

CULTURAL PROPERTIES PROTECTION ACT

Wholly Amended by Law No. 3644, Dec. 31, 1982

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to contribute to the cultural advancement of the nation as well as to the cultural improvement of all people by preserving and utilizing cultural properties.

Article 2 (Definitions) (1) In this Act, "cultural property" means the following:

1. **Tangible cultural property:** buildings, classical books, calligraphic works, ancient documents, pictures, sculpture, craftwork, etc. and other tangible cultural products of high historical or artistic value and other archeological specimens corresponding to any of them;
2. **Intangible cultural property:** drama, music, dance, craftwork technique etc. and other intangible cultural expressions of high historical or artistic value;
3. **Monument:** shell-mounds, ancient tombs, castle sites, palace sites, pottery remains, strata containing remains, etc. of high historical or scientific value, other sites of high historical or scientifically valuable remains, scenic places of high artistic or ornamental value, animals (including their habitat, breeding or migration places), plants (including their habitat), minerals and caves of high scientific value;
4. **Folk-lore material:** public morals and customs relating to food, clothing, housing, occupation, religion or an annual event, etc. and clothes, tools or houses used therefor that are indispensable to the understanding of changes and progress in the national life.

(2) In this Act "designated cultural property" means the following:

1. **State-designated cultural property:** cultural property which was designated by the Minister of Culture and Information in accordance with the provisions of Articles 4 to 7;
2. **City-or Province-designated cultural property:** cultural property which was designated by the Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province in accordance with the provisions of Article 55 (1) among cultural properties not designated by Subparagraph 1;
3. **Cultural property material:** cultural property which was designated by the Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province in accordance with the provisions of Article 55(2) among cultural properties not designated by Subparagraph 1 or 2.

Article 3 (Establishment of Cultural Properties Committee) (1) The

CULTURAL PROPERTIES PROTECTION ACT

Cultural Properties Committee shall be established in the Ministry of Culture and Information to advise the Minister of Culture and Information on the research and deliberation on the following matters concerning the preservation, management and utilization of cultural properties:

1. Designation or cancellation of a State-designated cultural property;
2. Designation or cancellation of a protective structure or protective area for
a. State-designated cultural property;
3. Recognition or cancellation of a holder or a holding body of an important intangible cultural property;
4. Orders for substantial repair and restoration of a State-designated cultural property;
5. Permission to change the present shape of a State-designated cultural property or to transport it out of the State;
6. Orders restricting or prohibiting certain actions and establishing, eliminating or removing facilities in order to preserve the environment of a State-designated cultural property;
7. Purchase of a State-designated cultural property;
8. Excavation of a buried cultural property;
9. Other special or technical matters considered important to the preservation, management or utilization of a State-designated cultural property;
10. Recommendations by the Minister of Culture and Information concerning the designation and management of a City-or Province-designated cultural property or a cultural property material;
11. Other matters presented for discussion by the Minister of Culture and Information concerning the management of cultural properties.

(2) Subcommittees may be established in the Cultural Properties Committee according to the classification of cultural properties for the purpose of researching and deliberating on the matters under Paragraph (1).

(3) Matters concerning the organization and administration of the Cultural Properties Committee shall be prescribed by the Presidential Decree.

CHAPTER II STATE-DESIGNATED CULTURAL PROPERTIES

SECTION I Designation

Article 4 (Designation of Treasures and National Treasures) (1) The Minister of Culture and Information may designate certain important tangible cultural properties as Treasures, after deliberation by the Cultural Properties Committee.

(2) The Minister of Culture and Information may, after deliberation by the Cultural Properties Committee, designate as National Treasures certain Treasures under Paragraph(1) which are rare and highly valuable from the human cultural

point of view.

Article 5 (Designation of Important Intangible Cultural Properties) (1)

The Minister of Culture and Information may designate certain important intangible cultural property as an important intangible cultural property, after deliberation by the Cultural Properties Committee.

(2) The Minister of Culture and information shall recognize a holder (hereinafter understood as including a holding body) of an important intangible cultural property when he designates an important intangible cultural property in accordance with Paragraph (1).

(3) The Minister of Culture and Information may, in addition to the holder recognized under Paragraph (2), recognize another holder of an important intangible cultural property if he is worthy of it.

Article 6 (Designation of Historical sites, Scenic Places and Natural Monuments)

The Minister of Culture and Information may designate certain important monument as a historical site, scenic place or a natural monument after deliberation by the Cultural Properties Committee.

Article 7 (Designation of Important Folk-lore Materials)

The Minister of Culture and Information may designate certain important folk-lore material as an important folk-lore material after deliberation by the Cultural Properties Committee.

Article 8 (Designation of Protection Facility and Protection Area)

When designating a cultural property in accordance with Article 4, 6 or 7, the Minister of Culture and Information may designate a protective structure or a protective area therefor if it is especially necessary for the protection of such cultural property.

Article 9 (Announcement and Notification of Designation) (1)

When designating a State-designated cultural property (understood in this Article as including protective structures and protective areas) or recognizing the holder of an important intangible cultural property in accordance with Articles 4 through 8, the Minister of Culture and Information shall so announce in the Official Gazette and shall notify the owner or holder of the cultural property concerned.

(2) When there is no owner of the cultural property or the owner thereof is unidentified, in the case of Paragraph (1), the notification shall be made to the occupant or to the manager thereof.

Article 10 (Issuance of the Certificate of Designation, etc.) (1)

When designating a national treasure, a treasure or an important folk-lore material in accordance with Article 4 or 7, the Minister of Culture and Information shall issue a certificate of designation thereof to the owner of the cultural property concerned.

(2) When recognizing the holder of an important intangible cultural property in accordance with Article 5(2) or (3), the Minister of Culture and Information shall issue a certificate of recognition thereof to the holder concerned.

Article 11 (Effective Date of Designation or Recognition)

Designation or recognition under Articles 4 through 8 shall be effective for the owner, holder,

CULTURAL PROPERTIES PROTECTION ACT

occupant or manager of the cultural property concerned, from the date when he receives the notice of designation or recognition thereof; for others, from the date of the announcement in the Official Gazette.

Article 12 (Cancellation of Designation or Recognition) (1) When a designated cultural property which was designated in accordance with Article 4, 6 or 7 has lost its value as such or when there is a special reason to do so, the Minister of Culture and Information may, after deliberation by the Cultural Properties Committee, cancel the designation thereof.

(2) When the holder of an important intangible cultural property is regarded as incompetent due to a physical or mental illness or when there is a special reason to do so, the Minister of Culture and Information may, after deliberation by the Cultural Properties Committee, cancel the recognition of the holder of an important intangible cultural property.

(3) When a holder of an important intangible cultural property dies, the recognition of the holder concerned shall be regarded as cancelled, and when all the holders of an important intangible cultural property die, the designation of the important intangible cultural property concerned shall be regarded as cancelled.

(4) When the designation of a State-designated cultural property is cancelled or when there is a special reason to do so, the Minister of Culture and Information may cancel the designation of the protective structure or the protective area therefor.

(5) The provisions of Article 9 and 11 shall apply *mutatis mutandis* to the cases of Paragraphs (1) through (4).

(6) When the owner of a National Treasure, a Treasure or an important folklore material receives a cancellation notice in accordance with the provision of Paragraph (5) or Article 9, he shall return the certificate of designation thereof to the Minister of Culture and Information within 30 days from the date he received the notice.

(7) When the holder of an important intangible cultural property receives a cancellation notice in accordance with Paragraph (5) or Article 9, he shall return the certificate of recognition to the Minister of Culture and Information within 30 days from the date he received the notice; however, this shall not apply if a person holding an important intangible cultural property dies.

Article 13 (Provisional Designation) (1) When it is urgently necessary to designate a cultural property which is deemed valuable enough to be designated in accordance with Article 6 or 7, and yet there is no time for deliberation by the Cultural Properties Committee, the Minister of Culture and Information may provisionally designate the cultural property as an important cultural property at the request of the Director of the Cultural Properties Maintenance Office.

(2) The provisional designation under Paragraph(1) shall be effective from the date when the owner, occupant or manager of the cultural property designated provisionally (hereinafter, referred to as "a provisionally designated cultural property") receives the notice thereof.

