

REPUBLIC OF KOREA

PROTECTION OF CULTURAL PROPERTIES Act, wholly amended by Act No. 3644 of 31 December 1982. Additional Provisions added in 1984 concerning the protection of foreign cultural properties and the protection of cultural properties in case of emergency.

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1. Cultural property subject to export control

National treasures, treasures, of important folklore materials(Art. 21)

Treasures are buildings, classical books, calligraphic works, ancient documents, pictures, sculpture, craft etc. and other tangible cultural products of high historical or artistic value other archeological specimens corresponding to any of them which have been designated as treasures by the Minister of Culture and Tourism(Arts. 2, 4)

National treasures are treasures which are rare and highly valuable from a cultural point of view and designated as national treasures by the Minister of Culture and Tourism(Art. 4)

Important folklore material comprises public morals and customs relating to food, clothing, housing, occupation, religion or an annual event etc. and clothes, tools or houses used therefore that are indispensable to the understanding of changes and progress in the national life and which have been so designated by the Minister of Culture and Tourism(Arts. 2, 7)

Movable cultural properties not designated by this Act(Art. 76). This would include the tangible cultural property and folklore material described in Article 2 from which treasures and national treasures are designated as well as pottery and other remains of high historical or artistic value. If "movable", which is not defined in the legislation, is interpreted to include intangible cultural property, then it would also apply to drama, music, dance, craftwork techniques and other intangible cultural expressions of high historical or artistic value(Art. 2)

Provisionally designated properties(Art. 32). Provisional designation is an urgent measure to protect property for six months pending deliberation and decision on its designation(Art. 13.)

2. Type of export control

Export or transport out of the State is prohibited, except when the Minister of Culture and Tourism permits it for an international cultural exchange, such as a cultural property exhibition in a foreign country etc. on condition that it be brought back to the State within two years from the date of its departure(Arts. 21, 76)

A movable property which may be mistaken for a cultural heritage liable to export control may be exported with a prior confirmation from the Minister of Culture and Tourism(Art. 76(2))

Cultural property designated and protected under statutes of a foreign country is protected by the 1984 provision for the protection of foreign cultural properties. Under this provision importers must show documents certifying that cultural property was lawfully exported from the foreign country. Further the Minister of Culture and Tourism can take the necessary measures to return unlawfully imported cultural property to the country of origin.(Art. 78)

3. Transfer of ownership

An owner of State designated cultural property must sell it to the State, a Local Government or a museum if it wishes to purchase the property(Art. 26)

Intention to sell State designated property, or transfer of ownership, must be notified with appropriate details to the Minister of Culture and Tourism(Art. 27 Sub. 2)

State-owned cultural property may not be transferred, nor may private rights be created over it except where there is a special provision under this Act(Art. 54)

4. Penalties and sanctions

For export of designated or provisionally designated cultural property contrary to Article 21, or failure to return it when permitted temporary export under Article 21, the penalty is imprisonment for at least five years and confiscation of the property concerned(Art. 80(1))

For export of, or failure to return within the specified time limit, movable cultural property (Art. 76), the penalty is at least three years imprisonment and confiscation of the property concerned(Art. 80(2))

For assisting illegal export, receiving or delivering cultural property with the knowledge that it is in violation of the provisions on export, the penalty is at least three years imprisonment and confiscation of the cultural property concerned.

5. International instruments

Unesco Convention 1970 in force since 14 May 1983.

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Wholly Amended by Act No. 3644, Dec. 31, 1982
Amended by Act No. 3787, Dec. 31, 1984
Act No. 3947, Nov. 28, 1987
Act No. 4031, Dec. 26, 1988
Act No. 4183, Dec. 30, 1989
Act No. 4541, Mar. 6, 1993
Act No. 4884, Jan. 5, 1995
Act No. 5073, Dec. 29, 1995

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the cultural improvement of all people as well as to contribute to the cultural advancement of the nations by preserving and utilizing cultural heritages.

Article 2 (Definitions)

(1) In this Act, the term "cultural heritage" means the following:

1. Tangible cultural heritage: buildings, classical books, calligrapher works, ancient documents, pictures, sculpture, craft, etc. and other tangible cultural products of high historical or artistic value and other archeological specimens corresponding thereto:
2. Intangible cultural heritage: drama, music, dance, crafts 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: and
4. Folklore material: public morals and customs relating to food, clothing,

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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, the term "designated cultural heritage" shall mean the following: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995)*

1. State-designated cultural heritage: cultural heritage which was designated by the Minister of Culture and Sports in accordance with the provisions of Articles 4 through 7;
2. City/*Do*-designated cultural heritage: cultural heritage which was designated by the Special Metropolitan City Mayor, the Metropolitan City Mayor or the *Do* governor (hereinafter referred to as "Mayor/*Do* governor") under Article 55 (1) but was not designated by subparagraph 1; and
3. Cultural heritage material: cultural heritage which was designated by the Mayor/*Do* governor under Article 55 (2) but was not designated by subparagraph 1 or 2.

Article 3 (Establishment of Cultural Properties Committee)

(1) The Cultural Properties Committee shall be established within the Ministry of Culture and Sports to advise the Minister of Culture and Sports on research and deliberation on the following matters concerning the preservation, management and utilization of cultural heritages: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

1. Designation or cancellation of a State-designated cultural heritage;
2. Designation or cancellation of a protecting structure or protected area for a State-designated cultural heritage;
3. Recognition or cancellation of a holder or a holding body of an important intangible cultural heritage;
4. Orders for substantial repair and restoration of a State-designated cultural heritage;
5. Permission to change the present shape of a State-designated cultural heritage 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 heritage;
7. Purchase of a State-designated cultural heritage;

8. Excavation of a buried cultural heritage;
 9. Other special or technical matters considered as important to the preservation, management or utilization of a State-designated cultural heritage;
 10. Recommendations by the Minister of Culture and Sports concerning the designation and management of a City/Do-designated cultural heritage or a cultural heritage material; and
 11. Other matters presented for discussion by the Minister of Culture and Sports concerning the management of cultural heritages.
- (2) Sectional committees may be established in the Cultural Properties Committee according to the classification of cultural heritages for the purpose of researching and deliberating on the matters dealt with in the subparagraphs of 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 HERITAGES

SECTION 1 Designation

Article 4 (Designation of Treasures and National Treasures)

(1) The Minister of Culture and Sports may designate certain important tangible cultural heritages as Treasures, after deliberation by the Cultural Properties Committee. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(2) The Minister of Culture and Sports may, after deliberation by the Cultural Properties Committee, designate as National Treasures certain Treasures under paragraph (1) which are rare and highly valuable from a cultural point of view. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 5 (Designation of Important Intangible Cultural Heritages)

(1) The Minister of Culture and Sports may designate certain important intangible cultural heritage as an important intangible cultural heritage, after deliberation by the Cultural Properties Committee. *<Amended by Act*

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No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993

(2) The Minister of Culture and Sports shall recognize a holder (hereinafter understood as including a holding body) of an important intangible cultural heritage when he designates an important intangible cultural heritage under paragraph (1). *(Amended by Act No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993)*

(3) The Minister of Culture and Sports may, in addition to the holder recognized under paragraph (2), recognize another holder of an important intangible cultural heritage if he is worthy thereof. *(Amended by Act No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993)*

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

The Minister of Culture and Sports may designate certain important monument as a historical site, a scenic place or a natural monument after deliberation by the Cultural Properties Committee. *(Amended by Act No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993)*

Article 7 (Designation of Important Folklore Materials)

The Minister of Culture and Sports may designate certain important folklore material as an important folklore material, after deliberation by the Cultural Properties Committee. *(Amended by Act No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993)*

Article 8 (Designation of Protecting Structure and Protected Area)

When designating a cultural heritage in accordance with Article 4, 6 or 7, the Minister of Culture and Sports may designate a protecting structure or a protected area therefor if it is especially necessary for the protection of such cultural heritage. *(Amended by Act No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993)*

Article 9 (Announcement and Notification of Designation)

(1) When designating a State-designated cultural heritage (understood in this Article as including protecting structures and protected areas) or recognizing the holder of an important intangible cultural heritage in accordance with Articles 4 through 8, the Minister of Culture and Sports shall announce the effect thereof in the official Gazette and shall notify it to the owner or holder of the cultural heritage concerned. *(Amended by Act No. 4183, Dec. 30, 1989: Act No. 4541, Mar. 6, 1993)*

(2) When there is no owner of the cultural heritage 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 (Delivery of Certificate of Designation, etc.)

