

ARTS] & 4 contradictory.

Large section of Act not translated. (ss 27-40).

ANTIQUITIES - ANCIENT OBJECTS

FB:

[Original text needs looking at before summary done]

)
the norms of Act 5351 together with
Act ΒΧΜΣΤ '2447, 491, 4823 and those
put together and known as Act. No. 5351.

with the title : "As regards

With respect to

Antiquities"

Note Article 55 of Act No. 5351, a motion on behalf of the Minister if the Department of Education and Religion decided and ordered as follows: -

Acts No. 5351 and ΒΧΜΣΤ '491, 2447, 4823 and Ν 12/16 June, 1926 are codified as one and known as Act No. 5351 with the title "As Regards Antiquities" and is as follows:

As regards Antiquities Generally

Article 1.

Whatever movable or immovable antiquities whether of ancient or recent origin are found in Greece on public property, in rivers, lakes, on the sea-bed as well as in municipal, monasteries and on private property belong to the State. The right and responsibility to preserve them in museums belongs to the State.

As to this purpose all the efforts related thereto come under the Minister of the Department of Education and Religion.

Article 2.

Antiquities under Art.1 include without exception works of architecture, sculpture, writings, and any other works as all the buildings, monuments, vases, aqueducts, roads, walls, statues, idols, art, inlaid mosaics, pottery, weapons, jewellery and any other works of whatever material including precious stones, coins. The articles from the time of Christianity and from the Greek Middle Ages are not excluded from the present act. (Art. 3 Act ΒΧΜΣΤ').

Article 3.

The owners of property upon which antiquities are found shall be entitled to compensation or reward. Municipal authorities and Monasteries shall not be entitled to compensation or reward.

Article 4.

Objects of the Vestry of holy Monasteries not used for worship, ancient ecclesiastical heirlooms and precious ancient manuscripts of high value which in the opinion of the Committee formed by the Department of Education from the Metropolis, members of the Archaeological Committee and other experts, need better safekeeping and maintenance, are to be placed in the Byzantian Museum or local museums.

The ownership of these objects by the Monasteries is preserved even after they are placed in the Museum. (Article 14 Act. 5351).

Article 5.

He who becomes in whatever way the possessor of an antiquity, must within a fortnight from the time it came into his possession, declare it with the nearest archaeological or police state or to the Archaeological Department of the Department of Education and Religion in addition to making known the method of acquisition and wherever possible the place it was found. After the declaration of the antiquity, the possessor himself may look after the antiquity or sell it to others within the State according to the law laid down by this Act.

The archaeological curator of the area or a senior ranking archaeological employee chosen from the Department must within the shortest time possible examine and describe the antiquity exactly.

If the declared antiquities have little scientific worth and very little or no commercial worth, in the opinion of the Archaeological Committee, they are merely number and described and left to the free use of the possessor. The Department may ask also for the classification and photographing of these objects.

If the possessor of the object is a dealer in antiquities, the Department, with regards to a worthy object, according to the opinion of the Archaeological Committee, may offer by way of compulsory acquisition, a certain price for it and if the parties cannot come to an agreement, then it shall be determined according to paragraph 2a of Article 11 of the present Act, by method of Arbitration. The possessor is paid only half of the fixed price. (Article I Act 5351).

Article 6.

The possessor of an antiquity who omits to declare same under Article 5 within the stated time of this Article and not beyond two months, is liable to pay a fine of 500-2,000 drachmae. If the declaration is made after two months, then the penalty shall be 1,000 - 4,000 drachmae. If after the 2 month period and before the declaration, the antiquity is found by some other way, the penalty is enforced and it is confiscated by the State Museum.

Where the unlawful omission of the declaration beyond the two month period is by design, then the penalty is 1-6 months' gaol and a fine of 1,000 - 4,000 drachmae. (Article 2 Act 5351).

Article 7.

A lawful worker who upon public, municipal, communal, monastery or ecclesiastical property finds antiquities and declares the finding within 15 days to the nearest archaeological office receives as reward one half of the value of the contents of the antiquities from the authority. However, if he omits to make the declaration, not past the 2 month period, he does not receive any reward. If the declaration is omitted beyond the two month period he is penalized by gaoling from 15 days to 6 months. (Article 3 Act 5351).

Article 8.

If immovable antiquities or ancient buildings exist or are found by accident, on private property and are worthy of preservation the owner of the property is rewarded only for the value of the space which the antiquity occupies and which is estimated according to the highest current value of similar property in the area raised by 10%. The finder of the antiquity whether he is the owner or another lawful worker on the land, may, if he declares the discovery, within the lawful time, receive reward according to the value of the antiquity.

