

Disclaimer

This is the English translation of the *Monumentenwet (1988/2011)* [Monuments and Historic Buildings Act (1988/2011)]. Please note that this English translation is not legally binding. It is the Dutch-language text of the Act that is legally binding. The most recent version of the text of the Act can be found, in Dutch, on the website: <http://www.wetten.nl>.

Further information can be obtained from the Ministry of Education, Culture and Science (www.minocw.nl; e-mail address: ocwinfo@postbus51.nl) or the Agency for Cultural Heritage (www.cultureelerfgoed.nl; e-mail address: info@cultureelerfgoed.nl).

Monuments and Historic Buildings Act 1988

Act of 23 December 1988 replacing the Monuments and Historic Buildings Act

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who see or hear these presents! Be it known:

Whereas we have considered that it is desirable to enact new provisions for the preservation of buildings and sites of architectural and archaeological importance and to involve local authorities more closely in such preservation;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

Chapter I. General provisions

In this Act and the provisions based thereon, the following definitions apply:

- a. Our Minister: Our Minister of Education, Culture and Science;
- b. historic buildings/sites:
 - 1° all structures of at least 50 years of age which are of public interest because of their beauty, their importance to science or their cultural and historical value;
 - 2° sites that are of public interest because of the presence of structures as referred to at 1°;
- c. archaeological monuments: the sites referred to at (b) (2°);

- d.** listed historic buildings/sites: historic buildings/sites that have been entered in the registers established pursuant to this Act;
- e.** ecclesiastical historic buildings/sites: immovable structures that are owned by a religious organisation, by an autonomous part of a religious organisation, by an association of religious organisations or by another organisation with a spiritual basis and which are used solely or predominantly for collective worship or the collective profession of belief;
- f.** urban and village conservation areas: groups of buildings that are of public interest by virtue of their beauty, their spatial or structural coherence or their scientific or cultural/historical value, and that include one or more historic buildings;
- g.** listed urban and village conservation areas: urban and village conservation areas which have been designated as such by Our Minister and Our Minister of Housing, Spatial Planning and the Environment pursuant to section 35 of this Act, with effect from the date on which the designation is published in the Government Gazette;
- h.** carrying out excavations: performing activities which disturb the soil with the aim of identifying or examining historic buildings/sites;
- i.** the Council: the Council for Culture referred to in section 2a of the Cultural Policy (Special-Purpose Funding) Act.

Section 2

- 1.** The purpose for which the historic building/site is used is taken into account for the purposes of this Act.
- 2.** No decision will be taken pursuant to this Act in relation to an ecclesiastical historic building/site except in consultation with the owner.

Chapter II. Listed historic buildings/sites

§ 1. Designation

Section 3

1. Our Minister may designate *ex proprio motu* immovable historic buildings/sites as listed historic buildings/sites.
2. Our Minister may designate on request immovable historic buildings/sites as listed historic buildings/sites, if they are:
 - a. historic buildings/sites as referred to in section 1 (b) (1^o) that date from after 31 December 1939;
 - b. sites as referred to in section 1 (b) (2^o).
3. Before Our Minister gives a decision on the matter, he must seek the advice of the municipal executive of the municipality in which the historic building/site is situated and, if the historic building/site is situated outside the built-up area as defined by the Road Traffic Act 1994, also of the provincial executive.
4. Our Minister must give notice of the request for advice referred to in subsection 3 to those who are entered in the land register database as the owners or limited title-holders and, if designation was requested, the person who submitted the request.
5. The municipal executive must afford the interested parties referred to in subsection 3 the opportunity to be heard and must consult with the owner as referred to in section 2, subsection 2.
6. The municipal executive must issue its advice within five months of the date on which the request for advice referred to in subsection 3 was sent, and the provincial executive within four months of that date.
7. Having heard the Council, Our Minister must give his decision within ten months of sending the request for advice to the municipal executive or, if designation was requested, within ten months of receiving the request.

Section 4

Our Minister must notify the municipal and provincial executives of his decision. If the decision is in favour of designation, the municipal executive must deposit the decision at the municipal secretary's office for inspection. The mayor must publish notice, in the usual way, of the fact that the decision has been deposited for inspection.

