

DECREE N°. 2 OF 1965 (8 JANUARY)

MM of the Minister of Culture on the implementation of (1)(2)
Decree-Law N°. 9 of 1963 on the protection of museum objects

Under the authority granted by Clause (2) Section 21 of Decree-Law N°. 9 of 1963 (hereafter called the Decree-Law) in respect of provisions concerning excavations, I⁽³⁾ hereby decree in agreement with the Minister of Construction and Urban Development and with the Hungarian Academy of Sciences :

REGISTRATION AND DECLARATION OF MUSEUM OBJECTS AND COLLECTIONS AS PRO-
TECTED ITEMS

Section 1

(1) Under the present Decree, 'museum objects' shall be taken to mean all material of outstanding merit whether of a written or other nature, as well as other items of outstanding importance in the fields of archaeology, history, natural sciences, literature, fine arts, applied arts, music, dramatic art, ethnography, industrial history, economics, technology, history of science, or from an economic, social or cultural point of view.

(2) For the purpose of this Decree, 'museum collection' shall mean an assembly of museum objects kept and used in one place, this assembly having been formed as a result of acquisition in accordance with a unitary thematic principle.

Section 2

(1) This Decree shall not affect the duties and functions of libraries covered by Decree-Law n°. 5 of 1956 and Resolution of the Council of Ministers N°. 1018 of 1956 (9 March).⁽⁴⁾

(2) Documents covered by Decree-Law N°. 27 of 1969 on the protection of archive material and archives shall not be affected by the present Decree. Subject to reciprocity, the Decree shall not extend to museum objects imported from abroad and owned by foreign subjects enjoying diplomatic immunity.

(3) In-built museum objects, objects attached to monuments, buildings of historic interest or of importance to the townscape shall come under the regulations governing monuments, buildings of historic character or of significance to urban architecture. A separate register of such objects shall be kept by the relevant museums.

(4) In the event of disputes, the Minister of Culture shall decide whether an object or collection should be classified as a museum object or museum collection.

- (1) Unofficial translation prepared by Unesco
- (2) This sphere of responsibility was taken over by the Minister of Culture, in pursuance of Resolution n°. 1030 of 1974 (22 June) MT.h. of the Council of Ministers
- (3) Refers to the Minister of Culture
- (4) This Decree-Law was repealed by Decree-Law N°. 15 of 1976 and the Resolution by Decree N°. 17 of 1976 (7 June) Mt.

Section 3

(1) Every state authority, social organization, co-operative, corporate body or private individual having in their ownership or possession museum objects or collections protected by the Decree-Law shall report them as prescribed in the present Decree by 1 July 1965.

(2) No report needs to be made of :

- (a) private collections and individual museum objects which were reported under Decree-Laws N°. 13 of 1949 and N°. 4 of 1954, before the Decree-Law came into force;
- (b) the exhibits of museums;
- (c) museum objects owned by their creator;
- (d) material in libraries referred to in Clause (1) of Section 2.

(3) Irrespective of the preceding provision establishing a mandatory obligation to report, all persons acquiring ownership or possession of previously unreported museum objects after 1 July 1965 shall report them within 30 days from the time of acquisition. This provision shall apply also to museum objects taken over by state commercial enterprises with a view to their sale.

Section 4

The mandatory obligation to report as defined in Section 3 particularly applies to the following museum objects of domestic and foreign origin :

- (a) natural scientific specimens (minerals, rocks, fossils, phytological, zoological and anthropological material);
- (b) items of an archaeological nature and numismatic objects (moneys, coins, emblems, etc.);
- (c) historical memorabilia;
- (d) historic objects relating to the sciences and education;
- (e) items of military history;
- (f) objects relating to the history of agriculture;
- (g) objects relating to the history of transport;
- (h) books, musical compositions, maps and other printed matter of historical interest, as well as manuscripts;
- (i) ethnographic items (examples of folk art);
- (j) works of fine art;
- (k) works of applied art;
- (l) memorabilia of literature;
- (m) memorabilia of the history of drama and music;
- (n) historic objects relating to sport;
- (o) items of a technical character (installations, equipment, constructions, machines, mechanisms, appliances, instruments, experimental devices, models as well as photographs and drawings thereof, etc.) being important historic evidence of the development and history of technology and valuable aids to technical education.

- (p) memorabilia of the life and activities of eminent personages in political, economic, social and cultural life.

Section 5

(1) The report prescribed in Section 3 shall be made by the owner of the object or by its present holder if the object is not with the owner. The report on objects owned or in the possession of state bodies and other corporate bodies shall be submitted by the body concerned.

(2) Museum collections shall be reported on Form N°. 1 and individual objects on Form N°. 2, obtainable from museums, as prescribed by Appendix 1 and Appendix 2 respectively of the present Decree. All data requested by these questionnaires must be supplied.

(3) The report must be forwarded to the competent national museum specified in Clause (1) of Section 6, depending on the nature of the object. Collections of a mixed character should be reported to the national museum whose collections are closest in nature to that of the collection.

