

✓ Act No. 961

Promulgated
On Jan. 10, 1962

"THE ACT FOR
CULTURAL PROPERTY PRESERVATION"

The Bureau of Cultural Property Preservation
The Ministry of Education

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Chapter I. General

Article 1. (Purpose)

The purpose and function of this Act shall be to preserve cultural properties and make the most of them in pursuance of the promotion of nationwide cultural aspiration, concurrently with the contribution to the cultural progress of the mankind.

Article 2. (Definition of the cultural property)

The terminology "Cultural Property" includes items worded as follows:

a) Buildings, publications, archaic documents, pictures, sculptures, arti-facts and other material cultural heritage of historical or artistic value, and other corresponding archaeologicals.

(Call it "Material Property" hereafter)

b) Drama, music, dance and ballet, arts and crafts technology and other immaterial cultural heritage of historical and artistic value. (Call it "Immaterial Property" hereafter)

c) Pae Chong(shell remains), sites of castle, palace and pottery, excavations and sight-seeing areas, animals, plants, minerals and other remains of historic, artistic, academic or scenic value.

(Call it "Monuments" hereafter)

- d) Manners and customs of food, cloth and housing, occupation, religions, the year's celebration and other costumes, equipments and premises necessary for the understanding of ancient way of life. (Call it "Folklore Materials" hereafter)

Chapter II.

The Committee for Cultural Property

Article 3. (Establishment)

The Committee shall be created to study and examine on the preservation, management and utilization of cultural properties, providing advice and suggestions as requested to the Minister of Education within the frame work of Ministry of Education.

Article 4. (Matters of resolution)

The Committee for Cultural Property shall decide following matters:

- a) to designate and cancel of the material and immaterial properties, monuments and folklore materials of importance.
- b) to appoint and cancel of protection area and protective aids for the designated cultural properties according to Article 2.

(Call it "Designated Property" hereafter)

- c) to give proper order for the management, critical repair works and restoration of the designated properties.
- d) to approve of the reconstruction and import and export of the designated properties.

- e) to issue an order of limitation and prohibition or establishment of some facilities for the environment arrangement and preservation of the properties.
- f) to purchase of the designated properties.
- g) to operate excavation of the buried properties for further investigation.
- h) to be regarded as an important technical subjects dealing specifically with the preservation and management of other designated properties.
- i) and to consider other matters authorized by other Acts.

Article 5. (The Sub-Committee)

- a) Within the framework of the Committee for cultural property shall be the 1st, 2nd and 3rd Sub-Committee dealing specifically with each allocated duties according to the assortment of the designated properties in Article 2.
- b) Each member of the Committee shall belong to one of the Sub-Committee in accordance with his special majoring field.
- c) The 1st Sub-Committee shall be responsible for the matters of previous Article on "the material property" in (a), Article 2 and the historical excavation sites among (c), Article 2.
- d) The 2nd Sub-Committee shall be responsible for the matters of previous Article on "the immaterial properties" and folklore materials in (b) and (d), Article 2.
- e) The 3rd Sub-Committee shall be responsible for the matters of previous Article on the sight-seeing areas and natural monuments among many other monuments in (c), Article 2.

Article 6. (Provision on organization and operation of the Committee)
Necessary actions relating to the organization and administration of the Committee shall be decided by the Cabinet decree.

Chapter III.

Designated Cultural Property

Paragraph 1 *Designation*

Article 7. (Designation of national treasures)

- a) The Minister of Education shall be authorized to designate the valuable material properties of (a), Article 2 as treasures through the consultative advice and suggestions of the Committee.
- b) The Minister of Education shall be authorized to designate the most valuable and rarest properties, in the cultural view-point of mankind, among treasures worded at previous column as national treasures through the same procedure above-mentioned.

Article 8. (Designation of the immaterial properties of importance)

The Minister of Education shall be authorized to designate the valuable immaterial properties of (b), Article 2 as the immaterial properties of importance through the consultative advice and suggestions of the Committee.

Article 9. (Designation of the historical and scenic spot and natural monuments)

The Minister of Education shall be authorized to designate the valuable monuments of (c), Article 2 as the historical and

Scenic spots and natural monuments through the consultative advice and suggestions of the Committee.

Article 10. (Designation of the folklore materials of importance).