Section 5

1. Sections 11 to 29 and section 63, subsections 1 and 3 apply *mutatis mutandis* to an archaeological monument from the date of the notification referred to in section 3, subsection 4 to the date of entry in the register referred to in section 6, subsection 1 or section 7, subsection 4 or the date on which it is established that the archaeological monument will not be entered in one of the registers.
2. During the period referred to in subsection 1,
 - a. section 11, subsection 1 and section 63, subsections 2 and 3; and
 - b. chapters 2, 3, 4 and 6 of the Environmental Permitting (General Provisions) Act in so far as they apply to a listed historic building/site as referred to in section 1.1 of that Act,
apply *mutatis mutandis* to a historic building/site that is not an archaeological monument.

Section 6

1. Our Minister must maintain a register of listed historic buildings/sites for every municipality. He must enter in the register the historic buildings/sites that he designates, provided no application for review or appeal has been lodged against designation or provided such application or appeal has been dismissed.
2. Our Minister must forward a copy of the entry in the register to both the municipal and provincial executives.
3. The copy forwarded to the municipal executive must be deposited for inspection at the municipal secretary's office. Anyone may make a copy of an entry at his own expense.

Section 7

1. If the historic building/site is not situated within the boundaries of any municipality, section 3, subsections 3 to 7, section 4 and section 6 do not apply.
2. Our Minister must hear the Council before he gives a decision in respect of a historic building/site as referred to in subsection 1.
3. If designation has been requested, Our Minister must give his decision within five months of receiving the request.
4. Our Minister must maintain a national register of historic buildings/sites as referred to in subsection 1, in which he enters the historic buildings/sites which he has designated, provided no application for review or appeal has been lodged in respect of designation or provided such application or appeal has been dismissed. A copy of the entry must be forwarded to the body that administers the site in question and, if the historic building/site is situated within the boundaries of a province, to the provincial executive.

Section 8

1. Our Minister is authorised to amend the register, either *ex proprio motu* or on request. Sections 3 to 7 apply *mutatis mutandis*.
2. If the amendment is, in the opinion of Our Minister, of secondary importance or if it involves the deletion from the register of a historic building/site that has been destroyed, section 3 does not apply *mutatis mutandis*.

Section 9

1. The keeper of the land and public registry agency must notify Our Minister within 14 days of any change in the description of a historic building/site in the land registry. Our Minister must enter this change in the appropriate register.
2. Our Minister must notify the municipal and provincial executives of the change.

Section 10

If the copies of the entries in the register do not correspond to the register itself or if the copies differ, only historic buildings/sites entered in the copy of the register that is contained in the public registers referred to in section 1 (e) of the Immovable Property (Disclosure of Public-Law Restrictions) Act will be regarded as listed historic buildings/sites.

§2. Permits for alterations, demolition or removal

Section 11

1. It is prohibited to damage or destroy a listed historic building/site.
2. Without a permit or in contravention of a permit, it is prohibited:
 - a. to demolish, disturb, move or in any way alter a listed archaeological monument;
 - b. to restore, use or cause to be used a listed archaeological monument in any way that defaces or endangers it.

Section 12

1. An application for a permit as referred to in section 11, subsection 2 must be made to the municipal executive.
2. Section 3.1, subsection 2 of the Environmental Permitting (General Provisions) Act applies *mutatis mutandis*.

Section 13

Notwithstanding the provisions of section 12, an application for a permit in respect of an archaeological monument as referred to in section 7, subsection 1 must be made to Our Minister.

Section 14

1. Our Minister must decide on an application for a permit as referred to in section 11, subsection 2.

2. Our Minister may require a report which, in his opinion, provides sufficient evidence of the archaeological value of the site that will be disturbed if the application is granted.
3. Rules on the contents and structure of the report referred to in subsection 2 may be drawn up by or pursuant to order in council.