Section 6

(1) The administrative work connected with the registration of museum objects and with the preparation of the 'Protected Item' declaration, as well as with keeping an up-to-date register of and supervising the protected objects, shall be carried out by the following national museums or museums authorized to collect on a national scale, and by other suitable institutions depending on the nature of the objects (hereafter called competent national museum) :

- (a) archaeological and historical material relating to the history of the land and people of Hungary up to 1849, as well as Hungarian and foreign coins and other numismatic specimens: Hungarian National Museum (Budapest VIII, Muzeum krt. 14-16);
- (b) material relating to the history of the Hungarian people after 1849, as well as all material relating to the history of the Hungarian and international workers' movement: Museum of Hungarian Workers' Movement (Budapest I, Budavári Palota, Building A);
- (c) Hungarian works of fine art (painting, sculpture, graphics, plaques): Hungarian National Gallery (Budapest I, Budavári Palota, Buildings B, C, D);
- (d) Foreign works of fine art and archaeological objects of non-Hungarian origin (Italian, Greek, etc.), except for coins and other numismatic items: Museum of Fine arts (Budapest XIV, Dózsa György ut 41);

- (e) ethnographic and folklore items, as well as artefacts of aboriginal races: Museum of Ethnography (Budapest V, Kossuth Lajos tér 12);
- (f) examples of Hungarian and foreign applied art (cabinet making, textiles, glass, ceramics, gold and silversmith's work, etc.), artefacts from East Asia: Museum of Applied Art (Budapest IX, Ullói u. 33-37);
- (g) material relating to the natural sciences: Museum of Natural Sciences (Budapest VIII, Baross u. 13);
- (h) material relating to literature: 'Sándor Petöfi' Museum of Literature (Budapest V, Károlyi u. 16);
- (i) historical material relating to the theatre: Museum of the History of Dramatic Art (Budapest I, Krisztina krt. 57);
- (j) items pertaining to technology and its history: National Museum of Technology (Budapest XI, Kaposvár u. 13);
- (k) significant books, compositions, maps and other printed matter, as well as manuscripts: the 'Széchényi' National Library (Budapest VIII, Muzeum krt. 14-16);
- (l) material relating to the history of music: Hungarian National Museum (Budapest VIII, Muzeum krt. 14-16);
- (m) items relating to military history: Museum of Military History (Budapest I, Tóth Arpád sétány 40);
- (n) items relating to the history of sport: Museum of Physical Education and Sport (Budapest IXV, Müjeggalya, Népstadion ut);
- (o) items relating to the history of agriculture: Museum of Agriculture (Budapest IXV, Városliget, Széchényi-sziget);
- (p) items relating to the history of transport: Hungarian Museum of Transport (Budapest XIV, Városligeti krt. 11);
- (r) items relating to the history of the city of Budapest: Museum of the History of Budapest (Budapest I, Szent György tér 2);
- (s) objects not mentioned in paras. (a) to (r) and relating to the history of science and education: to the museum whose collections are closest in nature to that of the object.⁽¹⁾

(2) The county museum responsible because of the location of

⁽¹⁾ The 'Simmelweis' Museum, Library and Archives of Medical History, the Hungarian Catering Industry Museum and the Museum of Criminology shall also participate in the search for museum objects in accordance with regulations to be issued after the coming into force of this Decree.

the object, or in the case of Budapest, the Museum of the History of Budapest (hereafter called the County Museum), determined by the Minister of Culture under Section 6 of the Decree-Law, shall also participate in the implementation of the tasks specified in Clause (2) as laid down in the present Decree.

Section 7

(1) The national museum responsible shall check the report; if necessary, it shall examine and study the object *in situ* and request further data from the person reporting the object. The national museum responsible shall also be entitled to take these measures if it gains knowledge of an unreported object which comes under the Decree-Law.

(2) Under the authority granted in Clause (1), the County Museum may also act under powers delegated to it by the competent national museum.

Section 8

(1) The Minister of Culture shall decide on the declaration of protection of museum objects and collections on the proposal of the competent national museum or the County Museum.

(2) In the protection declaration the following details shall be precisely defined: the protected object (collection); name and address of its owner (trustee); place where object (collection) is kept; any limitations imposed by the protection, e.g. relating to storage, preservation and treatment of the object (collection); the obligation to report any change of ownership; and lastly, the name of the museum responsible for keeping an up-to-date inventory and for the supervision of the object or collection. Whenever a collection has been granted 'protected' status, 'protection' shall extend to all objects listed in the inventory submitted.

(3) A copy of the protection declaration shall be sent to the owner (trustee) of the object (collection) and to the competent national museum or county museum. Whenever an entire collection is declared protected, an authenticated copy of the inventory shall be enclosed.

(4) Private collections and museum objects of national interest, which have been declared protected in pursuance of Decree-Law N°. 13 of 1949, shall be considered protected collections and objects under this Decree-Law without further action by the Minister of Culture.

Section 9

If a museum object loses its importance, the Minister of Culture shall terminate its protected status on the proposal of the competent national museum.

Section 10

The national register of protected objects and collections shall be kept by the national museums, regional registers by the county museums.

The detailed rules concerning these registers are laid down in the museums' statutory regulations.

Section 11

(1) In the case of museum objects owned by their creator, a separate register shall be kept by the national museum whose collections are closest in nature to that of the work (Decree-Law, Section 10, Clause (3)). Such museum objects do not come under the general reporting requirement laid down in Section 3; their owner is obliged however to furnish the museum with all the required data and to make his work available for examination.

(2) The competent national museum shall inform the creator of the registration of the work. If the creator transfers the ownership of a registered work, he shall report the name and the address of the new owner to the national museum within eight days.

[Sections 12 to 24 inclusive deal with public collections (establishment and activities of museums)]

PROTECTED OBJECTS AND COLLECTIONS

Section 25

(1) The competent national museum and county museum may at any time check the conditions of storage, preservation and treatment of a protected object where it is being kept, may request information about these matters from the owner or trustee (hereafter called the owner) and it may make drawings, film or photographic records of the object, as well as suitably mark the object for identification purposes.

(2) The owner of a protected collection shall report (by 31 March) each year all new acquisitions made during the preceding year to the competent national museum and the county museum. The protection shall apply also to new acquisitions.