The owner of the property upon which immovable antiquities are found, who knowingly omits to declare same under Article 5, within the given time is punishable according to Article 6 and according to its distinct penalties. (Article 7, Act 5351).

Article 9.

Whether an immovable antiquity is to be preserved must be decided by the Archaeological curator within one month of the latest from the

the declaration, or in the situation where he is in doubt, by the committee of three curators appointed by the Department at the most within two months from the declaration. If a decision is not reached after the passing of two months from the declaration of the antiquity, the owner has the right of compensation for the obstruction of his property. If there is no solution, as regards the antiquity after one year from the date of the declaration of its discovery the owner may regard it as not preservable. The relevant archaeological curator has the responsibility for the proper action and timely decision as to the preservation of the immovable antiquity.

If there is a need for trial excavation for the determination of the value of the immovable antiquity, the archaeological curator may proceed immediately after the Department has been notified and is aware of the cost. (Article 8 Act 5351).

"2, As above noted a yearly time limit is in force also, for any other private application for construction or performance of any other project, in accordance with Article 51 of the present Act, it if is necessary to obtain a decision as to excavation or survey or other study.

If the situation does not require any work or study, the time limit for a decision is set at up to two months provided the position is distant from the Archaeological area. After the passing of the above set time, another competent State authority may approve the required claim and without the consent of the relevant office of the General Administration and Restoration of Antiquities. As regards archaeological expropriation, the Archaeological Committee is obliged to take all the necessary action with the utmost priority and within the shortest possible time.

The above "Para.2" was inserted to Article 8 by Act 4543/1966 (previously page 891).

Article 10.

Any private person or public servant who reveals any transgression of the rules pertaining to the above articles as regards the declaration of possession of antiquities, shall be rewarded the whole, or part of the fine which shall be paid by the transgressor of the law, or he shall be given a reward equal to one half or one quarter of the value of the antiquity, depending on the judgment of the Archaeological Council, (Article 4, Act 5351).

Article 17.

The pecuniary value of antiquities is defined by the Archaeological Council or by a Committee set up by the Minister, and it consists of two Inspectors of the Antiquities, who may not be members of the Archaeological Council, and one member of the Archaeological Council.

In accordance with the opinion of the Archaeological Council, the Minister may entrust the valuation of antiquities of lesser importance to the competent Inspectors of Antiquities. As regards the indemnity paid to a private person by the State concerning the purchase or the acquisition of an antiquity by any possible way, if, according to previous paragraph, the defined value does not become accepted by the possessor then a committee is set up consisting of one representative of the private possessor, one Inspector of the Antiquities or Museum Manager appointed by the Minister, and a third person appointed by the President of the Supreme Court. This committee decides the value of the antiquity by vote and its decision is irrevocable.

If no majority of votes is reached by the committee, according to the previous paragraph, for the definition of the value of the antiquity, then the value may be defined by the President of the Supreme Court taking into

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consideration the proffered value by each of the three members of the committee, (Article 6, Act 5351).

ARTICLE 12

Any possessor of antiquities which, according to the opinion of the Inspector of the Antiquities, are of great value, ought to comply with the recommendations of the local Inspector of the Antiquities concerning the exposure and maintenance for the avoidance of obvious risk. In case of the possessor's disagreeing with the Inspector of the Antiquities or regarding the measures of maintenance proposed by the Inspector, he (the possessor) may refer himself to the Ministry which will express final judgment, (Article 22, Act 5351).

ARTICLE 13

A penalty of 500-6000 drachmae shall be imposed on the person who in his life-time transfers, by any legal act, an antiquity which happens to be in his possession, without such a transfer's having previously been declared to the Inspector of the Antiquities in charge. The same penalty shall be enforced on the person to whom the transfer is made if he fails to make such a declaration himself.

Any transfer which is carried out without a previous declaration of same shall be considered void, (Article 5, Act 5351).

ARTICLE 14

The person who gives information to any State department concerning the discovery of antiquities formerly unknown, or he who points out a place in which antiquities exist and in this way he contributes to the discovery of antiquities, may receive a reward according to the importance of the

discovered antiquities as well as the extent of his contribution to the discovery, depending on the judgement of the Archaeological Council. Such a reward should not be less than one quarter or it should not exceed half of the value of the antiquities, (Article 9, Act: 5351).

ARTICLE 15

As regards the importation and exportation of Antiquities

Antiquities may freely be imported into the country providing that on their arrival at the Customs House the importer ought to declare same, otherwise such antiquities shall be considered as found in Greece.

shall arrange the procedure concerning the importation as well as the manner of verification and recognition of the antiquities imported into the country from overseas, together with the declaration of same, (Article 25, Act 5351).