Section 14a

1. Part 3.4 of the General Administrative Law Act applies to the preparation of a decision on an application for a permit as referred to in section 11, subsection 2 provided that the municipal executive applies sections 3:11 to 3:17 of that Act in respect of the draft decision drawn up by Our Minister.
2. Anyone may state his views.
3. The municipal executive must immediately forward to Our Minister views that have been stated in good time.
4. Section 3:12, subsection 2 of the General Administrative Law Act does not apply.
5. Notwithstanding subsection 1, Our Minister must apply sections 3:11 to 3:17 of that Act in cases as referred to in section 13. Subsections 2, 3 and 4 do not apply.

Section 15

1. The municipal council must adopt a bye-law regulating in any event the establishment of a committee on historic buildings/sites which is responsible in any event for advising on applications for an environmental permit for an activity as referred to in section 2.1, subsection 1 (f) of the Environmental Permitting (General Provisions) Act. Members of the municipal executive of the municipality in question may not form part of the committee. The committee must include several members who are experts in the preservation of historic buildings/sites.
2. The municipal executive must ask the committee on historic buildings/sites for an advisory opinion before:
 - a. deciding on an application for an environmental permit for an activity as referred to in section 2.1, subsection 1 (f) of the Environmental Permitting (General Provisions) Act; or
 - b. issuing an advisory opinion concerning an application for or a draft of an environmental permit for an activity as referred to in section 2.1, subsection 1 (f) of the Environmental Permitting (General Provisions) Act.

Section 16 [Repealed as of 01-10-2010]

Section 17

1. The municipal executive must forward the application referred to in section 12 to Our Minister immediately on receiving it. At the same time the municipal executive must forward a copy of the application to the provincial executive and notify the applicant of the date on which this is done.
2. If Our Minister does not comply with section 3:18 of the General Administrative Law Act, the permit is deemed to have been granted.
3. The operation of the permit must be suspended until the time limit for review or appeal has expired or, if an application for review or an appeal is lodged, until a decision has been given. The permit holder may request the judge hearing applications for provisional relief or the president of the Administrative Jurisdiction Division of the Council of State to lift the suspension. Title 8.3 of the General Administrative Law Act applies *mutatis mutandis*.
4. Our Minister must notify the municipal and provincial executives of his decision on the application for a permit.

Section 18 [Repealed as of 01-10-2010]

Section 19

1. Our Minister may attach conditions to a permit as referred to in section 11, subsection 2 in the interests of the archaeological heritage.
2. A permit may be granted for a limited period.
3. A permit as referred to in section 11, subsection 2 may be made subject to at least the following conditions:
 - a. a duty to take technical measures allowing the monument to be preserved in situ;
 - b. a duty to carry out excavations; or
 - c. a duty to have the activity that disturbs the soil supervised by an expert in the archaeological heritage who possesses the qualifications stipulated by Our Minister in connection with the permit.

Section 20

1. The municipal executive and, in the case of historic buildings/sites as referred to in section 7, subsection 1, Our Minister must each maintain a public register in which environmental permits for an activity as referred to in section 2.1, subsection 1 (f) of the Environmental Permitting (General Provisions) Act and permits as referred to in section 11, subsection 2 are entered.
2. The following must also be entered in the register referred to in subsection 1:
 - a. the date of the permit;
 - b. the number of the permit;
 - c. the location of the historic building/site to which the permit refers and the relevant land registry data;
 - d. the nature of the activities.
3. Entry in the register as referred to in subsection 2 must be made within a week of the date on which a permit is granted or is deemed to have been granted.

Section 21

1. Without prejudice to section 5.19 of the Environmental Permitting (General Provisions) Act Our Minister may withdraw a permit as referred to in section 11, subsection 2 if the permit holder's circumstances have changed such that greater weight should be attached to the interests of the listed historic building/site.
2. The municipal executive and the provincial executive must be notified of any decision to withdraw a permit.

§3. Compensation relating to a decision on an application for a permit

Section 22

1. If it becomes clear that an applicant for a permit as referred to in section 11, subsection 2 has, as a result of the decision refusing a permit or of the conditions attached to the permit, suffered loss which should not reasonably continue to be borne or borne in full by him, Our Minister, having heard the loss assessment committee, must grant him at his request an amount in compensation to be fairly determined.

