



Museums Act

Tagasi | Originaal(et) | Paralleeltekst | Ava tekst uues aknas

Museums Act

Passed on 13 November 1996

(RT¹ I 1996, 83, 1487),

entered into force 14 December 1996,

amended by the following Acts:

13.04.2004 entered into force 01.05.2004 - RT I 2004, 28, 188;

29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126;

05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336;

17.10.2001 entered into force 01.07.2002 - RT I 2001, 88, 531;

27.02.2002 entered into force 01.04.2002 - RT I 2002, 27, 153;

31.05.2000 entered into force 26.06.2000 - RT I 2000, 47, 286;

03.12.97 entered into force 03.01.98 - RT I 1997, 93, 1559.

Chapter 1

General Provisions

§ 1. Purpose of Act

This Act provides the bases for the activities of museums and the organisation of museum collections.

§ 2. Scope of application of Act

(1) The Museums Act regulates the activities of state museums, municipal museums and museums of legal persons in public law.

(2) This Act regulates the activities of private museums only insofar as it is directly specified in this Act. For the purposes of this Act, a museum operating as a legal person in private law or its structural unit or a museum belonging to a natural person is deemed to be a private museum.

§ 3. Legal status and function of museum

(1) A state museum is a state agency within the area of government of and administered by a

ministry or a state agency administered by a county government.

- (2) A municipal museum is a local government agency.
- (3) A museum of a legal person in public law is a structural unit of the person.
- (4) A museum shall collect, study and preserve things of cultural value relating to humans and their environment and relating to a specific field and shall organise the communication thereof to the public for scientific, educational and entertainment purposes.
- (5) A museum shall operate pursuant to this Act, other legislation, international agreements regarding safeguarding of the cultural heritage and its statutes.

§ 4. Definition of museum object or museum collection

- (1) A museum object is a thing of cultural value registered in a museum.
- (2) A museum collection is a collection of museum objects located in a museum, which may be divided into subcollections according to the groups or types of museum objects.

Chapter 2

Organisation of Activities of Museums

§ 5. Foundation of museum and notification of foundation

- (1) A state museum shall be founded by a ministry or a county government pursuant to the procedure established by the Government of the Republic.
- (2) A municipal museum shall be founded by the rural municipality or city government by a resolution of the local government council.
- (3) A museum of a legal person in public law shall be founded by the person according to its competence.
- (4) The founder shall notify the Ministry of Culture of foundation of a museum in writing. The notice shall set out the name, field, seat and telecommunications numbers of the museum. The Ministry of Culture has the right to demand the submission of additional information.
- (5) The notification obligation provided for in subsection (4) of this section also applies to private museums.

§ 6. Statutes of museum

- (1) The functions and organisation of management of a state museum and municipal museum, the rights and obligations of its director, the structure and other important matters relating to the

organisation of activities of a museum are provided for in the statutes. The statutes of a state museum shall be approved by a minister or county governor as appropriate and the statutes of a municipal museum shall be approved by the local government council.

(2) Matters relating to organisation of the activities of a museum of a legal person in public law shall be determined by the person.

§ 6¹. Filling position of director of state museum

(1) The director of a state museum shall be elected to office by way of a public competition for up to five years.

(2) The requirements for an applicant for the position of director of a state museum and the conditions of and procedure for the conduct of a public competition shall be approved and an employment contract with the director shall be entered into by the minister who directs the ministry under whose area of government the museum belongs or by the county governor who directs the county government which administers the museum.

(31.05.2000 entered into force 26.06.2000 - RT I 2000, 47, 286)

§ 7. Museums Board

(1) The Museums Board is an advisory body which operates within the Ministry of Culture consisting of representatives of museums and founders of museums.

(2) The Museums Board shall make proposals and express opinions concerning all issues arising from this Act. The Museums Board has the right to examine the activities of a museum and the condition of museum collections on site.

(3) The staff and statutes of the Museums Board shall be approved by the Minister of Culture.

§ 8. Central museum and county museum

(1) A central museum is a state museum within the area of government of and administered by a ministry and the collections of the central museum represent a field comprehensively and provide methodological guidance to museums in the specified field.

(2) A county museum is a state museum administered by the county government and the collections of the county museum comprehensively represent the history and nature of the county and the activities of people characteristic of the county, and provide methodological guidance to the museums located in the county.

