary conviction, be liable, at the discretion of the court by which he is tried, to one of the following penalties; (that is to say,)

- (1.) To forfeit any sum not exceeding five pounds, and in addition thereto to pay such sum as the court may think just for the purpose of repairing any damage which has been caused by the offender; or,
- (2.) To be imprisoned with or without hard labour for any term not exceeding one month.

The owner of an ancient monument shall not be punishable under this section in respect of any act which he may do to such

monument, except in cases where the Commissioners of Works have been constituted guardians of such monument, in which case the owner shall be deemed to have relinquished his rights of ownership so far as relates to any injury or defacement of such monument, and may be dealt with as if he were not the owner. A.D. 1882.
—

7. Offences and penalties under this Act shall be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts. Recovery of
penalties.

The expression "Summary Jurisdiction Acts"—

- (1.) As regards England, has the same meaning as in the Summary Jurisdiction Act, 1879 ; and 42 & 43 Vict.
c. 49.
- (2.) As regards Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881 ; and 27 & 28 Vict.
c. 53.
44 & 45 Vict.
c. 33.
- (3.) As regards Ireland, means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district ; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same. 14 & 15 Vict.
c. 93.

In England any person aggrieved by any decision of the court acting under the Summary Jurisdiction Acts may appeal to a court of general or quarter sessions.

8. The expression "The Commissioners of Works" means as respects Great Britain the Commissioners of Her Majesty's Works and Public Buildings, and as respects Ireland the Commissioners of Public Works in Ireland. Description
of Commis-
sioners of
Works, and
law as to
disposition
in their
favour.

Each of the said bodies, that is to say, the Commissioners of Her Majesty's Works and Public Buildings as respects Great Britain and the Commissioners of Public Works as respects Ireland, shall be incorporated by their said names respectively, and shall have perpetual succession and a common seal, and may purchase or acquire by gift, will, or otherwise, and hold without licence in mortmain, any land or estate or interest in land for the purposes of this Act ; and any conveyance, appointment, devise, or bequest of land, or any estate, or interest in land under this Act to either of the said bodies, shall not be deemed to be a conveyance, appointment, devise, or bequest to a charitable use within the meaning of the Acts relating to charitable uses. In the case of an ancient monument in Scotland, a duplicate of any report made by any inspector under this Act to the Commissioners of Works shall be forwarded to the Board of Trustees for Manufactures in Scotland, and it shall be the duty of the Commissioners of Works, in relation to any such monument, to

A.D. 1882. take into consideration any representations which may be made to
— them by the said Board of Trustees for Manufactures.

Description
of owners for
purposes of
Act.

9. The following persons shall be deemed to be “owners” of ancient monuments for the purposes of this Act; that is to say,

- (1.) Any person entitled for his own benefit, at law or in equity, for an estate in fee, to the possession or receipt of the rents and profits of any freehold or copyhold land, being the site of an ancient monument, whether such land is or not subject to incumbrances :
- (2.) Any person absolutely entitled in possession, at law or in equity, for his own benefit, to a beneficial lease of land, being the site of an ancient monument, of which not less than forty-five years are unexpired, whether such land is or not subject to incumbrances; but no lease shall be deemed to be a beneficial lease, within the meaning of this Act, if the rent reserved thereon exceeds one third part of the full annual value of the land demised by such lease :
- (3.) Any person entitled under any existing or future settlement, at law or in equity, for his own benefit, and for the term of his own life, or the life of any other person, to the possession or receipt of the rents and profits of land of any tenure, being the site of an ancient monument, whether subject or not to incumbrances in which the estate for the time being subject to the trusts of the settlement is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than sixty years, or is an estate for a term of years of which not less than sixty are unexpired, or is a greater estate than any of the foregoing estates :
- (4.) Any body corporate, any corporation sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled at law or in equity, and whether subject or not to incumbrances, in the case of freehold or copyhold land, being the site of an ancient monument, in fee, and in the case of leasehold land, being the site of an ancient monument, to a lease for an unexpired term of not less than sixty years.