Section 23

1. Our Minister must appoint a loss assessment committee to advise on one or more requests for compensation.
2. The loss assessment committee has one or more members.
3. No member of the loss assessment committee may be a civil servant in the employ of the Ministry or of a service, company or agency carrying out work for which Our Minister is accountable.
4. For the purposes of this chapter, persons employed under civil-law contracts of employment are equated with civil servants as referred to in subsection 3.

Section 24

1. Our Minister must send the request for compensation, accompanied by all relevant documents, to the loss assessment committee within fourteen days of its submission.
2. Our Minister will render the loss assessment committee the assistance it requires.

Section 25

1. The loss assessment committee must allow the person requesting compensation or his authorised representative to explain the request at a public meeting with the committee.
2. The loss assessment committee may summon civil servants in the employ of the ministry or of a service, company or agency carrying out work for which Our Minister is accountable to appear and provide information at the public meeting.

3. If the loss assessment committee wishes to conduct a site visit it must inform the person requesting compensation and Our Minister in advance of the time of the site visit.

Section 26

The loss assessment committee must make recommendations to Our Minister within three months of the submission of the request for compensation. At the same time it must forward a copy of its recommendations to the person requesting compensation.

Section 27

1. Our Minister must allow the person requesting compensation to make known his views on the recommendations, either in writing or orally in the presence of the loss assessment committee.
2. On request, the loss assessment committee must provide Our Minister with explanatory notes on its recommendations and its opinion of the views expressed by the person requesting compensation.

Section 28

The costs incurred by the loss assessment committee are not charged to the person requesting compensation.

Section 29

Our Minister must give a decision within two months of receiving the loss assessment committee's recommendations. Section 7:1 of the General Administrative Law Act does not apply.

§ 4. [Repealed as of 01-10-2010]

Section 30 [Repealed as of 01-10-2010]

Section 31 [Repealed as of 01-10-2010]

Section 32 [Repealed as of 01-01-1998]

Section 33 [Repealed as of 01-01-1998]

Chapter III. Grants and special-purpose grants

Section 34

1. Our Minister may award grants for the maintenance of listed historic buildings/sites. Maintenance includes both normal maintenance work on a listed building/site and work exceeding normal maintenance work which is necessary for the restoration of the listed building/site.
2. The grant consists of either a fixed annual amount or a percentage of the costs to be determined by Our Minister.
3. Rules will be laid down by or pursuant to order in council concerning the award of grants as referred to subsection 1. These rules may concern:
 - a. the criteria for awarding grants;
 - b. the way in which the amount of the grant is fixed;
 - c. setting a grant ceiling;
 - d. applying for a grant;
 - e. the conditions on which a grant is awarded;
 - f. the obligations on the grant recipient;
 - g. determining the definitive amount of the grant;
 - h. the payment and recovery of the grant and the making of advance payments in respect of the grant.
4. Any provision made by or pursuant to order in council for a grant ceiling must be accompanied by rules governing the manner of allocation.
5. The recommendation for an order in council to be adopted pursuant to subsection 3 must not be made until at least four weeks after the draft has been presented to both Houses of the States General. The recommendation must be made at a time such that three quarters of this period falls outside a recess of both Houses.
6. Our Minister may also award grants for the change of use of historic buildings/sites.
7. Rules will be laid down by ministerial order concerning the award of grants as referred to in subsection 6. Subsection 3, second sentence applies and subsection 4 applies *mutatis mutandis*.

Section 34a

1. Our Minister may, in accordance with rules to be laid down by order in council, award a special-purpose grant to a municipality or province to cover the costs of carrying out excavations, where such costs should not reasonably be borne in full by:
 - a. the person who is obliged to carry out the excavations;
 - b. the municipality whose council or executive ordered the excavations to be carried out;
 - c. the province whose council or executive ordered the excavations to be carried out.
2. The rules referred to in subsection 1 concern:
 - a. the criteria for awarding a grant;
 - b. the way in which the amount of the grant is fixed;
 - c. applying for a grant;
 - d. the conditions on which a grant is awarded;
 - e. the obligations on the grant recipient;
 - f. determining the definitive amount of the grant;
 - g. the payment and recovery of the grant and the making of prepayments.
3. Our Minister may ask the loss assessment committee referred to in section 23 for recommendations on applications for special-purpose grants as referred to in subsection 1. Sections 24 to 29 do not apply.
4. The recommendation for an order in council to be adopted pursuant to subsection 1 must not be made until at least four weeks after the draft has been presented to both Houses of the States General. The recommendation must be made at a time such that three quarters of this period falls outside a recess of both Houses.