- (3) Central museums shall be determined by the Government of the Republic. County museums shall be determined by the Minister of Culture.
- (4) Central museums and county museums provide methodological guidance to private museums at their request.
- (5) The functions of a central museum and county museum may be performed by a private museum on the basis of a contract on the condition that the private museum operates as a foundation founded by the state or with the participation of the state (hereinafter private museum operating as a foundation).
(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)
- (6) The transfer of the functions of a central museum to a private museum operating as a foundation shall be decided by the Riigikogu² on the proposal of the Government of the Republic and the transfer of the functions of a county museum to a private museum operating as a foundation shall be decided by the Minister of Culture on the proposal of the county governor.
(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)
- (7) A minister shall enter into a contract with a private museum operating as a foundation for performance of the functions of a central museum and a county governor shall enter into a contract with a private museum operating as a foundation for performance of the functions of a county museum. The requirements for contracts under public law provided for in the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375) apply to the contract.
(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

§ 9. Financing of museums

- (1) The activities of a museum shall be financed according to the placement of the museum from the state budget, rural municipality or city budget or the funds of a legal person in public law.
- (2) Allocations from the state budget may be made to a local government on the proposal of the Ministry of Culture in order to finance a municipal museum.
- (3) Municipal museums, museums of legal persons in public law and private museums may receive financing from the state budget through the Ministry of Culture. Private museums may receive financing on the condition that their activities correspond to the functions provided for in subsection 3 (4) of this Act.
- (3¹) If a contract for the performance of functions provided for in subsection 8 (5) of this Act

or for the use of a museum collection provided for in § 22¹ of this Act has been entered into with a private museum operating as a foundation, the contract shall set out the amount of the financing granted by the state for the specified activities, its intended use and the procedure for the submission of reports concerning use of the financing.

(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

(4) A museum may receive funds from donations, fee-charging services related to the main activity of the museum and revenue from foundations and endowments.

(5) The list of fee-charging services related to the main activity of a museum and the procedure for determination of the fee shall be approved by the minister who directs the ministry under whose area of government the museum belongs or by the county governor who directs the county government which administers the museum.

§ 10. Property in possession of museum

(1) Property in the possession of a museum shall be possessed, used and disposed of pursuant to the procedure provided for in the State Assets Act (RT I 1995, 22, 327; 1996, 36, 738; 40, 773; 48, 942).

(2) Property in the possession of a municipal museum or a museum of a legal person in public law shall be possessed, used and disposed of pursuant to the procedure established by the local government council or legal person in public law.

§ 11. Reporting

(1) A museum shall submit reports prescribed by legislation on its activities.

(2) A private museum shall submit statistical reports according to the procedure established for state museums, municipal museums and museums of legal persons in public law.

§ 12. Exercise of supervision over museum collections

(1) Supervision over the museum collections of state museums, municipal museums and museums of legal persons in public law, and over the museum collections used by private museums operating as foundations shall be exercised by officials of the Ministry of Culture or by a committee formed by the Minister of Culture (hereinafter supervisory authority).

(2) A supervisory authority shall exercise supervision over:

1) compliance with the procedure for the registration of museum objects;

- 2) the documents concerning the registration of museum objects;
- 3) the condition of a museum collection and museum objects;
- 4) the conditions of storage and exhibition of a museum collection;
- 5) the making of inventories;
- 6) in the case of a museum operating as a foundation, the use of the museum collections in compliance with the contract entered into by the minister or county governor pursuant to § 22¹ of this Act.

(3) A supervisory authority has the right to demand documents relating to a museum collection and oral and written explanations from employees of the museum responsible for the museum collection in matters which are subject to supervision as provided for in subsection (2) of this section.

(4) A supervisory authority shall prepare a certificate concerning exercise of supervision which sets out a summary of acts performed in the course of supervision and the results of supervision. The certificate shall be approved by the supervisory authority. If a committee is formed for the exercise of supervision, all members of the committee shall sign the certificate. The certificate shall be submitted to the Minister of Culture for information purposes.

(5) If, in the course of exercise of supervision, written explanations or documents relevant to the result of supervision are demanded, these shall be appended to the certificate.

(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

§ 12¹. Rights of supervisory authority

(1) A supervisory authority shall have the right to make proposals regarding the storage conditions of museum collections and regarding maintaining records on museum collections.

(2) If there are deficiencies in documents specified in subsection 12 (2) of this Act or in the preservation conditions of museum collections or museum objects, the Minister of Culture has the right, on the proposal of the supervisory authority, to issue a precept for elimination of the deficiencies, and shall set a reasonable term therefor.

(3) The director of a museum and, in the case of a private museum operating as a foundation, a person responsible for the activities of the museum shall notify the Minister of Culture of compliance with a precept in writing.

(4) The Minister of Culture shall, according to the status of the museum, notify the minister, county governor, rural municipality or city mayor or the management board of the foundation of

failure to comply with a precept.