(3) The provisional designation under Paragraph (1) shall become ineffective, if the cultural property concerned is not designated as prescribed in Article 6 or 7 within six months from the date of its provisional designation.

(4) The provisions of Articles 8 through 10(1) shall apply *mutatis mutandis* to the case of Paragraph (1); however, the announcement in the Official Gazette in accordance with Article 9(1) shall be omitted.

SECTION 2 Management and Production

Article 14 (Instruction Regarding Management Methods) The Minister of Culture and Information may issue necessary instructions concerning the management and protection of the designated cultural property to the owner (when there is no owner or when the owner is unidentified, the occupant thereof shall take the owner's place; the same shall apply hereinafter.) or the holder thereof.

Article 15 (Owner's Management Duty and Manager) (1) The owner of a State-designated cultural property shall manage and protect the cultural property with the reasonable care of a good manager.

(2) The owner of a State-designated cultural property may, when necessary, select and nominate a manager to manage and protect the State-designated cultural property in his place.

(3) The provisions of Article 14 and Paragraph (1) of this Article shall apply *mutatis mutandis* to the manager under Paragraph (2).

Article 16 (Management by a Managing Body) (1) When the owner of a State-designated cultural property is not identified, or when management by the owner or the manager is considered difficult or inadequate, the Minister of Culture and Information may appoint a Local Government, an adequate juristic person or a body (in this Article, referred to as "a Local Government, etc.") to manage the State-designated cultural property.

(2) When appointing a Local Government, etc. in accordance with Paragraph (1), the Minister of Culture and Information shall take into consideration the opinions of the owner of the cultural property concerned, if any, and shall listen to the opinions of the Local Government, etc. which he is going to appoint.

(3) When the Minister of Culture and Information has appointed a Local Government, etc. in accordance with Paragraph (1), he shall so announce in the Official Gazette without delay and shall notify the owner or the manager of the State-designated cultural property and the Local Government etc. concerned.

(4) The owner or manager of the State-designated cultural property shall not, unless there is a justifiable reason, interfere with managing acts of the Local Government, etc. (hereinafter referred to as "a managing body") appointed in accordance with Paragraph (1).

(5) When the Minister of Culture and Information has appointed a managing body in accordance with Paragraph (1), expenses required for the management of the State-designated cultural property shall be born by the relevant

CULTURAL PROPERTIES PROTECTION ACT

managing body unless there is a special provision in this Act.

(6) The provisions of Article 11 shall apply *mutatis mutandis* to the case of Paragraph (1); the provisions of Article 14 and 15(1), *mutatis mutandis* to the managing body.

Article 17 (Management by the State, etc.) (1) The Minister of Culture and Information may manage directly the State-designated cultural property or provisionally designated cultural property or may take necessary measures, if necessary, to protect or safeguard it from being burnt, stolen, damaged or ruined. In this case he shall consider the opinions of the owner, manager or managing body in advance.

(2) With the removal of the circumstances that necessitated the measures under Paragraph (1), the Minister of Culture and Information shall lift the measures without delay.

Article 18 (Repairs, etc.) (1) The State-designated cultural property shall be repaired by its owner (in this Article, "owner" also means a managing body, if there is one appointed) in accordance with the provisions of the Presidential Decree.

(2) When an owner of the State-designated cultural property intends to repair his cultural property in accordance with Paragraph (1), he shall have it repaired by a repairman, a repairing engineer or a repairing technician of cultural properties who is registered in the Cultural Properties Maintenance Office; however, this shall not apply when the repair work is so slight that it does not affect the preservation of the cultural property concerned.

(3) The Minister of Culture and Information may order the owner of the State-designated cultural property to halt repairs or to begin again when the repairs is considered detrimental to the preservation and management of the cultural property concerned.

(4) Qualifications and other requirements for registration of the repairman, repairing engineer or repairing technician of the cultural properties under Paragraph (2) shall be prescribed by the Presidential Decree.

Article 19 (Record Keeping) (1) The Minister of Culture and Information shall keep a record of certain important State-designated cultural properties.

(2) The Minister of Culture and Information may, when he considers it necessary for the preservation and management of a State-designated cultural property, have a research institution or a man of special knowledge of cultural properties keep a record of a State-designated cultural property.

Article 20 (Matters to be Permitted) A person who intends to engage in the activities under the following Subparagraphs concerning the State-designated cultural properties shall obtain permission from the Minister of Culture and Information in accordance with the provisions of the Presidential Decree. No alteration in the activities shall be made unless further permission is granted:

1. Capturing or collecting animals, plants or minerals in an area designated or provisionally designated as a scenic place or a natural monument, or in its protective area, or transporting them out of such an area;

2. Carrying a State-designated cultural property out of a place of custody or a related place prescribed by the Presidential Decree;
3. Making a rubbing of a State-designated cultural property, imitating and photographing it in such a manner that may affect its preservation;
4. Changing the present shape of a State-designated cultural property (including the protective structure and protective area) or an act which may affect its preservation.

Article 21 (Prohibition of Export, etc.) (1) A National Treasure, a Treasure or an important folk-lore material shall not be exported or transported out of the State; except when the Minister of Culture and Information permits it for an international cultural exchange, such as a cultural property exhibition in a foreign country, etc. on condition it be brought back to the State within two years from the date of its departure.

(2) Upon request by the person who was permitted to transport a National Treasure, a Treasure or an important folk-lore material in accordance with the proviso of Paragraph (1), the Minister of Culture and Information may permit the extension of the time period for two years or less if he considers it unavoidable.

(3) When the Minister of Culture and Information intends to grant permission for transporting a cultural property out of the State in accordance with the proviso of Paragraph (1), or when he intends to permit an extension of the time period in accordance with Paragraph (2), he shall refer his intention to the State Council for deliberation.

Article 22 (Cancellation of Permission) If the person who has obtained permission in accordance with Article 20 or 21 violates its terms or conditions, or if it is feared that he may diminish the value of the State-designated cultural property for any reason, the Minister of Culture and Information may cancel the permission.

Article 23 (Consignment of Management, etc. or Technical Guidance)

(1) The owner of a State-designated cultural property may consign its management or its repairs to the Minister of Culture and Information as prescribed by the Presidential Decree; however, a managing body, if appointed as such, may consign only repairs of the cultural property to the Minister of Culture and Information.

(2) The owner or the managing body of a State-designated cultural property may request the Minister of Culture and Information for technical guidance with respect to the management or repairs of the cultural property concerned.

(3) When the Minister of Culture and Information is consigned with the management or repairs of a cultural property in accordance with Paragraph (1), he shall appoint his subordinate official to be responsible for the management and repairs thereof.

Article 24 (Protection and Nurturing of Important Intangible Cultural Properties) (1) The State shall protect and nurture the important intangible cultural properties for the purpose of transmitting and developing traditional

CULTURAL PROPERTIES PROTECTION ACT

culture.

(2) The Minister of Culture and Information may have the holder of an important intangible cultural property teach his skill and performing art for the purpose of transmitting and preserving the important intangible cultural property concerned.

(3) The State may bear the expenses required for the transmission teaching under Paragraph (2) as allowed in the Budget.

(4) The Minister of Culture and Information may award scholarship to the person who is trained with the transmission teaching.

(5) Matters necessary for transmission teaching and awarding of the scholarship in accordance with Paragraph (2) and (4) shall be prescribed by the Presidential Decree.

Article 25 (Administrative Order) (1) The Minister of Culture and Information may issue following orders, when he deems it necessary for management and protection of a State-designated cultural property (in this Article, understood as including the protective structure and protective area):

1. An order prohibiting or restricting certain acts of the owner, holder, manager or the managing body of a State-designated cultural property when its management is considered improper or when there is a special reason to do so;
2. An order dismissing the manager, when the selecting and appointing of the manager in accordance with Article 15 (2) is considered improper;
3. An order repairing, installing necessary facility, removing obstacles to the owner, manager or managing body of a State-designated cultural property;
4. Orders, other than those prescribed in Subparagraphs 1 to 3, to the owner, manager or managing body of a State-designated cultural property to take necessary measures.

(2) The Minister of Culture and Information may directly take measures prescribed in each Subparagraph of Paragraph (1) at the expense of the State when the owner or manager of the State-designated cultural property does not execute an order under Paragraph (1) or when it is considered improper to have him take measures prescribed in each Subparagraph of Paragraph (1).

