

*Building Preservation
in Denmark*



PRESERVATION OF BUILDINGS ACT

(Act No. 195 of June 8th, 1966,
as amended by Act No. 593 of December 19th, 1969)

*English translation by
The Royal Ministry of Cultural Affairs*

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The Preservation of Buildings Act

The Preservation of Buildings Act, passed as Act No. 195 of June 8, 1966, reads after amendments by Act No. 593 of December 19, 1969, as follows:

1. (1) Buildings, or parts thereof, the preservation of which is of great importance owing to their special architectural or culture-historical value, may be scheduled for preservation. Generally, only buildings or parts thereof which are more than one hundred years old shall be scheduled for preservation.

(2) Subject to the same conditions, other architectural works, monuments, and fortifications, may be scheduled for preservation.

(3) Church buildings which are covered by legislation concerning the National Church cannot be scheduled for preservation under this Act.

(4) The following provisions relating to buildings shall also apply to parts of buildings and to the architectural works etc. mentioned in subsection (2).

2. Buildings of specially great architectural or culture-historical value shall be scheduled for preservation in Class A. Other buildings may be scheduled for preservation in Class B.

3. (1) Whether a building is to be preserved and, if so, whether to be placed under Class A or B, shall be decided by the Minister of Cultural Affairs upon the recommendation of the Historic Buildings Council. The Council can decide whether a preservation order is to be rescinded. The decision of the Council may be brought before the Minister.

(2) The Historic Buildings Council shall consist of the State Antiquarian as chairman, together with six members appointed by the Minister, one of which six members shall be an architect nominated by the Council of the Royal Academy of Fine Arts, one member jointly nominated by the City of Copenhagen and the Association of Danish Provincial Towns, and one jointly by the Federation of Rural Municipal Councils and the Federation of Municipal Urban Councils. The last two members mentioned shall be selected from among owners or users of buildings scheduled for preservation. If changes take place as to the said municipal organizations the Minister of Cultural Affairs shall be entitled to make the necessary amendments to the rules about the nomination of these two members. One of the remaining members must fulfil the general requirements needed to qualify as a High Court judge. Appointments are for a term of 4 years.

4. (1) Preservation orders under this Act shall be respected by all holders of rights over the scheduled property, irrespective of when such right was established. The preservation order shall be entered on the page of the property in the Register of Titles to Land upon the application of the Historic Buildings Council. The judge in charge of the Register shall inform the Council of any change of ownership.

(2) The Minister shall lay down detailed regulations governing notification to the

owner and publication of preservation orders for buildings situated on land not entered in the Land Register.

5. Every five years the Historic Buildings Council shall prepare a list of the buildings preserved under this Act, together with a report on the activities of the Council. The list and the report shall be submitted to the Folketing.

6. (1) All works on buildings scheduled under Class A and works on the facades and roof surfaces of Class B buildings that face roads, streets or squares in built-up areas shall require permission from the Historic Buildings Council if such work is more than ordinary maintenance. The same shall apply to the erection of outside signs.

(2) When an owner wishing to carry out works mentioned in subsection (1) has submitted proposals in two copies with drawings and specifications, the Historic Buildings Council shall inform him of their decision as soon as possible. If the proposal cannot be approved without alterations, the communication shall intimate whether the work may be carried through wholly or partly, according to an altered plan. Should this plan increase the costs of the work the increase, unless the building belongs to the State, shall be refunded to the owner by the Historic Buildings Council to the extent to which it is not offset by a consequent increase of the utility value of the buildings.

(3) About other works in excess of ordinary maintenance on buildings scheduled under Class B the Historic Buildings Council must be informed at least 2 months before the intended work is commenced. Such notice shall be accompanied by specifications and drawings in two copies. If the Council should find that the work will detract from the architectural or culture-historical value of the building, the owner shall be informed accordingly within 2 months, and proposed alterations of the plan, if any, shall be enclosed. If the owner does not wish to comply with the directions of a reply received in due time, he shall inform the Historic Buildings Council of this not less than 1 week before the commencement of the work.

7. If the buildings alterations of the nature mentioned in section 6, subsection (1), should be carried out without the permission of the Historic Buildings Council, the Council may order the owner to restore the buildings to its former state within a reasonable time. If the order is not complied with, the Council may cause the work to be done at the owner's expense.

