

DECREE-LAW N°. 9 of 1963 on the PROTECTION OF MUSEUM OBJECTS ⁽¹⁾

(as amended by Law N°. 6 of 1975)

GENERAL PROVISIONS

Section 1

Material of outstanding merit, of a written or any other nature, relating to history, the sciences, literature, the arts and industrial development (hereafter called museum objects) shall be protected under the terms of this Decree-Law; it shall be scientifically evaluated and be made accessible to the general public. Responsibility for the implementation of these tasks is vested in the Minister of Culture.

Section 2

This Decree-Law applies to :

- (a) public collections ;
- (b) collections in the possession of corporate bodies;
- (c) private collections;
- (d) individual museum objects;
- (e) sites of archaeological or historical importance.

Section 3

The term 'museum' shall be taken to mean a public collection or a collection in the possession of a corporate body, consisting of exhibits, established and systematically documented by scientific research, and whose formation or re-organization was authorized by the Minister of Culture.

PUBLIC COLLECTIONS AND COLLECTIONS IN THE
POSSESSION OF CORPORATE BODIES.

Section 4

Under the present Decree-Law, the following shall be deemed to be public collections :

- (a) national museums, and museums under the direct supervision of ministers or heads of national bodies (hereafter collectively called ministers); and
- (b) museums and collections maintained by councils and other governmental bodies, scientific and other institutions, social organizations, as well as co-operatives.

(1) Unofficial translation prepared by UNESCO

Section 5

(1) National museums are scientific institutions dedicated to preserving collections which are of outstanding merit in their particular sphere of national interest, and which aim at complete territorial and historical coverage, evaluating these collections in a scientific manner, and putting them at the service of the education of the people. National museums shall assist county museums in the fulfilment of the scientific plans and in the discharge of their duties as laid down by the Minister of Culture (Section 6, Clause (1)).

(2) The national museums are: the Hungarian National Museum, the Museum of Fine Arts, the Hungarian National Gallery, the Museum of Applied Arts, the Museum of Ethnography, the Museum of Natural Sciences, the Museum of the Hungarian Workers' Movement, the 'Sándor Petőfi' Museum of Literature, the Budapest History Museum, the Museum of Agriculture, the Museum of Military History, the Transport Museum and the National Museum of Technology. New national museums may be established by the Council of Ministers.

(3) A national museum is headed by a director-general whose appointment is the personal prerogative of the minister concerned, though the Council of Ministers may grant an exemption from this rule.

Section 6

(1) From among the museums for which a County Council is responsible, one shall be chosen and charged by the Minister of Culture (hereafter called County Museum) with promoting co-operation among, and co-ordinating the work of, the museums and collections on the Council's territory along the lines laid down by the Minister of Culture, in addition to carrying out its educational and scientific duties.

(2) Deleted

Section 7

(1) A public collection - except a national museum- may be founded or wound up by the ministers and the authorities listed in Section 4, Clause (b) subject to consent of the Minister of Culture. Establishment or disbandment of other collections in the possession of corporate bodies is also subject to the consent of the Minister of Culture.

(2) In the case of public collections not under the authority of the Minister of Culture and other collections in the possession of corporate bodies, that power is exercised by the supervising authorities in agreement with the Minister of Culture.

Section 8

(1) Any change in the terms of reference, name or location of a public collection shall be subject to the consent of the Minister of Culture.

(2) A museum object kept in a public collection may only be lent temporarily to another authority with the consent of the minister responsible.

Section 9

Regulations governing the administration, keeping of records, documentation and safety of public collections and collections in the possession of corporate bodies shall be laid down by the Minister of Culture.

PRIVATE COLLECTIONS AND INDIVIDUAL MUSEUM OBJECTS

Section 10

(1) A private collection is an assembly of museum objects in private ownership, kept and used in one place, which the Minister of Culture has designated as being protected.

(2) The Minister of Culture may also designate a museum object as protected.

(3) No museum object owned by its creator may be declared as protected. The Minister of Culture may require that a separate register be kept of all such objects.

Section 11

(1) Protected museum objects and protected private collections (hereafter called protected object, protected collection), come under the supervision of the Minister of Culture; he may also determine the appropriate housing and expert treatment of the object or collection.

(2) The Minister of Culture shall keep an up-to-date register of all protected objects and protected collections.

Section 12

(1) The owner or holder of a protected object or protected collection shall be responsible for its upkeep, safety, expert treatment and preservation.

(2) No work of conservation, restoration or transformation shall be carried out or commissioned by the owner on a protected object and protected collection unless authorized by the Minister of Culture.

(3) The Minister of Culture may instruct the owner of a protected object or protected collection to make available the object, collection or some items thereof for exhibition purposes and for the duration of this exhibition.

Section 13

(1) A change in ownership of protected objects or protected collections may only take place with the authorization of the Minister of Culture; the conditions of such a change shall be laid down by the Minister of Culture. In the case of a transfer of ownership for value, the state has the right of pre-emption.