Article 26 (Restrictions on Sale) (1) When the owner of a State-designated cultural property intends to sell the cultural property concerned, he shall dispose of it preferentially to the State, a Local Government or a museum if it intends to purchase the cultural property.

(2) The Minister of Culture and Information shall contrive necessary measures for purchasing the cultural properties which it is considered necessary for the State to purchase, preserve and manage.

Article 27 (Matters to be Reported) When a fact falling under any of the following Subparagraphs has occurred, the owner, holder, manager or managing body of a State-designated cultural property (understood in this Article as including the protective structures and protective areas) shall report details thereof to the Minister of Culture and Information in accordance with the provisions of the Presidential Decree; however, the report shall be made with the joint

signature of the owner and the manager in case of Subparagraph 1, and with the joint signature of the old and new owners in case of Subparagraph 2 respectively, and one member of the family living in the same household shall report thereof in case of Subparagraph 10:

1. When a manager was appointed or dismissed;
2. When a State-designated cultural property is going to be sold, or when its ownership was transferred;
3. When the name or address of the owner, holder or manager changed;
4. When the name, lot number, land category or the extent of the site of a State-designated cultural property changed;
5. When the place of custody changed;
6. When a State-designated cultural property was ruined, stolen, destroyed or damaged;
7. When a cultural property was transported with the permission under Subparagraph 1 or 2 of Article 20, or the proviso of Article 21 (1), or when it was returned to its right place;
8. When a change of the present shape or other acts in the cultural property has been launched or completed with the permission (including the changed permission under Subparagraph 4 of Article 20);
9. When the repair work, installation of facilities, removal of obstacles, or other measures for the cultural properties have been launched or completed under the order in Subparagraph 3 or 4 of Article 25 (1);
10. When an individual holding an important intangible cultural property died.

Article 28 (Subsidies) (1) The State may grant a subsidy to cover the whole or a part of the following expenses:

1. Expenses necessary for the management of the cultural property by a managing body prescribed in Article 16 (1);
2. Expenses necessary for taking measures in accordance with each Subparagraph of Article 25 (1);
3. Expenses, other than those under Subparagraphs 1 and 2, necessary for the management, protection, repairs or record keeping of a State-designated cultural property;
4. Expenses necessary for the protection and nurturing of an important intangible cultural property.

(2) When granting a subsidy in accordance with Paragraph (1), the Minister of Culture and Information may supervise the repairs and other engineering works on the cultural property concerned.

(3) The subsidies under Subparagraphs 2 through 4 of Paragraph (1) shall be delivered through the Mayor of the Special City of Seoul, the Mayor of a Direct Control City, or the Governor of a Province, and shall be managed and utilized pursuant to his directions; however, this shall not apply when the Minister of Culture and Information deems it unnecessary.

Article 29 (Return of Subsidies, etc.) (1) When any of the following Sub-

CULTURAL PROPERTIES PROTECTION ACT

paragraphs applied to a person who has received a subsidy pursuant to Article 28 falls, the Minister of Culture and Information may suspend the subsidy or order its return in whole or in part of the subsidy already granted:

1. When the subsidy was used for a purpose other than those for which the delivery was made in accordance with each Subparagraph of Article 28 (1);
2. When permission for the repairs or other maintenance work on the objects, for which the subsidy was granted was cancelled in accordance with Article 22;
3. When it is acknowledged that there is no possibility of achieving the purpose for which the subsidy was granted in accordance with Subparagraph 2 or 3 of Article 28 (1);
4. When the subsidy was gained by fraudulent or other unfair means;
5. When a State-designated cultural property on which subsidized repairs or other work had been performed, is transferred with compensation.

(2) Matters necessary for the return of a subsidy in accordance with Paragraph (1) shall be prescribed by the Presidential Decree.

Article 30 (Compensation for Loss) The State shall make compensation to any person whose loss falls under any of the following Subparagraphs:

1. A person who has suffered a loss due to the management by the State pursuant to Article 17 (1);
2. A person who has suffered a loss due to the execution of an order in accordance with Article 18 (3), Subparagraph 1, 3 or 4 of Article 25 (1);
3. A person who has suffered a loss due to measures taken pursuant to Article 25 (2).

Article 31 (Expenses to be Borne by the Local Government) The Local Government may bear or subsidize the expenses required for the management, protection or repairs of those State-designated cultural properties which are located within its territorial jurisdiction but not in its possession nor under its management.

Article 32 (*Mutatis Mutandis* Application) The provisions of Articles 14, 15, 20 to 22, Subparagraphs 1 and 4 of Article 25 (1), Subparagraphs 2 to 4, 6 to 8 of Article 27 and Article 30 shall apply *mutatis mutandis* to the management and protection of the provisionally designated cultural properties.

SECTION 3 Opening to the Public

Article 33 (Opening to the Public) The State-designated cultural properties shall be open to the public as prescribed by this Act.

Article 34 (Opening to the Public of State-Designated Cultural Properties that are Real Properties) (1) The owner, manager or managing body of National Treasures or Treasures, that are real properties, and historical sites, scenic places, natural monuments (excluding animals) shall open the property to the public in accordance with the provisions of the Presidential Decree; however, this shall not apply in a case which falls under any of the following Subparagraphs:

1. When the opening to the public is inappropriate for reasons concerning religious ceremonies, preservation or management of the cultural property;
 2. When the owner, manager or the managing body has obtained an approval from the Minister of Culture and Information not to open to the public for unavoidable reasons;
 3. When the Minister of Culture and Information ordered to restrict or suspend the opening of the cultural property to the public if he considers it necessary to protect the cultural property concerned from being destroyed or damaged.
- (2) When the Minister of Culture and Information has issued the permission or an order in accordance with Subparagraph 2 or 3 of Paragraph (1), he shall make a public announcement thereof in accordance with the provisions of the Presidential Decree.

Article 35 (Opening to the Public of the State-Designated Cultural Properties that are Movable Properties) (1) The owner, manager or managing body of a State-designated cultural property that is a movable property shall exhibit or open it to the public when the Minister of Culture and Information issues any of the following orders; however, this shall not apply when there is an unavoidable reason not to do so:

1. Holding an exhibition at the National Museum or other places for a period not to exceed one year. In this case, the Minister of Culture and Information may extend the period up to three years;
2. Opening to the public for a period not to exceed three months.

(2) In cases other than those as prescribed in each Subparagraph of Paragraph (1), the owner, manager or managing body of a State-designated cultural property that is a movable property shall obtain permission from the Minister of Culture and Information when he intends to show or open it to the public for appreciation at a place except where the cultural property has been kept in custody, or at an exhibition sponsored by another person; however, in this case, the organization governing the exhibition concerned which is to be presented with the cultural property shall make a prior report of the purport of the exhibition to the Minister of Culture and Information.

(3) The Minister of Culture and Information may issue an order necessary for the preservation or management of the cultural property concerned to the person who has obtained permission or has made a report in accordance with Paragraph (2).

Article 36 (Opening to the Public of Important Intangible Cultural Properties) The holder of an important intangible cultural property shall, except when there is a special reason not to do so, open the important intangible cultural property to the public once a year or more.

Article 37 (Expenses for Opening to the Public) All expenses for exhibition or opening to the public in accordance with each Subparagraph of Article 35 (1) or Article 36 shall be born by the State; however, the amount of income resulting from such opening to the public or exhibition may be deducted from the

CULTURAL PROPERTIES PROTECTION ACT

expenses to be born by the State.

Article 38 (Allowances and Compensation Money) (1) An owner, manager or managing body of a State-designated cultural property shall be granted with allowances by the State in accordance with the Presidential Decree, when he presented the cultural property for exhibition in accordance with Subparagraph 1 of Article 35 (1).

(2) The State shall compensate the owner of a State-designated cultural property for any ruin, loss, destruction or damage thereof occurred during exhibition or opening to the public held in accordance with an order under Article 35 (1); however, this shall not apply when the owner, manager or managing body is accountable for the ruin, loss, destruction or damage thereof.

Article 39 (Collection of Admission Fees) (1) The owner, holder or managing body of a State-designated cultural property may collect admission fee from spectators when he opens the cultural property to the public.

