

THE REPUBLIC OF LATVIA

LAW "ON CULTURAL MONUMENTS PROTECTION"

Cultural monuments protection is a system of procedures aimed to ensure preservation of cultural heritage and includes its registration, investigation and practical preservation, use and popularization of the cultural monuments.

PARAGRAPH I

GENERAL PROVISIONS

Article 1. Object of the law

Cultural monuments are a part of cultural heritage - cultural landscape and separate territories (ancient burial grounds, cemeteries, parks, sites of historical events and workplaces of famous individuals), as well as separate graves, groups of buildings and separate buildings, works of art, furnishings and articles of historical, scientific, artistic or other cultural value and preservation of which for future generations correspond with the interests of the State and the nation of the Republic of Latvia, as well as international interests.

Article 2. Forms of cultural monuments

The forms of cultural monuments are as follows:

1. Immovable cultural monuments:

- separate objects - buildings, art works, furnishing and articles, individual graves;
- composite objects - archaeological sites, architectural ensembles and complexes, historical centres of towns or other populated areas, streets, squares, blocks, occupation layer, cemeteries, cultural landscapes, memorial places, historical sites and territories.

2. Movable cultural monuments:

- separate objects - archaeological finds, antiquities, elements of immovable monuments, historical relics, pieces of art, manuscripts, rare publications, cinematic documents, photographic documents and video documents, audio records;
- composite objects - historically formed complexes, funds and collections of separate objects of inseparable cultural value.

Objects preserved in their original appearance as well as their separate parts and fragments should be recognized as cultural monuments.

Article 3. Prohibition to destroy, move and alter cultural monuments

It is prohibited to destroy cultural monuments. Immovable monuments may be moved or altered only in exceptional cases with authorization of State Inspection for Heritage Protection of Ministry of Culture (henceforth - State Inspection for Heritage Protection). Alteration of cultural monument or substitution of its original details with new ones may be admissible only in case if it is the only possibility to preserve the monument, or when in the result of the alteration the cultural value of the monument is not reduced.

4. Prohibition of cultural monuments export

It is prohibited to export cultural monuments out of the Republic of Latvia. Temporary export of cultural monuments is possible only with permission of State Inspection for Heritage Protection.

5. State administration over protection and use of cultural monuments

State administration over protection and use of cultural monuments is provided by Cabinet of Ministers, and is carried out by the State Inspection for Heritage Protection.

Administrative bills of the State Inspection for Heritage Protection, issued within the competence determined by regulations and laws of Cabinet of Ministers - instructions - on use and preservation of each individual cultural monument are binding to the owner/possessor of the corresponding cultural monument.

Article 6. State inspector for heritage protection

The State Inspection for Heritage Protection in each region and town of republican significance appoints a state inspector for heritage protection, which is directly subordinated to the Inspection and acts in accordance with the official regulations.

PARAGRAPH II

THE PROPRIETARY AND UTILIZATION RIGHTS ON CULTURAL MONUMENTS

Article 7. Proprietary rights on cultural monuments

Cultural monuments in the Republic of Latvia may be in possession of the State, municipalities, as well as private and other corporate persons.

Corroboration of the proprietary rights on the immovable property which has been recognized as a cultural monument, corresponding note must be made in the Land Register in regard to limitations of the rights. Such note is made based on the application of the State Inspection for Heritage Protection.

If the immovable property is a cultural monument it is a sufficient ground to make the corresponding note in the Land Register. Such note must be made within 10 days upon reception of the application of the State Inspection for Heritage Protection or simultaneously with registration of the proprietary rights. Lists of immovable cultural monuments are submitted to the departments of the Land Register by the relevant state inspector for heritage protection.

Article 8. Deals with cultural monuments

If the owner of a cultural monument alienates the cultural monuments, the State has the right of first refusal. Schedule according to which the State realizes the right of first refusal is determined by Regulations of Cabinet of Ministers.