(3) The owner of a protected object shall report to the competent national museum within eight days any change in the place where it is kept or manner of its treatment. Furthermore, any damage to, deterioration of, or other factor endangering the protected object must be immediately reported.

(4) When a protected object changes hands, the former and new owners are required to report that change to the competent national museum within eight days.

Section 26

(1) Before any work of conservation, restoration or transformation is begun on a protected object, permission prescribed in Clause (2) of Section 12 of the Decree-Law shall be sought from the competent national museum. The application shall specify the nature of the work planned and the person to be entrusted with it by the owner.

(2) Permission for the work to be carried out shall be granted by the competent national museum under its own authority. In its permit, the museum may also prescribe the manner in which the work shall be done.

Section 27

(1) Permission for the transfer of ownership of protected objects, below the value of 10.000 Forints, shall be granted by the competent national museum, and in all other cases by the Minister of Culture on the recommendation of this museum. Irrespective of the object's value, the permission of the Minister of Culture is necessary for the transfer of ownership of individual objects belonging to protected collections, as well as for the transfer of the ownership of protected objects to foreign citizens.

(2) No permission is required when ownership of a protected object passes to a museum, is acquired through inheritance, or is transferred to a husband, wife, brother, sister or direct relative without consideration, provided the new owner is a Hungarian citizen domiciled in Hungary.

(3) Ownership of protected objects may also be acquired without permission by way of auction or official sale (hereafter called auction). The authority ordering the auction to be held shall inform the body mentioned in Clause (4) of the auction with a view to exercising the right of pre-emption. The public notice advertising the auction must mention the protected character of the object.

(4) Application for authorization to transfer ownership shall be made in writing to the national museum whose collections are closest in nature to that of the object. In the case of a free transfer, the name, occupation and address of the new owner and reason for the change must be given. In the case of transfer of ownership for value, the name, occupation and address of the person wishing to acquire the object, as well as the sum of money involved shall be given. The application for the transfer of ownership for value shall be deemed an offer of sale for the purpose of the right of pre-emption.

(5) The right of pre-emption by the state, laid down in Clause (1) of Section 13 of the Decree-Law, shall be exercised either by the competent national museum, or by the Minister of Culture, or by a museum designated by him.

(6) Whenever the right of pre-emption is being used, the body concerned shall notify the owner in writing of its intention to buy the protected object for the state under the terms listed in the application. This notice shall constitute a contract of sale between the owner and the body entitled to use the right of pre-emption. If the above authority does not wish to use the state's right of pre-emption and the transfer of ownership is not prejudicial to the museum's interests, it shall grant permission for the transfer of ownership of the protected object. The transfer of ownership shall only take place to the person named in the application and on the conditions therein stated. The former owner shall inform the new owner of the protected status of the object under the Decree-Law, in addition to discharging his obligation under Clause (4) of Section 25.

(7) The stipulations of the preceding clauses must be applied to museum objects entrusted for sale to the Commission Store Enterprise,

the only difference being that in that case the said Enterprise shall offer the objects to the museum in order that the latter may exercise the right of pre-emption or grant permission to sell the object. The museum shall use the right of pre-emption or decide on the application to sell within eight days. If the authority for granting the permission rests with the Minister of Culture, the museum shall submit its application to him within three days. The permit issued to the Enterprise is unrestricted as to the buyer and without time-limit.

(8) Any attachment order for protected objects incurred as a result of court or administrative action (seizure, distraint, sequestration, etc.), must be notified to the national or county museum concerned.

Section 28

(1) Leave to take protected objects or collections out of the country must be sought from the Minister of Culture, via the national museum concerned. When granting permission for temporary removal, the minister shall also determine the duration of such stays abroad.

(2) The permission described in Clause (1) does not absolve the holder from the need to obtain a permit as stipulated in Clause (1) of Section 35⁽¹⁾ of Decree-Law N°. 30 of 1950 on the control of foreign exchange.

Section 29

(1) The contract for the deposit of museum objects in public collections shall be in writing and for a period of five years. The objects placed in deposit must be individually identified in the contract.

(2) The public collection shall provide the objects with a suitable mark of identification and shall take proper care of them.

(3) Before it ends, the period of deposit may repeatedly be extended by the parties by written agreement and each time for a fixed term.

(4) If the depositor fails to remove the objects at the end of the period of deposit despite written notice by the public collection, the Minister of Culture shall order such protected objects to be placed in a public collection; the public collection will have the right to pass on objects not under protection to the Commission Store Enterprise for sale or it may dispose of them in another way. The proceeds of the sale shall be held by the public collection and credited to the depositor.

(5) The provisions of Clause (4) shall also apply whenever the depositor's address is unknown and he cannot be asked to remove the

⁽¹⁾ This Decree-Law was repealed by Decree-Law N°. 1 of 1974

deposited objects after the expiry of the period of deposit.

Section 30

Should the condition of a protected object be endangered, the museum may request the owner to change its conditions of storage, treatment or preservation. If the owner fails to comply with the request by the date set, the museum may recommend to the Minister of Culture that the object be placed in a public collection (Section 15 of Decree-Law). A similar recommendation may also be made whenever the owner carries out work or causes work to be carried out on a protected object without permission in contravention of Clause (2) of the Decree-Law; or if he changes the place without notice, transfers ownership without the required permission or attempts to take an object out of the country without permission.