ARTICLE 16

The importer of antiquities from overseas on declaring the antiquities shall also declare their pecuniary value which he thinks appropriate whether he intends to keep them for himself or sell them or transfer them to another person, (Article 25, Act 5351).

ARTICLE 17

The sale, later on, of the antiquities referred to in the previous article, which are already in the country, ought to be declared to the Ministry before the transaction takes place.

The transgressor of this law shall be punished by a fine of 200-500 drachmae.

In the case of equal offers preference must be given to the State. If however the antiquities for sale are not bought by the State then a tax of

of 10% on the selling price must be paid to the State, (Article 27, Act 5351).

ARTICLE 18

There is freely permitted the exportation of antiquities from the country, which antiquities have been previously imported from overseas according to the above article.

ARTICLE 19

Antiquities may be taken out of the country with the permission of the Ministry of Education and after the decision of the Archaeological Council. When exporting the dealer must pay the State, an account of the Archaeological Alienation Fund, half of the price of the antiquity which price is defined by him, and it must accompany the application for permission of exportation. When exporting antiquities purchased from the State who has considered these antiquities as superfluous for the State Museum, the exporters must on exportation pay 5% of the price for which the object of antiquity has been sold by the State.

The State may forbid the exportation of an antiquity, but in this case the State must buy the antiquity providing that the applicant for permission for exportation asks the State to do so. Then the price which the State shall pay is $\frac{1}{2}$ of the value declared by the exporter.

By decision of the Archaeological Council, the right of the State as defined in the previous paragraph, may be transferred to a private collector, (Article 49, Act 5351).

ARTICLE 20

The person who, disobeying the rules of the present law, exports or tries to export antiquities is punished by imprisonment of one month to five years and a fine of 2,000 drachmae. He who is found guilty of such an act and sentenced to jail for more than 2 months, does by consequence forfeit

all rights and privileges described in Article 21 of the present Act for five years unless a shorter period of time is defined at the time of passing sentence, which period may not in any circumstances be less than one year.

The seized antiquities which were intended for exportation are, in consequence of the condemnatory judgment, confiscated on behalf of the State. If the exportation has been materialized and consequently a confiscation is not possible, the person who has been proven guilty is also sentenced to pay the entire value of the exported antiquity determined according to the rules of this law as regards the fixing of price of antiquities. Any government employees or public servants as well as those who hold a position in an institution of state law or in an autonomous organisation, in the case of being found guilty of illegal exportation of antiquities, shall in consequence be dismissed from the position which they may hold forfeiting every right of reinstatement for life, (Article 51, Act 5351).

ARTICLE 21

Any person, being that of a private citizen or public servant, who contributes to the detection of illegally exported antiquities, or of antiquities which were manifestly intended for illegal exportation and he indicates the perpetrators of such an act, shall be given a reward of no less than 1/4 or not exceeding 1/2 of the value of the antiquity, depending on the service contributed, (Article 52, Act 5351).

ARTICLE 22

The person who is his knowledge aids in any manner whatsoever in the illegal exportation of antiquities is considered an accomplice and is punished by imprisonment of one month to two years, (Article 53, Act. 5351).

As Regards Collections of Antiquities

ARTICLE 23

Those who wish to make private collections of antiquities by purchasing them in Greece or abroad, must to this purpose ask for permission by applying to the Ministry of Education which may grant such permission by decision of the Archaeological Council depending on the Council's absolute discretion, (Article 29, Act 5351).

ARTICLE 24

Private collectors must keep an exact, detailed list accompanied by photographs of all antiquities in their possession. On completion on their collection, a duplicate copy must be sent to the Ministry, or, in the case of new acquisitions being added to their collection, a duplicate copy must be sent every six months. Failure of supplying this document, which failure, in the judgment of the Archaeological Council, is unjustifiable, is punished by a fine of 100-1,000 drachmae imposed by the Ministry in agreement with the decision of the Archaeological Council. If the above mentioned failure is repeated the fine inflicted shall become double. On application by the private collector the State undertakes the responsibility of the compilation of such a list, (Article 30, Act 5351)..

ARTICLE 25

Private collectors must afford every convenience to those who are supplied with a special warrant by the Ministry, which warrant is granted only to scientists and archaeologists, in order that such persons may have access to the collected antiquities for the purpose of examining and photographing same. The collector however has the right of the first publication of every antiquity coming to light for the first time for three years after its introduction into his collection, and he may dispose of same at will.

This right may not be exercised on antiquities which were found through excavation carried out by one of the appointed archaeologists according to the regulations of the present Act, who, for three years, has the same right concerning the first publication as that of the private possessor of the antiquity as mentioned above, (Article 31, Act 5351).