It is prohibited to alienate separate parts of one cultural monument or a complex monument, as well as to divide land, if preservation of the cultural monument is thereby endangered.

Alienation of cultural monument may be performed if its owner has informed the State Inspection for Heritage Protection on his/her intention of alienation, the cultural monument has been explored by state inspector for heritage protection of the district and the next owner has been informed on the directions in regard to use and preservation of the cultural monument.

Article 9. Procedure of allotting land on which cultural monuments are located

Land on which there are located cultural monuments may be allotted for utilization or acquired in possession according to the legislation only if the next owner has been informed on the directions of utilization and preservation of the cultural monument.

Article 10. Limitation of economic activity at cultural monuments

Economic activity and any other activity at cultural monuments (in their territories, zones, museum-reserves, national parks, etc.), as well as use of pictures or symbols of cultural monuments for commercial activities is allowed exclusively upon the agreement of the owner of the cultural monument.

Article 11. Preservation of cultural monuments

Private and corporate persons must ensure preservation of cultural monuments in their possession (tenure). Preservation of the State owned cultural monuments is ensured by their possessors.

The liability of the owner (possessor) of the cultural monument is as follows:

- 1) to observe legislative and other normative bills as well as the directions of the State Inspection for Heritage Protection on utilization and preservation of cultural monuments;
- 2) to inform the State Inspection for Heritage Protection about any damage occurred to the cultural monument being in their possession (tenure).

PARAGRAPH III

STATE REGISTRATION OF CULTURAL MONUMENTS

Article 12. Organization of State registration of cultural monuments

Cultural values which pretend to be included on the list of State protected cultural monuments are subjected to state inventory, irrespective of their ownership, tenure or utilization. State inventory of monuments include exploration and survey, determination of their historical, scientific, artistic, architectonic, ethnographic or

other cultural value, their fixing and investigation, preparation of inventory documentation.

Article 13. The right to explore objects of cultural value

The State Inspection for Heritage Protection has the right to explore objects of cultural value in order to decide whether they must be included State register.

Article 14. List of State protected cultural monuments

List of State protected cultural monuments is approved by Cabinet of Ministers. Cultural monuments, according to their historical, scientific, artistic or other cultural value are divided into monuments of State and local significance. The list of State protected cultural monuments is to be published in the newspaper "Latvijas Vēstnesis".

In the draft list of State protected cultural monuments the State Inspection for Heritage Protection includes all objects. The relevant State inspector for heritage protection in writing notifies the owner (possessor) about inclusion of the object being in his/her possession (tenure) in the draft list of State protected cultural monuments. The owner (possessor) of the object within 30 days after receiving the notification in writing informs the State Inspection for Heritage Protection which examines this application of his/her decision concerning inclusion of the object in the draft list of State protected cultural monuments.

Owner's (possessor's) consent is not necessary to include an object in the list of State protected cultural monuments. He/she is entitled to tax relief or compensation for damages if any such damages have occurred in connection with the limitations of use of an object or land.

State Land Service ensures that cultural monuments and their territories are marked in plans of administratively-territorial units and in documents of State cadastral survey with the resources of State budget.

Article 15. Exclusion of an object from the list of State protected cultural monuments

Exclusion of an object from the list of state protected cultural monuments is admissible only if the object has fully lost its value as a cultural monument. Objects

from the list of state protected cultural monuments are excluded by Cabinet of Ministers upon the suggestion of the State Inspection for Heritage Protection.

Article 16. Specially protected cultural monuments

Ensembles and complexes of cultural monuments of particular historical, scientific or artistic value according to the resolution of Cabinet of Ministers may be declared to be reserves of cultural monuments, which should be protected according to the regulations on each of these reserves. Regulations on the reserves of cultural monuments are made by Cabinet of Ministers.

