

## Consolidated Act on Museums

Executive Order No. 1505 of 14 December 2006 (in force)

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## Consolidated Act on Museums

Promulgation of Act No. 473 of 7 June 2001, the Danish Museum Act with amendments pursuant to Act No. 145 of 25 March 2002, Act No. 393 of 28 May 2003, Act No. 1213 of 27 December 2003, Act No. 454 of 9 June 2004, Act No. 562 of 24 June 2005, Act No. 1403 of 21 December 2005 and Act No. 504 of 7 June 2006.

## Part 1

### *Purpose*

**1 - (1)** The purpose of this Act shall be to promote the activities and cooperation of museums with a view to safeguarding Denmark's cultural and natural heritage and ensuring access to and knowledge about this heritage and its interaction with the world around us.

(2) Furthermore, the purpose of this Act shall be to ensure performance of tasks relating to walls of stone and earth as well as ancient relics or monuments.

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

**2 - (1)** Through collecting, registering, preserving, researching and disseminating the museums shall

i) work to safeguard Denmark's cultural and natural heritage,

ii) illuminate cultural, natural and art history

iii) enhance 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 - (1)** The museums collaborate to promote the tasks referred to in Section 2.

## Part 2

### The cultural heritage museums

**4 - (1)** The cultural heritage museums shed light on change, variation and continuity in the living conditions of human beings from prehistoric times to the present.

**5 - (1)** The National Museum of Denmark is the principal cultural heritage museum in Denmark, cf. Section 12. The responsibility of the Museum shall be to illuminate the cultures of Denmark and the world and their interdependence.

(2) The Museum shall establish and maintain representative collections regarding Danish culture.

(3) The Museum shall highlight its collections and relate them through participating 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 Museum shall be in charge of the archaeological investigations pursuant to Part 8 which are not assigned to other museums by the Minister for Culture.

### Part 3

#### The art galleries

**6 - (1)** The art galleries shall illuminate the history and current expression of visual arts and their aesthetic and cognitive dimensions.

**7 - (1)** Statens Museum for Kunst (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 illuminate Danish and foreign visual arts, primarily from the western world after 1300 AD.

**(2)** The Gallery shall establish and maintain representative collections regarding Danish art.

**(3)** The Gallery shall highlight its collections and relate them through participating in international cooperation.

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

### Part 4

#### The museums of natural history

**8 - (1)** The museums of natural history shall illuminate nature, its development, the present environment and interaction with human beings.

**9 - (1)** The Zoological Museum, the Geological Museum and the Botanical Museum under the University of Copenhagen, together with the Botanical Garden under the University of Copenhagen, constitute the Natural History Museum of Denmark and carry out the principal museum tasks within the area of natural history, cf. Section 12. The responsibility of the Museums shall be to illuminate nature from its origin to the present.

**(2)** The Museums shall establish and maintain representative collections regarding the nature of Denmark.

**(3)** The Museums shall highlight their collections and relate them through participating in international cooperation.

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

### Part 5

#### Museums owned by the State

**10 - (1)** The museums owned by the state, including the principal museums, shall participate in national and regional cooperation with museums subsidised by the state, cf. Part 6. They shall draw up work plans to be submitted every four years to the Minister for Culture.

**11 - (1)** The cultural heritage museums and art galleries owned by the state 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 circumstances, the museums owned by the state may dispose of objects from the collections, subject to the approval of the Minister for Culture. Regarding the museums referred to in Section 9, such approval shall be granted by the Minister for Science, Technology and Innovation.

**12 - (1)** The principal museums owned by the state shall render professional assistance to the other museums owned by the state and to museums subsidised by the state. The Minister for Culture may make regulations in this respect. Within the area of natural history, the regulations shall be made in consultation with the Minister for Science, Technology and Innovation.

(2) The principal museums owned by the state shall carry out special preservation tasks for the other museums owned by the state and for museums subsidised by the state according to regulations made by the Minister for Culture. Within the area of natural history, the regulations shall be made in consultation with the Minister for Science, Technology and Innovation.

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

## Part 6

### Museums subsidised by the state

**13 - (1)** The Minister for Culture may recognise a museum as eligible for state subsidies provided the museum assumes responsibility for a specific area within the national museum network, cf. Section 3.

(2) If a museum has been recognised as eligible for state subsidies, the Minister for Culture shall grant a subsidy for the management of the museum. Such subsidy shall be granted pursuant to either Section 15 or Section 16 or under both schemes.