(1) When designating a National Treasure, a Treasure or an important folklore material under Article 4 or 7, the Minister of Culture and Sports shall deliver a certificate of designation thereof to the owner of the cultural heritage concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) When recognizing the holder of an important intangible cultural heritage under Article 5 (2) or (3), the Minister of Culture and Sports shall deliver a certificate of recognition thereof to the holder concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 11 (Effective Date of Designation or Recognition)

Designation or recognition under Articles 4 through 8 shall be effective for the owner, holder, occupant or manager of the cultural heritage 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 heritage which was designated under Article 4, 6 or 7 has lost its value as a State-designated cultural heritage or when there is a special reason to do so, the Minister of Culture and Sports may, after deliberation by the Cultural Properties Committee, cancel the designation thereof. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) When the holder of an important intangible cultural heritage 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 Sports may, after deliberation by the Cultural Properties Committee, cancel the recognition of the holder of an important intangible cultural heritage. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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

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(4) When the designation of a State-designated cultural heritage is cancelled or when there is a special reason to do so, the Minister of Culture and Sports may cancel the protecting structure or the protected area therefor: *Provided*, That if the designation of the State-designated cultural heritage is cancelled, the protecting structures or protected area of the cultural heritage shall be cancelled without delay. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995>*

(5) The provisions of Articles 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 important folklore material receives a cancellation notice under Article 9 (5), he shall return the certificate of designation thereof to the Minister of Culture and Sports within thirty days from the date he receives such notice. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(7) When the holder of an important intangible cultural heritage receives a cancellation notice under Article 9 (5), he shall return the certificate of recognition to the Minister of Culture and Sports within thirty days from the date he receives such notice: *Provided*, That this shall not apply if a person holding an important intangible cultural heritage dies. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 13 (Provisional Designation)

(1) When it is urgently necessary to designate a cultural heritage which is deemed valuable enough to be designated under Articles 6 and 7, and yet there is no time for deliberation by the Cultural Properties Committee, the Minister of Culture and Sports may provisionally designate the cultural heritage as an important cultural heritage at the request of the Director of the Office of Cultural Properties. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

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

(3) The provisional designation under paragraph (1) shall be regarded as cancelled, if the cultural heritage concerned is not designated as prescribed in Articles 6 and 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 under Article 9 (1) shall not be required.

SECTION 2 Management and Protection

Article 14 (Instruction Regarding Management Methods)

The Minister of Culture and Sports may issue necessary instructions concerning the management and protection of the State-designated cultural heritage to the owner (when there is no owner or when the owner is unidentified, the occupant thereof shall take the owner's place: hereinafter the same shall apply) or the holder thereof. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 15 (Owner's Management Duty and Manager)

(1) The owner of a State-designated cultural heritage shall manage and protect the cultural heritage concerned with the reasonable care of a good manager.

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

(3) The provisions of Article 14 and paragraph (1) of this Article shall apply *mutatis mutandis* to the manager as referred to in paragraph (2).

Article 16 (Management by Managing Body)

(1) When the owner of a State-designated cultural heritage is unidentified, or when management by the owner or the manager is considered difficult or inadequate, the Minister of Culture and Sports may appoint a local government, an adequate juristic person or a body (in this Article, referred to as "local government, etc.") to manage the State-designated cultural heritage. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) When appointing a local government, etc. under paragraph (1), the Minister of Culture and Sports shall take into consideration the opinions of the owner of the cultural heritage concerned, if any, and shall listen to the opinions of the local government, etc. which he intends to appoint.

(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)

(3) When the Minister of Culture and Sports has appointed a local

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government, etc. under paragraph (1), he shall announce the effect thereof in the official Gazette without delay and shall provide notification to the owner or the manager of the State-designated cultural heritage and to the local government, etc. concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(4) The owner or manager of the State-designated cultural heritage shall not, unless there is a justifiable reason, interfere with the managing duties of the local government, etc. (hereinafter referred to as "managing body") appointed in accordance with paragraph (1).

(5) When the Minister of Culture and Sports has appointed a managing body under paragraph (1), expenses required for the management of the State-designated cultural heritage shall be borne by the relevant managing body unless there is a special provision in this Act. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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

Article 17 (Management by State, etc.)

(1) The Minister of Culture and Sports may manage directly the State-designated cultural heritage or provisionally designated cultural heritage or may take necessary measures, if necessary, to protect or safeguard it from being burned, stolen, damaged or ruined. In this case, he shall consider the opinions of the owner, manager or managing body in advance. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) With the removal of the circumstances that necessitated the measures under paragraph (1), the Minister of Culture and Sports shall lift the measures without delay. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 18 (Repairs, etc.)

(1) The State-designated cultural heritage shall be repaired by its owner (in this Article, "owner" also means a managing body, if appointed) under the conditions as prescribed by the Presidential Decree.

(2) When an owner of the State-designated cultural heritage intends to repair his cultural heritage in accordance with paragraph (1), he shall have it repaired by a repair serviceman, a repairing technician or a repairing skilled person of cultural heritages who is registered in the Office of Cul-

tural Properties under Article 18-4, 18-7 or 18-8: *Provided*, That this shall not apply when the repair work is so slight that it does not affect the preservation of the cultural heritage concerned. *(Amended by Act No. 5073, Dec. 29, 1995)*

(3) The Minister of Culture and Sports may order the owner of the State-designated cultural heritage to halt repairs or to begin re-repairs when the repairs are considered detrimental to the preservation and management of the cultural heritage concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(4) The categories of the repairing technician, repairing skilled person and repair serviceman of the cultural heritages as referred to in paragraph (2) shall be determined by the Presidential Decree. *(Amended by Act No. 5073, Dec. 29, 1995)*

Article 18-2 (Repairing Technician of Cultural Heritage)

(1) The repairing technician of cultural heritage shall take charge of the technical affairs concerning the repair of the State-designated cultural heritages, and direct and control the work of the cultural heritage repairing skilled persons.

(2) Any person who desires to be a cultural heritage repairing technician (hereinafter referred to as "repairing technician") shall meet such requirements as determined by the Presidential Decree, and shall pass the qualifying examination for cultural heritage repairing technician in the technical field concerned.

(3) The qualifying examination for cultural heritage repairing technician as referred to in paragraph (2) (hereinafter referred to as "technical qualifying examination") shall be based on report cards and other documents, and written and interview examinations: *Provided*, That for a person who is a public official of Grade VI or higher (including those in special and professional services equivalent to Grade VI or higher), and has been engaged in the cultural heritage repairing work for ten or more years, and has completed the education specialized in the cultural heritage repairing techniques under the conditions as prescribed by the Ordinance of the Ministry of Culture and Sports, the written examination of the qualifying examination in the technical field concerned may be exempted.

(4) Matters necessary for those who are, and the technical field which is, to be exempted from part of the technical qualifying examination as

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referred to in the proviso of paragraph (3), shall be determined by the Presidential Decree.

(5) The subjects of the technical qualifying examination as referred to in paragraph (3), and the matters necessary for conducting such examination, shall be determined by the Ordinance of the Ministry of Culture and Sports.

[This Article Newly Inserted by Act No. 5073, Dec. 29, 1995]

Article 18-3 (Disqualification)

The following persons do not qualify as repairing technicians:

1. Minors;
2. Persons who are incompetent or quasi-incompetent;
3. Persons who are declared bankrupt, but not reinstated;
4. Persons who were sentenced to imprisonment without prison labor or heavier penalty, for violation of the Construction Business Act, the Certified Architects Act, or this Act, and for whom two years have not passed after the execution of such sentence is terminated, or the non-execution becomes definite; and
5. Persons who were sentenced to a stay of execution, and for whom the period of stay is not terminated.