The Minister of Education shall be authorized to designate the valuable material folklore properties of (e), Article 2 as important folklore materials through the consultative advice and suggestions of the Committee.

Article 11. (Designation of the protection area and protective aids)

The Minister of Education shall be authorized to designate the protection areas and protective aids for the purpose of the designated cultural properties under the provisions of Article 7, 9 and 10.

Article 12 (Notice and information of the designation)

- a) In case of the designation under the provision of Article 5, the Minister of Education shall have to notice its intents on the official bulletin and at the same time inform the owners or possessors of designated properties concerned (including the protection areas and protective aids) of the facts.
- b) In case of the absence and uncertainty of the possessors, the Minister shall have to inform the managers on owners of the facts.

Article 13. (Beginning of validity)

The Designation under the provisions from Article 7 to 11 shall come into validity after the notification of the official bulletin.

Article 14. (Cancellation of designation)

- a) The Minister of Education shall be authorized to cancel the designation through the consultative advice and suggestions of the Committee, when the cultural properties concerned lose value and are supposed to be against public interests under the special reasons.
- b) In case of the cancellation under the previous provision, the Minister of Education shall have to notice on the official bulletin and inform the possessors or owners of the properties concerned of the facts.
- c) The provision of (b), Article 12 and Article 13 shall apply to the cases of (a), (b), this Article.

Article 15. (Grade and classification of the designated properties)

The cultural properties designated under the provision from Article 7 to 10 shall be graded or classified by the Cabinet Decree.

Article 16. (Temporary or provisional designation)

- a) The Minister of Education shall be authorized to give temporary designation as the important cultural properties, upon the request of the Director of the Bureau of Cultural Property Preservation, when they need urgently to be designated before the formal procedure under the provision from Article 7 to 10, and are pressed for time of having consultative opinions from the Committee.
- b) The Temporary designation shall become null, if ex-post-facto measure of designation is not to be taken within 6 months under the provisions from Article 7 to 10.

- c) The provisions of Article 11 to 13 shall be applied to the case of (a), this Article.

In this case, however, the temporary designation shall become valid as of the date of sending information to the owner or possessor of the temporarily designated property (call it "Temporary Property" hereafter) without the notification on the official bulletin.

Paragraph 2.

Management and preservation

Article 17. (Direction of managing method)

The Minister of Education shall be authorized to give directions necessary for the management and preservation of the cultural properties to the possessors or owners in case of the absence or uncertainty of the possessor of the designated properties.

Article 18. (Management responsibility of the owner and manager)

- a) The owners or possessors of the designated properties shall be responsible for the care and preservation of the properties paying proper cautions as a good manager in accordance with the orders and directions of this Act and the Minister of Education and other authorities therefrom.
- b) The possessors shall be able to nominate, if necessary, other manager responsible for the care and preservation of the cultural properties.
- c) The provisions of Article 17 and (a), this Article shall be applied to the manager in (b), this Article.

Article 19. (Management by the certain bodies)

- a) The Minister of Education shall be authorized to appoint a local public body responsible for the management of the cultural property concerned, if the possessor of the property is uncertain and the management by the possessor or manager is deemed difficult and inadequate.
- b) The Minister of Education shall have to hear the opinions of the possessor of the property concerned and appointed body in advance pertaining to the appointment under the previous provision.
- c) When the appointment is made, the Minister of Education shall have to notice the purports on the official bulletin, concurrently with the notification to the possessor, manager and local body concerned of the facts.
- d) The possessor or manager of the designated properties shall not be able to hinder the local public body (call it "Management Body" hereafter) from doing its duties provided for in the provision (a), this Article, without sufficient reason.
- e) When the appointment is made, the management body concerned shall take charge of the expenditure necessary for the maintenance of the designated cultural property unless otherwise provided.
- f) The provisions of Article 13 shall be applied to (a), this Article, and Article 7 and (a), Article 18, and to the management body respectively.

Article 20 (Approval)

- a) When the owner, possessor, manager of management body of the designated property is going to do one of the following matters, they shall be accompanied by the approval of the Minister of Education.