(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

§ 13. Reorganisation or closure of museum and notification thereof

- (1) A museum is reorganised or closed by the founder who shall notify the Ministry of Culture thereof at least three months before the planned date.
- (2) A state museum is reorganised or closed pursuant to the procedure established by the Government of the Republic.
- (3) A municipal museum is reorganised or closed by a resolution of the local government council.
- (4) The Minister of Culture shall be notified of the merger, division, reorganisation or closure of a museum at least one month before the planned date. The notice of closure shall set out the plans regarding the museum collection.

Chapter 3

Museum Collections

§ 14. Restrictions on use of museum objects

- (1) Museum objects belonging to a museum collection shall not be transferred or granted as security.

(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

- (2) Handing a museum object over to another museum under the conditions and pursuant to the procedure provided for in § 17 of this Act is not deemed to be transfer.
- (3) A museum object may be excluded from a museum collection only on the bases specified in § 19 of this Act.
- (4) The state has a right of pre-emption upon transfer of a museum object belonging to the collection of a private museum which has received financing from the state budget. The provisions of the Law of Obligations Act concerning right of pre-emption apply to the right of pre-emption of a museum object.

(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

§ 15. Prohibition on making of claim for payment

A claim for payment shall not be made on a museum collection and museum objects belonging to

the museum collection.

§ 16. Principles of replenishment of museum collections

(1) A museum collection shall be replenished purposefully on the basis of the principle of integrity of the collection. A museum is independent upon replenishment of its collection.

(2) Upon replenishment of a museum collection, the museum shall, within available means, ascertain the origin of a thing of cultural value such that the museum collection would not contain things which have been acquired illegally in Estonia or in another state or have been exported illegally from another state.

(3) Things of cultural value confiscated by the customs authorities shall be handed over to museums for replenishment of their collections pursuant to the procedure provided for in the customs rules within the meaning of the Customs Act.

(13.04.2004 entered into force 01.05.2001 - RT I 2004, 28, 188)

§ 17. Handing over of museum object

(1) A museum object may be handed over to another museum unless handing over damages the integrity of the museum collection and if the museum object is needed for the replenishment of the collection of another museum.

(2) The handing over of a museum object shall be decided by the founder with the consent of the museum which is handing over. In the case of a municipal museum, handing over of a museum object shall be decided pursuant to the procedure established by the local government council.

(3) The handing over and receipt of a museum object shall be documented in the form of a legal instrument which sets out the person who hands over and the person who receives the museum object, the date of handing over, the date of the initial registration and the number of the museum object and its condition at the time of handing over.

§ 18. Registration, preservation and insurance of museum objects

(1) The procedure for the registration and preservation of museum objects shall be established by the Minister of Culture. The specified procedure is advisory for private museums.

(2) Museum objects shall not be recorded in money. If necessary, a museum object shall be valued on the basis of special interest based on the peculiarities of the museum object without

considering its utility.

(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

(3) Museum objects which are temporarily sent to foreign states are subject to insurance.

§ 19. Bases for exclusion of museum object from museum collection

(1) A museum object shall be excluded from a museum collection if the museum object:

1) has been damaged and cannot be restored;

2) has been destroyed or lost;

3) (Repealed - 31.05.2000 entered into force 26.06.2000 - RT I 2000, 47, 286)

4) is handed over to another museum (§ 17);

5) has been acquired in good faith in violation of the provisions of subsection 16 (2) of this Act and is transferred to the owner or another state.

(2) A written consent of the Minister of Culture is needed for the exclusion of a museum object from a museum collection on the basis provided for in clause (1) 1) of this section. The Minister of Culture has the right to specify groups or types of museum objects consisting of replaceable natural features for the exclusion of which from a museum collection the consent of the minister is not needed.

(31.05.2000 entered into force 26.06.2000 - RT I 2000, 47, 286)

(3) Exclusion of a museum object from a museum collection shall be documented in the form of a legal instrument of the founder.

(31.05.2000 entered into force 26.06.2000 - RT I 2000, 47, 286)

§ 20. Grant of use of museum object

A museum object may be granted for temporary use to other museums, agencies, legal or natural persons for scientific research, exhibition and other purposes if the museum is convinced that the museum object is stored and preserved as required.

§ 21. Things of cultural value deposited with museum

(1) Things of cultural value which are deposited with a museum by agencies, legal and natural persons shall not be included in the museum collection and records thereon shall be maintained pursuant to the procedure established by the Minister of Culture.

(2) If a thing of cultural value is returned to a depositor, the museum shall notify the National Heritage Board thereof.

(03.12.97 entered into force 03.01.98 - RT I 1997, 93, 1559; 27.02.2002 entered into force 01.04.2002 - RT I 2002, 27, 153)

§ 22. Handing over of museum collection upon closure of museum

(1) Upon closure of a museum, a museum collection is handed over to another museum together with the registration documentation.

