

Museum Act
- ACT no. 473 of 07/06/2001

BE IT KNOWN that the Folketing has enacted and We Margrethe the Second, by the Grace of God, Queen of Denmark, have given Our Royal Assent to the following Act:

Chapter 1 - Purpose

1. The purpose of this Act shall be to promote museum work and cooperation with a view to safeguarding Denmark's cultural and natural heritage and securing access to and knowledge about this heritage and its interaction with the world around us.

(2) Unless otherwise provided, the provisions of this Act shall apply to state-owned museums under the Ministry of Culture and to non-state museums receiving state subsidies pursuant to the Act.

2. Through collection, registration, conservation, research and communication the museums shall

- i) Work for the safeguarding of Denmark's cultural and natural heritage,
- ii) Illustrate cultural, natural and art history
- iii) Expand the collections and documentation within their respective areas of responsibility,
- iv) Make the collections and documentation accessible to the general public, and
- v) Make the collections and documentation accessible for research, and communicate the results of such research.

3. The museums shall collaborate to promote the tasks referred to in Section 2.

Chapter 2 - The cultural heritage museums

4. The cultural heritage museums illustrate change, variation and continuity in the living conditions of human beings from prehistoric times to the present.

5. The National Museum of Denmark is the principal cultural heritage museum in Denmark, cf. Section 12. The responsibility of the Museum shall be to illustrate Denmark's culture and the world's cultures and their interdependence.

(2) With regard to Danish culture, the Museum shall establish and maintain representative collections.

(3) The Museum shall render its collections visible and put them into perspective through participation in international cooperation.

(4) The collections of the Museum shall provide the basis for research and for the Museum's general educational activities.

(5) The National Museum shall be in charge of the archaeological investigations referred to in Chapter 8 which are not assigned to other museums by the Minister for Culture.

Chapter 3 - The art museums

6. The art museums shall illustrate the history and current expression of visual arts and their aesthetic and cognitive dimensions.

7. The National Gallery of Denmark is the principal museum for visual arts in Denmark, cf. Section 12. The responsibility of the Gallery shall be to illustrate Danish and foreign visual arts, primarily from the western world after 1300 AD.

(2) With regard to Danish art, the National Gallery shall establish and maintain representative collections.

(3) The Gallery shall render its collections visible and put them into perspective through participation in international cooperation.

(4) The collections of the Gallery shall provide the basis for research and for the Gallery's general educational activities.

Chapter 4 - The natural history museums

8. The natural history museums shall illustrate nature, its development, the present environment and interaction with human beings.

9. The Zoological Museum, the Geological Museum and the Botanical Museum under the University of Copenhagen, together with the Botanic Garden under the University of Copenhagen, constitute the Danish Museum of Natural History and perform the principal museum tasks within the area of natural history, cf. Section 12. The responsibility of the Museums shall be to illustrate nature from its origin to the present.

(2) With regard to Denmark's nature, the Museums shall establish and maintain representative collections.

(3) The Museums shall render their collections visible and put them into perspective through participation in international cooperation.

(4) The collections of the Museums shall provide the basis for research and for the Museums' general educational activities.

Chapter 5 - State-owned museums

10. The state-owned museums, including the principal museums, shall participate in national and regional cooperation with state-subsidised museums, cf. Chapter 6. They shall draw up work plans to be submitted every four years to the appropriate Museum Council, cf. Chapter 7, and to the Minister for Culture.

11. The state-owned cultural heritage museums and art museums shall regularly report objects and documentation to the Central Register of Cultural History or to the Central

Register of Art, cf. Section 39.

(2) In special cases the state-owned museums may separate objects from the collections, subject to the approval of the Minister for Culture. With regard to the museums listed in Section 9, such approval shall be granted by the Minister of Education.

12. The principal state-owned museums shall render professional assistance to the other state-owned museums and to state-subsidised museums. The Minister for Culture may lay down detailed rules in this respect. Within the area of natural history the rules shall be laid down in consultation with the Minister of Education.

(2) The principal state-owned museums shall perform special preservation tasks for the other state-owned museums and for state-subsidised museums according to rules laid down by the Minister for Culture. Within the area of natural history the rules shall be laid down in consultation with the Minister of Education.