Where any owner as herein-before defined is a minor, or of unsound mind, or a married woman, the guardian, committee, or husband, as the case may be, of such owner, shall be the owner within the meaning of this Act; subject to this proviso, that a

married woman entitled for her separate use, and not restrained from anticipation, shall for the purposes of this Act be treated as if she were not married. Every person deriving title to any ancient monument from, through, or under any owner who has constituted the Commissioners of Works the guardians of such monument shall be bound by the deed executed by such owner for that purpose; and where the owner of any land, being the site of an ancient monument, is a tenant for life or in tail, or heir of entail in possession in Scotland, having a power of sale over such land, either under the terms of a will or settlement, or under an Act of Parliament, any deed executed by such owner in respect of the land, being such site as aforesaid, of which he is so tenant for life or in tail, shall bind every succeeding owner of any estate or interest in the land.

A.D. 1882.

10. Her Majesty may, from time to time, by Order in Council, declare that any monument of a like character to the monuments described in the Schedule hereto, shall be deemed to be an ancient monument to which this Act applies, and thereupon this Act shall apply to such monument in the same manner in all respects as if it had been described in the Schedule hereto.

Additions to
Schedule by
Order in
Council.

An Order in Council under this section shall not come into force until it has lain for forty days before both Houses of Parliament during the Session of Parliament.

11. The following expressions shall, except in so far as is inconsistent with the tenour of this Act, have the meaning herein-after assigned to them; (that is to say,)

Definitions.

The word "settlement" includes any Act of Parliament, will, deed, or other assurance whereby particular estates or particular interests in land are created, with remainders or interests expectant thereon:

The expression "Lands Clauses Consolidation Acts" means, as respects England, the Lands Clauses Consolidation Act, 1845, and any Acts amending the same; and as respects Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the same; and as respects Ireland, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, so far as respects Ireland:

"Lands
Clauses Con-
solidation
Acts."
8 & 9 Vict.
c. 18.
8 & 9 Vict.
c. 19.

The expression "ancient monuments to which this Act applies" means the monuments described in the Schedule hereto, and any other monuments of a like character of which the Commissioners of Works at the request of the owners thereof may consent to become guardians; and "ancient monument"

"Ancient
monuments
to which Act
applies."

A.D. 1882.
—

includes the site of such monument and such portion of land adjoining the same as may be required to fence, cover in, or otherwise preserve from injury the monument standing on such site, also the means of access to such monument.

The SCHEDULE.

A.D. 1882.

LIST OF ANCIENT MONUMENTS TO WHICH ACT APPLIES.

ENGLAND AND WALES.