Chapter IV. Listed urban and village conservation areas

Section 35

1. Having heard the municipal council, the provincial executive and the Council, Our Minister and Our Minister of Housing, Spatial Planning and the Environment may designate urban and village conservation areas as listed urban and village conservation areas and may withdraw such designation.

2. Our Minister must forward the proposal for designation or withdrawal of designation simultaneously to the municipal council, the provincial executive and the Council. The municipal council must make recommendations via the provincial executive within six months, the provincial executive within nine months and the Council within twelve months of the forwarding of the proposal.
3. Our Minister and Our Minister of Housing, Spatial Planning and the Environment must decide on designation or withdrawal of designation within sixteen months of the forwarding of the proposal.
4. A decision on designation or withdrawal of designation must be published in the Government Gazette. Notice of the decision must be given in the appropriate daily or other newspapers and to the municipal council, the provincial executive and the Council.

Section 36

1. The municipal council must adopt a land-use plan as referred to in the Spatial Planning Act for the protection of a listed urban or village conservation area. A time limit for adopting such a plan may be set in the decision designating a listed urban or village conservation area.
2. The decision designating a listed urban or village conservation area must determine whether and to what extent existing land-use plans may be deemed to be protective plans within the meaning of subsection 1 or whether an administrative ordinance as referred to in the Spatial Planning Act may be adopted after Our Minister has been heard.
3. If a land-use plan as referred to in subsection 1 or 2 has to be adopted anew pursuant to section 3.1, subsection 2 of the Spatial Planning Act, the municipal council, having heard Our Minister, may, notwithstanding section 3.1, subsection 1 of the Spatial Planning Act, adopt an administrative ordinance as referred to in that Act for the area in question.

Section 37 [Repealed as of 01-10-2010]

Chapter V. Preservation of the archaeological heritage

§1. Bye-laws, land-use plans, permits and dispensations

Section 38

1. In the interests of the archaeological heritage the municipal council may adopt bye-laws to:
 - a. lay down rules concerning the requirements that the municipal executive may impose on research in the context of excavations;
 - b. determine cases in which the municipal executive may refrain from further archaeological research or from imposing an obligation to conduct such research.
2. If a bye-law as referred to in subsection 1 concerns an area for which a land-use plan as referred to in section 38a has been adopted, the bye-law remains in force to the extent that it is compatible with the land-use plan.
3. Part 3.4 of the General Administrative Law Act applies to the preparation of a bye-law as referred to in subsection 1.

Section 38a

In adopting a land-use plan or an administrative ordinance as referred to in section 3.1 or section 3.38 of the Spatial Planning Act and in the use of the land covered by the plan, the municipal council must take account of existing or potential archaeological monuments in the ground.

Section 39

1. In the interests of the archaeological heritage, an environmental permit for a non-building activity as referred to in section 2.1, subsection 1 (b) of the Environmental Permitting (General Provisions) Act may be made compulsory under a land-use plan.
2. In the interests of the archaeological heritage, a land-use plan may require an applicant for an environmental permit for an activity as referred to in subsection 1 to submit a report which, in the opinion of the administrative authority competent to grant the permit, provides sufficient evidence of the archaeological value of the site that will be disturbed if the application is granted.

Section 40

1. In the interests of the archaeological heritage a land-use plan may require an applicant for an environmental permit for a building activity as referred to in section 2.1, subsection 1 (a) of the Environmental Permitting (General Provisions) Act to submit a report as referred to in section 39, subsection 2.
2. In the interests of the archaeological heritage, a land-use plan may determine that conditions established pursuant to section 2.22, subsection 3 (d) of the Environmental Permitting (General Provisions) Act may be attached to an environmental permit for an activity as referred to in subsection 1.

