

## ICHO LAW

### **National Heritage Protection Act,**

Date: Nov 3, 1930

Article 1 – Observing the Article 3 of this Law, all artifacts, buildings and places having been established before the end of Zandieh Dynasty era in Iran, either movable or immovable, may be considered as national heritage of Iran and shall be protected under the State control.

Article 2 – The State shall be obliged to build up an inventory including all the known and distinguished items of national heritage of Iran which possess historical, scientific or artistic respect and prestige; and enlist the newly discovered ones thereto. This inventory shall be published after being prepared.

Article 3 – Registration of properties in the List for National Heritage shall require the recognition and written permission of the Ministry of Education. In case the property to be registered is owned privately, the owner must have already been notified, and the registration would not be final unless the owner has been notified and his/her objection has been settled. The owner shall undertake the national heritage-concerned duties prescribed in this Law only after finalization of the registration.

Article 4 – The owner of an immovable property which according to this Law may be considered as national heritage, as well as anyone who finds out such property shall be obliged to inform the nearest pertinent governmental organization. In case the competent authorities assigned according to the executive by-law herein, certified that the property is among the national heritage items, it shall be registered in the List for National Heritage.

Article 5 – Persons who own or possess a property registered in the List for National Heritage may retain their right of ownership or possession. However they must not prevent the State from taking the measures it considers necessary to conserve the items of national heritage. In case the conservation operation involves expenses, the State shall not charge the owner in return. The aforementioned measures shall leave the ownership intact.

Article 6 – The operations mentioned below in detail shall be prohibited, and according to the

verdict passed by a court of justice, the violators shall be fined as much as 50 to 1000 Tomans, and also they may be condemned to pay compensation equal to the impairment they have caused to these properties.

A – Destructing or causing damage to national properties; covering them with plaster or paint; and engraving or drawing on them.

B – Any operation near a national monument, which makes the foundation of the monument unstable or disfigures the monument.

C – Taking possession or trading in the materials and objects belonging to the buildings included in the List for national Heritage without permission of the State.

Any attempt for restoration or reconstruction of a national monument possessed by persons must be performed by permission of State and under its supervision; otherwise, the violator may be subject to the aforementioned penalties.

Article 7 – The movable properties under private ownership must be registered in a separate inventory as regulated in Article 3 herein.

Article 8 – For each movable property registered in the List for National Heritage, there should be prepared two letters of identification - explaining description, origin, source and the circumstance under which it is discovered- with at least one picture enclosed. One copy of this letter of identification shall be deposited with the State Office for National Heritage and the other shall be given to the owner free of charge. This letter of identification shall be indispensable for the transfer of the property under any title. The transfer of ownership or possession shall evade none of the effects and liabilities resulting from registration of the property in the List for National Heritage.

Article 9 – The owner of a movable property - registered in the List for National Heritage - shall be obliged to inform the pertinent governmental organization in writing before selling the property to another person. In case the State intends to put the property among its collections of national heritage, it possesses the pre-emption right. In such cases, the government - within 10 days after the owner's written notification has been acknowledged - should notify the owner of its intent to purchase the property; otherwise the owner may sell the property to another person. Anyhow the owner should notify the government of the name and residence of the new

owner within 10 days after the property has been transferred.

The person who sells a property registered in the List for National Heritage without notifying the Ministry of Education or its representatives shall be fined as much as the selling price of the property. The government may withdraw the property from the new owner and refund the paid price to him/her. The purchaser too, if being aware of the registration of the property in the List for National Heritage, shall be penalized like the owner unless he/she himself/herself had been the one who notified the government of the deal.

Article 10 – Anyone who accidentally or by chance finds a movable property which according to this Law may be considered as an item of national heritage, though it has been discovered in his/her own property, shall be obliged to inform the Ministry of Education or its representatives as soon as possible; in case the pertinent State authorities recognize the property worthy to be registered in the List for National Heritage, half of the property or an equitable price as considered by qualified experts shall be transferred to the finder, and the State shall have the authority, at its discretion, to appropriate or transfer the other half to the finder without recompense.