	County.	Parish.
<i>The tumulus and dolmen, Plas Newydd, Anglesea.</i>	<i>Anglesea</i> - -	<i>Llangedwen.</i>
<i>The tumulus known as Wayland Smith's Forge.</i>	<i>Berkshire</i> - -	<i>Ashbury.</i>
<i>Uffington Castle</i> - - - -	" - -	<i>Uffington.</i>
<i>The stone circle known as Long Meg and her Daughters, near Penrith.</i>	<i>Cumberland</i> - -	<i>Addingham.</i>
<i>The stone circle on Castle Rigg, near Keswick.</i>	" - -	<i>Crosthwaite.</i>
<i>The stone circles on Burn Moor</i> - -	" - -	<i>St. Bees.</i>
<i>The stone circle known as The Nine Ladies, Stanton Moor.</i>	<i>Derbyshire</i> - -	<i>Bakewell.</i>
<i>The tumulus known as Arborlow</i> - -	" - -	"
<i>Hob Hurst's House and Hut, Bastow Moor.</i>	" - -	"
<i>Minning Low</i> - - - -	" - -	<i>Brassington.</i>
<i>Arthur's Quoit, Gower</i> - - - -	<i>Glamorganshire</i> - -	<i>Llanridian.</i>
<i>The tumulus at Uley</i> - - - -	<i>Gloucestershire</i> - -	<i>Uley.</i>
<i>Kits Coty House</i> - - - -	<i>Kent</i> - -	<i>Aylesford.</i>
<i>Danes Camp</i> - - - -	<i>Northamptonshire</i> - -	<i>Hardingstone.</i>
<i>Castle Dykes</i> - - - -	" - -	<i>Farthingston.</i>
<i>The Rollrich Stones</i> - - - -	<i>Oxfordshire</i> - -	<i>Little Rollright.</i>
<i>The Pentre Evan Cromlech</i> - - - -	<i>Pembrokeshire</i> - -	<i>Nevern.</i>
<i>The ancient stones at Stanton Drew</i> - -	<i>Somersetshire</i> - -	<i>Stanton Drew.</i>
<i>The chambered tumulus at Stoney Littleton, Wellow.</i>	" - -	<i>Wellow.</i>
<i>Cadbury Castle</i> - - - -	" - -	<i>South Cadbury.</i>
<i>Mayborough, near Penrith</i> - - - -	<i>Westmoreland</i> - -	<i>Barton.</i>
<i>Arthur's Round Table, Penrith</i> - - - -	" - -	"
<i>The group of stones known as Stonehenge Old Sarum</i> - - - -	<i>Wiltshire</i> - -	<i>Amesbury.</i>
<i>The vallum at Abury, the Sarcen stones within the same, those along the Kennet Road, and the group between Abury and Beckhampton.</i>	" - -	<i>Abury.</i>
<i>The long barrow at West Kennet, near Marlborough.</i>	" - -	<i>West Kennet.</i>
<i>Silbury Hill</i> - - - -	" - -	<i>Abury.</i>
<i>The Dolmen (Devil's Den), near Marlborough.</i>	" - -	<i>Fyfield.</i>
<i>Barbury Castle</i> - - - -	" - -	<i>Ogbourne, St. Andrews, and Swindon.</i>

A.D. 1882.

LIST OF ANCIENT MONUMENTS TO WHICH ACT APPLIES.

SCOTLAND.

	County.	Parish.
<i>The Bass of Inverury</i> - - -	<i>Aberdeenshire</i> -	<i>Inverurie.</i>
<i>The vitrified fort on the Hill of Noath</i> -	„ -	<i>Rhynie.</i>
<i>The pillar and stone at Newton-in-the-Garioch.</i>	„ -	<i>Culsalmond.</i>
<i>The circular walled structures called "Edin's Hall," on Cockburn Law.</i>	<i>Berwickshire</i> -	<i>Dunse.</i>
<i>The British walled settlement enclosing huts at Harefaulds in Lauderdale.</i>	„ -	<i>Lauder.</i>
<i>The Dun of Dornadilla</i> - - -	<i>Sutherlandshire</i> -	<i>Durness.</i>
<i>The sculptured stone called Suenos Stone, near Forres.</i>	<i>Elgin</i> -	<i>Rafford.</i>
<i>The cross slab, with inscription, in the churchyard of St. Vigean.</i>	<i>Forfarshire</i> -	<i>St. Vigean.</i>
<i>The British forts, on the hills, called "The Black and White Catherthuns."</i>	„ -	<i>Menmuir.</i>
<i>A group of remains and pillars, on a haugh at Clava on the banks of the Nairn.</i>	<i>Inverness</i> -	<i>Croy and Dalcross.</i>
<i>The Pictish Towers at Glenelg</i> - - -	„ -	<i>Glenelg.</i>
<i>The Cairns, with chambers and galleries partially dilapidated.</i>	<i>Kirkcudbrightshire</i>	<i>Minnigaff.</i>
<i>The Catstane, an inscribed pillar</i> -	<i>Linlithgow</i> -	<i>Kirkliston.</i>
<i>The Ring of Brogar and other stone pillars at Stennis in Orkney, and the neighbouring pillars.</i>	<i>Orkney</i> -	<i>Firth and Stennis.</i>
<i>The Chambered mound of Maeshowe</i> -	„ -	„
<i>The stones of Callernish</i> - - -	<i>Ross</i> -	<i>Uig.</i>
<i>The Burgh of Clickanim</i> - - -	<i>Shetland</i> -	<i>Sound.</i>
<i>The Pictish tower at Mousa in Shetland</i>	„ -	<i>Dunrossness.</i>
<i>The inscribed slab standing on the roadside leading from Wigton to Whithorn and about a mile from Whithorn.</i>	<i>Wigtonshire</i> -	<i>Whithorn.</i>
<i>Two stones, with incised crosses, on a mound in a field at Laggangairn.</i>	„ -	<i>New Luce.</i>
<i>The pillars at Kirkmadrine</i> - - -	„ -	<i>Stoneykirk.</i>