[This Article Newly Inserted by Act No. 5073, Dec. 29, 1995]

Article 18-4 (Registration, etc. of Repairing Technician)

(1) A person who qualifies as a repairing technician, and desires to commence the cultural heritage repairing work, shall register himself with the Office of Cultural Properties.

(2) Any person whose registration as a repairing technician is cancelled under Article 18-5, may not be preregistered within five years from the day of such cancellation.

(3) Necessary procedures for the registration of the repairing technician as referred to in paragraph (1), the delivery, etc. of the registration certificate shall be determined by the Ordinance of the Ministry of Culture and Sports.

[This Article Newly Inserted by Act No. 5073, Dec. 29, 1995]

Article 18-5 (Cancellation, etc. of Registration)

If a repairing technician falls under any of the following subparagraphs, the director of the Office of Cultural Properties may cancel the registration, or order him to suspend all work for a period not exceeding two years fixed, under the conditions as prescribed by the Ordinance of the Ministry

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of Culture and Sports: *Provided*, That if he falls under subparagraph 1 or 2, the registration shall be cancelled:

1. Where he has obtained the registration based on false statements or other wrongful acts;
2. Where he falls under any of the subparagraphs of Article 18-3;
3. Where he fails to receive the supplementary education as prescribed in Article 18-10 (1);
4. Where he intestinally destroys or destroys by gross negligence any cultural property under repair, or damages it by roughly executing the repairing work;
5. Where it is deemed impossible for him to take charge of the work due to physical or mental disability or by any other reason;
6. Where he lends the repairing technician registration certificate to another person, or he is employed doubly by two or more cultural repairing enterprises; and
7. Where he fails to use the designated repairing materials, or fails to execute the repair in accordance with the traditional style.

[*This Article Newly Inserted by Act No. 5073, Dec. 29, 1995*]

Article 18-6 (Cultural Heritage Repairing Skilled Person)

(1) The cultural heritage repairing skilled person shall take charge of the affairs concerning the repair of the State-designated cultural heritages under the direction of the cultural heritage repairing technician.

(2) Any person who desires to be the cultural heritage repairing skilled person (hereinafter referred to as "repairing skilled person"), shall meet such requirements as determined by the Presidential Decree, and shall have passed the qualifying examination for the cultural heritage repairing skilled person in the field concerned.

(3) The qualifying examination for cultural heritage repairing skilled person as referred to in paragraph (2) (hereinafter referred to as "skill qualifying examination") shall be based on report records and other documents, and practical techniques and interview examinations.

(4) Matters necessary for conducting the skill qualifying examination as referred to in paragraph (3), shall be determined by the Ordinance of the Ministry of Culture and Sports.

[*This Article Newly Inserted by Act No. 5073, Dec. 29, 1995*]

Article 18-7 (Registration of Repairing Skilled Person and Cancellation.

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etc. of Registration)

The provisions of Articles 18-4 and 18-5 (excluding the provisions of subparagraphs 2 and 3) shall be applicable *mutatis mutandis* to the registration of the repairing skilled person and the cancellation of the registration, etc..

[This Article Newly Inserted by Act No. 5073. Dec. 29. 1995]

Article 18-8 (Registration, etc. of Cultural Heritage Repair Serviceman)

(1) Any person who desires to carry on the cultural heritage repair as a serviceman, shall meet such qualification or requirements as determined by the Presidential Decree, and register himself with the Office of Cultural Properties.

(2) No person who falls under any of the following subparagraphs, may be registered as referred to in paragraph (1). This provision shall also apply in case where he is a juristic person and his representative falls under subparagraph 1:

1. Persons who fall under any of subparagraphs of Article 18-3;
2. Persons for whom two years have not passed after the registration of cultural heritage repair serviceman was cancelled under Article 18-9: and
3. Persons who are subject to the disposition of business suspension for violation of the Construction Business Act or the Certified Architects Act, or who are under the order to suspend the business of the licensed architect office;

(3) Matters necessary procedures for the registration of the repair serviceman as referred to in paragraph (1), and the delivery of the registration certificate, etc., shall be determined by the Ordinance of the Ministry of Culture and Sports.

[This Article Newly Inserted by Act No. 5073. Dec. 29. 1995]

Article 18-9 (Cancellation, etc. of Registration of Cultural Heritage Repair Serviceman)

(1) If the cultural heritage repair serviceman registered under Article 18-8 (hereinafter referred to as "repair serviceman") falls under any of the following subparagraphs, the director of the Office of Cultural Properties may cancel the registration, or order him to suspend all business for a period not exceeding six months, under the conditions as prescribed by the Ordinance of the Ministry of Culture and Sports: *Provided*, That if

he falls under subparagraphs 1 through 5, the registration shall be cancelled:

1. Where he has obtained the registration based on false statements or other wrongful acts;
2. Where he falls under any of the subparagraphs of Article 18-3;
3. Where he fails to meet the qualification or requirements as prescribed in Article 18-8 (1);
4. Where the license for construction business is cancelled under the Construction Business Act, or the registration of the licensed architect office is cancelled under the Certified Architects Act;
5. Where he is sentenced to a punishment heavier than imprisonment without prison labor, for violation of the Construction Business Act, the Certified Architects Act, or this Act;
6. Where he intentionally destroys or destroys by gross negligence any cultural heritage under repair, or damages it by roughly-executing the repairing work;
7. Where he lends the repair serviceman registration certificate to another person;
8. Where he subcontracts *en bloc* the contracted work, to another person;
9. Where he subcontracts part of the contracted work, in contravention of the provisions of Article 22 or 22-2 of the Construction Business Act;
10. Where he fails to fulfill the warranty against defects; and
11. Where two or more defects of a scale exceeding ten percent of the construction cost due is attributable to the repair serviceman for which he is responsible therefor.

(2) If a repair businessman is subject to a business suspension or receives an order to suspend the business of the licensed architect office, for violation of the Construction Business Act or the Certified Architects Act, the director of the Office of Cultural Properties shall order him to suspend the business during such period.

[This Article Newly Inserted by Act No. 5073, Dec. 29, 1995.]

Article 18-10 (Post-qualification Training)

(1) The repairing technicians shall receive post-qualification training to be conducted by the Minister of Culture and Sports to improve the cultural heritage repairing techniques and quality.

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(2) The scope of the repairing technicians to receive the post-qualification training under paragraph (1), and the matters necessary for conducting such post-qualification training, shall be determined by the Presidential Decree.

(3) Any person who employs a repairing technician, shall not count as suspension of work the period in which the repairing technician concerned, receives the post-qualification training as referred to in paragraph (1), nor shall treat him unfavorably by the reason of such education.

[This Article Newly Inserted by Act No. 5073, Dec. 29, 1995]

Article 19 (Record Keeping)

(1) The Minister of Culture and Sports shall keep a record of certain important State-designated cultural heritages. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) The Minister of Culture and Sports may, when he considers it necessary for the preservation and management of a State-designated cultural heritage, appoint a research institution or a man of special knowledge of cultural heritages to keep a record of a State-designated cultural heritage. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 20 (Matters to be Permitted)

A person who intends to engage in the activities under any of the following subparagraphs concerning the State-designated cultural heritages shall obtain permission from the Minister of Culture and Sports under the conditions as prescribed by the Presidential Decree. No alteration in the activities shall be made unless further permission is granted: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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

Article 21 (Prohibition of Export, etc.)