(3) The costs for special preservation tasks shall be defrayed by the museum which has registered the object or work in its collection.

Chapter 6 - State-subsidised museums

13. The Minister for Culture may approve a museum as entitled to subsidies with a view to the museum assuming responsibility for a specific area within the national museum collaboration, cf. Section 3.

(2) If a museum has been approved, the Minister for Culture shall grant a subsidy for running the museum. Such subsidy shall be granted pursuant to Section 15 or Section 16 or under both schemes.

(3) The Minister for Culture may withdraw the approval if the museum fails to fulfil the conditions stated in Section 14.

(4) If a state-subsidised museum fails to fulfil the conditions for approval, cf. subsection (3), the Minister for Culture shall decide how the interest of the general public in its collections shall be safeguarded, after negotiation with the main contributor of funds to the museum.

14. To obtain and maintain subsidies pursuant to Sections 15 and 16 the museum shall fulfil the following conditions:

i) The museum shall be owned by a local authority or a county or be an independent institution, or be owned by an association with the object of running the museum. The Minister for Culture may demand that the museum be separate, administratively and financially, from other institutions to the extent that this is possible.

ii) The museum's area of responsibility and changes thereto shall be approved by the Minister for Culture. Approval shall require that the area is significant and is not already covered by other state-owned or state-subsidised museums.

iii) The statutes of the museum shall be approved by its main contributor of funds. The museum's area of responsibility shall be stated in the statutes.

iv) The Board of the museum shall include at least one representative of the local authorities

providing subsidies. The Board cannot be self-elective.

v) The museum shall have a financial basis enabling it to maintain a reasonable standard.

vi) The museum shall have a reasonable professional standard and its buildings shall be of a reasonable standard.

vii) The head of the museum shall have relevant professional qualifications and be employed on a full-time basis. The museum shall have staff with professional qualifications corresponding to the museum's main area of responsibility.

viii) The museum shall cooperate with other state-owned and state-subsidised museums at national and regional level. The museum shall draw up a work plan to be submitted every four years to the Museum Council and the Minister for Culture, and to the museum's main contributor of funds.

ix) The museum may not separate objects from the collections to other museums than state-owned or state-subsidised museums, except with permission from the Minister of Culture.

x) The museum shall regularly report objects and documentation to the Central Register of Cultural History or to the Central Register of Art, cf. Section 39.

xi) The museum shall be open to the public during previously announced hours.

xii) The museum shall, free of charge, admit school pupils visiting the museum as part of their education. Taking into account the nature of the institution, the museum shall make special communication efforts, e.g. discount schemes, aimed at children.

xiii) The museum shall aim to ensure the greatest possible accessibility for the disabled.

xiv) The museum shall submit annual budgets, accounts and reports to the main contributor of funds to the museum, and to the Minister for Culture.

(2) The Minister for Culture may lay down detailed rules concerning the implementation of the provisions in subsection (1).

(3) In connection with the conclusion of regional cultural agreements the Minister for Culture may depart from the provisions in subsection (1) (iii), (iv) and (xiv), and subsection (2).

(4) The Minister for Culture may depart from the provision in subsection (1) (vii), 1st clause, under special circumstances.

15. Subsidies under the general subsidy scheme shall be fixed on the basis of non-state subsidies and the appropriation in the Finance Act for this purpose. The subsidies shall be calculated on the basis of the latest audited accounts.

(2) In the annual Finance Act a minimum shall be fixed for the non-state subsidy for each museum, which shall be included in the basis for calculation of the state subsidy pursuant to subsection (1).

(3) Rent, mortgage interest and mortgage payments shall be set off in the non-state subsidies forming the basis for the calculation of the state subsidy according to subsection (1).

(4) A ceiling shall be fixed in the annual Finance Act for the non-state subsidy for each individual museum, which shall be included in the basis for calculation of the state subsidy pursuant to subsection (1). If the museum is run jointly by several municipalities, this ceiling may be raised so that the state subsidy constitutes an amount equivalent to the sum of the state subsidies which could be released by the individual subsidies from the participating municipalities.