LIST OF ANCIENT MONUMENTS TO WHICH ACT APPLIES.

IRELAND.

	County.	Parish.	Barony.
<i>The earthen enclosure and mounds called the Navan Fort.</i>	<i>Armagh</i>	<i>Eglisk</i>	<i>Armagh.</i>
<i>Stone monuments and groups of sepulchral cists in Glen Maulin.</i>	<i>Donegal</i>	<i>Glencolumbkille</i>	<i>Banagh.</i>
<i>The earthen and stone inclosure known as Grianan of Aileach.</i>	„	<i>Burt</i>	<i>West Innishowen.</i>
<i>The earthen inclosure and Cromlech called the Giant's Ring near Ballylessan.</i>	<i>Down</i>	<i>Drumbo</i>	<i>Upper Castle-reagh.</i>
<i>The earthen fort at Downpatrick (Dunkeltair).</i>	„	<i>Downpatrick</i>	<i>Lecale.</i>
<i>Stone structure called Staigue Fort</i>	<i>Kerry</i>	<i>Kilcrogham</i>	<i>Dunkerron.</i>
<i>The earthen mound at Greenmount -</i>	„	<i>Kilsaran</i>	<i>Ardee.</i>
<i>The stone monument at Ballyna -</i>	<i>Mayo</i>	<i>Kilmoremoy</i>	<i>Tyrawly.</i>
<i>Cairns and stone circles at Moytura</i>	„	<i>Cong</i>	<i>Kilmaine.</i>
<i>The tumuli, New Grange, Knowth and Dowth.</i>	<i>Meath</i>	<i>Monknewton and Dowth.</i>	<i>Upper Slane.</i>
<i>The earthworks on the hill of Tara</i>	„	<i>Tara</i>	<i>Skreen.</i>
<i>The earthworks at Teltown (Taltin)</i>	„	<i>Teltown</i>	<i>Upper Kells.</i>
<i>The earthworks at Wardstown (Tlaghta).</i>	„	<i>Athboy</i>	<i>Lune.</i>
<i>The two central tumuli on the hills called Slieve Na Calliagh.</i>	<i>Meath</i>	<i>Loughcrew</i>	<i>Fore.</i>
<i>The Cairn at Heapstown -</i>	<i>Sligo</i>	<i>Kilmacallan</i>	<i>Tirerrill.</i>
<i>Sepulchral remains at Carrowmore.</i>	„	<i>Kilmacowen</i>	<i>Curbury.</i>
<i>The cairn called Miscawn Mave or Knocknarea.</i>			
<i>The cave containing Ogham inscribed stones at Drumloghan.</i>	<i>Waterford</i>	<i>Stradbally</i>	<i>Decies without Drum.</i>
<i>The stone monument called the Catstone and the cemetery on the hill of Usnagh.</i>	<i>Westmeath</i>	<i>Killare</i>	<i>Rathconrath.</i>

ISBN 0 10 520069 7