Section 41

1. In the interests of the archaeological heritage, an applicant for an environmental permit for an activity as referred to in section 2.1 subsection 1 (c) of the Environmental Permitting (General Provisions) Act may be required to submit a report that, in the opinion of the competent authority as referred to in section 1.1 of that Act, provides sufficient evidence of the archaeological value of the site that will be disturbed if the application is granted.
2. In the interests of the archaeological heritage, an applicant for an environmental permit for a demolition activity as referred to in section 2.1, subsection 1 (h) of the Environmental Permitting (General Provisions) Act may be required to submit a report that, in the opinion of the competent authority as referred to in section 1.1 of that Act, provides sufficient evidence of the archaeological value of the ground on which the structure to be demolished stands.

Section 41a

Sections 39, 40 and 41, subsection 1 do not apply to projects involving a surface area of less than 100 m²; the municipal council may set a different surface area.

Section 42 [Repealed as of 01-10-2010]

Section 43

Rules may be laid down by or pursuant to order in council concerning the content and format of the report referred to in section 39, subsection 2, section 40, subsection 1 and section 41, subsections 1 and 2.

§2. Archaeological priority areas

Section 44

1. Where land-use plans have failed to take sufficient account of existing or potential archaeological monuments in the ground, the provincial executive may designate as 'archaeological priority areas' areas of the province that are, or are likely to be, of archaeological importance.
2. The municipal council must adopt a land-use plan for a designated archaeological priority area within a time limit to be determined by the provincial executive.
3. The provincial executive must notify Our Minister of designations as referred to in subsection 1.
4. When adopting or revising a structure scheme as referred to in section 2.2 of the Spatial Planning Act, the provincial council must take account of designated archaeological priority areas.
5. Part 3.4 of the General Administrative Law Act applies to the preparation of a decision as referred to in subsection 1.

§3. Excavation permit

Section 45

1. Carrying out excavations without or in contravention of an excavation permit granted by Our Minister is prohibited.
2. An excavation permit will be granted if the applicant demonstrates that he is competent to carry out excavations.
3. An excavation permit may be granted subject to restrictions.
4. Our Minister may impose charges in connection with granting an excavation permit in accordance with rates to be set by him.

Section 46

1. The holder of an excavation permit must notify Our Minister of the commencement of the excavation.
2. No later than two weeks after the excavation is completed, the holder of the excavation permit must notify Our Minister of the initial findings.
3. No later than two years after the excavation is completed, the holder of the excavation permit must preserve the movable objects of archaeological importance found during the excavation and surrender the preserved objects and the accompanying excavation documents to the owner.
4. No later than two years after the excavation is completed, the holder of the excavation permit must submit a report describing the results of the excavation to Our Minister, the owner and the executive of the municipality where the excavation took place.
5. In the interests of the archaeological heritage, conditions other than those set out in subsections 1 to 4 may be attached to excavation permits.
6. Our Minister may grant dispensation from the conditions referred to in subsections 2 to 4.

Section 47

Our Minister may withdraw an excavation permit if, in his opinion, the permit holder is no longer competent to carry out excavations, does not observe the restrictions imposed or does not comply with the conditions set.

Section 47a

Sections 45 to 47 apply in the contiguous zone referred to in section 1 of the Contiguous Zone (Establishment) Act.

Section 48

1. By or pursuant to order in council, rules may be laid down governing the standard of competence referred to in section 45, subsection 2 and the restrictions referred to in section 45, subsection 3. Further rules may be laid down governing the conditions referred to in section 46, subsections 1 to 4.

2. The order in council referred to in subsection 1 includes in any event rules on ways of guaranteeing that research in connection with and the carrying out of excavations comply with standards of scholarly care and relevance.
3. The recommendation for an order in council to be adopted pursuant to subsection 1 must not be made until at least four weeks after the draft has been presented to both Houses of the States General. The recommendation must be made at a time such that three quarters of this period falls outside a recess of both Houses.

