

Chapter VI. Special Provisions

Section 22 Administrative procedure

1. When work commences on a protection order in accordance with the present Act (cf. Sections 15, 19 and 20), the municipalities involved must be contacted in order to discuss the delimitation of the area, the details of the protection provisions, and other matters of importance to municipal and county planning.

The authority responsible for the protection shall publish a notice, as a rule in at least two newspapers with wide local circulations, describing the intended protection order and its likely consequences. Landowners and holders of rights should as far as possible be informed by letter and given a reasonable time limit for comment before a protection proposal is drawn up.

When a protection proposal is being prepared, cooperation shall be sought at an early stage with public authorities, organizations, etc. with special interest in the matter.

2. When a protection proposal has been drawn up, notice shall be given in the Norwegian Gazette and in at least two newspapers with wide local circulations that a protection proposal has been made available for public inspection. The notice must include a description of what the proposal comprises and set a reasonable time limit for comment, which must be no less than six weeks after the publication of the notice. As far as possible, landowners and holders of rights in the area should be informed by letter.

In connection with the publication of the notice, the matter shall be submitted for comment to the specialist government agencies concerned.

3. Before a protection order is made, the proposal shall be submitted for comment to the municipal council. A time limit may be set for the municipal council's response.

4. The Ministry may impose a temporary protection order until a decision has been made on the matter.

5. Protection orders in accordance with Sections 6, 15, 19 and 20 are subject to judicial registration.

Amended by Act of 14 June 1985 No. 77, Act of 21 April 1989 No. 17, Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14 (in force from 1 June 2000 pursuant to Decree of 3 March 2000 No. 209).

Section 22a Protection of state-owned structures and sites

The Ministry may issue regulations concerning the protection of such structures and sites, etc. as are described in Section 15 that are owned by the State. If the structure or site is sold and is no longer in state ownership, the protection order shall be judicially registered, cf. Section 22, subsection 5.

The provisions of Section 15, third and fourth paragraphs, Section 15a, first paragraph, Sections 16-18 and Section 22, subsection 4, similarly apply.

A protection order for an area in order to safeguard protected structures and sites in state ownership will be issued in accordance with Section 19, cf. Section 22.

Added by Act of 3 March 2000 No. 14 (in force from 1 June 2000 pursuant to Decree of 3 March 2000 No. 209).

Section 23 Prohibition on exports

The following may not be exported without the consent of the Ministry:

- a. monuments and sites that are automatically protected pursuant to this Act.
- b. structures of all kinds and elements of structures, coins, archive material, manuscripts, seals and signets, furniture and other household articles or movable property, costumes, weapons and the like that are more than 100 years old and that are interesting for artistic or cultural reasons or because of their associations with historic persons. The Ministry may for special reasons determine that the export prohibition shall apply to such objects irrespective of their age.
- c. Sami cultural objects irrespective of their age.
- d. objects relating to the life of prominent or important persons, and historical remains of activities and events of importance to Norwegian history irrespective of their age.
- e. paintings, sculptures and other pictorial art, handicrafts and prototypes of design products that are more than 50 years old.
- f. boats, motor vehicles, aircraft and rolling stock or parts of these that are more than 50 years old.

The Ministry may make special rules for implementing the prohibition on exports, including further rules regarding which objects are covered by the prohibition.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14 (in force from 1 January 2001 pursuant to Decree of 3 March 2000 No. 209).

Section 23a Prohibition on imports of cultural objects

It is prohibited to import into Norway cultural objects that have been unlawfully exported from a State that is party to an agreement to which Norway is also party on the return of cultural objects or on means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural objects.

Added by Act of 24 November 1995 No. 63, amended by Act of 6 April 2001 No. 12 (see Chapter IV, in force from 1 March 2002), Act of 10 June 2005 No. 52 (in force from 1 January 2007 pursuant to Decree of 15 December 2006 No. 1434).

Section 23b Return of cultural objects and compensation

A cultural object which is located in Norway and which has been unlawfully removed from the territory of a State party to an agreement to which Norway is also party on the return of cultural objects or on means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural objects shall be returned to the territory of that State. A cultural object shall also be regarded as having been unlawfully removed if it has been temporarily exported from the territory of such a State, but has not been returned in accordance with the conditions of an export licence granted pursuant to that State's legislation on cultural heritage protection. The same shall apply if another condition in such a licence has been breached.

The owner or rights holder who is in possession of the object shall, upon returning it, receive reasonable compensation from the requesting State if the person concerned acquired the object after it was unlawfully removed and exercised due diligence when acquiring the object. However, any person who has acquired the object by inheritance or otherwise gratuitously shall not be in a more favourable position than the person from whom he received or inherited the object.

Added by Act of 10 June 2005 No. 52 (in force from 1 January 2007 pursuant to Decree of 15 December 2006 No. 1434), former section 23b became new section 23c.

§ 23c Tracing cultural objects etc

The competent authority will assist the requesting State in tracing a cultural object and preventing any action to evade the return procedure. The police shall on request assist the competent authority in tracing the object. Coercive measures in accordance with Chapters 15 and 16 of the Criminal Procedure Act may be applied even if no one may be penalized for importing, being in possession of or otherwise being connected with the object.

Added by Act of 24 November 1995 No. 63. amended by Act of 10 June 2005 No. 52 (in force from 1 January 2007 pursuant to Decree of 15 December 2006 No. 1434), section number amended from section 23b.