- 1) Removal of animals and plants designated as the natural monuments under the provision of Article 9 out of the habitats.
 - 2) Export of the designated properties to the foreign country and removal of out of the depots or related places fixed by the Cabinet Decree.
 - 3) Making pattern-copy, drawing or imitation of the national treasures and treasures among the designated cultural properties.
 - 4) Sound-recording and photographing of the immaterial properties of importance or making and its permission of the musical-note and scenario.
 - 5) Taking measures which might cause the change of status or the bad influence for the preservation of the cultural properties.
 - 6) Modification and change of the contents of approved matter above-stated and of the conditions and directions under the provision of (c), this Article.
- b) The provision of (a), this Article shall be applied to the case, if the possessor is going to export or remove the material properties, not designated as the national treasures or treasures, out of the country.
 - c) The Minister of Education shall be authorized to add, if necessary, conditions to the approval or issue orders and directions.
 - d) The Minister of Education can approve the export or removal of the designated properties out of the country according to the provision of (2), (b), this Article only through the decision of the Cabinet Meeting.

Article 21(Cancellation of approval)

The Minister of Education shall be authorized to withdraw the approval, when the person permitted changes deliberately the contents of approval or acts against the conditions and directions, and deems impairing the value of the designated property.

Article 22 (Administrative order)

- a) If proved to be necessary and adequate for the care and preservation of the designated properties, the Minister of Education may issue orders as follows:
- 1) In case the management of the property is considered inadequate for its preservation or, if particularly necessary, the Minister of Education may prohibit or limit the certain actions of the possessor, owner, manager or management body of the designated property.
 - 2) If the nomination of manager provided for in Article 18 is proved to be unsuitable, the Minister of Education may order the possessor of the designated property to dismiss or alter the nominee.
 - 3) The Minister of Education may order the possessor, manager or the management body to establish facilities necessary for the repair and others, and to remove the obstacles for the preservation of the designated properties.
 - 4) The Minister of Education may order the possessor, manager or the management body to take other necessary measures excepting the previous matters.
- b) The Minister of Education may take measures of (a), this Article for himself with the treasury budgets instead of the possessors or managers of the designated properties, if they are not obedient to the order or proved to be inadequate for the works.

Article 23 (Limitation of the transfer)

When the possessor of the designated property wants to sell it, the preferential right of purchase of the item shall belong to the state or museum, if the state or museum desires to buy it.

Article 24 (Matters of report)

- a) The possessor, owner, manager or management body shall report the fact and details of circumstances in accordance with the provisions provided for in the Cabinet Decree to the Minister of Education, when one of the reasons and conditions given below occurs.

In case of (1), however, the report shall be submitted under the joint signature of the possessor and manager, and in case of (2), under the joint signature of the old and new possessors respectively.

- 1) Nomination or dismissal of the manager of the designated property.
- 2) Alternation of the possessor of the designated property.
- 3) Change of the name and address of the possessor, owner or manager of the designated property.
- 4) Change of the geographical name, lot number, classification of land and land-register of the location or the protection area of the designated properties.
- 5) Movement of the depots of the designated properties.
- 6) Lose, theft or impair of the designated properties.
- 7) Removal or export and removal back or re-import of the designated properties with the approval in accordance with the provisions of (1) or (2), (a) Article 20.

- 8) Completion of the pattern-copy, drawing, imitation, sound-recording, photographing or the making of the musical note and scenario of and about the designated properties with approval in accordance with the provisions of (3) or (4), (a) Article 20.
 - 9) Commencement or completion of the preservation measures including the change of status of the designated properties with the approval in accordance with the provisions of (5) or (6), (a) Article 20.
 - 10) Commencement or completion of the measures including the repair works, the establishment of facilities or the removal of the obstacles according to the order provided for in (3) or (4), (a) Article 22.
 - 11) Sale of the designated property.
- b) The provision (a) of this Article shall be applied also to the case when the possessor of the material property is going to remove or export and remove back or re-import the properties with approval in accordance with the provision of (b), Article 20.

Article 25(Subvention)

- a) The following expenditures for the preservation of the designated property shall be financed partially or totally from the subvention of the national treasure.
- 1) The expenditure for the management of the designated property by the management body provided for in (a), Article 19.
 - 2) The expenditure for the complement of the orders provided for in Article 22.
 - 3) The expenditure for the management, protection and repair of the designated property save the above-mentioned cases, if the possessor is incompetent for the solvency or poor enough to pay for the expenditure.