(5) The Minister for Culture may, in unique circumstances, consent to the state subsidy being calculated on the basis of non-state subsidies lying below the minimum fixed in accordance with subsection (2).

(6) The Minister for Culture may lay down detailed rules concerning calculation of subsidies, including rules concerning joint operation by several municipalities.

(7) In connection with the conclusion of regional cultural agreements the Minister for Culture may depart from the provisions in subsections (1)-(6).

16. The Minister for Culture may grant special operational subsidies for state-subsidised museums performing tasks of special importance, including being responsible for a specialist professional area.

(2) The Minister for Culture may grant subsidies for joint tasks, acquisitions and other museum activities.

(3) The Minister for Culture may grant subsidies for the development of the museum area.

(4) The Minister for Culture may lay down detailed rules concerning submission and treatment of applications, granting of subsidies and determination of conditions for the use of subsidies, etc. in respect of subsidies pursuant to subsections (1)-(3).

(5) In connection with the conclusion of regional cultural agreements the Minister for Culture may depart from the provisions in subsections (1)-(3).

17. If a state-subsidised museum discontinues its activities, the Minister for Culture shall decide on the future of the museum's collections after negotiation with the main contributor of funds.

(2) If the statutes of the museum are contrary to the provision in subsection (1), this shall be approved by the Minister for Culture.

Chapter 7 - Museum Councils

18. In each county the county council shall set up a Museum Council comprising the following members: All state-owned and state-subsidised museums in the county shall appoint two members each, the county council shall appoint two members, and the association of municipalities or the local councils, respectively, in the county shall appoint two members.

(2) Up to two representatives from each museum in the county not represented pursuant to subsection (1) may join the Council.

(3) The individual council and the association of municipalities or the local councils, respectively, may each decide not to be represented on the Museum Council.

(4) Members shall be appointed for terms of four years. The term of the Councils shall start three months after the commencement of each new local election period.

(5) The Minister for Culture may depart from subsection (1) as regards the composition of the Council, if the persons to appoint the members pursuant to subsection (1) so agree.

19. The Museum Council's responsibilities shall be to coordinate and promote the work of the museums in the county. The Council shall also cooperate with the Minister for Culture in respect of common museum matters.

(2) The Museum Council shall receive work plans from museums in the county and shall on this basis prepare an overall, regional work plan. The work plan shall be submitted to the Minister for Culture every four years.

20. For museums in the municipalities of Copenhagen and Frederiksberg, the municipalities shall jointly set up a Museum Council. The Minister for Culture shall lay down rules concerning the composition of this Council. Sections 18 (4) and 19 (1) shall apply correspondingly to this Council.

(2) The Museum Council shall receive work plans from museums in the municipalities of Copenhagen and Frederiksberg and shall on this basis prepare an overall work plan for the two municipalities. The work plan shall be submitted to the Minister for Culture every four years.

21. The county councils and the local councils in the municipalities of Copenhagen and Frederiksberg shall defray the costs for the work of the Museum Councils.

22. In special cases, including in connection with the conclusion of regional cultural agreements, the Minister for Culture may depart from the provisions in Sections 18, 19 (1) and 20 (1).

Chapter 8 - Securing the cultural and natural heritage in connection with the physical planning and preparation of excavation work, etc., including archaeological and natural-historical excavation tasks in relation thereto

23. Through cooperation with the planning and conservation authorities, the Minister for Culture and the state-owned and state-subsidised museums shall work to preserve significant assets worthy of preservation for posterity.

(2) The planning authorities shall involve the relevant state-owned or state-subsidised cultural heritage museum when preparing a regional, municipal or local plan affecting assets worthy of preservation.

(3) The museums shall perform document control in the consultation phase regarding published planning material and may perform investigation and documentation tasks within their areas of responsibility with a view to ensuring that the planning material takes into account the presence of significant assets worthy of preservation.

(4) The Minister for Culture shall inform the planning authorities of the presence of

significant assets worthy of preservation which are of importance to planning.

24. The local and county councils shall inform the relevant cultural heritage museum not later than at the time of granting building permission, permission to extract raw materials or an exemption from the rules on preservation of ancient relics or monuments under the Danish Act on the Preservation of Nature.