(1¹) If, upon closure of a museum, a minister or county governor decides to grant the museum collection for use to a private museum operating as a foundation on the bases prescribed in § 22¹ of this Act, the museum collection or registration documentation shall not be handed over to another museum or included in the composition of another museum collection.

(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

(2) Issues relating to the handing over and receipt of museum collections shall be resolved by the Minister of Culture together with the relevant ministries, county governments, local government councils or legal persons in public law.

(3) When formalising the handing over, the condition of each museum object belonging to the museum collection shall be indicated.

(4) The provisions of subsection 14 (4) of this Act apply upon closure of a private museum.

§ 22¹. Use of museum collection by private museum operating as foundation

(1) A museum collection or subcollection may be granted for use to a private museum operating as a foundation free of charge on the basis of a contract if its activities correspond to the purposes provided for in subsection 3 (4) of this Act or the museum operating as a foundation performs the functions of central museum or county museum on the basis provided for in subsection 8 (5) of this Act.

(2) A contract for the use of a museum collection shall be entered into with a minister, if the museum collection of a central museum is granted for use, and with a county governor, if the museum collection of a county museum is granted for use. The requirements for contracts under public law provided for in the Administrative Procedure Act apply to the contract.

(3) A contract entered into with a private museum operating as a foundation shall prescribe duties for the use of the museum collection upon storage and use of the museum collection, the obligation to replenish the museum collection and the term for the use of the museum collection. The contract may prescribe the conditions for charging a fee relating to the use of a museum

collection or performance of the functions of a county museum or central museum for the provision of services to the public.

(4) An instrument of delivery and receipt which contains an inventory of the museum collection and a list concerning the documentation of the museum collection and to which an inventory report on the museum collection is appended shall be prepared regarding grant of use of the museum collection.

(5) Sections 16, 18, 20 and 21 of this Act apply to a private museum operating as a foundation which uses museum collections owned by the state. Exclusion of a museum object from a museum collection on the bases provided for in subsection 19 (1) of this Act shall be decided by the Minister of Culture on the proposal of the private museum.

(6) If a private museum operating as a foundation which uses a museum collection owned by the state is closed, the Minister of Culture shall decide on handing the museum collection over to another museum.

(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

Chapter 4

Implementation of Act

§ 23. Giving notification of museum

The Ministry of Culture shall be notified of municipal museums, museums of legal persons in public law and private museums founded before the entry into force of this Act within two months as of the entry into force of this Act pursuant to the procedure provided for in subsection 5 (4) of this Act.

§ 24. Application of Act to museum of state enterprise

Until a state enterprise is reorganised, the provisions of subsection 11 (1); § 12; subsection 13 (1); subsections 14 (1)-(3); § 15; § 16; subsection 17 (1), the first sentence of subsection 17 (2) and subsection 17 (3); the first sentence of subsection 18 (1) and subsections 18 (2) and (3); §§ 19-21; subsection 22 (1)-(3) of this Act apply to a museum of the state enterprise.

§ 25. Exception to implementation of subsection 14 (3)

The provisions of subsection 14 (3) of this Act do not apply to returning things of cultural value deposited with a museum and included in a museum collection before the entry into force of this

Act.

§ 26. Amendment of § 68 of Customs Act

Subsection 68 (3) of the Customs Act (RT I 1993, 62, 891; 76, 1129; 1994, 30, 466; 1995, 20, 297) is amended by adding a sentence worded as follows:

“Seized things of cultural value shall be transferred free of charge to a state museum specified by the Minister of Culture.”

§ 27. Amendment of § 49 of Code of Enforcement Procedure

Section 49 of the Code of Enforcement Procedure (RT I 1993, 49, 693; 72/73, 1019; 1994, 1, 5; 16, 290; 89, 1515; 1995, 22, 327; 30, 380; 1996, 3, 57; 6, 101) is amended by adding the words “and the museum collections of state museums, municipal museums, museums of state enterprises and museums of legal persons in public law and museum objects belonging to the collections” after the words “state assets”.

§ 28. Specifications for exclusion of museum object from museum collection

Museum objects which, in connection with a handing over upon closure of another museum, have been included in a museum collection before 1 January 2003 may be excluded from the museum collection without considering the bases provided for in subsection 19 (1) of this Act if the museum objects are granted for use to a private museum operating as a foundation.

(29.01.2003 entered into force 13.03.2003 - RT I 2003, 21, 126)

¹ RT = *Riigi Teataja* = *State Gazette*

² Riigikogu = the parliament of Estonia