(2) The Minister of Culture and Information may designate a competent Local Government to collect and manage the admission fees when it is considered inappropriate for the owner, holder or managing body thereof to collect and manage the admission fees under Paragraph (1).

(3) The Minister of Culture and Information shall prescribe matters necessary for fixing the amount of, collecting and using the admission fees prescribed in Paragraphs 1. and (2).

(4) When the Minister of Culture and Information intends to designate a Local Government in accordance with Paragraph (2), he shall listen to the opinions of the Local Government to be designated and those of the owner, holder or managing body of the cultural property concerned.

SECTION 4 Investigation

Article 40 (Report of Managerial Matters) The Minister of Culture and Information may have the owner, holder, manager or managing body of a State-designated cultural property report on the present shape, management, repairs and other matters concerning environmental situations and preservation.

Article 41 (Investigation under Authority) (1) The Minister of Culture and Information may, when he considers it necessary, have his subordinate officials investigate the present situation, management, repairs and other matters concerning environmental situation and preservation of the State-designated cultural property.

(2) When an investigation is carried out in accordance with Paragraph (1), the owner, holder, manager or managing body of the cultural property shall be so notified in advance; however, in case of emergency, notification may be made after the investigation is carried out.

(3) A public official who conducts the investigation in accordance with Paragraph (1) may ask persons concerned for necessary cooperation, and measure, ex-

excavate, remove obstacles and take other necessary measures for the investigation so long as he does not destroy or damage the present shape of the cultural property concerned; however, consent shall be obtained from the owner, holder, manager or managing body concerned for an investigation before sunrise or after sunset.

(4) A public official, who conducts the investigation in accordance with Paragraph (2), shall bear an identification manifesting his authority, and present it to the person concerned.

(5) The State shall make compensation for any loss arising from the investigation under Paragraph (3).

Article 42 (Investigation, etc. for the Designation) (1) The Minister of Culture and Information may have the owner or the manager of a cultural property report on the present shape or environmental situation thereof, or may have his subordinate officials make an investigation thereon for the designation under Articles 4 to 8 or for the provisional designation under Article 13.

(2) The provisions of Article 41 (2) to (5) shall apply *mutatis mutandis* to the case where the Minister of Culture and Information has his subordinate officials make an investigation in accordance with Paragraph (1).

CHAPTER III BURIED CULTURAL PROPERTIES

Article 43 (Report of Discovery) When a cultural property which is contained or buried in the land, sea-bottom or a structure, etc. (hereinafter referred to as "a buried cultural property") is discovered, the discoverer thereof, the owner, the occupant or the manager of the land, sea-bottom or the structure, etc. shall report the discovery to the Minister of Culture and Information without changing the present shape in accordance with the provisions of the Presidential Decree.

Article 44 (Restraint on Excavation) (1) The land or sea-bottom which is assumed to contain a shell-mound, ancient tomb or other buried cultural properties shall not be excavated; however, this shall not apply to any of the following Subparagraphs when permission is granted by the Minister of Culture and Information in accordance with the provisions of the Presidential Decree:

1. When the excavation is carried out for scientific research;
2. When the construction work (hereinafter, understood as including civil engineering) makes excavation unavoidable;
3. When the land or sea-bottom is found out to contain a buried cultural property during a construction work and it is necessary to excavate it to continue the construction work.

(2) When granting permission in accordance with the proviso of Paragraph (1), the Minister of Culture and Information may issue necessary instructions, and even after granting permission, he may order the excavation stopped or suspended, if necessary, or cancel the permission of excavation.

CULTURAL PROPERTIES PROTECTION ACT

expenses to be born by the State.

Article 38 (Allowances and Compensation Money) (1) An owner, manager or managing body of a State-designated cultural property shall be granted with allowances by the State in accordance with the Presidential Decree, when he presented the cultural property for exhibition in accordance with Subparagraph 1 of Article 35 (1).

(2) The State shall compensate the owner of a State-designated cultural property for any ruin, loss, destruction or damage thereof occurred during exhibition or opening to the public held in accordance with an order under Article 35 (1); however, this shall not apply when the owner, manager or managing body is accountable for the ruin, loss, destruction or damage thereof.

Article 39 (Collection of Admission Fees) (1) The owner, holder or managing body of a State-designated cultural property may collect admission fee for spectators when he opens the cultural property to the public.

(2) The Minister of Culture and Information may designate a competent Local Government to collect and manage the admission fees when it is considered inappropriate for the owner, holder or managing body thereof to collect and manage the admission fees under Paragraph (1).

(3) The Minister of Culture and Information shall prescribe matters necessary for fixing the amount of, collecting and using the admission fees prescribed in Paragraphs 1 and (2).

(4) When the Minister of Culture and Information intends to designate a Local Government in accordance with Paragraph (2), he shall listen to the opinions of the Local Government to be designated and those of the owner, holder or managing body of the cultural property concerned.

SECTION 4 Investigation

Article 40 (Report of Managerial Matters) The Minister of Culture and Information may have the owner, holder, manager or managing body of a State-designated cultural property report on the present shape, management, repairs and other matters concerning environmental situations and preservation.

Article 41 (Investigation under Authority) (1) The Minister of Culture and Information may, when he considers it necessary, have his subordinate officials investigate the present situation, management, repairs and other matters concerning environmental situation and preservation of the State-designated cultural property.

(2) When an investigation is carried out in accordance with Paragraph (1), the owner, holder, manager or managing body of the cultural property shall be so notified in advance; however, in case of emergency, notification may be made after the investigation is carried out.

(3) A public official who conducts the investigation in accordance with Paragraph (1) may ask persons concerned for necessary cooperation, and measure, ex-

문화재보호법

cavate, remove obstacles and take other necessary measures for the investigation so long as he does not destroy or damage the present shape of the cultural property concerned; however, consent shall be obtained from the owner, holder, manager or managing body concerned for an investigation before sunrise or after sunset.

(4) A public official, who conducts the investigation in accordance with Paragraph (2), shall bear an identification manifesting his authority, and present it to the person concerned.

(5) The State shall make compensation for any loss arising from the investigation under Paragraph (3).

Article 42 (Investigation, etc. for the Designation) (1) The Minister of Culture and Information may have the owner or the manager of a cultural property report on the present shape or environmental situation thereof, or may have his subordinate officials make an investigation thereon for the designation under Articles 4 to 8 or for the provisional designation under Article 13.

(2) The provisions of Article 41 (2) to (5) shall apply *mutatis mutandis* to the case where the Minister of Culture and Information has his subordinate officials make an investigation in accordance with Paragraph (1).

CHAPTER III BURIED CULTURAL PROPERTIES

Article 43 (Report of Discovery) When a cultural property which is contained or buried in the land, sea-bottom or a structure, etc. (hereinafter referred to as "a buried cultural property") is discovered, the discoverer thereof, the owner, the occupant or the manager of the land, sea-bottom or the structure, etc. shall report the discovery to the Minister of Culture and Information without changing the present shape in accordance with the provisions of the Presidential Decree.

Article 44 (Restraint on Excavation) (1) The land or sea-bottom which is assumed to contain a shell-mound, ancient tomb or other buried cultural properties shall not be excavated; however, this shall not apply to any of the following Subparagraphs when permission is granted by the Minister of Culture and Information in accordance with the provisions of the Presidential Decree:

1. When the excavation is carried out for scientific research;
2. When the construction work (hereinafter, understood as including civil engineering) makes excavation unavoidable;
3. When the land or sea-bottom is found out to contain a buried cultural property during a construction work and it is necessary to excavate it to continue the construction work.

(2) When granting permission in accordance with the proviso of Paragraph (1), the Minister of Culture and Information may issue necessary instructions, and even after granting permission, he may order the excavation stopped or suspended, if necessary, or cancel the permission of excavation.

CULTURAL PROPERTIES PROTECTION ACT

(3) When the person who has obtained the permission in accordance with the proviso of Paragraph (1) has completed the excavation, he shall report the result to the Minister of Culture and Information without delay, and the Minister of Culture and Information may, when reported on the result, issue necessary instructions for the preservation and management of the excavated cultural properties.