Section 31

At the owner's request and on the recommendation of the national museum concerned, the Minister of Culture may permit the protected collection to be exhibited to the public by its owner if such a display is warranted by the cultural importance of the collection. The owner may collect an entry fee from the visitors of the exhibition, the fee charged being determined by the Minister of Culture under Regulation N°. 1 of 1968 (8 June) AH.⁽¹⁾

EXCAVATIONS

Section 32

'Excavations' as defined in Section 16 of the Decree-Law shall mean all research involved in digging the ground for the purpose of discovering and exploring for museum objects and uncovering ensembles or buildings of importance in the fields of archaeology, history, anthropology or the natural sciences. Underwater research carried out for archaeological purposes shall also be considered as archaeological excavations.

Section 33

(1) Permission to excavate shall be granted by the Minister of Culture; if the excavations are to be carried out by the Archaeological Research Group of the Hungarian Academy of Science (hereafter called the Research Group), permission shall be sought from the aforementioned Academy. In the event of a structure of the nature of a monument being uncovered, the consent of the Minister of Construction and Urban Development shall be obtained. The permission shall be valid for a fixed period with a maximum of one calendar year.

(1) This provision was superseded by Regulation n°. 12 of 1976 (24 December) AH.

(2) The Excavation Commission shall be responsible for the systematic conduct of the excavations and shall provide expert opinion on applications for permissions to excavate. Permissions to excavate will be issued on the Commission's recommendation.

(3) The Commission shall comprise seven members. Its chairman and two members are appointed by the President of the Hungarian Academy of Sciences; its secretary and two members are appointed by the Minister of Culture, and one member is appointed by the Minister of Construction and Urban Development.

(4) The Excavation Commission shall submit biannual reports on its work to the Minister of Culture and the President of the Hungarian Academy of Sciences. In matters of particular importance, it may consult the Archaeological Committee of the Hungarian Academy of Sciences before taking a decision.

Section 34

(1) Excavations shall be undertaken only by museums, scientific institutions working in the archaeological field, and the National Supervisory Authority for Monuments.

(2) A site manager in charge of the excavations shall be appointed and designated in the excavation permit. The excavation permit is not transferable. However, the institution responsible for the excavations may, if necessary, appoint also a second member of its staff to be in charge of the excavations. If the site Manager is changed during the work, this must be reported to the authority which issued the permit through the Excavation Commission.

Section 35

(1) Applications for an excavation permit shall be submitted to the Hungarian National Museum, except in the cases specified in Clause (2) and Section 45; the Museum shall forward the application to the Excavation Commission together with its expert opinion.

(2) Whenever the excavations are to be carried out by the Research Group, the application for an excavation permit shall be submitted by the Research Group directly to the Excavation Commission.

(3) Application shall be made at least two months before the proposed starting date, and a preliminary research programme shall be enclosed, together with the written consent of the education department of the executive committee of the territorially competent council, of the metropolis, county or county town, as appropriate.

(4) The following facts shall be included in the preliminary programme for the excavations:

- (a) the exact site of the planned excavations, together with a sketch plan of the affected immovable properties accompanied by relevant data (topographical lot number, dimensions, present use, owner's and user's name);

- (b) name of the site manager in charge of the excavations and his qualifications;
- (c) proposed duration and scheduling of the work (details of location and phasing);
- (d) information on the results of previous studies concerning the planned excavations as well as on all preparatory work (prospecting, surveying, topographic and historical data);
- (e) the nature of the scientific reasons for the planned excavations, details and methods of proposed exploration, expected benefits and scientific results;
- (f) names of all participants in the excavations and their scientific interests;
- (g) name of the institution defraying the costs of the excavations, extent of financial support available and source thereof (recasting of budget, additional credit);
- (h) ways and means of obtaining the use of the land needed for the excavations (agreement, expropriation).

Section 36

(1) The excavation permit shall be granted on the basis of the Excavation Commission's recommendation.

(2) In the permit the following information shall be included:

- (a) name of the institution responsible for the excavations and the name of its site manager in charge of operations;
- (b) exact place, time and objectives of the excavations, and the technical requirements of the excavations.

(3) In addition to the institution due to carry out the excavations to which a copy is to be sent, copies of the excavation permit must be addressed to the education department of the executive committee of the territorially competent council of the metropolis, county or county town as appropriate, to the Hungarian National Museum for registration, to the Research Group, as well as to the territorially competent county museum. In the case of excavations in caves, a copy of the excavation permit must also go to the National Office for the Protection of the Environment and Nature (Decree N°. 29 of 1972 (4 October) MT and Article 28 of its Supplement, and Decree N°. 33 of 1977 (29 August) MT).

Section 37

(1) The use of the land on which the excavations are to take place, those adjacent to it, or those required for access to the site or for transport from the site to the nearest public highway, shall be secured primarily by agreement with the owner of the land concerned.

(2) If the use of the land cannot be secured as defined in Clause (1), the land in question may be seized by the state for the period of excavation, or indefinitely. The expropriation petition shall be submitted by the institution responsible for the excavations to the administrative department of the executive committee of the district, county or county town council, according to the location of the site.

(3) Should any features of the land used under Clause (1), (e.g. fruit trees, crops) be totally or partially destroyed by the excavations, or should their value or utility be diminished, the institution responsible for the excavations shall indemnify the owner for the loss.

Section 38

(1) The site manager in charge of the excavations shall :

- (a) carry out the excavation work in accordance with the requirements of science, technology and efficiency, taking the greatest care, and fulfilling the conditions laid down in the excavation permit;
- (b) keep the excavation record properly;
- (c) ensure the preservation of all discovered museum objects and their temporary safety;
- (d) report to the Excavation Commission on the work within two months of its completion;
- (e) draw up and submit a fully documented account of the excavation in the prescribed number of copies (Section 42) within six months of the completion of the excavation;
- (f) draw up an inventory of the excavated material within two years;
- (g) scientifically evaluate the results of the excavation; and
- (h) should the work have to be suspended, ensure the temporary safety of the explored areas (fencing off, covering), and after its completion ensure the area's rehabilitation with a view to restoring the land to its previous use.