- 4) The expenditure for the preservation and upbringing of the important immaterial property or folklore materials.
- b) The Minister of Education shall be authorized to direct and supervise the repair and other works for the designated property in case of the furnishment of the subvention from the treasury in accordance with the previous provision.
- c) The subvention provided for in (2) to (4), (a) this Article shall be delivered through the Mayor of the Special City of Seoul or Governor, and executed or supervised by them, excepting the particular cases.

Article 26 (Return of subvention)

- a) The Minister of Education shall be authorized to stop the delivery or order a partial or whole return of the undelivered subvention, when the person who received the grants provided for in the previous provision acts the following matters:
 - 1) Use of the subvention against the purpose in accordance with the provision of (a), Article 25.
 - 2) Occurance of the reasons provided for in Article 21 in carrying out the objects of repair and other works.
 - 3) When it is proved to be impossible to complete the works by subvention provided for in (1) or (2), (a) Article 25.
 - 4) Acquisition of the subvention delivery by the means of falsehood or other unfairness.
 - 5) Transfer of the designated property, repaired and worked by subvention, by the contract made for a consideration.

- b) The calculation basis relating to the amount to be returned shall be decided by the Cabinet Decree.

Article 27 (Compensation)

- a) The State shall compensate to the person for his loss stated as follows:
 - 1) Loss caused by the orders provided for in (1), (3) or (4), (a) Article 22.
 - 2) Loss caused by the measures taken according to the provision of (b), Article 22.
- b) The person, unwilling to obey to the amount of the compensation, may institute a suite to the court within 3 months from the date of receipt of notice.

Article 28 (Expenditure charge of the management body)

The local public body may take charge of the expenditure or give subvention for the management, preservation or repair of the other designated property under its jurisdiction of protection besides of the designated property belonging to the affairs of management and possession of the local public body as well.

Article 29 (Corresponding application)

The provisions of Article 17, 18, (1), (2), (5), (6), (a) and (c), (d), Article 20, 21, (1) and (4), (a), Article 22, Article 23, (2) to (7), (9) and (11), (a), Article 24 and Article 27 shall apply correspondingly to the management and preservation of the temporary cultural properties.

Paragraph 3

Opening to the Public or exhibition

Article 30

The designated property must be opened to the public in accordance with the provision provided for in this Act.

Article 31 (Display of the designated property belonging to the real estate)

- a) The possessor, manager, or the management body shall open the buildings or other designated property adhered to the land or other facilities among the designated property provided for in Article 7, and other designated property (with the exception of the animals) provided for in Article 9 to the public, only excepting following cases:
- 1) When the possessor, manager or the management body considers it necessary to close up for the religious ritual or the performance of business.
 - 2) When the possessor, manager or the management body acquires the approval from the Minister of Education owing to the different reasons other than that of previous(1).
 - 3) When the Minister of Education orders to limit or stop the opening for the prevention from the damage or impair of the designated property.
- b) The Minister of Education shall have to announce the fact publicly, if he took measures in accordance with the provision of (2) or (3), (a), this Article.

Article 32 (Display of the designated property belonging to the movables)

- a) The possessor, manager or the management body shall open the designated properties excepting those provided for in (a), Article 31, in one case of the following conditions concerned.

There shall be, however, exception on account of the inevitable reasons.

- 1) When the Minister of Education orders to send an exhibit to the national museum or other place for display within the fixed period of one year, the term of one year can be extended within the maximum limitation of 3 years.
 - 2) When the Minister of Education orders to hold the exhibition and display by the other means excepting that of previous (1) within the certain fixed period of 3 months.
- b) The possessor, manager or the management body must obtain the approval of the Minister of Education, if the above-exhibitor, in order to open the designated property to the public, wants to hold the exhibition at the place other than the original seat or to send articles to the exhibition show under the auspices of other sponsor. On this occasion, the authorities of sponsorship should report the fact and purpose in advance to the Minister of Education.
- c) On the previous occasion, the Minister of Education shall be authorized to direct or order to the necessary matters.

Article 33 (Display of the immaterial property of importance)

The owner of the valuable immaterial property shall have to open it to the public at least once a year, with the exception of the special occasions.

Article 34 (Expenditure of display)

The whole expenditure for the exhibition of the designated property by the order in accordance with the provision of (1), (a), Article 32, and the whole or partial expenditure for the display according to the provision of (2), (a), Article 32 and Article 33 shall be financed by the national treasury.