(1) A National Treasure, a Treasure or an important folklore material shall not be exported or transported out of the State: except when the Minister of Culture and Sports permits it for an international cultural exchange, such as a cultural heritages exhibition in a foreign country, etc., on condition it be brought back to the State within two years from the date of its departure. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) Upon request by the person who was permitted to transport a National Treasure, a Treasure or an important folklore material under the proviso of paragraph (1), the Minister of Culture and Sports may permit the extension of the time period for up to two years if he considers it unavoidable. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) When the Minister of Culture and Sports intends to grant permission for transporting a cultural heritage out of the State under the proviso of paragraph (1), or when he intends to permit an extension of the time period under paragraph (2), he shall refer his intention to the State Council for deliberation. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 22 (Cancellation of Permission)

If the person who has obtained permission under 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 heritage for any reason, the Minister of Culture and Sports may cancel the permission. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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

(1) The owner of a State-designated cultural heritage may consign its management or its repairs to the Minister of Culture and Sports under the conditions as prescribed by the Presidential Decree: *Provided*, That a managing body, if appointed as such, may consign only repairs of the cultural heritage to the Minister of Culture and Sports. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) The owner or the managing body of a State-designated cultural heritage may request the Minister of Culture and Sports for technical guidance with respect to the management or repairs of the cultural heritage concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) When the Minister of Culture and Sports is consigned with the man-

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agement or repairs of a cultural heritage in accordance with paragraph (1), he shall appoint his subordinate public official to be responsible for the management and repairs thereof. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 24 (Protection and Nurturing of Important Intangible Cultural Heritages)

(1) The State shall protect and nurture the important intangible cultural heritages for the purpose of transmitting and developing traditional culture.

(2) The Minister of Culture and Sports may have the holder of an important intangible cultural heritage teach his skill and performing art for the purpose of transmitting and preserving the important intangible cultural heritage concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) The State may bear the expenses required for the teaching under paragraph (2) as allowed in the budget.

(4) The Minister of Culture and Sports may award a scholarship to the person who is trained to transmit the teachings. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(5) Necessary procedures for teaching and the awarding of the scholarship as referred to in paragraphs (2) and (4) shall be determined by the Presidential Decree.

Article 25 (Administrative Order)

(1) The Minister of Culture and Sports may issue the following orders, when he deems it necessary for the management and protection of a State-designated cultural heritage (in this Article, understood as including the protecting structure and protected area): *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

1. An order prohibiting or restricting certain acts of the owner, holder, manager or the managing body of a State-designated cultural heritage when its management is considered improper or when there is a special reason to do so;
2. An order dismissing the manager, when the appointment of the manager in accordance with Article 15 (2) is considered improper;
3. An order for the repair and/or installation of a necessary facility, removing and the removal of obstacles to the owner, manager or managing body of a State-designated cultural heritage; and

4. Orders, other than those prescribed in subparagraphs 1 through 3, to the owner, manager or managing body of a State-designated cultural heritage to take necessary measures.

(2) The Minister of Culture and Sports 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 heritage does not execute an order under paragraph (1) or when it is considered improper for him take measures prescribed in each subparagraph of paragraph (1).

⟨Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993⟩

Article 26 (Restrictions on Sale)

(1) When the owner of a State-designated cultural heritage intends to sell the cultural heritage concerned, he shall dispose of it preferentially to the State, a local government or a museum, if it intends to purchase the cultural heritage, it shall have the first right of refusal.

(2) The Minister of Culture and Sports shall take necessary measures for purchasing the cultural heritage which is deemed necessary for the State to purchase, preserve and manage it. *⟨Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993⟩*

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 heritage (understood in this Article as including the protecting structures and protected areas) shall report details thereof to the Minister of Culture and Sports under the conditions as prescribed by the Presidential Decree: *Provided*, That the report shall be made with the joint signature of the owner and the manager in the case of subparagraph 1, and with the joint signature of the old and new owners in the case of subparagraph 2, respectively, and one member of the family living in the same household shall report thereof in the case of subparagraph 10: *⟨Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993⟩*

1. When a manager is appointed or dismissed;
2. When a State-designated cultural heritage is to be sold, or when its ownership is transferred;
3. When the name or address of the owner, holder or manager is changed;
4. When the name, lot number, land category or the extent of the site of a State-designated cultural heritage is changed;

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5. When the place of custody is changed;
6. When a State-designated cultural heritage was ruined, stolen, destroyed or damaged;
7. When a cultural heritage was transported with permission under subparagraph 1 or 2 of Article 20, or the proviso of Article 21 (1), or when it was returned to its original place;
8. When a change of the present shape of or other acts against the cultural heritage 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 heritages have been launched or completed under the order in Article 25 (1) 3 or 4; and
10. When an individual holding an important intangible cultural heritage has died.

Article 28 (Subsidies)

(1) The State may grant a subsidy to cover the whole or a portion of the following expenses:

1. Expenses necessary for the management of the cultural heritage by a managing body under Article 16 (1);
2. Expenses necessary for taking measures under 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 heritage; and
4. Expenses necessary for the protection and support of an important intangible cultural heritage.

(2) When granting a subsidy in accordance with paragraph (1), the Minister of Culture and Sports may supervise the repairs and other technical works on the cultural heritage concerned. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) The subsidies under paragraph (1) 2 through 4 of shall be delivered through the Mayor/Do governor, and shall be managed and utilized pursuant to his directions: *Provided*, That this shall not apply when the Minister of Culture and Sports deems that such is not necessary. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995)*

Article 29 (Return, etc. of Subsidy)

(1) If any person who has received a subsidy under Article 28, falls under any of the following subparagraphs, the Minister of Culture and Sports may suspend the subsidy or order its return in whole or in part: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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 Article 28 (1) 2 or 3;
 4. When the subsidy was gained by deceit or other unfair ways; and
 5. When a State-designated cultural heritage on which subsidized repairs or other work had been performed, is transferred with compensation.
- (2) Matters necessary for the return of a subsidy under paragraph (1) shall be determined 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 under Article 18 (3), or of Article 25 (1) 1, 3 or 4; and
3. A person who has suffered a loss due to measures taken pursuant to Article 25 (2).

Article 31 (Expenses to be Borne by Local Government)

The local government may bear or subsidize the expenses required for the management, protection or repairs of those State-designated cultural heritages 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 through 22, 25 (1) 1 and 4, subparagraphs 2 through 4, 6 through 8 of Articles 27 and 30 shall apply *mutatis mutandis* to the management and protection of the provisionally designated cultural heritages.

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SECTION 3 Opening to Public

Article 33 (Opening to Public)

The State-designated cultural heritages shall be open to the public under the conditions as prescribed by this Act.

Article 34 (Opening to Public of State-Designated Cultural Heritages 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 heritage to the public under the conditions as prescribed by the Presidential Decree: *Provided*, That this shall not apply in a case which falls under any of the following subparagraphs: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

1. When the opening to the public is inappropriate for reasons concerning religious ceremonies, preservation or management of the cultural heritage:
2. When the owner, manager or the managing body has obtained approval from the Minister of Culture and Sports not to open the heritage to the public for unavoidable reasons; and
3. When the Minister of Culture and Sports has ordered to restrict or suspend the opening of the cultural heritage to the public because he considers it necessary to protect the cultural heritage concerned from being destroyed or damaged.

(2) When the Minister of Culture and Sports has issued permission or an order in accordance with paragraph (1) 2 or 3, he shall make a public announcement thereof under the conditions as prescribed by the Presidential Decree. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 35 (Opening to Public of State-Designated Cultural Heritages that are Movable Properties)

(1) The owner, manager or managing body of a State-designated cultural heritage that is a movable property shall exhibit or open it to the public when the Minister of Culture and Sports issues an order falling under any of the following subparagraphs: *Provided*, That this shall not apply when there is an unavoidable reason not to do so: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

1. Exhibition for opening to the public at the National Museum or other places for a period not to exceed one year. In this case, the Minister of Culture and Sports may extend the period up to three years; and
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 heritage that is a movable property shall obtain permission of the Minister of Culture and Sports when he intends to show or open it to the public for appreciation at a place except where the cultural heritage has been kept in custody, or at an exhibition, etc., sponsored by another person; however, in this case, the organization sponsoring the exhibition, etc., shall make a prior report regarding the exhibition to the Minister of Culture and Sports. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(3) The Minister of Culture and Sports may issue an order necessary for the preservation or management of the cultural heritage concerned to the person who has obtained permission or has made a report under paragraph (2). *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 36 (Opening to Public of Important Intangible Cultural Heritages)

The holder of an important intangible cultural heritage shall, except when there is a special reason not to do so, open the important intangible cultural heritage to the public once a year or more.

Article 37 (Expenses for Opening to Public)

All expenses for exhibition or opening to the public under each of Article 35 (1) 1 or 36 shall be borne by the State: *Provided*, That when income results from such opening to the public or exhibition, such income may be deducted from the expenses to be borne by the State.