§4. University education

Section 49

1. At the request of an institution for university education as referred to in section 1.1 (c) of the Higher Education and Research Act or of an institution for university education established in a member state of the European Union or the European Economic Area, Our Minister may decide that a particular excavation should be carried out by that institution, if:
 - a. the excavation in question is of exceptional importance to the institution's specific research programme;
 - b. the institution possesses sufficient capacity to carry out the excavation within a reasonable time;
 - c. the potential market-distorting effects of Our Minister's decision are limited;
 - d. the potential adverse financial consequences for the person who is obliged to carry out the excavation are not disproportionate; and
 - e. a permit as referred to in section 45 has been granted to the institution.
2. Before giving a decision as referred to in subsection 1, Our Minister must seek the advice of the Netherlands Organisation for Scientific Research referred to in section 2 of the Netherlands Organisation for Scientific Research Act.

§5. Ownership

Section 50

Movable objects of archaeological importance which are found while carrying out excavations and to which no one can prove a right of ownership are the property of:

- a. the province where they were found; or

- b. the municipality where they were found, if the municipality possesses a repository as referred to in section 51, subsection 2; or
- c. the State, if the movable objects of archaeological importance were not found within the boundaries of any municipality.

§6. Repositories

Section 51

1. The provincial executive must maintain a repository where movable objects of archaeological importance found in the course of excavations in that province can be stored in a responsible manner in the interests of conservation and access.
2. The provincial executive may, at the request of a municipal executive, designate a repository in that municipality where movable objects of archaeological importance found in the course of excavations can be stored in a responsible manner in the interests of conservation and access.
3. Our Minister must designate, for the storage of objects of marine archaeological importance found while carrying out excavations, one or more repositories which in his opinion are particularly suited to such storage.
4. Standards may be laid down by order in council for responsible and accessible storage of movable objects of archaeological importance and related documents and reports.

Section 52

1. Both movable objects of archaeological importance as referred to in section 50 and the related excavation documents as referred to in section 46, subsection 3 must be stored in repositories as referred to in section 51, subsections 1 to 3.
2. Our Minister may determine that both objects of marine archaeological importance found while carrying out excavations and related excavation documents must be stored in a repository as referred to in section 51, subsection 3.
3. Having heard the Council, Our Minister may, within six months of the notification referred to in section 46, subsection 2, determine that a movable object of archaeological importance as referred to in section 50 (a) or (b) be loaned to a museum or similar institution for reasons of public interest.

§7. Duty of notification

Section 53

1. Any person who, except while carrying out excavations, finds an object or site that he knows or may reasonably assume to be of archaeological importance must notify Our Minister as soon as possible.
2. Any person with title to a movable object as referred to in subsection 1 must keep or make it available for research purposes for a period of six months, calculated from the date of the notification referred to in subsection 1.

Section 54

Any person who, while engaged in a search for archaeological monuments which does not involve disturbing the soil, makes observations that he knows or may reasonably assume to be of relevance to the archaeological heritage must notify Our Minister of these observations as soon as possible.

Section 54a

Sections 53 and 54 apply in the contiguous zone referred to in section 1 of the Contiguous Zone (Establishment) Act.

§8. Central Archaeological Information System

Section 55

1. Our Minister must maintain a Central Archaeological Information System in which the following are in any event to be incorporated and made public:
 - a. the registers referred to in sections 6 and 7, in so far as they concern archaeological monuments;
 - b. the decisions given on applications for a permit as referred to in section 11, subsection 2;
 - c. the decisions referred to in section 44, subsection 1;
 - d. the report referred to in section 46, subsection 4; and
 - e. the notifications referred to in section 46, subsections 1 and 2, section 53, subsection 1 and section 54.

2. Copyright is reserved in the reports referred to in section 46, subsection 4 and the results contained within them.
3. Copyright and database right as referred to in section 2, subsection 1 of the Databases (Legal Protection) Act in the Central Archaeological Information System are reserved.
4. Fees may be charged for the provision of information from the Central Archaeological Information System in accordance with rates to be set by Our Minister.