(2) When granting building permission the local council shall inform the applicant of the contents of Section 25-27 of this Act.

(3) The local council shall inform the relevant cultural heritage museum of applications received for demolition or other building projects which will entail significant changes in the use or function of buildings, settlements or other cultural heritage.

25. The client or the person at whose expense excavation work is to be performed on land may prior to commissioning the work request a statement from the relevant cultural heritage museum.

(2) When the museum has received a request, it shall issue a statement with an opinion as to whether the work which is the subject of the request involves a risk of damaging significant ancient relics or monuments. If the museum assesses that such a risk exists, the matter shall be submitted to the Minister for Culture. The statement in question shall also indicate whether it would be necessary to perform an archaeological investigation, etc., cf. Section 27 (3)-(10).

(3) The museum shall forward its statement to the client or the person at whose expense the excavation work is to be performed not later than four weeks after receipt of the request. Should the scope of the excavation work render it necessary to conduct major preliminary investigations, cf. Section 26 (2), the museum's response time may be extended to six weeks.

26. The cultural heritage museum shall defray the costs for document control and any minor preliminary investigation required as a basis for the statement from the museum, cf. Section 25.

(2) If a major preliminary investigation is to be performed, the costs shall be defrayed by the person at whose expense the excavation work is to be performed. The work can only be commissioned with the approval of that person. In special cases the Minister for Culture may grant a subsidy for such preliminary investigation. If the reason for the preliminary investigation is excavation work in connection with erosion or excavation work performed in relation to cultivation of ordinary agricultural crops or in relation to general forestry, the costs of the preliminary investigation shall be defrayed by the Minister for Culture. In respect of cases where operations are managed by a state or local authority, the costs shall, however, be defrayed by that authority.

(3) The Minister for Culture may lay down detailed rules concerning the preliminary investigations conducted by the museums pursuant to subsections (1) and (2).

27. The archaeological cultural heritage includes traces of human activities left from earlier ages, i.e. structures, constructions, groups of buildings, settlements, tombs, burial places, movable objects, and monuments and the context in which these traces are placed.

(2) If traces of ancient relics or monuments are found during excavation work, the work must be suspended to the extent that it affects the ancient relic or monument. The Minister for

Culture or the nearest state-owned or state-subsidised cultural heritage museum shall immediately be notified of the ancient relic or monument. Objects found which are not treasure trove, cf. Section 30 (1), shall at the request of the Minister for Culture or the relevant cultural heritage museum be handed in to the relevant state-owned or state-subsidised museum to be included in the museum's collection.

(3) As early as possible the Minister for Culture shall decide whether the work can continue or whether it shall be suspended until an archaeological investigation has taken place, or until the issue of acquisition pursuant to subsection (8) has been settled. Not later than one year after receipt of the notification the work may be resumed, unless the Minister for Culture has recommended acquisition of the ancient relic or monument pursuant to subsection (8).

(4) The costs for the archaeological investigation shall be defrayed by the person at whose expense the excavation work is to be performed.

(5) The costs shall, however, be defrayed by the Minister for Culture, if

i) the reason for the investigation is erosion or excavation work in connection with erosion, or excavation work performed in relation to cultivation of ordinary agricultural crops or in relation to general forestry, unless operations are managed by a state or local authority, in which case the costs shall, however, be defrayed by that authority,

ii) the cultural heritage museum in its statement pursuant to Section 25 has stated that the excavation work shall not involve a risk of damage to significant ancient relics or monuments, or

iii) the ancient relic or monument is preserved pursuant to the Danish Act on the Preservation of Nature or acquired with a view to preserving the site pursuant to subsection (8).

(6) In special cases the Minister for Culture may grant a subsidy for costs for archaeological investigations conducted pursuant to subsection (3), cf. subsection (4).

(7) Losses incurred by private landowners from not being able to continue their activities while the investigation is being conducted, or until the issue of acquisition pursuant to subsection (8) has been finally settled, shall be compensated by the Minister for Culture. If agreement cannot be reached on the size of the reimbursement, it shall be determined by the appraisal commission mentioned in the Danish Act on the Preservation of Nature.

