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TITLE XXI. CHAPTER 282

ANCIENT MONUMENTS

Ordinances

No 19-1938

" 68-1939

" 8-1944

(16th March, 1944).

Commencement

Short title.

1. This Ordinance may be cited as the Ancient Monuments Ordinance.

Definitions.

2./ "Ancient monuments" means ^{any} monument, or part of remains of a monument, or any object of a like character, the preservation of which is, in the opinion of the Board, a matter of public interest by reason of the historic, architectural, traditional, archaeological, artistic, aesthetic, or scientific interest attaching thereto; and the site of any such monument or object, or of any remains thereof, and any part of the adjoining land which may be required for the purpose of fencing, covering in, or ~~injury~~; and also includes the means of access thereto; "Guardian" means the person vested under this Ordinance with the guardianship of an ancient monument or of a national reserve.

"Maintaining" includes the fencing, repairing and covering in of an ancient monument, and the doing of any act or thing required for the purpose of keeping an ancient monument or a national reserve in proper order and preventing it from neglect, decay or injury; and the expression "maintenance" shall be construed accordingly.

"Monument" means any structure or erection, other than an ecclesiastical building which is for the time being used for ecclesiastical purposes.

"National reserve" means any forest, park, garden, or other open space, the preservation of which is, in the opinion of the Board, a matter of public interest by reason of the aesthetic, geological, historical, archaeological, or scientific interest attaching thereto.

"The Board" means the Ancient Monuments and National Reserves Board appointed under the provisions of this Ordinance.

Ancient Monuments and National Reserves Board.

3. The Governor may appoint an Advisory Board under the name of the Ancient Monuments and National Reserves Board to advise generally on the treatment and maintenance of ancient monuments and national reserves in the Colony and on all matters connected with the execution of this Ordinance and may vary, at any time, the membership of such Board as he thinks fit.

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/ otherwise preserving the monument or object from

Acquisition
of
monuments,
etc.

4. The Governor may direct the Colonial Secretary-
(1) to purchase by agreement, on behalf of the Government, out of any moneys which may be provided by the Council of Government for that purpose, any monument or any forest, park garden, or other open space, which appears to the Board to be an ancient monument or a national reserve, as the case may be, within the meaning of this Ordinance;

(2) to accept, on behalf of the Government, any gift or bequest of any monument, or of any forest, park, garden or other open space, which appears to the Board to be an ancient monument or a national reserve, as the case may be, or any gift or bequest of money for the purpose of carrying out the objects of this Ordinance.

Lists of
ancient
monuments
and national
reserves
to be
published

5. (1) The Governor shall from time to time cause to be published in the Gazette a list containing such monuments, forests, parks, gardens, or open spaces, as are reported by the Board to be ancient monuments or national reserves as the case may be.

(2) A list of ancient monuments and national reserves declared up to the 31st December in the preceding year shall be published annually in the Gazette, not later than the 15th January.

Notice to be
given to
owner of
monument,
etc.

6. (1) The Governor, when he proposes to include a monument, or a forest, park or garden, or an open space, which is privately owned, in the list to be published under subsection (1) of the preceding section, shall cause the owner of the monument, forest, park, garden or open space to be informed of his intention and of the penalties which may be incurred by a person guilty of an offence under the next succeeding subsection.

(2) Where the owner of any monument, forest, park, garden, or open space, to whom notice has been given under the preceding subsection of this section, proposes to demolish, or remove, in whole or in part, or structurally alter or make additions to, or carry out any other work in connection with the monument, forest, park, garden, or open space, he shall forthwith give notice of his intention to the Director and shall not, except in the case of urgent necessity, commence any work of demolition removal, alteration, addition, or any work for a special period of one month after having given such notice; and any person guilty of a contravention of or non-compliance with this provision shall be guilty of an offence under this Ordinance.

/other

Ownership
of ancient
monument
or natural
reserve to
remain
vested in
owner thereof
subject to
control of
guardian.

7. The ownership of an ancient monument or of a national reserve which is privately owned shall remain vested in the owner thereof:

Provided that the owner shall not carry out any work of demolition, removal, repair, alteration, addition or any other work in connection with the ancient monument or national reserve without the prior approval of the guardian thereof and subject to such conditions as the guardian may impose after consulting the Board.

Maintenance
of ancient
monuments
and national
reserves
privately
owned.

8. Every ancient monument or national reserve which is privately owned shall be maintained by the owner thereof:

Provided that the guardian of the ancient monument or national reserve may, from time to time, after consulting the Board, by order, require the owner of the ancient monument or national reserve, within such period as may be fixed in the order, to carry out such work in connection with the maintenance of the ancient monument or national reserve as may be specified in the order; and if the owner refuses or fails to comply with such order within the period therein specified, the guardian may cause such work to be carried out and, in that case, the expenses incurred by the guardian shall be defrayed out of moneys provided by the Council of Government for the purpose.

Guardianship
of ancient
monuments
and national
reserves.

9-(1) The guardianship of any ancient monument shall be vested in the Director.

(2) The guardianship of a national reserve shall be vested in such officer as may be designated for the purpose by the Governor:

Provided that the guardian shall not carry out any work of demolition, removal, repair, alteration, addition or any other work in connection with the ancient monument or national reserve, without prior consultation with the Board.

Guardian to
have access
to ancient
monuments
and national
reserves.

10. The guardian of an ancient monument or of a national reserve, or any person deputed by him, shall have access to the ancient monument or national reserve for the purpose of inspecting such ancient monument or national reserve and doing such acts or things as he may deem necessary for the maintenance thereof:

Provided that in the case of a structure which is occupied as a dwelling-house, the guardian shall, unless the inspection of the structure is a matter of immediate urgency, give not less than seven clear days' notice to the occupier of the premises of his intention to enter upon them.

Public to have
access to
ancient monu-
ments and
national re-

11. The public shall have access to any ancient monument or national reserve at such times and subject to such conditions and to the payment of such fees as may be prescribed by regulations.

offences and penalties.

12.-(1) Any person who-

(a) alters, defaces, or injures an ancient monument or a national reserve included in any list published under section 5 of this Ordinance;

(b) being the private owner of an ancient monument or of a national reserve included in any list published under section 5 of this Ordinance, carries out or causes to be carried out any work of demolition, removal, repair, alteration, addition or any other work in connection with such ancient monument or national reserve otherwise than in conformity with the provision to section 7 of this Ordinance;

(c) interferes with, or hinders, or obstructs the guardian of an ancient monument or of a national reserve, or any person deputed by him, in the exercise of his powers or rights under section 10 of this Ordinance.

(d) otherwise acts in contravention of this Ordinance or of any regulation made thereunder;

shall in each case, be guilty of an offence under this Ordinance.

(2) Any person guilty of an offence under this Ordinance shall be liable to a fine not exceeding one thousand rupees, and, in addition to the fine, to pay such sums as the Court by whom he is tried thinks just for the purpose of repairing any damages caused by him.

Power to make regulations.

13. The Governor in Council may make regulations for carrying out the provisions of this Ordinance.