(4) In case of Subparagraph 2 or 3 of Paragraph(1), the Minister of Culture and Information may, when necessary for the preservation of the cultural property, excavate it directly, or designate a person to excavate it. In this case, expenses for the excavation shall be born by the person who carries out the excavation

(5) The provisions of Paragraphs(1) to (3) shall apply *mutatis mutandis* to cases where the present shape of the buried cultural property (understood as excluding a cultural property that is a movable property) is changed. In this case "excavation" shall be read as "change of the present shape".

Article 45 (Excavation by the State) (1) The Minister of Culture and Information may, when it is considered necessary, excavate the land or sea-bottom where a cultural property is thought to be buried.

(2) In the case of Paragraph (1), the Minister of Culture and Information shall, as prescribed by the Presidential Decree, issue an excavation notice describing the purpose and methods of excavation, the date to start excavation and other necessary matters to the owner or the occupant of the land.

(3) The owner, manager or occupant of the land or the surface of the sea shall not refuse, interfere with or evade the excavation under Paragraph (1).

(4) The provisions of Article 30 and 41 shall apply *mutatis mutandis* to Paragraph (1).

Article 46 (Disposition Method) (1) When a cultural property discovery was reported under Article 43 or excavated under Article 44 or 45, the Minister of Culture and Information shall, if the owner of the cultural property is identified, return it to the owner in accordance with each Subparagraph below; if the owner is unidentified, notify it to the competent chief of police station regardless of Article 1 (1) of the Lost Articles Act which is applied *mutatis mutandis* by Article 13 of the same Act:

1. When a cultural property discovery is reported under Article 43 or excavated under Article 44(1), the person who reported or excavated shall return it to the owner thereof;
2. When a cultural property discovery is excavated under Article 44(4) or 45, the Minister of Culture and Information shall return it to the owner thereof.

(2) When the chief of the police station received the notification under Paragraph (1), he shall, without delay, make a public announcement in accordance with Article (2) of the Lost Articles Act which is applied *mutatis mutandis* by Article 13 of the same Act.

Article 47 (Disposition Method of Buried Cultural Properties by the Chief of Police Station, etc.) (1) When a buried or lost article con-

문화재 보호법

sidered to be a cultural property is submitted to the chief of police station in accordance with Lost Articles Act, the chief of police station shall make a public announcement in accordance with the provisions of the Lost Articles Act, and at the same time, shall report to the Minister of Culture and Information that a buried or lost article considered to be a cultural property is submitted to him, and shall present it to the Minister of Culture and Information within twenty days from the date of submission unless returning it to the owner.

(2) The Minister of Culture and Information shall appraise the article submitted to him in accordance with Paragraph (1), and dispose of it as prescribed in the following Subparagraphs:

1. When the article concerned is a cultural property, the Minister of Culture and Information shall, if the owner is unidentified, notify the chief of police station that the article is a cultural property; if the owner is identified, he shall return it to the chief of police station with the opinion that the article is a cultural property;
2. When the article concerned is not a cultural property, the Minister of Culture and Information shall return it to the chief of police station with the opinion that the article is not a cultural property.

Article 48 (Reversion to the State and Compensation) (1) A cultural property shall revert to the State regardless of Articles 253 and 254 of the Civil Code if the owner of the cultural property is not identified within thirty days from the date of public announcement under Article 46(2) or Article 47(1).

(2) In the case of Paragraph(1), the Minister of Culture and Information shall, in accordance with Article 13 of the Lost Articles Act, compensate the person who discovered or picked up the cultural property concerned and the owner of the land, building, etc. where it was discovered. In this case, if the person who discovered or picked up the cultural property is not the owner of the land concerned, the compensation money shall be disbursed equally; however, the distribution of the compensation money may be differentiated in accordance with the provisions of the Presidential Decree, if the discovery or picking up entailed expense.

(3) If it is not considered necessary for the State to preserve a cultural property which reverted to her in accordance with Paragraph (1), the Minister of Culture and Information may concede it to the person who discovered or picked it up and the owner of the land where it was discovered. In this case, compensation under Paragraph (2) shall not be made.

Article 49 (*Mutatis Mutandis* Application of the Lost Articles Act) Article 15 of the Lost Articles Act shall apply *mutatis mutandis* to the buried cultural properties except when there is a special provision in this Act.

CHAPTER IV SPECIAL PROVISIONS CONCERNING STATE-OWNED CULTURAL PROPERTIES

Article 50 (Managing Office) (1) The cultural property owned by the State

CULTURAL PROPERTIES PROTECTION ACT

(hereinafter referred to as "a State-owned cultural property") shall generally be managed by the Minister of Culture and Information regardless of Article 6 of the State Owned Properties Act and Article 15 of the Commodity Management Act; however, when a State-owned cultural property is an administrative property managed by the head of a central government organ (hereinafter understood as meaning the head of a central government organ as provided for in the Government Budget and Account Act) other than the Minister of Culture and Information, or when the head of a central government organ other than the Minister of Culture and Information necessarily has to manage the State-owned cultural property, the Minister of Culture and Information shall decide the managing office after consultation with the head of the organ concerned and the Minister of Finance.

(2) The Minister of Culture and Information shall listen to the opinions of the Cultural Properties Committee when he decides the managing office in accordance with the proviso of Paragraph (1).

(3) The Minister of Culture and Information may, when he considers it necessary for the preservation of a State-owned cultural property not covered by the proviso of Paragraph (1), designate a Local Government, a non-profit juristic person or a non-profit body that is not a juristic person to manage the cultural property concerned.

(4) When designating a managing body under Paragraph (3), the Minister of Culture and Information shall listen to the opinions of the Local Government, the non-profit juristic person or the non-profit body that is not a juristic person which he intends to designate, in advance.

(5) Profits made from the management under Paragraph (3) shall revert to the Local Government, the non-profit juristic person or the non-profit body that is not a juristic person concerned.

(6) Articles 11, 14, 15(1), 16(3) (5), Subparagraphs 1,3,4, of Article 25(1), Subparagraphs 3 to 9 of Article 27, Subparagraphs 1 to 3 of Article 28(1), Articles 29(1), 34(1), 35, 37, 39(1), 40, 41(2) to (5) shall apply *mutatis mutandis* to the Local Government, the non-profit juristic person or the non-profit body that is not a juristic person designated under Paragraph (3).

Article 51 (Gratuitous Management Exchange Between Accounts) The Minister of Culture and Information may receive free of charge a State-owned cultural property belonging to another account for its management, regardless of Article 23 of the State Owned Properties Act.

Article 52 (Special Provisions on Procedures and Methods) (1) When the Minister of Culture and Information grants or cancels the designation or provisional designation as a State-designated cultural property of a State-owned cultural property whose managing office was decided in accordance with the proviso of Article 50(1), the notification to the owner or occupant of the cultural property in accordance with this Act shall be made to the managing office of the cultural property concerned.

문화재보호법

(2) In applying Articles 14, 15, 23, 25, 27, 34, 35, 39 to 41 to a State-owned cultural property whose managing office was decided in accordance with the proviso of Article 50(1), the owner of the cultural property means the managing office thereof.

Article 53 (Restriction on Disposal) The managing office under the proviso of Article 50(1) shall obtain consent from the Minister of Culture and Information in advance before performing an act other than those prescribed in each Sub-paragraph of Article 20 on its State-owned cultural property or provisionally designated cultural property.

Article 54 (Prohibition of Transferring or Establishing Private Right) Nobody may transfer the State-owned cultural property (understood as including its sites) or create a private right to it unless there is a special provision in this Act; however, the use of the state-owned cultural property may be permitted under the condition that it does not interfere with the management or protection thereof and is necessary for public use, official use or public utility enterprise.

CHAPTER V CITY-OR PROVINCE-DESIGNATED CULTURAL PROPERTIES

Article 55 (Designation, etc. of the City-or Province-Designated Cultural Properties) (1) The Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province may designate certain cultural property which is within his territorial jurisdiction and deserves preservation and is not a State-designated cultural property, as a city-or province-designated cultural property.

(2) The Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province may designate certain cultural property which was not designated under Paragraph (1) and is considered to be necessary for the preservation of the local culture as a cultural property material.

(3) The Minister of Culture and Information may recommend the Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province to designate and preserve certain cultural property as a city-or province-designated cultural property or as a cultural property material after deliberation by the Cultural Properties Committee.