(2) If the duration of the excavations exceeds one calendar year, separate reports and documented accounts must be prepared for each phase of the work completed in the year in question, and be submitted within two or six months respectively, after the completion of each phase.

Section 39

(1) The Minister of Culture and the Hungarian Academy of Sciences shall exercise supervisory control over the excavations either

directly, or via the Excavation Commission or the designated institution; this supervision shall extend both to the organization of the excavations and to its scientific, technical and financial management.

(2) If during such supervision it is found that the site manager in charge of the excavations falls short of his obligations under Section 38, the authority which granted the permit to excavate may ask the institution responsible for the excavations to appoint another site manager or may revoke the excavation permit.

Section 40

(1) The excavation record shall be kept up-to-date and on site. It must give exact details of where the dig took place, specify the number of men employed, the prevailing weather, and number of hours worked, furnish measurements, observations and similar important data relating to the excavations, and supply details of any major finds. The record shall be supplemented by drawings and photographs made on the site. It shall be kept in such a way as to enable, if necessary, another person to take over the management of the work, and to permit him to familiarize himself with the conduct, results and objectives of the excavations to date.

(2) The excavation record shall be signed by the site manager and his associates after the excavations. The original shall be deposited by the site manager in charge of the excavations with the institution responsible for the excavations, and copies of it in the prescribed number shall be attached to the excavation dossier.

Section 41

(1) The excavation record shall give a resumé of the conduct, methods and results, as well as of the material uncovered during the excavations and of the scientific results expected from its evaluation. The site manager in charge of the excavations shall put forward in his report recommendations for the possible continuation of the excavations, as well as for the placement of the finds in public collections, for their restoration, or - in the case of a building having the characteristics of a monument - for its safety, maintenance and declaration as a monument.

(2) Four copies of the excavation report shall be submitted to the Excavation Commission within two months of the completion of the excavation. Further copies shall be forwarded to the Hungarian National Museum, to the Research Group, and to the county museum concerned.

Section 42

(1) The full set of documents constituting the excavation dossier shall include the excavation record, the plans, sectional drawings and surveys made during the work. The documents shall record all essential data on the excavation.

(2) Two sets of these documents shall be prepared. If the excavations have been authorized by the Ministry of Culture, the first set shall be submitted to the Hungarian National Museum, whereas if authorized by the Hungarian Academy of Sciences, the first set shall go to the Research Group. In both cases, the second set of the documents shall be sent to the county museum of the area in which the excavations took place.

Section 43

(1) The site manager in charge of the excavations shall ensure the scientific evaluation of the results of the excavations within five years of the completion of the work; the Archaeological Committee may extend this period in well-founded cases. If the results are not being published in the form of a scientific paper, one copy of the manuscript must be deposited with the institution keeping the first set of the excavation documents.

(2) If the site manager in charge of the excavations fails to meet his obligation under Clause (1) or if the evaluation is carried out in an unsatisfactory manner, the Archaeological Committee may - at the behest of the institution keeping the first set of documents - entrust a Committee, which shall include the site manager in charge of the excavations, with the evaluation of the results.

(3) Until the results of the excavations are scientifically processed, but at the latest within five years from the completion of the excavations or the expiry of the term extended under Clause (1), the excavation documents shall not be used by any other person except by written consent of the site manager.

(4) After that period, the unprocessed results of the excavations may be evaluated with the consent of the head of the institution.

Section 44

(1) The museum objects discovered during the excavations shall pass into state ownership; they shall be placed in a public collection designated by the Minister of Culture on the recommendation of the Archaeological Committee. Until the Minister has taken a decision, the site manager in charge of the excavations shall ensure the preservation of the objects and their temporary safety.

(2) Any material found in excavations carried out by the Research Group shall remain in the care of the Group until fully evaluated, but for a period not exceeding five years from the completion of the excavations (Section 43). When justified this term may be extended by the Minister of Culture on the recommendation of the Archaeological Committee. After completion of the scientific evaluation or the expiry of the term the material shall be placed in the public collection designated by the Minister of Culture.

(3) If a structure of the nature of a monument is unearthed during the excavations, the Excavation Committee shall make recommendations with a view to declaring the structure a monument, and in addition, if appropriate, for the protection of its surroundings according to Section 18 of the Decree-Law. During the excavations, the institution responsible for the excavations shall ensure its temporary safeguarding, whereas after the completion of the excavations this task shall devolve upon the National Monuments Supervisory Authority. In the case of explorations in Budapest, the administrative section of the building department of the executive committee of the municipal council of Budapest (Budapest Monuments Supervisory Authority) shall be responsible.

(4) Museum objects and buildings of the nature of monuments uncovered during the excavations are also protected under the Decree-Law until all the necessary measures have been taken by the authorities (transfer to a public collection, declaration as monument or protected area).

(5) If a building of the nature of a monument is uncovered by the excavations, none of its former accessory or constituent parts (e.g. stone sculptures, remains of floor or wall coverings) shall be placed in a public collection except by prior consent of the Minister of Construction and Urban Development.

Section 45

In the case of independent palaeontological excavations, Sections 33-44 shall apply with the following variations :

- (a) application for an excavation permit shall be submitted to the Natural Science Museum which in its turn shall submit it to the Minister of Culture together with its recommendation;
- (b) no inventory of the excavations shall be kept by the Hungarian National Museum;
- (c) the documents concerning the excavations shall be sent only to the county museum;
- (d) The Natural Science Museum shall make recommendations for the transfer to public collections of objects found during the excavations.