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

(4) If a museum subsidised by the state fails to fulfil the conditions for receiving state subsidies, 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 - (1)** 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 be an independent institution, or be owned by an association with the object of running the museum. The Minister for Culture may demand that to the extent possible the museum be separated, administratively and financially, from other institutions.
- 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 museums owned or subsidised by the state.
- 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 governing body of the museum shall include at least one representative of the local authorities providing subsidies. The governing body 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 at national and regional level with other museums owned or subsidised by the state. The museum shall draw up a work plan to be submitted every four years to the Minister for Culture and to the museum's main contributor of funds.
- ix) The museum may not dispose of objects from the collections to museums other than those owned or subsidised by the state, except with permission from the Minister for Culture.
- x) The museum shall regularly report objects and documentation to the Central Register of Cultural History or to the Kunstindeks Danmark, 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 admit, free of charge, school pupils visiting the museum as part of their education. Taking into account the nature of the institution, the museum shall launch special dissemination initiatives, 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.
- xv) The museum shall admit children and young persons under the age of 18 free of charge.

(2) The Minister for Culture may make regulations concerning the implementation of the provisions in subsection (1).

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

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

**14a** - (1) The Minister for Culture may grant operational subsidies for museums subsidised by the state to cover a reduction in income from admission fees, etc. in connection with the introduction of free admission for children and young persons under the age of 18, cf. Section 14 (1) (xv).

**15** - (1) 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 most recently 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) For each individual museum, the annual Finance Act shall fix a maximum non-state subsidy, which shall be included in the basis for calculation of the state subsidy according to subsection (1). If the museum is managed jointly by several local authorities, this maximum may be raised so that the state subsidy is equivalent to the sum of the state subsidies that can be released by the individual subsidies from the participating local authorities. If two or more museums subsidised by the state are combined, the maximum may be raised so that the basis for calculation of the state subsidy is equivalent to the sum of non-state subsidies to each of the relevant museums subsidised by the state.

(5) The Minister for Culture may consent to the state subsidy being calculated on the basis of non-state subsidies below the minimum fixed under subsection (2), provided extraordinary circumstances call for such a decision.

(6) The Minister for Culture may make regulations concerning the calculation of subsidies, including regulations concerning joint operation by several local authorities.

(7) In connection with the conclusion of cultural agreements with local authorities, etc., the Minister for Culture may deviate from the provisions in subsections (1)-(6).

**15a - (1)** The Minister for Culture may, for a transitional period, grant special operational subsidies to museums subsidised by the state which previously received subsidies from counties.

(2) The Minister for Culture may, for a transitional period, make regulations concerning the calculation of state subsidies to museums subsidised by the state which were previously covered by joint local authority operating agreements.

(3) In connection with the conclusion of cultural agreements with local authorities, etc. the Minister for Culture may deviate from the provisions in subsections (1)-(2).

**16 - (1)** The Minister for Culture may grant a special operating subsidy for museums subsidised by the state that carry out 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 field.

(4) The Minister for Culture may make regulations on submitting and considering applications, granting subsidies and determining conditions for the use of subsidies, etc. in respect of subsidies pursuant to subsections (1)-(3).

(5) In connection with the conclusion of cultural agreements with local authorities, etc. the Minister for Culture may deviate from the provisions in subsections (1)-(3).

**16a - (1)** The Minister for Culture may, for a transitional period, grant operating subsidies for the conservation centres, etc. which were previously financed by the counties.

(2) In connection with the conclusion of cultural agreements with local authorities, etc. the Minister for Culture may deviate from the provision in subsection (1).

**17 - (1)** If a museum subsidised by the state 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.

#### Part 7

#### Museum Councils

**18 - (1)** One or several local authorities may jointly set up a local Museum Council.

(2) A local Museum Council coordinates and promotes the activities of the museums in the local area.

(3) The Minister for Culture may grant subsidies to local Museum Councils.

**19** (Repealed).

**20** (Repealed).

**20a** (Repealed).

**21** (Repealed).

**22** (Repealed).

#### Part 8

Safeguarding the cultural and natural heritage in connection with the physical planning and preparation of construction work, agriculture and forestry activities, etc., including archaeological and natural-history investigation tasks in relation thereto

**23 - (1)** The Minister for Culture and the museums owned or subsidised by the state shall promote the preservation of significant assets through cooperation with the planning and conservation authorities.

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

(3) The museums shall exercise control of archives and records in the consultation phase for published planning material and, with a view to ensuring that the planning material takes into account the presence of significant assets worthy of preservation, they may carry out investigation and documentation tasks within their areas of responsibility.

(4) The Minister for Culture shall inform the planning authorities of the presence of significant assets worthy of preservation that are of importance to planning.

**23a - (1)** One or several local authorities may jointly set up a local Cultural Environment Council.

(2) The local Cultural Environment Council advises public authorities with a view to supporting cultural heritage and values relating to buildings and structures in the local physical planning.

(3) The Minister for Culture may grant subsidies to local Cultural Environment Councils.

**24 - (1)** The local council shall inform the cultural heritage museum concerned no later than at the time of granting a building permit, a permit to extract raw materials or an exemption from the rules on preservation of ancient relics or monuments under the Protection of Nature Act.