Article 38 (Allowances and Compensation Money)

(1) An owner, manager or managing body of a State-designated cultural heritage shall be granted with allowances by the State under the conditions as prescribed by the Presidential Decree, when he presents the cultural heritage for exhibition in accordance with Article 35 (1) 1.

(2) The State shall compensate the owner of a State-designated cultural heritage for any ruin, loss, destruction or damage which may occur during an exhibition or opening to the public held in accordance with an order under Article 35 (1): *Provided*, That this shall not apply where the case

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is of a cause attributable to the owner, management or managing body.

Article 39 (Collection of Admission Fees)

(1) The owner, holder or managing body of a State-designated cultural heritage may collect an admission fee from spectators when he opens the cultural heritage to the public.

(2) The admission fee as referred to in paragraph (1) shall be determined by the owner, holder or managing body of the cultural heritage concerned.

<Amended by Act No. 5073, Dec. 29, 1995>

(3) The owner, holder or managing body of the State-designated cultural heritage shall use by priority the admission fee collected under paragraph (1) for the expenses to protect and manage the cultural heritage concerned.

<Amended by Act No. 5073, Dec. 29, 1995>

SECTION 4 Investigation

Article 40 (Report of Managerial Matters)

The Minister of Culture and Sports may have the owner, holder, manager or managing body of a State-designated cultural heritage report on the present shape, management, repairs, environmental preservation situation and other necessary matters. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 41 (Investigation under Authority)

(1) The Minister of Culture and Sports may, when he considers it necessary, have his subordinate public officials investigate the present shape, management, repairs and other matters concerning the environmental preservation situation of the State-designated cultural heritage. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(2) When an investigation is carried out under paragraph (1), the owner, holder, manager or managing body of the cultural heritage shall be so notified in advance: *Provided*, That in the case of emergency, notification may be made after the investigation is carried out.

(3) A public official who conducts the investigation under paragraph (1), may ask persons concerned for necessary cooperation, and may measure, 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 heritage concerned: *Provided*, That consent shall be ob-

tained 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 under 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 Designation)

(1) The Minister of Culture and Sports may have the owner or the manager of a cultural heritage report on the present shape or environmental preservation situation thereof, or may have his subordinate public officials make an investigation thereon for designation under Articles 4 through 8 or for provisional designation under Article 13. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) The provisions of Article 41 (2) through (5) shall apply *mutatis mutandis* to the case where the Minister of Culture and Sports has his subordinate officials make an investigation under paragraph (1). *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

CHAPTER III BURIED CULTURAL HERITAGES

Article 43 (Report of Discovery)

When a cultural heritage which is contained or buried in the land, sea-bottom or a structure, etc. (hereinafter referred to as "buried cultural heritage") 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 Sports without changing the present shape under the conditions as prescribed by the Presidential Decree. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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 heritages, shall not be excavated: *Provided*, That this shall not apply to any of the following subparagraphs when permission is granted by the Minister of Culture and Sports under

occupant thereof without delay. The same shall apply to a foreign cultural heritage which is proved to have been unlawfully transported out, when it is clear that the foreign country does not want to recover it. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(6) When a foreign country has proven that a foreign cultural heritage was unlawfully transported into the State and has requested it be returned in accordance with the terms of the treaty, or when the Minister of Culture and Sports performs the duty of returning it in accordance with the treaty, he shall, with the help of the pertinent authorities, take necessary measures for returning the cultural heritage, as prescribed by the treaty, to the foreign country where it was transported out. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 79 (Relation with Other Acts)

(1) When the Minister of Culture and Sports intends to take action falling under any of the following subparagraphs for an area, whose size is prescribed by the Presidential Decree, in a park area or park protection area under the Natural Parks Act, he shall consult with the pertinent park management authority: *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

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 protected area under Article 8; and
3. When he grants permission or partial permission in accordance with Article 20.

(2) When the permission under Article 20 (including a case where Article 58 (2) applies *mutatis mutandis*) is granted in a park area or a park protection area regulated by the Natural Parks Act, the permission for occupation, use, etc. of a park under Articles 23 and 25 of the Natural Parks Act shall be regarded as obtained as well.

Article 79-2 (Hearing)

If the Minister of Culture and Sports, director of the Office of Cultural Properties, Mayor/Do governor, or head of the *Shi/Kun/Ku* desires to take the disposition as prescribed in Article 18-5 (including the case where it is applicable under Article 18-7), 18-9, 22 or 65, he shall in advance give the party subject to disposition to or to his representative, an opportunity to state his opinion, except in a case where he fails to comply

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with it without any justifiable reason, or it is impossible to give him the opportunity to state his opinion due to obscurity of his address. etc.

[This Article Newly Inserted by Act No. 5073, Dec. 29, 1995]

CHAPTER VII PENAL PROVISIONS

Article 80 (Crime of Export, etc. without Permission)

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

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

(3) A person who has taken or delivered a cultural heritage 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 imprisonment with prison labor for a fixed period of at least three years, and the cultural heritage concerned shall be confiscated.

Article 81 (Crime of Damage or Concealment, etc.)

(1) A person who has damaged, stolen or concealed a cultural heritage designated as a National Treasure or a Treasure, or a person who has diminished its usefulness by any other means shall be sentenced to imprisonment with prison labor for a fixed period of at least three years.

(2) A person who has damaged, stolen or concealed a designated cultural heritage or a provisionally designated cultural heritage (excluding structure) except those prescribed in paragraph (1) or a person who has, by any other means, diminished its usefulness shall be sentenced to imprisonment with prison labor 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 heritage without

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permission within the protecting structure or protected area for a designated cultural heritage or a provisionally designated cultural heritage shall be sentenced to imprisonment with prison labor for a fixed period of at least five years.

(2) A person who has excavated a buried cultural heritage 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 heritage shall be sentenced to imprisonment with prison labor 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 heritage 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 imprisonment with prison labor 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 heritage and has concealed or disposed of it or has changed its present shape in violation of Article 43 shall be sentenced to imprisonment with prison labor 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) through (5), the cultural heritage concerned shall be confiscated.

Article 83 (Aggravated Crime)

(1) Up to half of the punishment prescribed in each of Articles 80 through 82 shall be added respectively to the sentence of a person who has committed a crime under the said Articles, when he has 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 heritage or a provisionally designated cultural heritage shall be sentenced to death, life imprisonment with prison labor or imprisonment with prison labor for at least five years.

Article 84 (*Mutatis Mutandis* Application of Criminal Act)

A person who has committed a crime of arson, inundation, damage or destruction to a structure under the following subparagraphs shall be

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punished under Article 165, 178 or 367 of the Criminal Act and with the *mutatis mutandis* application of the related Articles thereof:

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

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 protected area designated or provisionally designated by the Minister of Culture and Sports shall be sentenced to imprisonment with prison labor for a period of two to ten years. (Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)

Article 86 (Other Crimes of Inundation)

A person who, by means of inundating, has caused damage to a designated cultural heritage, a provisionally designated cultural heritage or a protected area other than those prescribed in Article 85 shall be sentenced to imprisonment with prison labor for a period not to exceed ten years or to a fine of ten million won or less.

Article 87 (Attempted Criminal)

(1) A person who has attempted a crime under Articles 80 through 82, 83 (1), 85 or 86 shall be punished.

(2) A person who has plotted or conspired a crime under Articles 80 through 82, 83 (1), 85 or 86 shall be sentenced to imprisonment with prison labor 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 without prison labor for a period not to exceed three years or a fine of three million won or less, and in case of Article 82 (3), the cultural heritage concerned shall be confiscated.

Article 89 (Crime of Transporting out of Area without Permission)

(1) A person falling under any of the following subparagraphs shall be sentenced to imprisonment with prison labor 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 heritage or a provisionally designated cultural heritage out of the proper place or associated area; and
2. A person who, without permission, has changed the present shape of a designated cultural heritage or a provisionally designated cultural heritage, or has performed any activity detrimental to the management and preservation thereof.

(2) In the case of paragraph (1), if the cultural heritage concerned belongs to the person who committed the crime, he shall be sentenced to imprisonment with prison labor for a period not to exceed two years and/or to a fine of two million won or less.