(4) In designating a city-or province-designated cultural property or a cultural property material in accordance with Paragraphs (1) to (3), the name of the Special City of Seoul, the Direct Control City or the Province shall be prescribed before the word "designated" to show the designating city or province.

(5) Matters necessary for designating procedure, management, protection, nurturing, opening to public, establishing an advisory organ, etc. of a city-or province-designated cultural property or a cultural property material shall be prescribed by the Ordinance of the Local Government concerned.

Article 56 (Expense Bearing) (1) If a city-or province-designated cultural

CULTURAL PROPERTIES PROTECTION ACT

property or a cultural property material which was designated in accordance with Article 55 (1) and (2) is a property of the State or a Local Government, expenses necessary for its preservation shall be born by the State or the Local Government concerned.

(2) The State or the Local Government may subsidize in part or in whole the expenses required for the preservation of a city-or province-designated cultural property or a cultural property material which is not a property of the State or the Local Government.

Article 57 (Report, etc.) (1) The Mayor of the Special City of Seoul, the Mayor of a Direct Control City, or the Governor of a Province shall report, without delay, to the Minister of Culture and Information as prescribed by the Presidential Decree when any of the situations in the following Subparagraphs occurs:

1. When a city-or province-designated cultural property or a cultural property material is designated or cancelled;
2. When maintenance work changing the present shape of the city-or province-designated cultural property or the cultural property material is started or finished;
3. When the location or the custody site of a city-or province-designated cultural property or a cultural property material is changed;
4. When a city-or province-designated cultural property or a cultural property material is ruined, lost destroyed or damaged.

(2) When an act mentioned in Subparagraphs 1 to 3 of Paragraph (1) is considered inappropriate, the Minister of Culture and Information may order it corrected or other necessary measures.

Article 58 (Mutatis Mutandis Application) (1) Articles 18(1) to (3), 21(1) (2), 22, and 23(2) shall apply *mutatis mutandis* to the city-or province-designated cultural property or the cultural property material.

(2) Articles 14 to 17, 20, 25, 27, 33 to 42 shall apply *mutatis mutandis* to the city-or province-designated cultural property or cultural property material; however, in this case, "the Minister of Culture and Information" is regarded as "the Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province"; "as prescribed by the Presidential Decree" as "as prescribed by the Ordinance of the Local Government".

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 59 (Succession of Rights and Duties) (1) If the ownership of a State-designated cultural property (including the protective structure, protective area and provisionally designated cultural property) changes, the new owner thereof shall succeed to the rights and duties of the former owner based on this Act or orders, instructions or other measures issued under this Act by the Minister of Culture and Information.

(2) The provisions of Paragraph (1) shall apply *mutatis mutandis* to the managing

body or the owner when the managing body is designated in accordance with Article 16 or when the designation is cancelled; however this shall not apply to the owner's exclusive rights and duties.

Article 60 (Objection Filing) (1) A person may file an objection with the Minister of Culture and Information if he objects to any of the following measures taken by the Minister of Culture and Information; or by the Director of the Cultural Properties Maintenance Office, the Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province who was delegated with authority of the Minister of Culture and Information:

1. Designation of a managing body in accordance with Article 16(1);
2. Granting of permission, or rejection of application to make changes in the present shape, etc. in accordance with Subparagraph 4 of Article 20;
3. Orders of prohibition, restriction, etc. of certain acts in accordance with each Subparagraph of Article 25 (1).

(2) The objection under Paragraph (1) shall be filed by the recipient of the measure within thirty days from the date the measure was recognized; by others, within sixty days from the date the measure was taken.

(3) When the objection under Paragraphs (1) and (2) has been filed, the Minister of Culture and Information shall make a decision thereon and provide notification within thirty days from the date of filing.

Article 61 (Permission of Business Including Trading, etc.) (1) A person who intends to engage in a business of buying and selling or exchanging the tangible cultural properties or tangible folk-lore materials that are movables (including a person who intends to engage in such a business on consignment) shall obtain permission from the Minister of Culture and Information as prescribed by the Presidential Decree.

(2) The Minister of Culture and Information may issue orders or instructions necessary for the preservation of the cultural properties to the person who obtained permission under Paragraph (1) (hereinafter referred to as "a cultural properties dealer") or have him make a report thereon and may have his subordinate official visit the store or place of business to inspect relevant books, documents and other materials or ask necessary questions.

Article 62 (Requisites for Qualification) A person who intends to obtain a permission to be the cultural properties dealer under Article 61(1) shall be equal to any of the following Subparagraphs:

1. A person who has dealt with the cultural properties for two years or more in the Government, a Local Government, a museum or an art gallery;
2. A person who has majored in history, archeology, anthropology, art history or a science relevant to folklore for one year or more in a professional college, college or university (including a graduate school);
3. A person who has dealt with the cultural properties for three years or more as an employee of the cultural properties dealer under Article 61.

Article 63 (Reason for Disqualification) A person who is characterized by any

CULTURAL PROPERTIES PROTECTION ACT

of the following Subparagraphs shall not be a cultural properties dealer:

1. A person who was sentenced to a penalty heavier than imprisonment when three years have not passed since the completion thereof or the decision not to execute it;
2. An incompetent or a limited-incompetent;
3. A person who remains bankrupt;
4. A person whose permission was cancelled in accordance with Article 65 when three years have not passed since the date of cancellation.

Article 64 (Matters to be Observed) The cultural properties dealer shall observe the following:

1. Keeping account books concerning trading, exchange, etc. and recording contents of dealing;
2. Reporting without delay to the Minister of Culture and Information or to a crime investigating authority, and complying to the instructions therefrom, if a cultural property he traded or he is consigned to trade is considered to be a buried cultural property illegally excavated or stolen goods, and then keeping the cultural property concerned for at least three months when there is no other special instruction;
3. Observing particulars prescribed by the Ordinance of the Ministry of Culture and Information.

Article 65 (Cancellation of Permission, etc.) When a cultural properties dealer is characterized by any of the following Subparagraphs, the Minister of Culture and Information may cancel the permission or suspend his business for a period not to exceed one year:

1. When he was sentenced to a penalty heavier than a fine in violation of the provisions of this Act;
2. When he has violated those matters prescribed in Article 64.

Article 66 (Honoring) The Minister of Culture and Information may honor and award a prize to a person characterized by any of the following Subparagraphs:

1. A person who discovered and reported a buried cultural property which was later designated as a National Treasure or a Treasure;
2. A person who is not responsible for managing or protecting a designated or provisionally designated cultural property, but has performed distinguished service in preventing the cultural property from being ruined, lost, destroyed or damaged;
3. A person who is not a holder of an important intangible cultural property, but has performed distinguished service in protecting and nurturing an important cultural property;
4. A person who has the responsibility or duty of managing, protecting and opening to the public a designated or provisionally designated cultural property and has afforded a good example to others of managing and protecting the cultural property concerned.

Article 67 (Compensation) The Minister of Culture and Information may grant compensation, as prescribed by the Presidential Decree, to a person who has given information to the criminal investigation authority about a person who has committed or attempted the crime under Articles 80 to 82, or to a person who distinguished himself by capturing such a criminal.

Article 68 (Delegation of Authority) A part of the authority of the Minister of Culture and Information under this Act may be delegated in accordance with the provisions of the Presidential Decree to the Director of the Cultural Properties Maintenance Office, the Mayor of the Special City of Seoul, the Mayor of a Direct Control City or the Governor of a Province.

Article 69 (Registration of Cultural Properties) The owner (or the occupant, in case there is no owner or the owner is unidentified) of a tangible cultural property which is not designated under this Act or a tangible folk-lore material which is a movable property shall register the cultural property concerned with the Ministry of Culture and Information as prescribed by the Presidential Decree.

Article 70 (Establishment of a Special Account for the Management of Cultural Properties) (1) A special account for the management of cultural properties shall be established for their effective management and protection.

(2) Matters necessary for the establishment and operation of the special account for the management of cultural properties under Paragraph (1) shall be prescribed by another law.

Article 71 (Protection of Cultural Properties in Case of Emergency) (1) If it is considered necessary for the protection of cultural properties in time of war, armed conflict or similar emergency, the Minister of Culture and Information may take necessary measures including moving to a safe place, burying underground, etc. the State-owned cultural properties, other designated or provisionally designated cultural properties which are not owned by the State, or may order the owner, holder, occupant, manager or managing body of the above cultural properties (hereinafter, referred to as "the owner, etc. of the cultural property") to take necessary measures mentioned above.