Article 35 (Allowance and compensation)

- a) In case the possessor, manager or the management body exhibits the designated properties by the order provided for in (1), (a), Article 32, the exhibitor shall have the proper allowance from the treasury according to the provision of the Cabinet Decree.
- b) The State shall have to compensate to the possessor, in accordance with the provision of the Cabinet Decree, for the extinction or impair through the conveyance or the exhibition show of the designated properties under the order provided for in (1), Article 32.
There shall be, however, exceptions on the occasion of the fault or negligence of the possessor, manager or the management body.
- c) The provision of (2), Article 27 shall apply to the case of (b), this Article.

Article 36 (Collection of admission-fee)

- a) The possessor, owner or the management body can collect the admission-fee from the visitors, when the designated properties^o opened to the public.
- b) The amount^x of the admission-fee shall be decided upon the approval of the Minister of Education.

Paragraph 4

Investigation

Article 37 (Collection of report)

The Minister of Education, if he considers it necessary for the grasp and understanding of the actual conditions of the designated property, may collect the reports relating to matters of the present situation, management repair and other projects of the environment preservation from the possessor, owner, manager or the management body.

Article 38 (Ex-officio investigation)

- a) The Minister of Education, if necessary, shall be authorized to dipatch public officials to the spot to research the actual conditions relating to the management, repair or other works of the environment preservation.
- b) In case of the ex-officio investigation, the possessor, owner, manager or the management body of the designated property must be informed of the fact and purpose in advance.

If the urgency required, however, is the ex-post-facto notification available.

- c) Pursuant to the ex-officio investigation, the investigator may call for the offer of necessary things or the cooperation from persons concerned, and take appropriate measures of the survey, excavation or the removal of obstacles within the limit of not impairing the present situation of the designated property.

Before the sunrise or after the sunset, however, the manager or the management body for his work.

- d) The State shall compensate^P to the person for his loss caused by the above-mentioned investigation.
The provision of (b), Article 27 shall apply to this case.

Article 39 (Request of the investigation)

- a) In case the designated property falls under the possession or management of the State or the local public body, the chief of the organ concerned shall take a necessary actions at the request of the Minister of Education.
- b) When the chief of the state organ or the local public body, to meet the request of the investigation, wants to make the public official perform investigation, the provision of Article 38 shall apply to this case.

Article 40 (Identification card of the investigator)

The investigator provided for in Article 38, and 39 shall carry an identification card with him and show it at the request of the person concerned.

Article 41 (Corresponding application)

The provisions 37 to 40 shall apply to the measures taken for the designation or temporary designation in accordance with the provisions of Article 7 to 11 and Article 16, and to the investigation of the temporary property.

Chapter 4

The buried cultural property

Article 42 (Report of discovery)

If the wrapped or hidden cultural property (call it "buried cultural property" hereafter) is found under the land or other things,

the possessor, manager or the owner of the land or other things must give notice to the Minister of Education without any change to the present situation and feature, according to the provision of the Cabinet Decree.

Article 43 (Approval of the excavation, etc)

- a) The person, desiring to excavate the area of land where the buried property is supposed to be found for the purpose of research, shall be obliged to obtain the approval of Minister of Education in accordance with provision of the Cabinet Decree.

The same procedure shall be taken for the purpose of other objects of the excavation such as the public works.

- b) The Minister of Education shall be authorized to give necessary directions along with approval, or, if necessary, stop or suspend the excavation work, or cancel the approval.
- c) When the person, who acquired the approval provided for in (a), this Article, completed the excavation work, he must report its results to the Minister of Education without delay, and be ready to accept further directions.
- d) The provisions of (a), (b) and (c), this Article shall apply to such case as the change of the present property.

Article 44 (Excavation by the State)

- a) The Minister of Education may, if necessary, take the direct measure of the excavation of the land where the buried cultural property is supposed to be found.

- b) In case of (a), this Article, the Minister of Education have to deliver a notice on the matters of purpose, method, time of start and other necessary information of the excavation to the possessor or owner of the land, according to the provision of the Cabinet Decree.
- c) The possessor, manager or the owner of the land cannot refuse, hinder or evade the excavation work provided for in (a), this Article.
- d) The provisions of Article 27, 38 and 40 shall apply to the case of (a), this Article.