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

(3) The local council shall inform the cultural heritage museum concerned 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 - (1)** Prior to initiating work, the client or the person at whose expense construction work, agriculture and forestry activities are to be carried out on land may request a statement from the cultural heritage museum concerned.

(2) Upon receiving a request, the museum issues a statement assessing whether the work in question involves a risk of damaging significant ancient relics or monuments. If such a risk is stated to exist, the matter shall be submitted to the Minister for Culture. The statement in question shall also indicate the need for an archaeological investigation, etc., cf. Section 27 (3)-(10).

(3) The museum forwards its statement to the client or the person at whose expense the construction work, agriculture and forestry activities are to be carried out no later than four weeks after receipt of the request. Should the scope of the construction work, agriculture and forestry activities render it necessary to conduct major preliminary investigations, cf. Section 26 (2), this time limit may be extended to six weeks.

**26 - (1)** The cultural heritage museum shall defray the costs for control of archives and records 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 conducted, the costs shall be defrayed by the person at whose expense the construction work, agriculture and forestry activities are to be carried out. The work can only be initiated with the approval of that person. In special circumstances, the Minister for Culture may grant a subsidy for such preliminary investigation. If the reason for the preliminary investigation is erosion-control activities or activities in relation to cultivation of ordinary agricultural crops or in relation to general forestry, the costs for the preliminary investigation shall be defrayed by the Minister for Culture. In cases where operations are managed by a state or local authority, the costs shall be defrayed by that authority, however.

(3) The Minister for Culture may make regulations concerning the preliminary investigations conducted by the museums pursuant to subsections (1) and (2).

**27 - (1)** The archaeological cultural heritage includes traces of human activities left from earlier ages, i.e. structures, constructions, groups of buildings, settlements, graves, 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 construction work, agriculture and forestry activities, the work must be suspended to the extent that it affects the ancient relic or monument. The Minister for Culture or the nearest cultural heritage

museum owned or subsidised by the state shall immediately be notified of the ancient relic or monument. At the request of the Minister for Culture or the cultural heritage museum concerned, objects found that are not treasure trove, cf. Section 30 (1), shall be handed in to the relevant museum owned or subsidised by the state to be included in its collection.

(3) At the earliest opportunity, the Minister for Culture shall decide whether the work is to continue or to be suspended until an archaeological investigation has taken place, or until the issue of acquisition pursuant to subsection (8) has been settled. No 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 of the archaeological investigation shall be defrayed by the person at whose expense the construction work, agriculture and forestry activities are to be carried out.

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

- i) the reason for the investigation is erosion or erosion-control activities, or activities 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 be defrayed by that authority,
- ii) the cultural heritage museum in its statement pursuant to Section 25 has stated that the construction work, agriculture and forestry activities shall not involve a risk of damage to significant ancient relics or monuments, or
- iii) the ancient relic or monument is scheduled pursuant to the Protection of Nature Act or acquired with a view to preserving it on site pursuant to subsection (8).

(6) In special circumstances, 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 due to cessation of activities during the investigation, 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 compensation, it shall be determined by the appraisal commission mentioned in the Protection of Nature Act.

(8) If the Minister for Culture finds that the ancient relic or monument concerned 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 provisions of the Procedure for Expropriation of Real Estate Act.

(9) The Minister for Culture, or a person authorised by the Minister, may at any time claim access without a court order to places where construction work, agriculture and forestry activities are 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 on request. The police shall render the necessary assistance to enforce this right of access.

(10) The Minister for Culture may make regulations concerning the archaeological investigation activities pursuant to subsection (3) and the implementation of the provisions in subsections (4)-(6).

**28 - (1)** Any person who finds an ancient relic or monument, including shipwrecks, cargo or parts of such wrecks, which 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) applies shall belong to the state, unless any person proves to be the rightful owner.

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

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

(5) Any person who recovers 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 recovered the object cannot claim salvage money, but the Minister for Culture may pay a reward to the person concerned.

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

- i) the provisions concerning persons entitled to recover objects, including the provisions relating to prior permission,
- ii) the provisions concerning reporting of recovered objects, and
- iii) the provisions concerning summoning of the owner of the recovered objects.

**28a - (1)** Finds of ancient relics or monuments, including shipwrecks, cargo or parts of such wrecks, which must be assumed lost more than 100 years ago, on the deep seabed, cf. subsection (2), by Danish citizens or by a vessel registered in Denmark belong to the Danish State unless other countries or private persons prove ownership.

(2) The deep seabed shall mean the seabed and its subsoil extending beyond the limits of national jurisdiction.

(3) Finds pursuant to subsection (1) shall immediately be reported to the Minister for Culture.

