Regulation on Aid for the Repair of Immovable Cultural Property

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CHAPTER ONE

Aim, Scope, Legal Ground and Definitions

Aim

Article 1 — The aim of this Regulation is to determine the substance and procedures for in kind, cash and technical aid to be provided by the Ministry for the conservation, maintenance and repair of immovable cultural and natural property to be protected owned by real and legal persons subject to private law.

Scope

Article 2 — This regulation covers the substance and procedures of in kind, cash and technical aid to be provided by the Ministry for the conservation, maintenance and repair of immovable cultural and natural property owned by real and legal persons subject to private law.

Legal Ground

Article 3 — This regulation has been prepared based on Article 12 of the Law on the Conservation of Cultural and Natural Property dated 21/07/1983 and numbered 2863.

Definitions

Article 4 — In this regulation the following shall mean:

Ministry: Ministry of Culture and Tourism,

Law: the Law on the Conservation of Cultural and Natural Property numbered 2863,

General Directorate: the General Directorate for Cultural Property and Museums,

Director General: the Director General for Cultural Property and Museums,

Provincial Director: the director of the provincial organisation of the Ministry of Culture and Tourism,

Commission: Aid commission for the repair of immovable cultural and natural property,

Council: Regional Council for the Conservation of Cultural and Natural Property,

Registration Decision: Decision of the regional conservation council to register the immovable as cultural property to be protected,
CHAPTER TWO

Application and Implementation

Application

Article 5 — Real and legal persons, who own immovable cultural and natural property and request in kind, cash or technical aid for its maintenance and repair shall apply in writing by submitting the documents specified in articles 6 or 7 of this Regulation to the Ministry’s provincial directorate.

Provincial directors shall examine the application file, and, if applicable, shall have missing documentation completed and make a preliminary evaluation of the proposed project in terms of its contribution to the cultural values of the province and other criteria of this Regulation and submit it to the Ministry along with their opinion.

Application files with missing documents shall not be submitted to the Ministry and the request shall be returned to the owner.

Documents requested for the projects

Article 6 — For the preparation of the project:

a) Registration decision regarding the immovable,

b) Report on the scope of the project, the duration of works and estimated cost,

c) An album of 9x13 cm clearly taken photos showing the inner, outer and periphery of the structure but not small-scaled,

d) A document of sizeable savings or title deed copy,
e) ID card copy with photo,

f) Legal notification address,

If the ownership of the structure to benefit from the project aid is shared, application by one shareholder may suffice.

Documents to be requested for project implementation

Article 7 — For project implementation,

a) the report on the scope of project implementation, duration of works, implementation phases and estimated cost,

b) a photo album of 9x13 cm photos clearly showing the inner, outer and periphery of the structure, but not in a small scale,

c) a site plan of the scale of 1/500 showing the state of the plot and building approved by the municipality and the relevant conservation council,

d) a document of sizeable savings or title deed copy,

e) the registration decision relating to the immovable, the survey, restoration and if necessary the restitution project approved by the relevant council,

f) the ID card copy with photo,

g) the legal notification address,

shall be requested.

If the ownership of the structure to benefit from the project aid is shared, application by one shareholder may suffice.

Examination

Article 8 — Application files submitted by the provincial directorates to the Ministry shall be examined by the General Directorate.

The estimated cost specified in the application files shall be examined by the General Directorate personnel upon the instruction of the latter. The examination reports shall be prepared openly without giving way to any doubts. The cost to be determined at the end of examination shall be taken as a basis in the assessment and payments to be made by the commission.

If deemed necessary by the General Directorate, the immovable for which aid is requested shall be examined on site upon the instruction of the General Directorate.

Establishment and duties of the aid commission for immovable cultural legacy
**Article 9** — The commission shall be composed of the relevant deputy undersecretary, Director General, assistant director general responsible for technical affairs and aid, department head and section chief and chaired by the undersecretary. If the undersecretary is not available, the deputy undersecretary shall chair the commission. The commission can refer to expert opinion and knowledge, if necessary. The commission shall decide with absolute majority and its decisions shall be enforced upon approval by the Minister. The secretariat services of the commission shall be executed by the General Directorate.

The Commission shall convene every year in March and decide on the applications for in kind, cash and technical aid for immovable cultural and natural property to be protected owned by real and legal persons according to the criteria of this Regulation.

The commission decisions shall indicate the person to receive aid, the amount of aid based on the estimated cost, the method of aid and payment.

The commission may decide to make an advance payment of twenty percent (20%) of the aid amount for the project implementation.

Exclusively for cases where no aid can be provided to projects decided to receive aid from the commission that year, the sum of estimated costs shall be put on a reserve list not exceeding ten percent (10%) of budget appropriations.

Large-scale implementation projects that cannot be finished in a year shall be divided into lots and receive aid for the next years upon application. For works that last several years applications that are the continuation of works shall be prioritised.

If necessary, the chairperson may summon the commission.