8. (1) Should a building scheduled under Class A, or the facades of a building in Class B, suffer neglect, the Council may with the Minister's consent order the owner or the user to undertake the required repairs within a reasonable time.

(2) If the work ordered is not carried out within the fixed time, the Council may cause it to be done at the owner's or the user's expense.

9. Notice of any damage caused by fire or another accident to a building scheduled for preservation shall be immediately sent to the Council by the owner or the user. The Council shall cause the damage to be surveyed without delay. The provisions of section 6 shall apply if the building is repaired.

10. (1) Should the owner of a building scheduled for preservation wish to have it demolished, he must inform the Council of this. If the Council can agree to its demolition, the Minister and the owner shall be notified as soon as possible. When demolition has been carried out, the Council will cause the preservation order to be cancelled.

(2) If permission is not given, the Council shall recommend to the Minister that the buildings, together with all or part of the land belonging to the property, be acquired by the public authorities, if necessary by compulsory purchase. If the Minister accepts the recommendation, he shall take the required steps to acquire the property. After it has been entered in the Register of Titles to Land that a special preservation charge is attached to the property, the property may be resold to a third party.

(3) The owner must not commence demolition of a scheduled building before he has

received notification that it may be done, or that the public authorities do not wish to acquire the property.

11. Local authorities and chief constables becoming aware of circumstances which under the foregoing provisions are of interest to the Council shall immediately notify the Council.

12. When the owner of a scheduled building is willing to have entered in the Register of Titles to Land that a special preservation charge is attached to the property, a subsidy may be granted towards its restoration by experts. The subsidy shall be defrayed either from the resources of the Council itself, or from the Government Preservation of Buildings Fund, cf. section 16. Such subsidies may also be granted in cases in which it is entered in the Register of Titles to Land that preservation charge is attached to the property under section 10, subsection (2).

13. Documents drawn up in connection with the administration of this Act shall be exempt from stamp tax and land registration charges.

14. The Historic Buildings Council is entitled to undertake, without expense to owner or user, such surveys and inspections as are required under the provisions of the Act.

15. The expenses connected with the activities of the Historic Buildings Council shall be defrayed by the Treasury.

16. (1) The annual government grants from which the capital for the "Government Preservation of Buildings Fund", established under the Minister of Cultural Affairs, derives shall as from the fiscal year 1970-71 be 800.000 kroner which grant shall be at the disposal of the Fund in such a way that unexpended amounts are transferable to the subsequent fiscal year.

(2) The purpose of the Fund is to undertake special preservation and protection works for which the cost cannot be paid out of the amounts made available for the Historic Buildings Council by the an-

nual appropriation acts. The Fund may in this connection manage real property and limited interests in real property, as well as cash sums that might be acquired through donations or otherwise.

17. (1) The Fund shall be administered by a committee appointed by the Minister of Cultural Affairs, consisting of all the members of the Historic Buildings Council together with one representative of the Ministry of Finance, one of the Ministry of Housing, and one of the Commissioners of Revenue. The chairman of the Historic Buildings Council shall also be chairman of the Government Preservation of Buildings Fund.

(2) A report on the activities of the Fund and an annual statement of accounts shall be submitted to the Folketing each year.

18. (1) Fines shall be imposed upon persons who.

a. commence building operations, demolition, or the erection of signs, without having obtained permission or having given notice as prescribed in this Act, cf. sections 6 and 10,

b. fail to comply with an order in pursuance of sections 7 and 8,

c. fail to notify the Historic Buildings Council of damage as prescribed in section 9,

d. violate the conditions of a preservation charge entered in the Register of Titles to Land, cf. sections 10 and 12.

(2) Violations committed by a joint-stock company, co-operative society or similar organizations are liable as such to the imposition of fines.

19. The Minister shall lay down detailed rules for the activities of the Historic Buildings Council and the Government Preservation of Buildings Fund.

20. (1) The Act shall come into force on July 1, 1966.

(2) Act No. 137 of March 12, 1918 on the Preservation of Buildings is repealed.

(3) Preservation orders under the aforesaid Act shall become subject to the provisions of the present Act.

21. (1) This Act shall not apply to the Faeroe Islands.

(2) The Act may be put into force in Greenland by Royal Decree subject to such devia-

tions as might be dictated by the special conditions in that part of the country.

(3) A bill on revision of the present Act shall be presented to the Folketing not later than in the parliamentary year 1973-74.

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