§ 23d Judicial procedure

The requesting State may initiate legal proceedings at a district court for the return of a cultural object. Proceedings shall be initiated against the possessor or the holder. A claim for damages pursuant to Section 23b may be submitted to the same court as part of the proceedings mentioned in the first sentence.

A document describing the object and stating that it is a cultural object shall accompany the writ of summons pursuant to the first sentence of the first paragraph. A declaration by the competent authority of the requesting State that the cultural object was unlawfully removed from its territory shall also be enclosed.

The right to initiate legal proceedings for the return of an object as described in Sections 23a to 23f is subject to a time-limit of three years after the requesting State became aware of the location of the cultural object and of the identity of its possessor or holder. Statutory limitation applies, in any event, no later than 50 years after the cultural object was unlawfully removed from the requesting State's territory, and no later than 75 years after the cultural object was unlawfully removed in the case of cultural objects

forming part of public collections and ecclesiastical goods subject to special protection arrangements under national law.

In such cases as are mentioned in section 23b, second sentence, the cultural object shall be regarded as having been unlawfully removed on the day on which it should have been returned in accordance with the conditions of the export licence.

The requesting State shall bear the costs of implementing a decision ordering the return of a cultural object.

Proceedings for the return of a cultural object may not be brought if the export of the object is no longer unlawful at the time when they are to be initiated.

Added by Act of 24 November 1995 No. 63, amended by Act of 6 April 2001 No. 12 (see Chapter IV, in force from 1 March 2002), Act of 10 June 2005 No. 52 (in force from 1 January 2007 pursuant to Decree of 15 December 2006 NO. 1434).

Section 23e Right of ownership

When a cultural object is returned to a State in the European Economic Area (EEA), ownership of the object after its return shall be governed by the legislation of the requesting State.

When a cultural object is returned to a State outside the European Economic Area (EEA) which is covered by the Unidroit Convention of 24 June 1995, ownership of the object shall be forfeited unless the requesting State consents to another solution.

Added by Act of 24 November 1995 No. 63, amended by Act of 6 April 2001 No. 12 (see Chapter IV, in force from 1 March 2002).

Section 23f Supplementary provisions

The Ministry will issue further regulations on the implementation of the prohibition on import and export and the return of cultural objects pursuant to sections 23 to 23e, including provisions on which objects are considered to be cultural objects.

Added by Act of 24 November 1995 No. 63, amended by Act of 6 April 2001 No. 12 (see Chapter IV, in force from 1 March 2002), Act of 10 June 2005 No. 52 (in force from 1 January 2007 pursuant to Decree of 15 December 2006 NO. 1434).

Section 24 (Repealed by the Act of 31 January 2003 No. 9)

Section 25 Duty of public authorities to report

Central government, county and municipal agencies which become involved in measures covered by this Act have a duty to report this to the Ministry or to the competent authority pursuant to this Act.

The municipality has a duty to send to the competent authority any application to demolish or substantially alter unprotected structures or sites established before 1850 no later than four weeks

before a decision is made on the application. Decisions to demolish or substantially alter such structures or sites shall immediately be sent to the competent authority, if the latter has expressed its opposition to demolition or substantial alterations.

Amended by Act of 3 March 2000 No. 14 (in force from 1 June 2000 pursuant to Decree of 3 March 2000 No. 209).

Section 26 Advance assessment

The Ministry may order a judicial assessment to establish whether and, if so, to what extent a decision pursuant to Sections 19 and 20 will result in the public authorities being liable for compensation in accordance with normal principles of law. The subsequent decision must be taken no later than one year after the assessment has become legally binding on all landowners and holders of rights.

Amended by Act of 3 July 1992 No. 96.

Section 27 Penalties

Any person who wilfully or negligently contravenes any prohibition, order, condition or provision laid down in or pursuant to this Act shall be punished by fines or imprisonment for up to one year. In particularly aggravating circumstances, prison sentences of up to two years may be given. Aiding and abetting or any attempt at contravention are subject to the same penalties. Contravention of the first sentence shall be regarded as a misdemeanour.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14 (in force from 1 June 2000 pursuant to Decree of 3 March 2000 No. 209).

Section 28 The proper authority pursuant to the Act

The King determines which is the proper authority pursuant to Sections 3, 4, 5, 6, 8, 9, 11, 13, 14, 15, 15a, 16, 17, 18, 21, 23b and 25.

The King may also decide that municipal and county authorities shall be the proper authorities pursuant to the provisions mentioned. The Ministry may decide that municipalities and counties shall as far as possible provide expert assistance in cases under the present Act.

The Ministry may issue further provisions for supplementing and implementing the Act.

Amended by Act of 3 July 1992 No. 96, Act of 24 November 1995 No. 63, Act of 3 March 2000 No. 14 (in force from 3 March 2000 No. 209), Act of 10 June 2005 No. 52 (in force from 1 January 2007 pursuant to Decree of 15 December 2006 NO. 1434).

Section 29 Entry into force. Repeal and amendment of other Acts

1. This Act shall enter into force from such date as the King decides. From the date of entry into force of this Act, are repealed.

From 15 February 1979 pursuant to Decree of 9 February 1979. The Act of 3 July 1992 No. 96 II, second and third paragraphs, provides the following:

“Sections 15a - 18 of this Act shall also apply to structures, sites, etc. that were protected pursuant to Section 15 before the Act entered into force.

Section 21 of the present Act on upkeep shall also apply to areas protected pursuant to Section 21 before the Act entered into force.”

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