(2) The owner, etc. of the cultural property shall not refuse, interfere with or avoid the measures or the order under Paragraph (1).

(3) The owner, etc. of the cultural property shall comply with the order under Paragraph (1) without delay and report the result to an authority prescribed by the Presidential Decree.

(4) The Minister of Culture and Information may transport a cultural property out of the State regardless of Article 21, if it is considered necessary for the protection thereof in time of war, armed conflict or similar emergency. In this case, the intention shall be referred to the State Council for deliberation in advance.

(5) The provisions of Article 30 shall apply *mutatis mutandis* to the case of Paragraph (1); however, it shall not apply in case of war or other *force majeure*.

CULTURAL PROPERTIES PROTECTION ACT

Article 72 (Request for Assistance) The Minister of Culture and Information or a public official carrying out an order from the Minister of Culture and Information may ask the head of an authority concerned for any assistance necessary for performing the measures under Article 71 (1).

Article 73 (Nurturing of Engineer for Repairs, etc. of Cultural Properties) (1) The Minister of Culture and Information may nurture engineers required for the protection, management or repair of the cultural properties.

(2) The Minister of Culture and Information may award scholarship when it is considered necessary for nurturing engineers under Paragraph (1).

Article 74 (Preservation of Cultural Properties during Construction Work)

When it is feared because of construction work that a cultural property may be ruined, lost, destroyed, damaged or submerged underwater, or when it is necessary for safeguarding a cultural property during a construction work, the person in charge of the construction work concerned shall take necessary measures according to the instructions of the Minister of Culture and Information. In this case, expenses required for taking necessary measures shall be born by the person in charge of the construction work.

Article 75 (Expropriation or Use of Land) (1) When it is necessary for the preservation and management of a cultural property, the Minister of Culture and Information or the head of a Local Government may expropriate or use the lands, buildings, trees, bamboos or other structures in the protective area for a designated cultural property which is owned by the State or the Local Government.

(2) The Land Expropriation Act shall apply to the expropriation or use of land under Paragraph (1).

Article 76 (Export Restraint, etc.) (1) The provisions of Article 21 (1) and (2) shall apply *mutatis mutandis* to movable cultural properties not designated by this Act.

(2) A movable property which may be mistaken for a cultural property under Paragraph (1) may be exported or transported out of the State with the prior confirmation of the Minister of Culture and Information.

(3) A person who intends to get confirmation under Paragraph (2) shall pay such fees as are prescribed by the Ordinance of the Ministry of Culture and Information.

Article 77 (Support and Nurturing of Cultural Properties Protection Bodies) The Minister of Culture and Information may support and nurture relevant bodies for the protection, preservation or dissemination of cultural properties when he considers it necessary.

Article 78 (Protection of Foreign Cultural Properties) (1) A cultural property designated and protected as such by statutes of a foreign country (hereinafter referred to as "a foreign cultural property") which is a party to a treaty on the protection of cultural properties (hereinafter referred to as "the treaty") which the Republic of Korea has entered into shall be protected by the treaty and this Act.

(2) A person who intends to transport a foreign cultural property into the

문화재보호법

State (hereinafter understood as including a person who intends to import it) shall make a report to the Minister of Culture and Information with documents certifying that the cultural property was lawfully transported out of the the foreign country.

(3) If there is a plausible reason to suspect that a cultural property which is in-transit or has already been transported into the State was unlawfully transported out of the foreign country, the Minister of Culture and Information may keep it in custody.

(4) When a foreign cultural property is to be kept in custody in accordance with Paragraph (3), the Minister of Culture and Information shall keep and manage it in a museum, etc.

(5) When the foreign cultural property under Paragraph (4) is proved to have been lawfully transported out of the foreign country, the Minister of Culture and Information shall return it to the owner or the occupant thereof without delay. The same shall apply to a foreign cultural property which is proved to have been unlawfully transported out, when it is clear that the foreign country does not want to recover it.

(6) When a foreign country has proved that a foreign cultural property was unlawfully transported into the State and it be returned in accordance with the terms of the treaty, or when the Minister of Culture and Information performs the duty of returning it in accordance with the treaty, he shall, with the help of the competent authorities, take necessary measures for returning the cultural property, as prescribed by the treaty, to the foreign country where it was transported out.

Article 79 (Relation with other Laws) (1) When the Minister of Culture and Information intends to take any of the following actions for an area, whose size is prescribed by the Presidential Decree, in a park area or park protection area under the Natural Park Act, he shall consult with the competent park management authority:

1. When he designates a certain area as a historical site, scenic place or natural monument in accordance with Article 6;
2. When he designates a protection area in accordance with Article 8;
3. When he grants a permission or a altered permission in accordance with Article 20.

(2) When the permission under Article 20 (including a case where Article 53 (2) applies *mutatis mutandis*) is granted in a park area or a park protection area regulated by the Natural Park Act, the permission for occupancy, use, etc. of a park under Articles 23 and 25 of the Natural Park Act shall be regarded as obtained as well.

CHAPTER VII PENAL PROVISIONS

Article 80 (Crime of Export, etc. without Permission) (1) A person who

CULTURAL PROPERTIES PROTECTION ACT

has exported or transported out of the State a designated cultural property or a provisionally designated cultural property in violation of Article 21(1), or a person who has not transported into the State within the specified time limit the cultural property which was transported out in accordance with the proviso of Article 21 (1) shall be sentenced to penal servitude for a fixed period of at least five years, and the cultural property concerned shall be confiscated.

(2) A person who, in violation of Article 76 (1), has exported or transported a cultural property out of the State or has not brought back the cultural property already transported out of the State shall be sentenced to penal servitude for a fixed period of at least three years, and the cultural property concerned shall be confiscated.

(3) A person who has taken or delivered a cultural property or acted as a medium therefor with the knowledge that it is being exported or transported out of the State in violation of Paragraphs (1) and (2) shall be sentenced to penal servitude for a fixed period of at least three years, and the cultural property concerned shall be confiscated.

Article 81 (Crime of Damage or Concealment, etc.) (1) A person who has damaged, stolen or concealed a cultural property designated as a National Treasure or a Treasure, or a person who has diminished its usefulness by any means shall be sentenced to penal servitude for a fixed period of at least three years.

(2) A person who has damaged, stolen or concealed a designated cultural property or a provisionally designated cultural property (excluding structure) except those prescribed in Paragraph (1) or a person who has, by any means, diminished its usefulness shall be sentenced to penal servitude for a fixed period of at least two years.

Article 82 (Crime of Illegal Excavation, etc.) (1) A person who has excavated a buried cultural property without permission within the protective structure or protective area for a designated cultural property or a provisionally designated cultural property shall be sentenced to penal servitude for a fixed period of at least five years.

(2) A person who has excavated a buried cultural property without permission in a place other than that prescribed in Paragraph (1), or a person who has violated the order to stop or suspend the excavation of a buried cultural property shall be sentenced to penal servitude for a period not to exceed ten years or to a fine of ten million Won or less.

(3) A person who has delivered, acquired, transported or kept a cultural property with or without payment with the knowledge that it was excavated or its present shape was changed in violation of Paragraphs (1) and (2) shall be sentenced to penal servitude for a period not to exceed seven years or to a fine of five million Won or less.

(4) A person who has acted as a medium for activities under Paragraph (3) shall be sentenced to the same punishment as prescribed by Paragraph (3).

(5) A person who has not reported his discovery of a buried cultural property

and has concealed or disposed of it or has changed its present shape in violation of Article 43 shall be sentenced to penal servitude for a period not to exceed three years or to a fine of three million Won or less.

(6) In the cases of Paragraphs (1) to (5), the cultural property concerned shall be confiscated.

Article 83 (Aggravated Crime) (1) Up to half of the punishment prescribed in each of Article 80 to 82 shall be added respectively to the sentence of a person who has committed a crime under above Articles, when he had acted in concert with an organization or group of people or has used a dangerous object.

(2) A person who, in the course of committing a crime under Paragraph (1), has killed or injured a person managing or protecting a designated cultural property or a provisionally designated cultural property shall be sentenced to death, life imprisonment or penal servitude for at least five years.