(4) It is prohibited to alter the state of underwater cultural heritage, cf. subsection (1), that belongs to the Danish state, Danish citizens or legal persons resident in Denmark without the permission of the Minister for Culture. Danish citizens and legal persons resident in Denmark may not alter underwater cultural heritage, cf. subsection (1), that belongs to others without the permission of such persons.

(5) Any person who recovers an object belonging to the state, cf. subsection (1), and any person who gains possession of such an object, shall immediately deliver it to the Minister for Culture. The person who has recovered the object cannot claim salvage money.

(6) The Minister for Culture may decide that ancient relics or monuments, including shipwrecks, cargo or parts of such wrecks which were lost less than 100 years ago, shall be covered by the provision in subsection (1).

(7) The Minister for Culture may make regulations on the matters referred to in subsections (3)-(6).

**29 - (1)** If an object of natural history unusual to the location in question is found during construction work, agriculture and forestry activities, extraction of raw materials or quarry work, the work shall be suspended in so far as it affects the object. The find shall immediately be reported to the Minister for Culture or the nearest natural history museum owned or subsidised by the state. At the request of the Minister for Culture or the cultural heritage museum concerned, objects found which are not fossil trove, cf. Section 31, shall be handed in to the relevant museum owned or subsidised by the state to be included in its collection.

(2) At the earliest opportunity, the Minister for Culture shall decide whether the work is to continue or to 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 cases where the construction work, agriculture and forestry activities are being carried out for a state or local authority, the costs shall be defrayed by that authority, however.

(3) Losses incurred by private landowners due to cessation of activities during the investigation shall be compensated by the Minister for Culture pursuant to the provisions in 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 construction work, agriculture and forestry activities are 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 on request. The police shall render the necessary assistance to enforce this right of access.

(5) The Minister for Culture may make regulations concerning natural history investigations pursuant to subsection (2).

## Part 8a

### Preservation of walls of stone and earth and ancient relics or monuments

#### Walls of stone and earth

**29a - (1)** It is prohibited to alter the state of walls of stone and earth and the like.

(2) Where walls of stone and earth and the like are protected as ancient relics and monuments, only the provisions on ancient relics or monuments shall apply, cf. Sections 29e and 29f.

**29b - (1)** The Minister for Culture may make regulations to the effect that the provisions in Section 29a (1) shall not apply to specific categories of walls of stone and earth and the like.

(2) The Minister for Culture may make regulations to the effect that Section 29a shall not apply to dikes and seawalls, breakwaters, jetties and other structures that require a permit pursuant to the Protection of Coasts Act.

**29c - (1)** The Minister for Culture may make regulations for the purpose of defining and delimiting walls of stone and earth referred to in Section 29a (1).

**29d - (1)** The Minister for Culture may make regulations relating to the registration of the walls of stone and earth referred to in Section 29 a (1).

## Ancient relics or monuments

**29e - (1)** It is prohibited to alter the state of ancient relics or monuments. Parcelling out, land registration or transfer of ownership of land whereby new boundaries are established through ancient relics or monuments is also prohibited.

(2) The types of ancient relics or monuments protected pursuant to subsection (1) are listed in the Annex to this Act.

(3) Certain types of ancient relics or monuments as listed in the Annex to this Act are subject to the protection provided by subsection (1) only when the owner has received notification of their presence from the Minister for Culture. For ancient relics or monuments that are under the ground surface or under buildings, the Minister for Culture may determine, when making this notification, that the protection provided pursuant to subsection (1) shall be extended to the boundary of the property.

(4) The Minister for Culture shall state on request which protected ancient relics or monuments are located on a property and the area they occupy.

(5) The Minister for Culture may have a notice made pursuant to subsection (3) on the presence of an ancient relic or monument to be registered in the Land Register in respect of the property concerned.

**29f - (1)** Soil treatment, the application of fertilizer and planting are prohibited on ancient relics or monuments and within a distance of 2 m from them. The use of metal detectors is also prohibited.

**29g - (1)** It is prohibited to alter the state of ancient relics or monuments on the seabed, if they are located in territorial waters or on the continental shelf, but not beyond 24 nautical miles from the base lines from which the width of the outer territorial waters is measured.

(2) It is prohibited to alter the state of wrecks of ships or cargo which must be assumed lost more than 100 years ago, if they are located in the areas referred to in subsection (1) or in watercourses or lakes.

(3) The Minister for Culture may determine 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 seabed the Minister for Culture may demand that the person responsible for the construction work or activity conduct a marine archaeological preliminary investigation.

**29h - (1)** If traces of ancient relics or monuments or wrecks subject to Section 29g (1) and (2) are found during construction work or an activity on the seabed, the Minister for Culture shall be notified of the find pursuant to the provisions in Section 28, and the work shall be suspended.