Article 90 (Crime of Violating Administrative Orders)

(1) A person falling under any of the following subparagraphs shall be sentenced to imprisonment with prison labor 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 up any installation, etc. in an area which is designated or provisionally designated as a protected area of a designated cultural heritage, a historical site, a scenic place or a natural monument (including a monument which is a City/Do-designated cultural heritage or a cultural heritages material), or a person who, without permission, has committed an act detrimental to the protection of its present shape; and
5. A person who has dumped in the habitat, breeding place or a migratory

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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/*Do*-designated cultural heritage).

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

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

A person falling under any of the following subparagraphs shall be sentenced to imprisonment with prison labor for a period not to exceed two years or to a fine of two million won or less: *(Amended by Act No. 3787, Dec. 31, 1984)*

1. A person who, without any justifiable reasons, has rejected, interfered with or failed to comply with the excavation of the buried cultural heritages 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 heritage or the provisionally designated cultural heritage;
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 heritage or a provisionally designated cultural heritage and, by gross negligence, has caused ruin, loss, destruction or damage to the cultural heritage 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 heritage or the boundary of a protected 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)); and

9. A person who has violated an order or instruction issued under Article 61 (2) or 74 without any justifiable reason.

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

A person falling under any of the following subparagraphs shall be sentenced to a fine of one million won or less: *<Amended by Act No. 5073, Dec. 29, 1995>*

1. A person who violates the order of opening to the public or the exhibition as prescribed in Article 34 (1) or 35 (1), or the order to restrict or suspend opening to the public as prescribed in Article 34 (1) 3, without any justifiable reason;
2. A person who, without permission, has opened the designated cultural heritage 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 heritage repaired by a person not registered in the Office of Cultural Properties; and
4. A person who has made a false report when making a report under Article 78 (2).

Article 93 (Fine for Negligence)

(1) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding five hundred thousand won:

1. Persons who fail to make the report as prescribed in Article 27 or 43;
2. Persons who hold an important intangible cultural heritage (including the intangible cultural heritage designated as a *City/Do*-designated cultural heritage), and violate the duty to open it to the public under Article 36; and
3. Persons who fail to make the report as prescribed in Article 40, 61 or 71.

(2) The fine for negligence as referred to in paragraph (1) shall be imposed and collected by the Minister of Culture and Sports or the head of the *Shi/Kun/Ku* under the conditions as prescribed by the Presidential Decree.

(3) Any person who is dissatisfied with the disposition of the fine for negligence as referred to in paragraph (2), may make an objection to the Minister of Culture and Sports or the head of the *Shi/Kun/Ku* within thirty days after he is informed of such disposition.

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(4) If the person who is subject to the disposition of the fine for negligence under paragraph (2), has made the objection as referred to in paragraph (3), the Minister of Culture and Sports or the head of the *Shi/Kun/Ku* shall notify without delay to the pertinent court, which shall, upon receiving the notification, bring the case of the fine for negligence to a trial under the Non-Contentious Case Litigation Procedure Act.

(5) If no objection is made, and no fine for negligence is paid, in the period as referred to in paragraph (3), it shall be collected according to the examples of the disposition of the national or local tax in arrears.

[This Article Wholly Amended by Act No. 5073, Dec. 29, 1995]

Article 94 (Joint Penal Provisions)

When a representative, an agent or an employee, etc. of a juristic person or an individual has committed a crime in violation of Articles 82 through 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 (Revision of Other Acts) Omitted.

Article 3 (Transitional Measures on Designated Cultural Heritages)

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

(2) The local cultural heritages already designated as such in accordance with the provisions of the previous Act at the time of enforcement of this Act shall be deemed to have been designated as the City/*Do*-designated cultural heritages of the City/*Do* concerned under this Act.

(3) The cultural heritages 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 permission to be a cultural heritages dealer under this Act.

Article 4 (Transitional Measures on Disposal of Miscellaneous Properties)

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(1) The Minister of Culture and Sports may concede to the spouse of 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 Protection of Cultural Properties Act Amendment, Act 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 and Economy about the kind, extent, etc. of the properties to be conceded.

Article 5 (Transitional Measures on Penal Provisions)

An act committed before the enforcement of this Act shall be punished in accordance with the former provisions.

ADDENDA *<Act No. 3787, Dec. 31, 1984>*

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) The registration of tangible cultural heritage made at the time of enforcement of this Act under the previous provisions of Article 69 shall be null and void.

ADDENDA *<Act No. 3947, Nov. 28, 1987>*

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 Omitted.

ADDENDA *<Act No. 4031, Dec. 26, 1988>*

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1989.

Articles 2 and 3 Omitted.

ADDENDA *<Act No. 4183, Dec. 30, 1989>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso is Omitted.)

Articles 2 through 6 Omitted.

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ADDENDA *<Act No. 4541, Mar. 6, 1993>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso is Omitted.)

Articles 2 through 5 Omitted.

ADDENDUM *<Act No. 4884, Jan. 5, 1995>*

This Act shall enter into force on January 1, 1996.

ADDENDA *<Act No. 5073, Dec. 29, 1995>*

(1) (Enforcement Date) This Act shall enter into force on July 1, 1996.

(2) (Application Examples Concerning Use of Collected Admission Fee) The revised provisions of Article 39 shall begin to apply to the portion collected for the first time after this Act enters into force.

(3) (Transitional Measures concerning Registration of Cultural Heritage Repairing technician, etc.) The cultural heritage repairing technicians, skilled persons or serviceman who are registered with the Office of Cultural Heritages pursuant to the previous provisions, at the time this Act enters into force, shall be considered as the cultural property repairing technicians, skilled persons or businessmen registered with the Office of Cultural Properties under this Act.

(4) (Transitional Measures concerning Permission on Cultural Heritage Buying and Selling Business) Any person who has obtained the permission for buying and selling the cultural properties from the Minister of Culture and Sports, pursuant to the previous provisions, at the time this Act enters into force, shall be considered to have obtained such permission from the head of the competent *Shi/Kun/Ku* under this Act.

ANNEX

Legislation regarding the protection and conservation of the immovable cultural heritage in the Republic of Korea :

- Cultural Properties Preservation Act as amended by Law N° 3644 of 31st December 1982.

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the conditions as prescribed by the Presidential Decree: *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

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

(2) When granting permission under the proviso of paragraph (1), the Minister of Culture and Sports may issue necessary instructions, and even after granting permission, if necessary, he may order the excavation stopped, suspended, or cancel the permission for excavation. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(3) When the person who has obtained the permission under the proviso of paragraph (1) has completed the excavation, he shall report the results to the Minister of Culture and Sports without delay, and the Minister of Culture and Sports may, when receiving the results, issue instructions necessary for the preservation and management, etc. of the excavated cultural heritages. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(4) In case of paragraph (1) 2 or 3, the Minister of Culture and Sports may, when he deems it necessary to do so for the preservation of the cultural heritage, excavate it directly, or designate a person to excavate it. In this case, expenses for the excavation shall be borne by the person who carries out the excavation: *Provided*, That the expenses for the excavation during execution of such construction work as prescribed by the Presidential Decree, may be borne by the State or a local government within the limits of its budget. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 4884, Jan. 5, 1995>*

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

Article 45 (Excavation by State)

(1) The Minister of Culture and Sports may, when it is considered neces-

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sary to do so, excavate the land or sea-bottom where a cultural heritage is thought to be buried. (Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)

(2) In the case where paragraph (1), the Minister of Culture and Sports shall, under the conditions as prescribed by the Presidential Decree, deliver 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. (Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)

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

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

Article 46 (Disposition Method)

(1) When a cultural heritage discovery is reported under Article 43 or is made by excavation under Article 44 or 45, the Minister of Culture and Sports shall, if the owner of the cultural heritage is identified, return it to the owner in accordance with each subparagraph below: if the owner is unidentified, notify the pertinent chief of a police station regardless of Article 1 (1) of the Lost Articles Act which is applied *mutatis mutandis* by Article 13 of the said Act: (Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)

1. When a cultural heritage discovery is reported under Article 43 or is made by excavation under Article 44 (1), the person who reported or excavated it shall return it to the owner thereof: and

2. When a cultural heritage discovery is made by excavation under Article 44 (4) or 45, the Minister of Culture and Sports shall return it to the owner.