(8) If the Minister for Culture finds that the relevant ancient relic or monument should be preserved for posterity on site, the Minister for Culture may acquire the ancient relic or monument and any surrounding land. Such acquisition may take place through expropriation pursuant to the rules of the Danish Act on the Procedure for Expropriation of Real Estate.

(9) The Minister for Culture, or a person authorised by the latter, may at any time claim access without a court order to places where excavation work is being carried out and where such finds as referred to in subsection (1) have appeared or are likely to appear during the work. Identification shall be produced upon request. The police shall render the necessary assistance to enforce this right of access.

(10) The Minister for Culture may lay down detailed rules concerning the archaeological

investigation activities pursuant to subsection (3) and the implementation of the provisions in subsections (4)-(6).

28. Any person who finds an ancient relic or monument, including shipwrecks, cargo or parts of such wrecks, which at any time must be assumed lost more than 100 years ago, in watercourses, in lakes, in territorial waters or on the continental shelf, but not beyond 24 nautical miles from the base lines from which the width of outer territorial waters is measured, shall immediately notify the Minister for Culture.

(2) Objects to which subsection (1) apply shall belong to the state, unless any person proves that he or she is the rightful owner.

(3) The Minister for Culture shall decide on archaeological investigation of objects belonging to the state.

(4) Under special circumstances the Minister for Culture may depart from the age criterion in subsection (1) in connection with archaeological investigations pursuant to subsection (3).

(5) Any person who gathers up an object belonging to the state, and any person who gains possession of such an object, shall immediately deliver it to the Minister for Culture. The Minister for Culture shall distribute such objects among relevant museums. The person who has gathered up the object cannot claim salvage money, but the Minister for Culture may pay a reward to the person concerned.

(6) Notwithstanding the provision in subsection (1), the following provisions in the legislation on stranding of wreckage relating to the salvaging of wreckage or other objects from the sea bed shall apply:

i) the provisions concerning persons entitled to gather up objects, including the provisions relating to prior permission,

ii) the provisions concerning reporting of objects so gathered, and

iii) the provisions concerning summoning of the owner of the objects so gathered.

29. Should a natural-historical object which is unusual to the location in question be found during excavation work, extraction of raw materials, or quarry work, the work shall be suspended in so far as it affects the object. The find shall be reported immediately to the Minister for Culture or the nearest state-owned or state-subsidised natural history museum. Objects found which are not fossil trove, cf. Section 31, shall at the request of the Minister for Culture or the museum in question be handed over to the relevant state-owned or state-subsidised museum to be included in the museum's collection.

(2) As early as possible the Minister for Culture shall decide whether the work can continue or whether it shall be suspended until an investigation has taken place. Such an investigation shall take place as soon as possible. The costs for the investigation shall be defrayed by the Minister for Culture. In respect of cases where excavation work is being carried out by a state or local authority, the costs shall, however, be defrayed by that authority.

(3) Losses incurred by private landowners from not being able to continue their activities while the investigation is being conducted shall be compensated by the Minister for Culture, pursuant to the provisions of Section 27 (7).

(4) The Minister for Culture, or a person authorised by the latter, may at any time claim access without a court order to places where excavation work is being carried out and where such objects as referred to in subsection (1) have appeared or are likely to appear during the work. Identification shall be produced upon request. The police shall render the necessary assistance to enforce this right of access.

(5) The Minister for Culture may lay down detailed rules concerning natural-historical investigations pursuant to Subsection (2).

Chapter 9 - Treasure trove and fossil trove

30. Objects of the past, including coins found in Denmark, of which no one can prove to be the rightful owner, shall be treasure trove (danefæ) if made of valuable material or being of a special cultural heritage value.

(2) Treasure trove shall belong to the state. Any person who finds treasure trove, and any person who gains possession of treasure trove, shall immediately deliver it to the National Museum of Denmark.

(3) The National Museum shall pay a reward to the finder. The amount shall be fixed by the National Museum on the basis of the value of the material and rarity of the find and also of the care with which the finder has safeguarded the find.