§9. Special powers

Section 56

In the event of damage or imminent damage to archaeological monuments, Our Minister may lay down requirements for the execution of the work that is causing the damage or imminent damage, or may order that the work be wholly or partly suspended for a limited or unlimited period.

Section 57

1. Our Minister may determine that, in the interests of archaeological research, a person with title to a site must allow entry onto that site and must allow measurements to be taken or excavations to be carried out on it.
2. The administrative authority responsible for preparing or implementing a land-use plan as referred to in section 3.1 of the Spatial Planning Act, an administrative ordinance as referred to in section 3.38 of that Act or an environmental permit for an activity as referred to in section 2.1, subsection 1 (c) of the Environmental Permitting (General Provisions) Act may determine that, in the interests of archaeological research, a person with title to a site must allow entry onto that site and must allow measurements to be taken or excavations to be carried out on it in so far as such research serves for the preparation or implementation of the plan, ordinance or permit in question.

Section 58

1. Our Minister must pay reasonable compensation for damage caused by a measure as referred to in section 56 or section 57, subsection 1.
2. The administrative authority referred to in section 57, subsection 2 must pay reasonable compensation for damage caused by a measure as referred to in section 57, subsection 2.

Section 59

Legal actions for compensation for damage as referred to in section 58 must be heard by the district court in the district where the work or the research is carried out.

§10. Forms

Section 60

Our Minister may draw up forms for the notifications referred to in section 46, subsections 1 and 2, section 53, subsection 1 and section 54.

Chapter VI. Enforcement and penalties

Section 61 [Repealed as of 01-10-2010]

Section 62 [Repealed as of 01-10-2010]

Section 63

1. Our Minister is responsible for the enforcement under administrative law of the provisions laid down by or pursuant to this Act.
2. The administrative authority that is competent to grant, with respect to a historic building/site, an environmental permit as referred to in the Environmental Permitting (General Provisions) Act is responsible for the enforcement under administrative law of section 11, subsection 1 with respect to a historic building/site that is not an archaeological monument.

3. Chapter 5 of the Environmental Permitting (General Provisions) Act, with the exception of section 5.2 and division 5.5, and with the exception of section 5.11 in the case of an archaeological monument, applies to the enforcement of the provisions laid down by or pursuant to this Act

Chapter VII. Transitional and concluding provisions

Section 64 [Repealed as of 01-01-2009]

Section 65

A government agency, an institution for university education, or a municipality which, at the time of the entry into force of the Archaeological Heritage Management Act, holds an open-ended excavation permit is authorised to carry out excavations, subject to the restrictions and conditions attached to the permit, for two years after the entry into force of the Act.

Section 66

1. Movable objects of archaeological importance which are found in the course of excavations that have been begun but have not been completed at the time of the entry into force of the Archaeological Heritage Management Act and to which no one can prove right of ownership are the property of the State.
2. Movable objects of archaeological importance as referred to in subsection 1 found in the course of lawful excavations by a municipality are the property of the municipality.

Section 67

For two years after the entry into force of the Archaeological Heritage Management Act, movable objects of archaeological importance which are found in the course of excavations must be stored in the repositories of the municipalities holding permits as referred to in section 65.

Section 68

Within a year of the entry into force of the Archaeological Heritage Management Act, the provincial executive must inform municipal permit holders, as referred to in section 65, how it will make use of the power referred to in section 51, subsection 2.

Section 69

Decisions taken before the entry into force of the Archaeological Heritage Management Act on the basis of section 58, subsection 1, which was repealed by the latter Act, have been based on section 63, subsection 1 since the entry into force of the Archaeological Heritage Management Act.

Section 70

This Act may be cited as the Monuments and Historic Buildings Act 1988.

We order and command that this Act be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern diligently implement it.

Done at The Hague on 23 December 1988

Beatrix

L.C. Brinkman

Minister of Welfare, Health and Cultural Affairs

E.H.T.M. Nijpels

Minister of Housing, Spatial Planning and the Environment

Published on 30 December 1988

F. Korthals Altes

Minister of Justice