(2) Within four weeks of the notification, the Minister for Culture shall decide whether the work is to continue or to be suspended until a marine archaeological investigation has taken place. A marine archaeological investigation shall be conducted as soon as possible. Conditions for resuming the work may be specified.

(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.

### Management of ancient relics or monuments and walls of stone and earth

**29i** - (1) Local authorities that own walls that are covered by the provision in Section 29a (1) and ancient relics or monuments that are covered by the provisions in Sections 29e and 29f shall manage these walls and ancient relics or monuments.

(2) The Minister for Culture may make regulations concerning the management of ancient relics or monuments.

### Exemptions, etc.

**29j** - (1) In special circumstances, the Minister for Culture may grant exemptions from the provisions in Section 29e (1), Section 29f and Section 29g (1) and (2). When an exemption from Section 29e (1) is granted, conditions may be imposed, including that an archaeological investigation be conducted at the applicant's expense. When an exemption from Section 29g (1) or (2) is granted, conditions may be imposed, including that a marine archaeological investigation be conducted at the applicant's expense.

(2) In special circumstances, the local council may grant exemptions from the provision in Section 29a (1).

**29k** - (1) Conditions associated with a permit shall be binding on owners and holders of other rights in the property, regardless of when the right was established. At the applicant's expense, the authority shall have conditions of permanent interest registered in the Land Register in respect of the property concerned.

(2) A permit shall lapse if it is not used within three years after it was granted or has not been used for three consecutive years.

### Other administrative provisions

**29l** - (1) The Minister for Culture may decide to assume the powers of the local council in accordance with this Part in cases that affect the statutory tasks of other authorities or are of major significance.

(2) The Minister for Culture may make regulations on the administration by the local council of Section 29j (2).

**29m** - (1) The Minister for Culture may require the local council to produce information, including maps, to be used in the assessment of matters covered by this Part. The information may be required to be provided in a specific form.

### International obligations

**29n** - (1) The Minister for Culture may make any regulations necessary for the application in Denmark of the European Community's regulations in respect of matters covered by this Part.

### Supervision

**29o** - (1) The Minister for Culture shall ensure that the provisions in this Part and the regulations issued pursuant to these provisions are observed.

(2) The Minister for Culture may decide that such supervision be performed by another authority.

(3) The Minister for Culture shall ensure that orders and injunctions pursuant to this Part are observed, and ensure compliance with the conditions specified in permits.

(4) The Minister for Culture shall cause unlawful circumstances to be made legal, unless they are immaterial.

(5) The Minister for Culture may make regulations concerning the performance of the supervision.

**29p** - (1) Any current owner or user of a property shall be obliged to make legal any unlawful circumstances.

(2) The supervisory authority, cf. Section 29o, may have an order to make legal any unlawful circumstances registered in the Land Register in respect of the property concerned at the owner's expense. When the matter has been rectified, the authority shall have the order cancelled from the Land Register.

(3) If a court order to rectify unlawful circumstances is not complied with within the time limit and the collection of default fines cannot be assumed to result in compliance with the court order, the supervisory authority may take the necessary steps to rectify the matter at the expense of the person so obliged.

(4) If unlawful circumstances present a risk to the maintenance of the state of walls of stone and earth and the like and of ancient relics or monuments that are protected pursuant to this Part, and an order to rectify the matter is not complied with within the time limit, the supervisory authority may cause the necessary work to be carried out immediately at the expense of the person so obliged. The police shall render the necessary assistance in this connection.

**29q** - (1) The Minister for Culture may cause ancient relics or monuments to be repaired if this does not put the owner or user of the property to expense, cf. subsections (2) and (3), however.

(2) If an ancient relic or monument is damaged, altered or moved, the Minister for Culture may order the owner or user to restore it to its former condition and to take the measures necessary to prevent new damage. Failure to comply with an order within the time limit may cause the Minister for Culture to have the work carried out immediately at the expense of the person so obliged.

(3) If the Minister for Culture finds that restoration pursuant to subsection (2) cannot be carried out properly by the owner or user, the Minister may carry out restoration at the owner's or the user's expense.

(4) The provisions in subsections (2) and (3) are not applicable if the owner and user prove that the damage is not due to any error or negligence on their part.

**29r** - (1) The authorities referred to in this Part or persons so authorised by those authorities shall have access without a court order to public and private properties in order to exercise the powers vested in them pursuant to this Part, including to conduct the investigations of importance for this Part. The same shall apply to localities which are wholly or partly used for commercial purposes. Identification shall be produced on request.

(2) The police shall render the necessary assistance to enforce this right of access pursuant to subsection (1).

**29s** (Repealed).

### Complaints

**29t** - (1) Complaints about the decisions of local councils pursuant to this Part or the regulations issued pursuant to this Part may be filed with the Nature Protection Board of Appeal pursuant to the provisions in this Part.