(4) If treasure trove is found in connection with archaeological investigations headed by a state-owned or state-subsidised museum or is otherwise financed, wholly or in part, by public funds, no treasure trove reward shall be paid to the finder. In special cases, however, the National Museum may pay a reward to the owner or user of the area where the investigation takes place.

(5) Treasure trove shall be included in the collections of the National Museum, and the Museum may deposit it in other state-owned or state-subsidised museums at their request. Where agreement cannot be reached between the National Museum and another museum on the deposit of a new treasure trove find, the Minister for Culture shall decide.

31. A geological object or a botanical or zoological object of a fossil or subfossil nature or a meteorite found in Denmark is fossil trove (danekræ) if the object is of unique scientific or exhibitional value.

(2) Fossil trove shall belong to the state. Any person who finds fossil trove, and any person who gains possession of fossil trove, shall immediately deliver it to the Danish Museum of Natural History, cf. Section 9.

(3) The Danish Museum of Natural History shall pay a reward to the finder. The amount shall be fixed by the Danish Museum of Natural History on the basis of the value of the material and rarity of the find and also of the care with which the finder has safeguarded the find.

(4) If fossil trove is found in connection with scientific investigations headed by a state-owned or state-subsidised museum or is otherwise financed, wholly or in part, by public funds, no treasure trove reward shall be paid to the finder. In special cases, however, the Danish Museum of Natural History may pay a reward to the owner or user of the area where the

investigation takes place.

(5) The object shall be included in the collections of the Danish Museum of Natural History, and the Museum may deposit it in other state-owned or state-subsidised museums at their request. Where agreement cannot be reached between the Danish Museum of Natural History and another museum on the deposit of a new fossil trove find, the Minister for Culture shall decide after negotiation with the Minister of Education.

(6) These provisions shall not apply to objects introduced to the area with aid from human beings.

Chapter 10 - Special provisions

32. The Minister for Culture may approve that the state assume the insurance risk for works borrowed from Denmark and abroad for major exhibitions of artistic or cultural significance at Danish museums and exhibition sites which are specially approved for this purpose.

(2) The Minister for Culture may lay down detailed rules in this respect.

33. No museum may acquire an object if the object has been exported from another country contrary to the legislation of that country and the matter is subject to an international agreement which has been signed by the country in question and Denmark.

(2) If an acquisition has been made contrary to subsection (1), the object shall be returned in accordance with the international agreement mentioned in subsection (1).

Chapter 11 - Accounts and auditing

34. The Minister for Culture shall lay down rules for submitting accounts and performing audits in respect of subsidies granted pursuant to this Act.

(2) The Minister for Culture shall lay down rules for submitting accounts and the basis for subsidies for museums to which the Danish Act on Regional Cultural Agreements applies.

35. The Minister for Culture may obtain further material from recipients of subsidies for use in connection with a closer review of the accounts by the National Audit Office of Denmark.

36. Subsidies pursuant to this Act may be paid out in advance.

37. The Minister for Culture may decide that disbursement of subsidies shall lapse, and that subsidies already disbursed shall be repaid, if the recipient does not fulfil the conditions for the subsidies or does not perform the activities presumed.

Chapter 12 - Administration

38. The Minister for Culture may authorise an agency set up under the Ministry of Culture to execute the powers conferred on the Minister for Culture pursuant to this Act.

(2) The Minister for Culture may lay down rules concerning access to complain about professional museum decisions made by authority pursuant to subsection (1), including that

complaints about decisions concerning Section 16 (2) of the Act cannot be submitted to the Minister for Culture.

39. The Minister for Culture shall keep a Central Register of Cultural History and a Central Register of Art. The Minister for Culture shall make the registers available to the public and to relevant authorities.

Chapter 13 - Penalty provisions

40. Any person who

i) violates Section 27 (2), Section 28 (1) and (5) 1st clause, Section 29 (1), Section 30 (2) 2nd clause, Section 31 (2) 2nd clause and Section 33 or

ii) disregards a decision pursuant to Section 27 (3) and Section 29 (2) concerning suspension of work

shall be liable to a fine.