ARTICLE 26

Those persons who have in their possession private collections of antiquities of considerable importance must, by suggestion of the Ministry resulted according to the opinion of the Archaeological Council, afford every convenience for access to the collection by private visitors. They may however ask for a visiting fee the sum of which is defined with the Ministry's approval, (Article 32, Act 5351).

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Excavations for the discovery of antiquities may be carried out by the Department of Education not only on National Municipal Communal and Monasteric but also on private property.

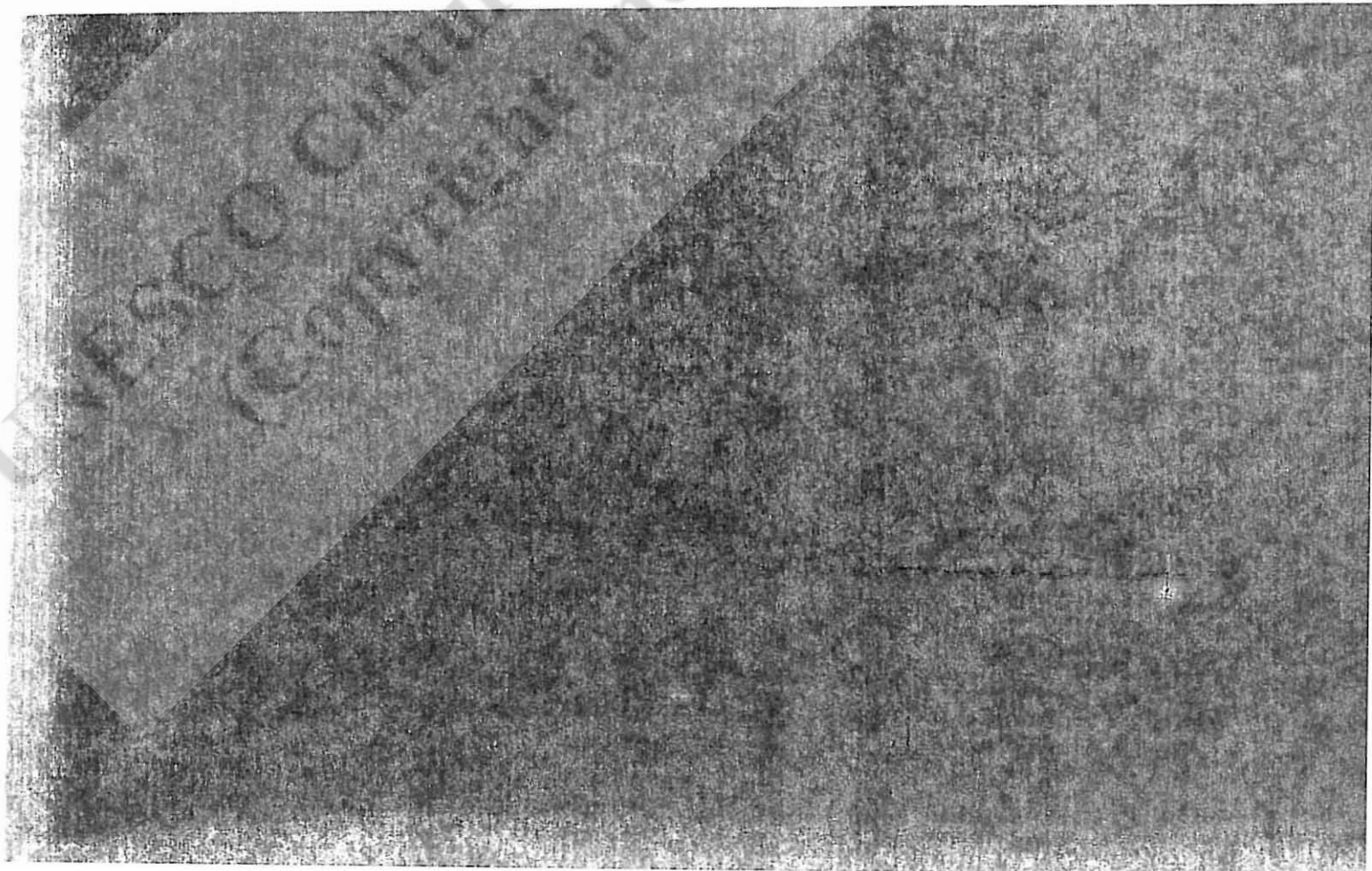
It has the right to proceed with trial excavation and without expropriation of the property, the owner being notified and every other interested party, by proclamation published in the State Newspaper and they are to be recompensed for the loss of the temporary use and for any damage occasioned to their property. The excavation may begin immediately after the publication of the proclamation. However, such trial excavations are not permitted to extend to the (demolition or damage of (destruction another's house or other property and by no reason whatsoever must it extend beyond the period of one month without the consent of the owner.