(2) Complaints about the decisions of the Minister for Culture pursuant to Section 29h (2) and Section 29q (2) 1st clause may be filed with the Nature Protection Board of Appeal pursuant to the provisions in this Part. Complaints about decisions pursuant to Section 29j (1) may also be filed with the Nature Protection Board of Appeal in so far as exemptions from the provisions in Section 29e (1) 1st clause and Section 29g (1) and (2) are concerned, except permits for archaeological investigations of ancient relics or monuments and historical shipwrecks. Complaints about other decisions pursuant to this Part cannot be filed with another administrative authority.

(3) The Minister for Culture may lay down provisions on complaints about decisions made by the Minister according to regulations issued pursuant to this Part. The Minister for Culture may decide that complaints about such decisions may be filed with the Nature Protection Board of Appeal, or that they cannot be filed with another administrative authority.

**29u** - (1) The following persons shall be entitled to file complaints:

- i) the addressee of the decision,
- ii) the owner of the property to which the decision refers,
- iii) public authorities,
- iv) local associations and organisations that have a substantial interest in the decision,
- v) national associations and organisations whose main objectives are to protect nature and the environment,
- vi) national associations and organisations whose objectives are to protect substantial recreational interests when the decision relates to such interests.

(2) In connection with complaints pursuant to subsection (1) (v), the Nature Protection Board of Appeal may demand that the associations or organisations substantiate their right to complain by forwarding statutes or other documentation.

**29v** - (1) The time limit for filing complaints shall be four weeks from the day the decision is communicated. However, if the decision is published, the time limit for filing complaints shall always be calculated from the date of publication. If the time limit for filing complaints expires on a Saturday or public holiday, the time limit shall be extended to the following weekday.

(2) Complaints shall be filed in writing with the authority that made the decision. The authority shall forward the complaint to the Nature Protection Board of Appeal, accompanied by the decision concerned and the material that formed the basis for the decision.

(3) Permits may not be used until expiry of the time limit for filing complaints. Complaints filed in due time shall stay the decision concerned, unless the appellate authority decides otherwise.

(4) The authority shall notify the person entitled to file complaints about decisions made pursuant to this Part or the regulations issued pursuant to this Part.

(5) The Minister for Culture may make regulations concerning notification of the persons entitled to file complaints.

### Legal proceedings

**29x** - (1) Legal proceedings to review decisions made pursuant to this Part or the regulations issued pursuant to this Part shall be instituted within six months after the decision has been communicated to the person concerned. However, if the decision has been published, the time limit shall be calculated from the date of publication.

### Part 9

#### Treasure trove and fossil trove

**30** - (1) 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 having regard to the value of the material and the rarity of the find as well as to the care with which the finder has safeguarded the find.

(4) No treasure trove reward shall be paid to the finder if the treasure trove is found in connection with archaeological investigations that are managed by a museum owned or subsidised by the state or otherwise financed, in whole or in part, by public funds. However, in special circumstances the National Museum may pay a reward to the owner or user of the area in which 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 museums owned or subsidised by the state 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 the matter.

**31** - (1) 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 Natural History Museum of Denmark, cf. Section 9.

(3) The Natural History Museum of Denmark shall pay a reward to the finder. The amount shall be fixed by the Natural History Museum of Denmark having regard to the

value of the material and the rarity of the find as well as to the care with which the finder has safeguarded the find.

(4) No fossil trove reward shall be paid to the finder if the fossil trove is found in connection with scientific investigations managed by a museum owned or subsidised by the state or otherwise financed, in whole or in part, by public funds. However, in special circumstances the Natural History Museum of Denmark may pay a reward to the owner or user of the area in which the investigation takes place.

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

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

## Part 10

### Special provisions

**32 - (1)** 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 that are specially approved for this purpose.

(2) The Minister for Culture may make regulations in this respect.

**33 - (1)** It is prohibited for museums to 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) Any object acquired contrary to subsection (1) shall be returned in accordance with the international agreement mentioned in subsection (1).

## Part 11

### Accounts and auditing

**34 - (1)** The Minister for Culture shall make regulations on submitting accounts and performing audits in respect of subsidies granted pursuant to this Act.

(2) The Minister for Culture shall make regulations on submitting accounts and the basis for subsidies for museums that are subject to the Ministry of Culture's Conclusion of Cultural Agreements with Local Authorities Act, etc. and the Cultural Tasks of the Regions Act.

**35 - (1)** The Minister for Culture may obtain further material from recipients of subsidies for use in connection with a closer review of the accounts by Rigsrevisionen (the National Auditors).

**36 - (1)** Subsidies pursuant to this Act may be paid out in advance.

**37 - (1)** The Minister for Culture may decide that subsidy commitments made shall lapse, and that subsidies already disbursed shall be repaid, if the recipient does not fulfil the conditions for the subsidies or does not carry out the activities presumed.