ARCHAEOLOGICAL SALVAGE OPERATIONS

Section 46

(1) Whenever a report on the discovery of museum objects reaches the administrative department of a village or community council, or the education department of the executive committee of a municipal or municipal district council, or, in the case of a county town, the district office (hereafter generically called education department), (Clause (2) of Section 17 of the Decree-Law), it shall inform the directors of ;

- (a) in Budapest: Budapest History Museum (Budapest I, Szent György tér 2);
- (b) in Komárom County : 'Domokos' Kuny' Museum (Tata, Oregvár);
- (c) in Pest County: 'Ferenczy Museum (Szentendre, Marx tér 6);
- (d) in all other counties: the county museum in the county town,

(hereafter generically called the designated museum), as well as the education department of the executive committee of the municipal or county town council of the area concerned.

(2) If the person reporting the find also hands over the object which has come into his possession, the education authority shall accept it for safekeeping until the expert of the designated museum arrives to take it over. Official records of these transactions shall be made.

(3) If the museum object cannot be moved because of its size or any other reason, or if there is a chance of other finds close by, the education department shall ensure the preservation of the site, so that the find and its surroundings shall remain inviolate until examined by experts.

Section 47

(1) Upon receipt of the report by the education department, the director of the designated museum shall immediately arrange for the examination of the site and the find and for the appropriate exploratory work to be concluded. If the object was found during construction work, earth removal, mining, water projects or other work, he shall at the same time pronounce the conditions in which work may be resumed (Section 17 of the Decree-Law, Clause (4)).

(2) If on the basis of the investigations it is likely that other museum objects might be found in the proximity of the place of discovery of the original find, the director of the designated museum shall take immediate steps to suspend the work and initiate archaeological salvage operations.

(3) The purpose of an archaeological salvage operation is to give high priority to the discovery of museum objects in the vicinity of the find, i.e. in the area affected by the work in progress, while at the same time keeping in mind the importance of not interfering with normal work.

(4) If the salvage operation is unlikely to be completed within 30 days, the designated museum shall provide all the relevant preliminary information to the authority directly responsible for the particular project in question. Such information shall also indicate the expected results of the salvage operation and the conditions for the continuance of the work, so that the authority might take the appropriate measures.

(5) Upon the completion of the salvage operation, the designated museum shall immediately ensure that authorization for the continuation of the work on the site is given.

Section 48

(1) The designated museum may start the archaeological salvage operation without an excavation permit, but shall notify at once the Excavation Commission via the Hungarian National Museum. In all such cases, an application for an excavation permit shall be made within 30 days from the beginning of the salvage operation.

(2) If during the archaeological salvage operation an immovable find is unearthed and it seems advisable in the interest of its safety that the original permit be amended or cancelled, the Hungarian National Museum shall make suitable recommendations to the authority directly responsible for the particular project. In all other matters archaeological salvage operations shall be governed by the regulations laid down in Sections 35-45.

Section 49

(1) The archaeological salvage operation shall be carried out by the designated museum. If it is unable to do so, the Hungarian National Museum may take over the excavation.

(2) If necessary, the Hungarian National Museum may enlist other institutions (e.g. the Archaeological Institute of the Hungarian Academy of Sciences, the archaeological departments of universities, etc.) to assist with the salvage.

Section 50

(1) The discoverer of a museum object may be rewarded with a diploma, decoration, honour or financial award.

(2) Before such recognition is given of the services rendered by the discoverer of an object of outstanding cultural significance or value, the Hungarian National Museum should be consulted. In exceptional cases, the Museum may recommend that the Minister of Culture shall bestow the honour on the discoverer.

PROTECTED AREAS OF ARCHAEOLOGICAL AND HISTORICAL INTEREST

Section 51

For the purpose of Section 18 of the Decree-Law, in addition to archaeological finds, areas known to be of special importance for further archaeological or anthropological research shall also be deemed to be 'of archaeological interest' if their full exploration is of major scientific and educational value.

Section 52

The following authorities may recommend that certain areas be declared protected :

- (a) museums;
- (b) the Archaeological Research Group of the Hungarian Academy of Sciences;
- (c) the National Monuments Supervisory Authority and the Budapest Monuments Supervisory Authority;
- (d) university institutes; and
- (e) the education departments of the executive committees of the councils.

Section 53

(1) A recommendation that a certain area be declared protected shall be submitted to the Hungarian National Museum; the latter shall forward it to the Minister of Culture together with its expert opinion and recommendation.

(2) Such a recommendation shall be accompanied by a sketch plan of the area concerned showing also the boundaries of the individual parcels of land. In addition the following data shall be included:

- (a) the relevant land register details (name of the village or town, ownership deeds and topographical plot number);
- (b) name and address of the owners and occupiers of the plots and in the case of real estate owned by the state, name and address of the trustees;
- (c) type of cultivation practised on, and manner of exploitation of the land;
- (d) archaeological or historical character of the area (e.g. cemetery, settlement, fortification, mound, etc.);
- (e) recommended period of protection;
- (f) recommended limitations.

Section 54

(1) The decision whether a 'Protected area' declaration shall be issued rests with the Minister of Culture; if necessary, the decision may be preceded by a site inspection; in the case of agricultural or afforested land, the decision shall be taken in agreement with the Minister of Agriculture and Food.