(2) When the chief of the police station receives notification under paragraph (1), he shall, without delay, make a public announcement under Article 1 (2) of the Lost Articles Act which is applied *mutatis mutandis* by Article 13 of the said Act.

Article 47 (Disposition Method of Buried Cultural Heritages by Chief of Police Station, etc.)

(1) When a buried or lost article considered to be a cultural heritage is submitted to the chief of the police station under the Lost Articles Act,

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the chief of a police station shall make the public announcement under the Lost Articles Act, and at the same time, shall report to the Minister of Culture and Sports that a buried or lost article considered to be a cultural heritage has been submitted to him, and shall present it to the Minister of Culture and Sports within twenty days from the date of submission unless returning it to the owner. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(2) The Minister of Culture and Sports shall appraise the article submitted to him under paragraph (1), and dispose of it as prescribed in the following subparagraphs: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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

Article 48 (Reversion to State and Compensation)

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

(2) In the case of paragraph (1), the Minister of Culture and Sports shall, under Article 13 of the Lost Articles Act, compensate the person who discovered or picked up the cultural heritage 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 heritage is not the owner of the land or building, etc. concerned, the compensation money shall be disbursed equally: *Provided*, That the distribution of the compensation money may be differentiated under the conditions as prescribed by the Presidential Decree, if any expenses were incurred during the discovery or picking up of the heritage. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) If it is considered unnecessary for the State to preserve a cultural

heritage which reverted to her under paragraph (1), the Minister of Culture and Sports may turn it over to the person who discovered or picked it up and to the owner of the land or building, etc. where it was discovered. In this case, compensation under paragraph (2) shall not be made. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 49 (Mutatis Mutandis Application of Lost Articles Act)

The provisions of Article 13 of the Lost Articles Act shall apply *mutatis mutandis* to the buried cultural heritages except when there is a special provision in this Act.

CHAPTER IV SPECIAL CASES CONCERNING STATE OWNED CULTURAL HERITAGES

Article 50 (Managing Office)

(1) The cultural heritage owned by the State (hereinafter referred to as "State-owned cultural heritage") shall generally be managed by the Minister of Culture and Sports regardless of Article 6 of the State Properties Act and Article 7 of the Commodity Management Act: *Provided*, That when a State-owned cultural heritage 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 Budget and Accounts Act) other than the Minister of Culture and Sports, or when the head of a central government organ other than the Minister of Culture and Sports necessarily has to manage the State-owned cultural heritage, the Minister of Culture and Sports shall decide the managing office after consultation with the head of the organ concerned and the Minister of Finance and Economy. *(Amended by Act No. 3947, Nov. 28, 1987; Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995)*

(2) The Minister of Culture and Sports shall hear the opinions of the Cultural Properties Committee before he decides the managing office under the proviso of paragraph (1). *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) The Minister of Culture and Sports may, when he considers it necessary for the preservation of a State-owned cultural heritage not covered

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by the proviso of paragraph (1), designate a local government, a nonprofit juristic person or a nonprofit body that is not a juristic person to manage the cultural heritage concerned. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(4) When designating a managing body under paragraph (3), the Minister of Culture and Sports shall hear the opinions of the local government, the nonprofit juristic person or the nonprofit body that is not a juristic person which he intends to designate, in advance. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(5) Profits made from the management under paragraph (3) shall revert to the local government, the nonprofit juristic person or the nonprofit body that is not a juristic person concerned.

(6) The provisions of Articles 11, 14, 15 (1), 16 (3) and (5), of Article 25 (1) 1, 3 and 4, subparagraphs 3 through 9 of Article 27, Article 28 (1) 1 through 3, Articles 29 (1), 34 (1), 35, 37, 39 (1), 40, 41 (2) through (5) shall apply *mutatis mutandis* to the local government, the nonprofit juristic person or the nonprofit body that is not a juristic person designated under paragraph (3).

Article 51 (Gratuitous Management Exchange between Accounts)

The Minister of Culture and Sports may receive free of charge a State-owned cultural heritage belonging to another account for its management, regardless of Article 23 of the State Properties Act. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 52 (Special Cases on Procedures and Methods)

(1) When the Minister of Culture and Sports grants or cancels the designation or provisional designation as a State-designated cultural heritage of a State-owned cultural heritage whose managing office was decided in accordance with the proviso of Article 50 (1), the notification to the owner or occupant of the cultural heritage under this Act shall be made to the managing office of the cultural heritage concerned. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(2) In application of the provisions of Articles 14, 15, 23, 25, 27, 34, 35, 39 through 41 to a State-owned cultural heritage whose managing office was decided under the proviso of Article 50 (1), the owner of the cultural heritage means the managing office thereof.

Article 53 (Restriction on Disposal)

The managing office under the proviso of Article 50(1) shall obtain the consent of the Minister of Culture and Sports in advance before performing an act other than those prescribed in each subparagraph of Article 20 on its State-designated cultural heritage or provisionally designated cultural heritage. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 54 (Prohibition of Transfer, or Establishment of Private Right)

Nobody may transfer a State-owned cultural heritage (understood as including its sites) or create a private right to it unless there is a special provision in this Act: *Provided*, That the use of the State-owned cultural heritage 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.

CHAPTER V CITY/DO-DESIGNATED CULTURAL HERITAGES

Article 55 (Designation, etc. of City/Do-Designated Cultural Properties)

(1) The Mayor/Do governor may designate a certain cultural heritage which is within his territorial jurisdiction and deserves preservation and is not a State-designated cultural heritage, as a City/Do-designated cultural heritage. *<Amended by Act No. 5073, Dec. 29, 1995>*

(2) The Mayor/Do governor may designate certain cultural heritage which was not designated under paragraph (1) and is considered to be necessary for the preservation of the local culture as a cultural heritage material.

<Amended by Act No. 5073, Dec. 29, 1995>

(3) The Minister of Culture and Sports may recommend the Mayor/Do governor to designate and preserve certain cultural heritage as a City/Do-designated cultural heritage or as a cultural heritage material (including the protecting structure or protected area; hereinafter the same shall apply) after deliberation by the Cultural Properties Committee. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995>*

(4) In designation of a City/Do-designated cultural heritage or a cultural heritage material in accordance with paragraphs (1) through (3), the name of the Special Metropolitan City, the Metropolitan City or the Do shall be prescribed before the word "designated" to show the designating City/

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Do. (Amended by Act No. 5073, Dec. 29, 1995)

(5) Matters necessary for designation and cancellation procedure, management, protection, supporting, opening to the public of a City/*Do*-designated cultural heritage or a cultural heritage material and for establishing an advisory organ, etc. shall be determined by the Municipal Ordinances of the local government concerned. *(Amended by Act No. 5073, Dec. 29, 1995)*

Article 56 (Expense Bearing)

(1) If a City/*Do*-designated cultural heritage or a cultural heritage material which was designated under Article 55 (1) and (2), is State or common property, expenses necessary for its preservation shall be borne 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/*Do*-designated cultural heritage or a cultural heritage material which is not State or common property.

Article 57 (Report, etc.)

(1) The Mayor/*Do* governor shall report, without delay, to the Minister of Culture and Sports, under the conditions as prescribed by the Presidential Decree, when any of the situations in the following subparagraphs occurs: *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995)*

1. When a City/*Do*-designated cultural heritage or a cultural heritage material is designated or cancelled;
2. When maintenance work changing the present shape of the City/*Do*-designated cultural heritage or the cultural heritage material is started or finished;
3. When the location or the custody place of a City/*Do*-designated cultural heritage or a cultural heritage material is changed; and
4. When a City/*Do*-designated cultural heritage or a cultural heritage material is ruined, lost, destroyed or damaged.

(2) When an act mentioned in paragraph (1) 1 through 3 is considered inappropriate, the Minister of Culture and Sports may order that it be corrected or that other necessary measures be taken. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 58 (Applicable Provisions)

(1) The provisions of Articles 18 (1) through (3), 21 (1) and (2), 22 and 23 (2) shall apply *mutatis mutandis* to the City/*Do*-designated cultural heritage or the cultural heritage material.