Part 12  
Administration

**38 - (1)** 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 make regulations concerning access to file complaints of decisions made by authority pursuant to subsection (1), including that the decisions cannot be brought before the Minister.

**39 - (1)** The Minister for Culture shall keep a Central Register of Cultural Heritage and a Central Register of Art. The Minister for Culture shall make the registers available to the public and to relevant authorities.

Part 13  
Penalty provisions, etc.

**40 - (1)** Any person who

- i) violates Section 27 (2), Section 28 (1) and (5) 1st clause, Section 28a (3)-(5), 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 incur a fine.

(2) Where violation of Section 27 (2), Section 28 (1) and (5) 1st clause, Section 28a (3)-(5), Section 29 (1), Section 30 (2) 2nd clause or Section 31 (2) 2nd clause is intentional and the person in question or others have obtained or sought to obtain 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 criminally liable under Part 5 of the Penal Code.

**40a - (1)** Unless a higher penalty is required by other legislation, any person who

- i) violates Section 29a (1), Section 29e (1), Section 29f, Section 29g (1) and (2), Section 29h (1) or Section 29p (1),
- ii) fails to comply with injunctions or orders issued pursuant to Section 29o (4) or Section 29q (2),
- iii) prevents access to a property contrary to Section 29r (1),
- iv) fails to comply with injunctions or orders issued according to regulations made pursuant to Part 8a,
- v) disregards terms or conditions specified in a permit or approval pursuant to Part 8a or according to regulations made pursuant to Part 8a.  
shall incur a fine.

- (2) The penalty may be increased to imprisonment for a period of up to one year for violations committed intentionally or through gross negligence, and if
- i) the violation has caused damage to the interests which Part 8a aims to protect, or if the violation has caused a risk thereof, or
  - ii) the person in question or others have obtained or sought to obtain a financial advantage, including in the form of savings.
- (3) Regulations made pursuant to Part 8a may lay down penalties in the form of fines for violation of provisions of such regulations, or for violation of provisions in regulations comprised by Section 29n. It may also be stipulated that the penalty can be increased to imprisonment for a period of up to one year under circumstances as referred to in subsection (2).
- (4) Companies, etc. (legal entities) may be held criminally liable under Part 5 of the Penal Code.
- (5) If returns obtained from a violation are not confiscated, special account shall be taken of the size of such returns, or possible financial gains, cf. subsection 2 (ii), when determining the level of fines, including supplementary fines.
- (6) The period of limitation for criminal liability is five years for violations, etc. as referred to in subsection (1) and for violation of provisions in regulations made pursuant to Part 8a.

Liens, etc.

**40b** - (1) Expenses which the authorities may recover under Section 29k (1), Section 29p (2)-(4) and Section 29q (2) and (3) are subject to a lien on the property.

(2) If the expenses referred to in subsection (1) are not paid within the time limit, default interest may be charged at a rate of 1.3 per cent per month or fraction of a month from the date of maturity.

#### Part 14

#### Concluding provisions

**41** - (1) The Act shall enter 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 investigation tasks, cf. Section 26 (3) of the Act on Museums, etc., cf. Consolidated Act no. 739 of 17 July 2000.

**42** - (1) This Act shall not entail any changes to the special rules applying to the Royal Danish Collection at Rosenborg.

**43** (Repealed).

**44** (Omitted).

**45** - (1) This Act shall not apply to the Faroe Islands and Greenland.

Act No. 393 of 28 May 2003 on amendment of the Protection of the Marine Environment Act and the Museum Act inserting a new Section 28a and amending Section 40 contains the following commencement provision, etc.:

**3 - (1)** This Act shall enter into force on 1 June 2003.

**4 - (1)** This Act shall not apply to the Faroe Islands and Greenland. (2nd clause omitted).

Act No. 454 of 9 June 2004 on amendment of the Protection of Nature Act, the Planning Act, the Watercourses Act and the Museum Act amending Section 1 and Section 38 and the heading of Part 13 and inserting a new Part 8a (Sections 29a-x), new Sections 40a and 40b and a new Annex 1 to the Act contains the following commencement provision:

**5 - (1)** This Act shall enter into force on 1 October 2004.

(2) (Omitted).

(3) (Omitted).

(4) (Omitted).

(5) Applications pursuant to Section 4 (ii) (Section 29j (1) 2nd clause of the Museum Act) received prior to the entry into force of this Act shall be considered according to the rules in force up to that time.