(2) The 'Protected Area' declaration shall include the following information:

- (a) precise details of the land register entry of the real estates to be declared protected;
- (b) name and address of the owners (occupiers, trustees);
- (c) limitations imposed by the protection;
- (d) period of protection (fixed-term or indefinite);
- (e) name of the authority responsible for taking the appropriate measures of protection.

(3) The 'Protected Area' declaration shall be served on the owner and on all other interested parties as indicated in the land register, on the trustee of the property, on the proposer of the declaration, on the Hungarian National Museum, and on the county museum. When the declaration comes into force, the Minister of Culture shall send a copy thereof to the district land register office for the due recording of the protected status and consequential limitations.

(4) The supervision of the protected areas shall be in the hands of the territorially competent county museum.

Section 55

If a protected area loses its archaeological or historical significance, the Minister of Culture shall lift the protection by a Decision; after it has come into force a copy of it shall be sent to the district land register office for the due recording of the cancellation of the protection. The above decision shall include all the relevant registration details of the real estate concerned.

VALUATION OF MUSEUM OBJECTS

Sections 56 - 59⁽¹⁾

MISCELLANEOUS PROVISIONS

Section 60

(1) Decisions taken in pursuance of this Decree are subject to Appeal according to the general rules of administrative proceedings.

(2) Decisions ordering museum objects to be placed in public collections under Section 30, in pursuance of Section 15 of the Decree-Law, may be contested by court action (para. d. of Clause (1), Section 57 of Law N°. IV of 1957).

Section 61

This Decree shall come into force on the day of its promulgation; at the same time Decree N°. 1620-34 of 1949 (16 November) VKM and Resolution N°. 863-015 of 1952 (K.K.12) KM in toto and Decree N°. 1621-28 of 1949 (16 November) VKM, excepting its provisions concerning books and archive material, are repealed.(2)

Appendix 1 to Decree N°. 2 of 1965 (8 January)MM

FORM FOR THE REPORTING OF MUSEUM COLLECTIONS

Under Section 3 of Decree N°. 2 of 1965 (8 January)MM, issued in pursuance

(1) These Sections have been repealed by Clause (2), Section 11 of Decree N°. 3 of 1977 (29 March/KM).

(2) The regulations remaining in force were revoked under Clause (2) of Section 11 of Decree N°. 3 of 1977 (29 March) KM.

of Decree-Law N°. 9 of 1963 on the protection of museum objects, I declare that I am the owner (in possession) of a collection consisting of the objects listed below :

1. Name, occupation and address of the owner:
2. Place where collection is being held
(locality, street, house-number)
3. If the collection is not in the owner's care, name, occupation and address of the person entrusted with its care (trustee)
4. Description of the conditions in which the collection is held

Four copies of the list of objects are enclosed.

Done this day month.....year.....

signed:.....

Appendix 2 to Decree N°. 2 of 1965 (8 January) MM

FORM FOR THE REPORTING OF MUSEUM OBJECTS

Under Section 3 of Decree N° 2 of 1965 (8 January) MM, issued in pursuance of Decree-Law N°. 9 of 1963 on the protection of museum objects, I declare that I am the owner (in possession) of the following museum objects:

1. Name and exact description of the objects
(shape, nature of workmanship, mark, inscription):
2. Owner's name, occupation and address:
3. Place where object is held:
4. If the object is not in the owner's care, name, occupation and address of the person entrusted with its care (trustee):

Done thisday of monthyear

signed:

DECREE N°. 3 OF 1977 (29 MARCH)
KM on the removal and exhibiting abroad
of objects of cultural value (1)

Under the powers vested in me by Resolution n°. 1030 of 1974 (22 June) Mt. H., and by agreement with the Minister of Home Trade, the Minister of Foreign Trade and the Minister of Finance, I⁽²⁾ promulgate the following regulations for the removal and exhibiting abroad of objects of cultural value:

GENERAL PROVISIONS

Section 1

For the purposes of the present decree an object of cultural value shall be deemed to be :

- (a) a work of art (a product of fine and applied arts created with the aid of a technical instrument or method - e.g. painting, sculpture, graphics, bas-relief, plaque, carpet, wall hanging, piece of furniture, ceramics and examples of the gold or silversmith's craft, ethnographic, folkloric and numismatic objects of historical value, archaeological and historical remains and tangible evidence or documents of the history of science and technology);
- (b) old printed matter (i.e. any book, journal, newspaper or periodical, map, engraving, poster, book-like manuscript, produced before 1957 by means of printing or copying, as well as copies thereof however produced).

REMOVAL ABROAD OF OBJECTS OF CULTURAL VALUE

Section 2

(1) Objects of cultural value shall not be taken out of the country except with an export licence.

(2) export licences shall be granted by the following authorities :

- (a) in the case of works of fine art of Hungarian origin (painting, sculpture, graphics, plaque, bas-relief, etc.) - the Hungarian National Gallery;
- (b) in the case of works of fine art and archaeological items of foreign origin - except for those specified in paras.(c) and (e) below - the Museum of Fine Arts;
- (c) in the case of works of applied art, as well as of art of East Asian origin - the Museum of Applied Arts;
- (d) in the case of folkloric and ethnographic objects - the Museum of Ethnography;

(1) Unofficial translation prepared by Unesco

(2) Refers to the Minister of Culture

- (e) in the case of archaeological remains of Hungary, material relating to Hungarian history, and coins and other numismatic objects - the Hungarian National Museum;
- (f) in the case of artefacts not listed in paras. (a) to (e) - the national museum (national collection) appropriate to the nature of the object (cf. Decree N°. 2 of 1965 (8 January) MM, Section 6, Clause(1)).

(3) Export licences for old printed matter shall be granted by the 'Széchényi' National Library.