Article 17. Protection of newly discovered cultural monuments

Newly discovered objects of historical, scientific, artistic or other cultural value irrespective of their possession are under State protection until decision on inclusion of these objects in the list of State protected cultural monuments, but not longer than six month from the day, when the owner has been notified of that.

Of objects found in the ground, on the ground, in water, in old buildings or their parts and remnants and with possible historical, scientific, artistic or other cultural value, within 10 days the finder must inform the State Inspection for Heritage Protection.

Article 18. State protection over the cultural values in museums, libraries and archives

State registration and protection of the cultural values in museums, libraries and archives is performed according to the Republic of Latvia legislation on funds of museums and libraries. Procedure of documentary monuments registration is defined by the Law of the Republic of Latvia "On State archives".

Article 19. Use of cultural monuments

Scientific, educational and cultural use of cultural monuments is a priority. Use of cultural monuments in economic activities may be allowed only in case if it does not damage the monument and reduce its historical, scientific, artistic value.

PARAGRAPH IV

PRESERVATION OF CULTURAL MONUMENTS

Article 20. Schedule of validity for directions of the State Inspection for Heritage Protection

State inspector for heritage protection sends the owner (possessor) of the cultural monument directions on use and preservation of the corresponding cultural monument. These directions are valid from the moment when the owner (possessor) of the cultural monument has received them and certified with the signature that he/she has read them.

Article 21. Procedure of investigation, conservation, restoration and repairs of cultural monuments

Cultural monuments may be conserved, restored and repaired only upon reception of written authorisation from the State Inspection for Heritage Protection and under its control.

Investigation of cultural monuments, which may lead to alteration of a cultural monument, as well as archaeological investigation, may be performed only upon reception of written authorisation from the State Inspection for Heritage Protection and under its control.

Article 22. Preservation of cultural monuments, during performance of construction and other works

Before construction, melioration, building roads, extracting of minerals or other economic activities the performer of these works must ensure exploration of cultural values in the zone of planned works. Private and corporate persons which have discovered archaeological or other objects of cultural value as a result of their economic activities, must immediately inform the State Inspection for Heritage Protection, and any further works must be stopped.

Article 23. Protection zones of cultural monuments

In order to ensure protection of cultural monuments there are determined protection zones of cultural monuments. For their creating them it is not necessary to

obtain consent of the user or owner of the land. Zones and regime of their maintenance is determined by the State Inspection for Heritage Protection. Around cultural monuments which do not have fixed protection zones, and newly discovered cultural monuments in rural populated areas the protection zone is 500 m, but in towns - 100 m. Any economic activity within the protection zone of cultural monuments may be performed only upon reception of authorization from the State Inspection for Heritage Protection.

Head of the State Inspection for Heritage Protection, according to regulations of Cabinet of Ministers, may determine objects causing environmental damage, located within the protection zones of cultural monuments. These objects are to be dismantled and their further development is not admissible.

Article 24. Financing of preservation of cultural monuments

Conservation, maintenance, repairs and restoration of a cultural monument is performed by its owner (possessor) by his/her own financial means.

Upon the proposal of the State Inspection for Heritage Protection from the state budget there are provided finances for investigation of cultural monuments and conservation and restoration of cultural monuments of state significance without economic use, and from municipal budget - finances for conservation and restoration of cultural monuments of local significance without economic use.

The State Inspection for Heritage Protection in every separate case signs a contract with the owner (possessor) of the corresponding monument in regard to granting of resources from State budget for investigation of cultural monuments and conservation and restoration of cultural monuments of state significance, and controls the use of these resources. Investigation, necessary for construction works, melioration, building of roads and for other economic activities, is financed by the performer of the work at the customer's expense.

Article 25. Spending the resources gained from use of cultural monuments

Financial resources, which municipalities gain by renting cultural monuments, profit deduction obtained as a result of commercial activities connected with cultural monuments, fines for damaging and demolishing cultural monuments and adjustment of connected damages are remitted to incomes of the special budget of pagasts or town

municipality. These incomes may be used only for investigation, conservation, repairs and restoration of cultural monuments.