Act No. 562 of 24 June 2005 on amendment of the Museum Act, the Listed Buildings and Preservation of Buildings and Urban Environments Act and the Act on Church Buildings and Cemeteries of the Danish National Evangelical Lutheran Church and on the repeal of the Act on Regional Specialist Cultural Environment Councils amending Section 10 2nd clause, Section 14 (1) (i) and (viii) 2nd clause, Section 14 (3), Section 15 (7), Section 16 (5), Section 18, Section 23 (2), Section 24 (1), Section 29i (1), Section 29j (2), Section 29l (1) and (2), Section 29m, Section 29o (1), (3) and (4), Section 29t (1) and Section 34 (2), inserting Section 15a, Section 16a, Section 23a and Section 29v (4) and (5) and repealing Sections 19-22, Section 29s, Section 29t (1) 2nd clause and Section 29v (4) contains the following commencement provisions:

### **Section 5**

(1) This Act shall enter into force on 1 January 2007. However, the provisions in subsections (2)-(7) shall enter into force the day after publication of the Act in the Danish Law Gazette.

(2) The Minister for Culture may make regulations on submitting accounts and repaying loans for institutions that have received subsidies or loans from a county council prior to the entry into force of this Act pursuant to

- i) Section 14 (1) (xiv) of the Museum Act with respect to subsidies granted to museums by county councils that are main contributors of funds,
- ii) Section 18 of the Museum Act with respect to Museum Councils set up by county councils, and
- iii) the Regional Specialist Cultural Environment Councils Act with respect to Cultural Environment Councils set up by county councils.

(3) Museum Councils set up by county councils pursuant to section 18 of the Museum Act and Cultural Environment Councils set up by county councils pursuant to the Regional Specialist Cultural Environment Councils Act shall, from the day after publication of the Act in the Danish Law Gazette, not assume any obligations extending beyond 1 January 2007 unless this has been approved by a local council, and the local council has guaranteed to take over the obligations from this date.

(4) Matters within the scope of the Museum Act which have been duly referred to a regional council on the entry into force of this Act, but which have not yet been finally considered, shall pass to the authority that becomes authorised to consider matters in the field concerned pursuant to the provisions in Section 1.

(5) Museums subsidised by the state, cf. Part 6 of the Museum Act, owned by county councils, and conservation centres, cf. Section 1 (viii), owned by county councils, shall be established as independent institutions before 1 January 2006.

(6) Institutions referred to in subsection (5) shall not assume any obligations extending beyond 1 January 2007 unless approved by the public authority that becomes the main contributor of funds from this date, and unless the authority has guaranteed to take over such obligations from the same date.

(7) Ownership of the buildings owned by county councils where museums subsidised by the state, cf. Part 6 of the Museum Act, and conservation centres financed by county councils, cf. Section 1 (viii), carry out their tasks shall be transferred to the institution concerned before 1 January 2007 if it is an independent institution. The Minister for Culture shall lay down the detailed terms and conditions for such transfer.

Act No. 1403 of 21 December 2005 on amendment of the Museum Act inserting a new Section 14 (1) (xv) and a new Section 14a contains the following commencement provision:

## **Section 2**

(1) This Act shall enter into force on 1 January 2006.

Act No. 504 of 7 June 2006 on amendment of the Museum Act inserting a new 3rd clause in Section 15 (4) contains the following commencement provision:

**Section 2**

(1) This Act shall enter into force on 1 January 2007.

*Ministry of Culture, 14 December 2006*

Brian Mikkelsen

/Malene Sthyr

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## Annex 1

### Annex to the Museum Act – ancient relics or monuments protected pursuant to Section 29e

**Part 1:** The following types of ancient relics or monuments shall be protected pursuant to Section 29e of this Act if they are visible in the terrain<sup>1</sup>:

- 1) Burial mounds, cairns
- 2) Stone cists, dolmens, passage graves
- 3) Ship tumuli
- 4) Moated sites without building remains and shipyards
- 5) Fortifications
- 6) Disused churchyards
- 7) Ruins
- 8) Runic stones, monoliths
- 9) Rock carvings
- 10) Crosses, milestones, boundary stones around royal hunting areas, etc.

**Part 2:** The following types of ancient relics or monuments shall be protected pursuant to Section 29e of the Act only when the owner has received notification of their presence<sup>1</sup>:

- 1) Mills
- 2) Dams and dikes
- 3) Bridge and road constructions
- 4) Stone banks and stone settings
- 5) Moated sites with building remains and shipyards
- 6) Holy wells
- 7) Canals
- 8) Structures near or in lakes, rivers and bogs
- 9) Settlement sites
- 10) Ancient relics or monuments covered by Part 1 that are not visible in the terrain
- 11) Stones and trees associated with popular beliefs, historical tradition or folklore
- 12) Soldiers' graves
- 13) Memorial monuments
- 14) Walls of stone and earth
- 15) Traces of field cultivation
- 16) Trapping pits
- 17) Heaps of stones or branches

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<sup>1</sup> Reference is made to the Danish Act on the Preservation of Nature in order to decide whether an ancient relic or monument has a protection line.