(Article 16 Act 5351)

Article 42

When the Department begins excavation on private property without compulsory expropriation, it recompenses the owner, within 15 days after

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the cessation of the excavation, for the loss of the temporary use and damage which the owner has suffered to his property on account of the excavation, by (valuation which is calculated by the taxation valuer or his ~~(estimation~~ representative from the Magistrate's Court and the Police.

Where such excavations reveal immovable antiquities the law as stated in Article 8 of the present Act is enforced.

(Art. 14 Act BXMZT')

Article 43

One half of the moveable antiquities found by excavation, according to the previous Article is placed in the Public Museum, the remaining half stays in the ownership of the proprietor in accordance with the opinion of the Archaeological Committee or its representatives.

(Art. 17 Act 5351).

Article 44

As regards excavations made on private property by Archaeological Association or by those from foreign schools, on the one hand expropriation is made according to the prevailing laws of the State but on the other hand the value of the article is paid to the excavating establishment. During the entire duration of the investigative excavation and up to the final publication, the excavating archaeological association shall be paid the expense, as directed by the relevant office of the Department of Education, for the maintenance of the excavated ruins, for the support of the walls and filling up of the cavities and drainage. The omission of the above entails the cessation of the excavation upon the advice of the Archaeological Committee.

If there is not a museum or other suitable public place near the area of the excavation, the excavator has the responsibility of the cost for the temporary safekeeping of the objects.

Immediately after the discovery of these objects, the articles and the excavations which are not made by a public authority come under the control of the public employee supervising the excavations, who is responsible, together with those carrying out the excavations for the safekeeping and proper maintenance thereof. The removal of the discoveries is made only after the permission of the Department is obtained. If there is an emergency, the Department is merely notified before the removal (Art. 3 and the following Act 12/16 June, 1926).

Article 45

Under no circumstances is the exportation of the excavated discoveries permitted, from the country. Only after the final (examination and (inspection publication of the excavation is it allowed to separate those things considered not useable for the Museums of the State. These may be exported overseas according to the prevailing laws. (Art. 3 and following Act 12/16 June, 1926).

AS REGARDS ILLEGAL EXCAVATIONS

Article 46

He who commences excavations on his own or another property without the previous permission of the Department of Education and the notification of the relevant archaeological authority and with a purpose of finding antiquities, is punished by gaoling from 1 month to 2 years and is fined 1,000-10,000 drachmae.

He who is sentenced for such an offence by gaoling for more than 2 months, loses automatically all his rights and advantages as stated in Article 21 of the Penal Code, for a period of 5 years, unless a shorter period is determined, provided it is not less than 6 months.

Article 46 (Cont'd)

All those objects discovered by the accused belong to the State (article 18 Act 5351).

Article 47

If the excavation commences without official permission, by someone else, the owner of the property by which the antiquities are found is considered as the owner of the antiquity and has all the rights, provided it is shown that the excavation was made without his knowledge and that he did not neglect to stop or report the offence in the proper time to authorities (Art. 19 Act 5351).

Article 48

A private citizen or government employee who declares an illegal excavation and causes the capture and sentencing as a result, of the offender, is given a reward of $\frac{1}{4}$ to $\frac{1}{2}$ of the value of the antiquities which go to the State found from the excavation after a decision is made by the Department of Education, on the advice of the Archaeological Committee depending on the importance of the help given towards the discovery and capture of the accused.

If the discovered antiquities remain in the ownership of the private citizen, he is responsible to pay one half of the reward as described in the previous paragraph, the other half being paid by the State. (Article 20 Act 5351).

AS REGARDS PROTECTION OF ANTIQUITIES

Article 49

He who wilfully destroys or damages antiquities is punished by gaoling up to 2 years and fined 500 - 10,000 drachmae; special serious circumstances, by gaoling up to 5 years and fined from 2,000 to 20,000 drachmae.

He who without the consent and knowledge of the Archaeological curator of the Department of Education (after consulting with the Archaeological

Article 49 (Cont'd)

Committee) disfigures or defaces by whatever method the appearance of movable or immovable antiquities is punished by a fine of 2,000 to 5,000 drachmae.

He who uses antiquities for whatever advertisement by sticking or writing or engraving upon them or by writing figures upon them is punished by a fine of 200 - 2,000 drachmae.

(Article 21 Act 5351)

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