(2) The provisions of Articles 1, 12 (1) and (4), 14 through 17, 20, 25, 27, 33 through 42 shall apply *mutatis mutandis* to the City/*Do*-designated cultural heritage or cultural heritage material; however, in this case, "the Minister of Culture and Sports" shall be regarded as "the Mayor/*Do* governor": "as prescribed by the Presidential Decree" as "prescribed by the Municipal Ordinances of the local government". *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995>*

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 59 (Succession of Rights and Duties)

(1) If the ownership of a State-designated cultural heritage (including the protecting structure, protected area and provisionally designated cultural heritage) 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 Sports. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(2) The provisions of paragraph (1) shall apply *mutatis mutandis* to the managing body or the owner when the managing body is designated under Article 16 or when the designation is cancelled: *Provided*, That this shall not apply to the owners exclusive rights and duties.

Article 60 (Objection Filing) Deleted. *<by Act No. 5073, Dec. 29, 1995>*

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 heritages or tangible folklore materials that are movables (including a person who intends to engage in such a business on consignment), shall obtain permission of the head of the *Shi/Kun/Ku* (referred to the *Ku* which is a local government: hereinafter the same shall apply) as prescribed by the Presidential Decree. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995>*

(2) The head of the *Shi/Kun/Ku* may issue orders or instructions neces-

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sary for the preservation of the cultural heritages to the person who obtained permission under paragraph (1) (hereinafter referred to as "cultural heritages dealer") or have him make a report thereon and may have his subordinate public official visit the store or place of business to inspect relevant books, documents and other materials or ask necessary questions. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995>*

Article 62 (Requisites for Qualification)

A person who intends to obtain permission to be a cultural heritages dealer under Article 61 (1) must be one of the following:

1. A person who has dealt with the cultural heritages for two years or more in the State, 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 junior college, college or university (including a graduate school); or
3. A person who has dealt with the cultural heritages for three years or more as an employee of the cultural heritages dealer under Article 61.

Article 63 (Reason for Disqualification)

A person who is characterized by any of the following subparagraphs shall not qualify as a cultural heritages dealer:

1. A person who was sentenced to imprisonment without prison labor or heavier penalty, and for whom three years have not passed since the completion thereof or the decision not to execute;
2. An incompetent or a quasi-incompetent person;
3. A person who is bankrupt, but not yet reinstated; and
4. A person whose permission was cancelled under Article 65, and for whom three years have not passed since the date of cancellation.

Article 64 (Matters to be Observed)

The cultural heritages dealer shall observe the following matters: *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995>*

1. Keeping account books concerning trading, exchange, etc. and recording contents of dealing;
2. Reporting without delay to the *Shi/Kun/Ku* or to a criminal investigation authority, and complying with the instructions therefrom, if a cultural heritage he traded or he is consigned to trade is considered

to be a buried cultural heritage illegally excavated or stolen, and then keeping the cultural heritage concerned for at least three months when there is no other special instruction: and

3. Observing particulars prescribed by the Ordinance of the Ministry of Culture and Sports.

Article 65 (Cancellation, etc. of Permission)

When a cultural heritages dealer is characterized by any of the following subparagraphs, the head of the *Shi/Kun/Ku* may cancel the permission or suspend his business for a period not to exceed one year: *⟨Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995⟩*

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

Article 66 (Honoring)

The Minister of Culture and Sports may honor and award a prize to a person characterized by any of the following subparagraphs: *⟨Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993⟩*

1. A person who has discovered and reported a buried cultural heritage 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 heritage, but has performed distinguished service in preventing the cultural heritage from being ruined, lost, destroyed or damaged:
3. A person who is not a holder of an important intangible cultural heritage, but has performed distinguished service in protecting and nurturing an important intangible cultural heritage: and
4. A person who has the responsibility or duty of managing, protecting and opening to the public a designated or provisionally designated cultural heritage and has afforded a good example to others of managing and protecting and opening to the public the cultural heritage concerned.

Article 67 (Compensation)

The Minister of Culture and Sports may grant compensation, under the conditions 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 a crime under Articles 80 through 82, or to

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a person who distinguished himself by capturing such a criminal. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 68 (Delegation of Authority)

A part of the authority of the Minister of Culture and Sports under this Act may be delegated, under the conditions as prescribed by the Presidential Decree, to the Director of the Office of Cultural Properties, or the Mayor/Do governor. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5073, Dec. 29, 1995)*

Article 69 Deleted. *(by Act No. 3787, Dec. 31, 1984)*

Article 70 Deleted. *(by Act No. 4031, Dec. 26, 1988)*

Article 71 (Protection of Cultural Heritages in Case of Emergency)

(1) If it is considered necessary to do so for the protection of cultural heritages in time of war, armed conflict or similar emergency, the Minister of Culture and Sports may take necessary measures including moving to a safe place, burying underground, etc. the State-owned cultural heritages, other designated or provisionally designated cultural heritages which are not owned by the State, or may order the owner, holder, occupant, manager or managing body of the above cultural heritages (hereinafter referred to as "owner, etc. of the cultural heritage") to take the necessary measures mentioned above. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

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

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

(4) The Minister of Culture and Sports may transport a cultural heritage out of the State regardless of Article 21, if it is considered necessary to do so 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. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(5) The provisions of Article 30 shall apply *mutatis mutandis* to the case of paragraph (1): *Provided*, That, it shall not apply in case of war or other *force majeure* event.

Article 72 (Request for Assistance)

The Minister of Culture and Sports or a public official carrying out an order from the Minister of Culture and Sports may ask the head of an authority concerned for any assistance necessary for performing the measures under Article 71 (1). *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 73 (Nurturing of Technician for Repairs of Cultural Heritages)

(1) The Minister of Culture and Sports may nurture technicians required for the protection, management or repair of the cultural heritages. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

(2) The Minister of Culture and Sports may award scholarships when it is considered necessary for nurturing technicians under paragraph (1). *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 74 (Preservation of Cultural Heritages during Construction Work)

When it is feared because of construction work that a cultural heritage may be ruined, lost, destroyed, damaged or submerged underwater, or when it is necessary for safeguarding a cultural heritage 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 Sports. In this case, expenses required for taking such necessary measures shall be borne by the person in charge of the construction work. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

Article 75 (Expropriation or Use of Land)

(1) When it is necessary to do so for the preservation and management of a cultural heritage, the Minister of Culture and Sports or the head of a local government may expropriate or use the land, buildings, trees, bamboo or other structures in the protected area for a designated cultural heritage which is owned by the State or the local government. *<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>*

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

Article 76 (Export Restraint)

(1) The provisions of Article 21 (1) and (2) shall apply *mutatis mutandis* to movable cultural heritages not designated by this Act.

(2) A movable property which may be mistaken for a cultural heritage under paragraph (1) may be exported or transported out of the State with

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the prior confirmation of the Minister of Culture and Sports. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(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 Sports. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 77 (Support and Nurturing of Cultural Properties Protection Bodies)

The Minister of Culture and Sports may support and nurture relevant bodies for the protection, preservation or dissemination of cultural heritages when he considers it necessary to do so. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

Article 78 (Protection of Foreign Cultural Heritages)

(1) A cultural heritage designated and protected as such by Acts and subordinate statutes of a foreign country (hereinafter referred to as "foreign cultural heritage") which is a party to a treaty on the protection of cultural heritages (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 heritage into the State (hereinafter understood as including a person who intends to import it) shall make a report to the Minister of Culture and Sports with documents certifying that the cultural heritage was lawfully transported out of the foreign country. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(3) If there is a plausible reason to suspect that a cultural heritage which is intended to be transported or has already been transported into the State was unlawfully transported out of the foreign country, the Minister of Culture and Sports may keep it in custody. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(4) When a foreign cultural heritage is to be kept in custody under paragraph (3), the Minister of Culture and Sports shall keep and manage it in a museum, etc.. *(Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993)*

(5) When the foreign cultural heritage kept in custody under paragraph (4) is proved to have been lawfully transported out of the foreign country, the Minister of Culture and Sports shall return it to the owner or the