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**PRESERVATION OF OBJECTS OF
ARCHAEOLOGICAL INTEREST ACT**

2007 Revised Edition

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PRESERVATION OF OBJECTS OF ARCHAEOLOGICAL INTEREST ACT

AN ACT TO PROVIDE FOR THE PRESERVATION OF OBJECTS OF ARCHAEOLOGICAL INTEREST¹

Commencement [31st March, 1970]

1 Short title

This Act may be cited as the Preservation of Objects of Archaeological Interest Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**Committee**” means the Committee on Tongan Traditions appointed by His Majesty the King in Council by notice published in Gazette No. 14 of 1954 and any successors thereto duly appointed from time to time;

“**object of archaeological interest**” means any structure, erection, memorial, tumulus, cairn, place of interment, pit dwelling, trench fortification, irrigation work, mound, excavation, cave, rock, rock drawing, painting, sculpture, inscription, monolith, or any remains thereof, fossil remains of man or animals or plants or any bed or beds containing such fossil remains thereof, or any object (or any remains thereof) which is or are of archaeological, palaeontological, anthropological, ethnological, prehistoric, or historic interest, and includes —

Section 3 **CAP. 30.10**

Preservation of Objects of Archaeological Interest Act

- (a) the site on which such object of archaeological interest was discovered or exists;
- (b) such portion of land adjoining the said site as may be required for fencing or covering in or otherwise preserving such object of archaeological interest; and
- (c) the means of access to and convenient inspection of such object of archaeological interest.

3 Permit to search

- (1) Unless authorised by a permit issued by the Committee with the approval of the landholder and Cabinet, no person shall by means of excavation or surface operation search for any object of archaeological interest. Such permit shall, so far as is practicable, be in Form A set out in the Schedule hereto.
- (2) The Committee shall, before issuing a permit under this section, satisfy itself that the applicant is competent both by training and experience to carry out an exploration or excavation in accordance with the most recent scientific methods, and may, in its discretion, require to be satisfied that the applicant has the support, financial or otherwise, of an archaeological or scientific society or institution of repute.
- (3) In every permit issued under this section there shall be implied an undertaking on the part of the permit-holder that he, or the institution which he represents, will, within a period of 2 years after the completion of the exploration or excavation authorised by the permit or within such longer period as the Committee may in writing approve, produce an adequate scientific report or publication on the results of the exploration and/or excavation, as the case may be, and will deposit with the Committee 2 copies of such report or publication.
- (4) The Committee may, with the approval of Cabinet, revoke a permit given under this section without assigning any reason to the permit-holder.

4 Committee may impose conditions

A permit issued under section 3 may specify, in regard to the acts which it authorizes, such limitations and conditions as the Committee may consider necessary in order to protect any object of archaeological interest from injury, removal or dispersion, or may authorise excavation and removal of any such object to a place within the Kingdom subject to such limitations and conditions as to the Committee shall seem fit.

5 Committee to be notified of discovery of objects etc.

- (1) Where any person discovers any object of archaeological interest in the course of operations permitted by a permit issued under section 3, he shall, without undue delay, give notice thereof to the Committee.
- (2) Where any person discovers any object of archaeological interest, otherwise than in the course of operations permitted by a permit issued under section 3, he shall, without undue delay, give notice thereof, indicating the precise site and the circumstances of the discovery, to the Committee, and shall, if so instructed by the Committee, deliver such object to the Committee.
- (3) Any person who fails to comply with the provisions of subsection (1) or subsection (2) of this section, as the case may be, shall be guilty of an offence, and shall be liable to a fine of \$200 or to a term of imprisonment not exceeding 3 years or to both such fine and imprisonment.

6 Permit to remove object from Kingdom

- (1) No object of archaeological interest may be removed from the Kingdom unless such removal has been authorised by a permit issued by the Committee with the approval of Cabinet. Such permit shall, so far as is practicable, be in Form B set out in the Schedule hereto.
- (2) The Committee may issue a permit for the removal of an object or objects of archaeological interest either temporarily for scientific examination or display purposes, or permanently, subject to such terms and conditions which may include in cases of temporary removal the provision of guarantees and in the cases of permanent removal the surrender to the Crown of a portion of such object or objects, as the Committee, with the approval of Cabinet, may deem fit, or the Committee may, without assigning the reason, refuse to issue a permit.
- (3) An application for a permit under this section shall be made in writing to the Committee at least 30 days before the date of the proposed removal and shall contain a full description of the object of archaeological interest in respect of which the application is made. Before issuing a permit under this section, the Committee may cause an inspection to be made and may cause the object of archaeological interest to be sealed:

Provided that no such permit shall authorize the removal from the Kingdom of any object of archaeological interest except through a customs port of entry and such permit shall be surrendered to a customs officer before export is effected. A customs officer shall detain any object of archaeological interest until such permit shall have been surrendered. Any object of archaeological interest may be confiscated and disposed of

as the Committee may direct if such permit is not produced and surrendered within a reasonable period of time.

7 Power to inspect and to stop work

- (1) The Committee may, at any time, inspect work being done in connection with objects of archaeological interest and may order cessation of such work pending further orders from Cabinet.
- (2) Any person who fails to comply with an order issued under this section shall be guilty of an offence and shall be liable to a fine of \$200 or to a term of imprisonment not exceeding 3 years or to both such fine and imprisonment.

8 Penalty

A person who commits an offence against this Act or regulations made under this Act shall, where no other penalty is provided, be liable to a fine of \$100 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

9 Regulations

His Majesty in Council may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE

FORM A

PERMIT TO SEARCH AND REMOVE

Subject to the Act and any regulations made thereunder and to the limitations and conditions set out hereunder,

of is hereby authorised to search in the Kingdom either by means of excavation or surface operations for objects of archaeological interest and to remove such objects from the site on which they are found to

Committee on Tongan Traditions

Nuku'alofa thisday of 20

Conditions:—

FORM B

PERMIT TO REMOVE

Subject to the Act and any regulations made thereunder and to the terms and conditions set out hereunder,

of is hereby authorised to remove

from the Kingdom by air/ship through the port of

the following objects of archaeological interest—

Committee on Tongan Traditions.

Nuku'alofa thisday of 20

Conditions:—

ENDNOTES

¹ 1988 Revised Edition Cap. 90 - Act 15 of 1969