**Assessment criteria**

**Article 10** — In the assessment, the following priority criteria shall be taken into account:

a) Projects,

b) Project implementation relating to the immovable the condition of which is urgent,

c) Project implementation that constitutes a periodic and regional value in terms of architecture and culture,

d) Project implementation regarding structures that are situated on streets or squares to be protected that are located in the conservation site, of which the integrity of texture and character has not degraded,

e) Project implementation to be finished in its relevant year,

f) Project implementation regarding an immovable owned by real persons,


g) Project implementation regarding immovable that belongs to foundations and associations working in the interest of the public that were granted tax exemption by the Council of Ministers,

h) Project implementation regarding the immovable owned by legal persons other than those mentioned under clause (g).
Amount of aid

**Article 11** — The amount of cash aid to be provided by the Ministry shall be determined by the commission but not exceeding fifty thousand (50,000.-) YTL for projects, seventy percent (70%) of the estimated cost for project implementation and up to two hundred thousand (200,000.-) YTL.

However, project implementation that does not exceed fifty thousand (50,000.-) YTL can be aided one hundred percent (100%). For multi-year projects divided into lots this clause shall not apply.

These amounts shall be raised by the overall PPI ratios published by the State Statistical Institute every year and announced by the Ministry.

Contract

**Article 12** — Commission decisions to become final upon approval by the Minister shall be notified to the provincial directorates and requesting parties. The aid amount per province shall be remitted to the provinces through payment orders.

Provincial directorates shall sign a contract with the requesting parties eligible to receive aid.

If as a result of a check, it is detected that the aid has not been used for its purpose or wrong information or false documents have been provided or misleading declarations have been made, all of the aid or the part of it that has not been spent for its intended purpose shall be paid back within thirty (30) days as of the date of notification together with the legal interest rate to be calculated for the period between the date of payment of the aid amount until the date of its collection. If no payment is made until this deadline, it shall be collected in line with the general provisions to apply according to the wording in the contract.

Other issues to be put in the contract shall be notified by the General Directorate to the provincial directorates.

**CHAPTER THREE**

Payment, Audit and Return

**Payment**

**Article 13** — Following signing of the contract, the advance payment to be determined by the commission shall be paid to the holder of the right.

According to the audit report to be drafted as a result of the examination ordered by the General Directorate, if at least fifty percent (50%) of the project implementation has been realised physically, thirty percent (30%) of the total aid amount determined by the commission shall be paid as intermediary payment.

The final payment shall be made as per the audit report confirming the completion of works. Intermediary and final payments shall be offset against the previous payment.

Project payments shall be made following the approval of the project by the relevant council.
Aid amount that is a balance from projects that are cancelled by the commission or projects the contract of which cannot be signed, can be diverted to the aid requests on the reserve list respectively according to the provisions of this regulation.

Audit

Article 14 — Aided projects or project implementation shall be audited by the provincial directorates or, if necessary, by the General Directorate at each payment phase. The audit reports shall be presented to the Commission.

Annulment of the contract

Article 15 — If it is detected by the General Directorate, that aid has not been used for its intended purpose, or wrong information or false documents have been provided or misleading declarations have been made or implementation has been contradicting with the project as approved by the council, the contract shall be annulled by the Commission.

The fact that if the contract is annulled, the portion of the aid that has been not spent for its intended purpose or, that, if wrong information or false documents have been provided or misleading declarations have been made or implementation is contradictory with the project as approved by the council, all of the aid shall be paid within thirty (30) days as of the date of notification by applying the legal interest rate to be calculated for the period between the date of payment of the aid amount until the date of its collection shall be notified in writing to the relevant party. If no payment is made until this deadline, it shall be collected by the Chief Legal Consultant of the Ministry of Finance and the General Directorate of Law Procedures in line with the general provisions. In this case the relevant parties cannot benefit from any other aid.

However, if annulment of the contracts is due to force major or is caused by other than the fault of the person, the Commission can decide not to order reimbursement or grant a period to the relevant party for reimbursement.

Benefitting twice from the aid

Article 16 — Persons that benefitted from an aid aimed at protecting immovable cultural property can apply a second time for aid after at least ten (10) years have elapsed as of the year they benefitted from the aid except for force major.

CHAPTER FOUR
Miscellaneous and Final Provisions

Repealed regulation

Article 17 — The regulation on the Contribution Fund for the Repair of Immovable Cultural and Natural Property to be Protected Owned by Real and Legal Persons Subject to Private Law published in the Official Gazette dated 24/06/1985 and numbered 18791 has been repealed.

Provisional Article 1 — Persons that received loans before 03/03/2001 shall be processed according to their contracts.
Enforcement

Article 18 — This Regulation, which has been prepared by obtaining the view of the Ministry of Finance and Court of Accounts, shall be enacted as of its publication.

Execution

Article 19 — This regulation shall be executed by the Minister of Culture and Tourism.