(2) Protected objects or collections, as well as individual items from a protected collection may only be taken abroad with the consent of the Minister of Culture.

Section 14

(1) Museum objects in private ownership or private collections may not be taken into the care of a public collection except under a fixed-term written contract. Clause (1) of Section 15 defines the sole exception to this rule.

(2) The public collection concerned may exhibit the museum object or the private collection during the contractual period and may also use it for scientific study.

(3) The owner cannot retrieve the object or the private collection lent to the public collection before the expiry of the contractual term except with the consent of the Minister of Culture.

Section 15

(1) The Minister of Culture shall order a museum object or private collection to be placed in a public collection if :

(a) the owner cannot ensure the safety or suitable treatment of the object, or the collection, or

(b) the nature and importance of the object or collection demand that it should be freely accessible to scientific research or to the general public for a considerable time.

(2) Museum objects in the ownership of their creator cannot be compulsorily placed in a public collection for the reason stated in Clause (b) of para. (1).

(3) Subject to the approval of their supervisory body, state bodies or enterprises may lend museum objects in their care free of charge to museums maintained by the state authorities.

EXCAVATIONS: PROTECTED AREAS OF ARCHAEOLOGICAL IMPORTANCE

Section 16

(1) Under this Decree-law 'excavations' shall mean work aimed at uncovering buried objects or immovable monuments (sites of historical or archaeological interest, historic buildings).

(2) No excavations shall take place except by permission of the Minister of Culture and, in the case of ancient monuments, the Hungarian Academy of Sciences in agreement with the Minister of Construction and Urban Development. In addition, excavations require the consent of the executive committee either of the council of the metropolis or of the county or town council, as the case may be.

Section 17

(1) Buried objects or artefacts buried or recovered from the ground, lakes or river beds, or anywhere else are the property of the State.

(2) If such an object comes to light during work other than excavations (Section 16), i.e. during construction, earth removal, mining, water projects, etc., or because of any other reason, the discoverer (the site manager in charge) shall :

- stop work on the site forthwith;
- report the find without delay to the special delegate of the executive committee of the council of the village, town or metropolis in charge of cultural matters (hereafter called the cultural delegate);
- ensure the temporary safeguarding of the object in accordance with the rules governing the safeguarding of objects, as well as hand over to the cultural delegate the object which has fortuitously come into his possession.

(3) On receipt of the report, the cultural delegate shall immediately inform the appropriate museum, as well as provide for the continued protection of the object and the site.

(4) The museum shall inspect without delay both the site and the find and submit a written assessment of the conditions in which the work may be continued. If the work :

- (a) does not endanger the site and/or the finds, it may be resumed immediately in accordance with the conditions laid down by the museum;
- (b) cannot be continued, even partially, without endangering the site, the authority directly responsible for the specific project shall cause the work to be suspended for a maximum of 30 days; the work may only be resumed on the authority of a new permit issued by agreement with the museum.

(5) The museum shall add the find to its own collection or make provision for it to be declared a protected object and entrust it to the care of a collection maintained by another official body; it may grant a suitable reward to the discoverer of the object commensurate with the artefact's cultural importance and value.

(6) If the find proves to be a monument, the discoverer shall be bound by the regulations governing the protection of monuments.

Section 18

(1) Sites of archaeological or historical interest shall be protected; the 'Protected Area' declaration shall be issued by the Minister of Culture in consultation with the Ministers of Agriculture and Food Industry, in accordance with the provisions of Law N°. VI of 1961 on the protection of agricultural land.

(2) As soon as the 'Protected Area' declaration has been issued, no work shall take place which would change the character of the site ;

construction or other work jeopardizing the character of the protected site is subject to the authorization of the Minister of Culture.

(3) The 'Protected Area' declaration of a site of archaeological or historical importance, as well as the lifting of such protection must be recorded in the land register; in this respect the Minister of Culture shall make suitable provisions.

MISCELLANEOUS PROVISIONS

Section 19

Museum objects or collections becoming state property as a result of court decisions or other official measures shall be administered by a body to be designated by the Minister of Culture.

Section 20 Deleted.

Section 21

(1) This Decree-Law shall come into force on the day of its promulgation; at the same time, Decree-Law n°. 13 of 1949 (except Sections 17-21, 33 and the provisions concerning ancient monuments of Sections 22 and 30), as well as Decree N°. 14 of 1954 (24 February), MT and the Resolutions of the Council of Ministers N°. 1037 of 1954 (12 May) and N°. 1064 of 1956 (28 July) are repealed.

(2) The Minister of Culture shall be responsible for the implementation of the present Decree-Law (in the case of excavations in agreement with the Hungarian Academy of Sciences); in particular, he shall define the nature of the objects and collections to be declared protected, promulgate the procedure for such a declaration, and lay down the statutory regulations for the reporting of finds. The Minister may delegate some of the related administrative tasks to the museums.