Article 84 (*Mutatis Mutandis* Application of the Criminal Code) A person who has committed a crime of arson, inundation, damage or destruction to a structure under the following Subparagraphs shall be punished with Article 165, 178 or 367 of the Criminal Code and with the *mutatis mutandis* application of the related Articles thereof:

1. A structure which is a designated cultural property or a provisionally designated cultural property;
2. A structure for the protection of a designated cultural property or a provisionally designated cultural property.

Article 85 (Crime of Inundation to Historical Sites, etc.) A person who, by means of inundating, has caused damage to a historical site, a scenic place, a natural monument or a protective area which was designated or provisionally designated by the Minister of Culture and Information shall be sentenced to penal servitude for from two to ten years.

Article 86 (Other Crimes of Inundation) A person who, by means of inundating, has caused damage to a designated cultural property, a provisionally designated cultural property or a protective area other than those prescribed in Article 85 shall be sentenced to penal servitude for a period not to exceed ten years or to a fine of ten million Won or less.

Article 87 (Attempted Criminal etc.) (1) A person who has attempted a crime under Article 80 to 82, 83(1), 85 or 86 shall be punished.

(2) A person who has plotted or conspired a crime under Article 80 to 82, 83(1), 85 or 86 shall be sentenced to penal servitude for a period not to exceed two years or to a fine of two million Won or less.

Article 88 (Criminal of Negligence) (1) A person who committed a crime under Article 85 or 86 because of negligence shall be sentenced to a fine of one million Won or less.

(2) A person who committed a crime under Article 82(3), 85 or 86 by professional negligence (negligence of his professional duties) or gross negligence shall be sentenced to imprisonment for a period not to exceed three years or a fine of

CULTURAL PROPERTIES PROTECTION ACT

three million Won or less, and in case of Article 82(3), the cultural property concerned shall be confiscated.

Article 89 (Crime of Transporting out of the Area, etc. without Permission)

(1) A person falling under any of the following Subparagraphs shall be sentenced to penal servitude for a period not to exceed five years or a fine of five million Won or less:

1. A person who has transported, without permission, a designated cultural property or a provisionally designated cultural property out of the proper place or associated area;
2. A person who, without permission, has changed the present shape of a designated cultural property or a provisionally designated cultural property, or has performed any activity detrimental to the management and preservation thereof.

(2) In case of Paragraph(1), if the cultural property concerned belongs to the person who committed the crime, he shall be sentenced to penal servitude for a period not to exceed two years or to a fine of two million Won or less.

Article 90 (Crime of Violating Administrative Orders, etc.)

(1) A person falling under any of the following Subparagraphs shall be sentenced to penal servitude for a period not to exceed three years or to a fine of three million Won or less, and in the case of Subparagraph (3), the object concerned shall be confiscated:

1. A person who, without any justifiable reasons, has violated the order under Article 25(1) (understood as including the case where Article 25(1) is applied *mutatis mutandis* by Article 58(2)) or Article 71(1);
2. A person who has rejected, interfered with or failed to comply with the management or measures taken in accordance with Article 17(1) (understood as including the case where Article 17(1) is applied *mutatis mutandis* by Article 58(2));
3. A person who, without permission, has committed an act under Subparagraph 1 of Article 20 (understood as including the case where Subparagraph 1 of Article 20 is applied *mutatis mutandis* by Article 58(2));
4. A person who, without permission, has set any installation etc. in an area which is designated or provisionally designated as a protective area of a designated cultural property, a historical site, a scenic place or a natural monument (including a monument which is a city-or province-designated cultural property or a cultural properties material), or a person who, without permission, has committed an act detrimental to the protection of its present shape;
5. A person who has dumped in the habitat, breeding place or a migratory ground any material harmful to the growth of an animal which is designated or provisionally designated as a natural monument (including a monument which is a city-or province-designated cultural property).

(2) A person who has engaged in a business without permission in violation of Article 61(1) shall be sentenced to penal servitude for a period not to exceed five years.

Article 91 (Crime of Interfering with the Management Act, etc.)

A person falling under any of the following Subparagraphs shall be sentenced

to penal servitude for a period not to exceed two years or to a fine of two million Won or less:

1. A person who, without any justifiable reasons, has rejected, interfered with or failed to comply with the excavation of the buried cultural properties under Article 45;
2. A person who, without any justifiable reasons, has interfered with the managing acts of the person entitled to manage the designated cultural property or the provisionally designated cultural property;
3. A person who, without any justifiable reasons, has rejected, interfered with or failed to comply with a public official's performance of duties under this Act, or has presented false materials;
4. A person who is responsible for the management or preservation of a designated cultural property or a provisionally designated cultural property and, by gross negligence, has caused ruin, loss, destruction or damage to the cultural property concerned;
5. A person who has spent the subsidy under this Act for a purpose other than those it was granted for;
6. A person who has made a false statement or a false report (excluding a person who has made a false statement when making a statement under Article 78(2));
7. A person who has made the boundary of an area specified as a designated cultural property or the boundary of a protective area unidentifiable by intentionally destroying, moving or removing, the landmark or by any other means;
8. A person who, without permission, has committed an act under Subparagraph 3 of Article 20 (understood as including the case where Subparagraph 3 of Article 20 is applied *mutatis mutandis* by Article 58(3));
9. A person who has intentionally violated Article 69;
10. A person who, without any justifiable reasons, has violated an order or an instruction under Article 61(2) or 74.

Article 92 (Crime of Violating the Order of Opening to the Public, etc.)

A person falling under any of the following Subparagraphs shall be sentenced to a fine of one million Won or less:

1. A person who, without any justifiable reasons, has violated an order to exhibit or open to the public a designated cultural property, or an order to suspend or restrict the exhibiting or opening it to the public;
2. A person who, without permission, has opened the designated cultural property to the public at a place other than those where it was properly kept, or has presented it for an exhibition, etc.;
3. A person who has the designated cultural property repaired by a person not registered in the Cultural Properties Maintenance Office;
4. A person who has made a false statement when making a statement under Article 78(2).

Article 93 (Fine for Negligence) A person falling under any of the following

CULTURAL PROPERTIES PROTECTION ACT

Subparagraphs shall be sentenced to a fine for negligence of five hundred thousand Won or less:

1. A holder of an important intangible cultural property (including the intangible cultural property designated as a city-or province-designated cultural property) who has neglected the duty of opening it to the public under this Act;
2. A person who has failed to make the obligatory statement or report under this Act.

Article 94 (Dual Punishment) When a representative, an agent or an employee, etc. of a juristic person or an individual has committed a crime in violation of any of the Articles 82 to 92 in the course of managing business or managing property for the juristic person or the individual concerned, not only is the person who committed the crime, punished, the juristic person or the individual shall also be punished with the fine prescribed in each of the pertinent Articles.

ADDENDA

Article 1 (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

Article 2 (Amendment of Other Laws) Omitted.

Article 3 (Interim Measures on Designated Cultural Properties, etc.)

(1) The designated cultural properties already designated as such in accordance with the provisions of the previous Act shall be deemed to have been designated as the State-designated cultural properties under this Act at the time of its enforcement.

(2) The local cultural properties already designated as such in accordance with the provisions of the previous Act shall be deemed to have been designated as the city-or province-designated cultural properties of the city or province concerned under this Act at the time of its enforcement.

(3) The cultural properties dealer who was granted permission thereof in accordance with the provisions of the previous Act at the time of the enforcement of this Act shall be deemed to have been granted with the permission to be a cultural properties dealer under this Act at the time of its enforcement.

Article 4 (Interim Measures on the Disposal of Miscellaneous Properties)

(1) The Minister of Culture and Information may concede to the spouse of Mr. Lee Eun a part of the miscellaneous properties among the former imperial properties which has reverted to the State in accordance with the Act on the Properties of the Former Royal Household which was repealed by the Cultural Properties Protection Act Amendment, Law No. 1265.

(2) The concession of the properties in accordance with Paragraph(1) shall be referred to the State Council for deliberation after consultation with the Minister of Finance about the kind, extent, etc. of the properties to be conceded.

Article 5 (Interim Measures on Punishment) An act committed before the enforcement of this Act shall be punished with the former provisions.