Section 3

(1) No export licence shall be granted for objects of cultural value -

- (a) which are of historical significance, belong to a protected collection, or have been declared protected objects; and
- (b) whose removal abroad would be prejudicial to the interests of the Hungarian People's Republic.

(2) In exceptional circumstances, the Minister of Culture may grant an exemption from the general prohibition imposed under Clause (1).

Section 4

(1) Applications for an export licence shall be made to the authorities specified in Clauses (2) and (3) of Section 2 (hereafter called the authority), and this must be accompanied by the relevant object of cultural value.

(2) The authority shall decide whether to grant an export licence on the basis of an inspection.

(3) If enclosure of the object of cultural value with the application is too difficult because of size, nature of the object, or any other reason, the applicant may ask the authority to inspect the object at the place at which it is held.

Section 5

(1) The authority shall grant an export licence only after expert valuation, except when the work of art in question is to be taken abroad by an enterprise which is under the supervision of the Art Fund of the Hungarian People's Republic (hereafter called the Fund) and via the ARTEX Foreign Trade Company.

(2) The following authorities shall be entitled to make expert valuations :

- (a) if the work of art is to be exported in collaboration with public authorities - the Fine and Applied Arts Panel; and
- (b) if the work of art is to be exported in any other way than that described in para. (a) - the Commission Store Enterprise in the case of works of fine or applied art created by a living artist or by one who died after 1945; current prices as reflected in the commercial transactions of the Picture Gallery Enterprise, or of the Applied Art Enterprise shall be taken into due consideration.

(3) Old printed matter shall be valued in Budapest by the valuers of the State Book Distribution Enterprise, and in the rest of the country by the second-hand book trade valuers of the 'Művelt Nép' Distribution Network.

(4) In determining the value of the work of art or old printed matter, the relevant domestic commercial price shall be taken as the basis of the valuation.

(5) The valuation services of the Fine and Applied Arts Panel shall be given free of charge. The Commission Store Enterprise shall be entitled to charge a valuation fee of 2% of the value of the work of art, the State Book Distribution Enterprise and the 'Művelt Nép' Book Distribution Network shall be entitled to 5%.

Section 6

(1) The application fee for an export licence shall be 2% of the value of the work of art, but not less than 50 Ft; in the case of old printed matter this fee shall be 5%, but not less than 20 Ft.

(2) If the proposed export is to be a foreign trade transaction, the application fee for an export licence shall be 5% of the value of old printed matter and 2% of a work of art.

(3) If the exhibition abroad of an object of cultural value is organized in co-operation with a public authority (Section 9), no charge shall be made for the export licence; in the event of an exhibition abroad being organized by a private person, the application fee shall amount to Ft 10 per item.

(4) The export licence application fee shall be paid by the applicant to the authority at the time when the work of art or old printed matter is submitted for inspection.

(5) If the inspection is carried out at the place at which the object of cultural value is held, the applicant shall defray the costs thereof.

Section 7

(1) If the authority approves the exporting of the object of cultural value, it shall issue the export licence on receipt of the

application fee and valuation charge. The export licence shall contain a suitable description of the object for identification purposes and shall indicate its estimated value in accordance with the valuation; the work of art shall also be marked with a suitable sign of identification.

(2) The export licence is exempt from stamp duty.

Section 8

Under Para. (f) Clause (1), section 24 of Decree N°. 1 of 1974 (17 January) PM, objects bought and paid for in convertible foreign currency in specially designated shops may be taken abroad by the foreign buyer without an export licence on the strength of the receipted original invoice.

EXHIBITION ABROAD OF OBJECTS OF CULTURAL VALUE

Section 9

(1) Hungarian citizens or corporate bodies shall exhibit objects of cultural value abroad or take part in such exhibitions only with the prior consent of the Minister of Culture. If it is in the public interest, the Minister of Culture shall lay down conditions in regard to the place or time of the exhibition, or any other conditions.

The sale of objects of cultural value shall be subject to the statutory regulations governing foreign exchange transactions.

(2) Corporate bodies organizing exhibitions abroad as part of their normal duties may petition the Minister of Culture for a general licence for the exhibiting abroad of objects of cultural value.

(3) Exhibition and possible sale abroad of objects of cultural value shall only take place on the strength of a licence by the licensing authority, in the cases defined in Clauses (1) and (2). The licensing authority may prescribe the mandatory return of the objects of cultural value.

(4) The exhibition abroad of individual objects of cultural value owned by Hungarian citizens is arranged by the ARTEX Foreign Trade Company in co-operation with the Picture Gallery Enterprise or applied Arts Enterprise, as the case may be.

Section 10

The export licence and the licences described in Section 9 are not a substitute for the authorization normally required under foreign exchange regulations for the exporting of objects of cultural value.

FINAL PROVISIONS

Section 11

(1) The exporting of archive material is subject to the provisions of Section 18 of Decree-Law N°. 27 of 1969 on the protection

of archive material and archives, Section 24 of Decree N°. 30 of 1969 (2 September) Korm. which implements the above Decree-Law, and Section 11 of Decree N°. 16 of 1970 (29 November) MM on protected archive material and specialized archives.

(2) This Decree shall come into force on 1 June 1977 when the following regulations shall be repealed :

- Decree N°. 1621-28 of 1949 (6 November) VKM relating to the valuation of books and works of art, and laying down the procedure for the exporting thereof;
- Decree N°. 1620-103 of 1951, Educational Gazette N°. 8 (6 December) KM amending the above; and
- Sections 56-59 of Decree N°. 2 of 1965 (8 January) MM on the implementation of Decree-Law N°. 9 of 1963 on the protection of museum objects.

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