(2) Where violation of Section 27 (2), Section 28 (1) and (5) 1st clause, Section 29 (1), Section 30 (2) 2nd clause or Section 31 (2) 2nd clause is intentional and the person in question or others have achieved or sought to achieve a financial advantage, and the violation has furthermore taken place under aggravating circumstances, the penalty may be increased to imprisonment for a period of up to one year.

(3) Companies, etc. (legal entities) may be held liable under Chapter 5 of the Danish Penal Code.

Chapter 14 - Concluding provisions

41. This Act shall come into force on 1 January 2002. At the same time, the Act on Museums, etc., cf. Consolidated Act no. 739 of 17 July 2000, shall be repealed. Section 27 (4)-(7) of this Act shall take effect on 1 January 2003. Until 1 January 2003 the financing principles previously applying shall be maintained for archaeological excavation tasks, cf. Section 26 (3) of the Act on Museums, etc., cf. Consolidated Act no. 739 of 17 July 2000.

42. This Act shall not entail any changes to the special rules applying to the Royal Danish Collection at Rosenborg.

43. In the Danish Act on the Preservation of Nature, cf. Consolidated Act no. 835 of 1 November 1997, as most recently amended by Section 9 of Act no. 447 of 31 May 2000, the following amendments shall be made:

1. The wording of Section 14 shall be as follows:

»Section 14. No changes shall be made to the condition of ancient relics or monuments on the sea bed, if they are in territorial waters and on the continental shelf, but not beyond 24 nautical miles from the base lines from which the width of outer territorial waters is measured.

(2) No changes shall be made to the condition of wrecks of ships or cargo which must be assumed lost more than 100 years ago, if they are in the areas stated in subsection (1), in watercourses or in lakes.

(3) The Minister for Environment and Energy may decide that wrecks of ships or other vessels lost less than 100 years ago shall be subject to the provision in subsection (2).

(4) In connection with construction work or an activity on the sea bed the Minister for Environment and Energy may demand that the person responsible for the construction work or activity perform a marine archaeological preliminary investigation.«

2. The following shall be inserted after Section 14:

»14 a. If traces of ancient relics or monuments or wrecks to which Section 14 (1) and (2) apply are found during construction work or an activity on the sea bed, the Minister for Culture shall be notified of the find in accordance with the provisions of the Museum Act, and the work shall be suspended.

(2) Within four weeks of the notification the Minister for Environment and Energy shall decide whether the work shall continue or whether it shall be suspended until a marine archaeological investigation has been conducted. A marine archaeological investigation shall be conducted as soon as possible. Conditions for resuming the work may be laid down.

(3) The costs for investigating and possibly securing the ancient relic or monument or wreck found shall be defrayed by the person responsible for the construction work or activity.«

3. In Section 65 (1), the following shall be inserted as the 2nd and 3rd clauses:

»In connection with the treatment of cases concerning exemptions from the provisions in Section 14 (1) or (2), and in connection with decisions pursuant to Section 14a (2), a professional cultural-historical statement may be obtained from the Minister for Culture. When an exemption from Section 14 (1) or (2) is granted, conditions may stipulated, including that a marine archaeological investigation be conducted at the cost of the applicant.«

4. In Section 78 (4) 1st clause, after »Section 11 (1) and (2)«, the following shall be added: »Section 14a (2)«,«.

5. In Section 89 (1) 1st clause after »Section 14 (1) and (2)«, the following shall be added: »Section 14a, (1)«,«.

44. In Act no. 332 of 4 June 1986 on securing cultural values in Denmark, the following amendment shall be made:

1. The wording of Section 5 (1) shall be as follows:

»Export permission shall be granted by the Cultural Assets Commission, comprising the Director of the National Museum of Denmark, the Director of the National Gallery of Denmark, the Director General of the Danish Royal Library, the Danish National Archivist and a member appointed by the Minister for Culture, who must be the head of a non-state museum. The representative of the non-state museum sector shall be appointed for a term of four years. The Commission shall elect a chairman and a vice chairman from among its members.«

45. This Act shall not apply to the Faroe Islands and Greenland.

Given at Christiansborg Castle on 7 June 2001

Under Our Royal Hand and Seal

Margrethe R.

/Elsebeth Gerner Nielsen

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