PARAGRAPH V
SUPERVISION AND CONTROL OVER OBSERVATION OF
CULTURAL MONUMENT LEGISLATION
LIABILITY FOR VIOLATION OF LEGISLATION
OF CULTURAL MONUMENT PROTECTION

Article 26. State supervision and control over protection of cultural monuments

State Inspection for Heritage Protection is a specially authorized institution of state administration which carries out State control over protection of cultural monuments, performs exploitation, investigation of cultural heritage and register of cultural monuments. The Inspection is under supervision of Ministry of Culture. It has the status of legal entity, official seal and bank account. Its Statutes are adopted by Cabinet of Ministers.

State Inspection for Heritage Protection has the right to:

- 1) inspect obstructed observation of legislation of cultural monument protection at any object in the whole territory of the Republic of Latvia irrespective of possession or tenure of the monument;
- 2) stop any economic activities close to cultural monuments or in their protection zones of limit traffic in cases when legislation of cultural monument protection is violated and cultural monuments are endangered, up to the moment when the threat to cultural monuments is eliminated;
- 3) suggest to stop execution of resolution of an authority or municipal institutions if these resolutions contradict with legislation of cultural monument protection until the new trial of the resolutions according to the legislation;
- 4) suggest for bank institutions to stop financing of works by performance of which legislation of cultural monument protection is violated;
- 5) raise a claim for adjustment of damages against private and corporate persons if they have damaged a cultural monument;
- 6) draw up a statement of the case for violation of regulations of cultural monument protection, to examine cases of demeanours and to fine;

- 7) check antique shops and commission shops, art salons and auctions of cultural values in order to prevent illegal deals with cultural monuments or, if necessary, take charge of them as cultural values;
- 8) equip means of transport of the Inspection with special light and signal equipment, use graphic design of colours and inscriptions;
- 9) carry out expertise of cultural monuments and issue authorization for their export from the Republic of Latvia;
- 10) participate in the work of customs, controlling legality of export of cultural monuments.

Article 27. Schedule of alienation of cultural monuments

Cultural monuments, owners of which do not ensure their protection, on suggestion of the State Inspection for Heritage Protection are alienated via litigation. In case of alienation of a real estate the rights of tenants are preserved according to the legislation of the Republic of Latvia.

Article 28. Cultural value of cultural monuments

For every cultural monument there may be defined its cultural value. It is done by the State Inspection for Heritage Protection. Adjustment for damages of cultural monument is calculated according to the cultural value defined for this cultural monument.

Article 29. Public control over cultural monument protection

(Excluded according to the legislative act as of February 9, 1995, valid since 11.03.95.)

Article 30. Liability for violation of legislation concerning protection of cultural monuments

Deals with cultural monuments performed by violation of schedule determined by legislation are to be considered void.

Persons guilty for different failures in observation of Regulations of protection, use, listing, restoration and repairs of cultural monuments, violation of regime of their protection zones and other transgressions are called to criminal, administrative or other liability according to the legislation of the Republic of Latvia.

PARAGRAPH VI
IMPLEMENTATION OF INTERNATIONAL OR
INTERGOVERNMENTAL AGREEMENTS

Article 31. Realization of obligations following from international
or intergovernmental agreements

The Republic of Latvia participates in the work of international organizations and may sign individual agreements with foreign countries concerning matters of protection and listing of monuments, training of specialists and exchange of information.

If the provisions of international or intergovernmental agreements concerning protection of cultural monuments, use or restoration contradict to legislation of the Republic of Latvia concerning protection of cultural monuments, provisions of international or intergovernmental agreements are applied.

Chairman of Supreme Soviet
of the Republic of Latvia

A.Gorbunovs

Secretary of Supreme Soviet
of the Republic of Latvia

I.Daudišs

Riga, February 12, 1995