Article 11 – The State has the exclusive right for land digging and excavation in sites to explore national relics. The State may operate according to this right directly or accredit this right to the scientific institutes, persons or corporations instead. A special license - explaining the location, extent and duration of discovery – shall be required for the accreditation. In addition, the State possesses the right to perform discovery operations in order to explore and identify the nature and the condition of national monuments anywhere it observes signs implying the existence of a cultural property, or deems proper to be excavated.

Article 12 – The excavation intended to discover national monuments and aid scientific researches shall be considered as scientific excavation; should an excavation is intended to trade in antiquities it is considered as commercial excavation. Only scientific institutes may be accredited for scientific excavations. In the buildings and immovable properties registered in the List for National Heritage, commercial excavation shall be prohibited.

Article 13 – Excavation in private lands shall require the owner's consent as well as the permission of the State. For the places which are registered in the List for National Heritage or

will be registered by the State after discovery operations, the owner shall not have the right to repudiate the excavation, instead he/she may claim for a compensation as much as the reduction in the rental value of the land resulted by the excavation, as well as sustained losses, and expenses required to restore the land to its previous condition.

Article 14 – During scientific and commercial excavations in one location and one season, if the State discovers the objects directly, it may appropriate them all, and if the discovery is performed by others, the State may choose and possess up to 10 items out of the objects of historical and artistic value; half of the rest of the objects shall be transferred freely to the discoverer, and the other half shall be appropriated by the State. In case all the discovered objects do not exceed 10 items and the state appropriate them all, the expenses of the excavation shall be refunded to the discoverer.

Monuments and the parts thereof are excluded from the above-mentioned procedure, and the State may take possession of the whole discovered items.

Note – By ‘season’ is meant one scientific period not more than a year.

Article 15 – The share of the state out of the objects discovered during a scientific excavation shall be kept in State collections and museums, and not be sold; and the discoverer’s share shall be his/her own property. Among the share of the State out of the objects discovered during a commercial excavation, what is liable to be kept in museums shall be appropriated, and the rest shall be transacted by any means the state deems proper; the State shall put these properties to auction to be sold.

Article 16 – The violators of Article 10, those who perform excavation operations without the State permission and information, though in their own lands, as well as those who illegally take items of national heritage out of the country shall be fined as much as 20 to 2000 Tomans, and the discovered objects shall be confiscated in the interest of the State.

The excavation of lands and other such operations, not intending to discover antiquities, shall not be subject to the aforementioned penalties.

Article 17 – Those who intend to adopt dealing in antiquities as occupation should obtain permission from the State. Furthermore, taking the antiquities out of the country shall require

permission from the State. The registered objects in the list for National Heritage, if attempted to be taken out of the country without the permission of the State, shall be confiscated in the interest of the State. The objects transferred to the discoverer according to Articles 10 and 14 herein, if not registered in the List for National Heritage shall be eligible for export; and if registered in the List, shall be liable to the provisions of Article 18.

Article 18 – The State may avoid granting the permit for exporting the objects considered as national heritage, and may purchase the objects at the price declared by the exporter in the export request; in case the owner refrains from selling the objects at the declared price, export permit shall not be granted. In case export permit is granted, 5% of the equitable price as evaluated by the State assessor shall be received as export charges. A special commission whose establishment is provided for in the executive by-law of the present act shall settle any dispute arising between the owner and the assessor.

The export charges mentioned in this Article are different from the customs duties imposed on these objects. The export of the objects discovered during eligible scientific excavations and belonging to the discoverer shall under any title be legal and exempted from any charges or duties.

Article 19 – For setting the rules of trading in antiquities, as well as implementing all the regulations of this Law, special rules of procedure shall be prepared to be approved by the Council of the Ministers.

Article 20 – All the granted excavation licenses, which are inconsistent with this Law, shall no longer be valid.

The National Consultative Assembly has approved this Law, which includes 20 Articles, on Nov 3, 1930.

The Speaker of the National Consultative Assembly  
Dadgar