Article 45 (Method of disposal); amended on Feb. 9, 63' (Act No. 1265)

- a) In case the buried cultural property is discovered either by the report according to the provision of Article 42 or (3), Article 43, or by the excavation provided for in (a), Article 44, the Minister of Education must return the property to its possessor, according to the following methods of (1) and (2), if the possessor of the property concerned becomes clear. In case of the uncertainty of the possessor, however, the Minister of Education must inform the fact to the superintendent of the police station of its jurisdiction.
 - 1) When the cultural property is discovered by the report in accordance with the provisions of Article 42 or (3), Article 43, the Minister of Education shall make the discoverer or the excavator return the property concerned to the possessor.
 - 2) When the cultural property is discovered by the excavation according to the provision of (a), Article 44, the Minister of Education shall return the property to its possessor.

- b) The superintendent of the police station, if informed of the fact of (a), this Article, must notify it publicly without delay in accordance with the provision of (b), Article 1 correspondingly applied as Article 13 of [the Act for the lost property]

Article 46 (Disposal of the buried cultural property by the superintendent, etc.)

- a) If the buried or lost property, tendered and deposited to the superintendent in accordance with the Act for the lost property, is to be designated as cultural property, the superintendent should notify it publicly according to the provision of the Act for the Lost Property, and concurrently report and tender the property to the Minister of Education within 20 days, excepting the case of returning it to the possessor.
- b) When the Minister of Education judges the thing, presented to him according to (a), this Article, as a valuable one enough to be designated as the cultural property he must notify the fact to the superintendent, and on the other hand, considers it to the contrary or the possessor is to become clear and confirmed, he must return the thing concerned to the superintendent with a appended explanation.

Article 47 (Reversion to State Treasury and compensation)

- a) In case of the uncertainty of the possessor of thing, which has been designated as a cultural property in accordance with the provision provided for in (a), Article 45 or (b), Article 46, the property concerned shall revert to State Treasury.

- b) The State shall compensate to the discoverer, finder or the owner of the excavated land according to the provision of Article 13, the Act for the Lost Property. On this occasion, when the discoverer, finder or the owner of the land is not a same person, the share shall be divided equally. If the discoverer spent money for his work, however, the compensation may be shared differently.
- c) When the minister of education considers the direct keep and preservation of the cultural property, assigned to the State Treasury according to the provision of (a), this Article, unnecessary, he may transfer the property concerned to the discoverer, finder or the owner of the excavated land instead of their supposed compensation by the provision of (b), this Article within the limit of the considerable amount of compensation.

Article 48 (Corresponding application of the Act for the Lost Property)

The provision of Article 13, the Act for the Lost Property, shall apply to the buried cultural property, unless otherwise provided in this Act.

Chapter 5

The state-owned cultural property

Article 49 (Special application)

The provisions of this chapter shall apply to the case of the application of this Act to the State or the Administration set up.

Article 50 (Office of management and general supervision)

- a) The Minister of Education shall exercise the right of general management and supervision on the state-owned cultural property, notwithstanding the provision of Article 8, the State-owned Property Act. If the state-owned property, however, is administrative property under the management of a person, or the special necessity is required for the management of a certain person other than that of the Minister of Education, the Minister of Education shall decide the management office after the consultation with the chief of organ concerned, as defined in Article 9, the State-owned Property Act, and the Minister of Finance.
- b) In case of the proviso, (a) of this Article, the Minister of Education should hear opinions of the Committee for the Cultural property.

Article 51 (Gratuitous transfer of management between different accounts)

In order to manage the cultural property according to the provision of (a), Article 50, the Minister of Education may adjust the accounts gratuitously, as the transaction is dealt by drawing bill of the management or preservation exchange between different accountants of the managers.

Article 52 (Special procedure and method)

- a) In case of the designation or provisional designation of the state-owned property as the valuable cultural property, or the cancellation of such designation or provisional designation, the notification of fact to the

possessor or owner concerned under this Act shall be sent to the management office responsible for taking care of the cultural property assumed under the provision of proviso, (a), Article 50.

- b) In application of the provisions of Article 17, 18, 21, 22, 24, 31, 32, 36, to 38, 42 and 44 concerning the state-owned cultural property or land and other things, the terminology "possessor or owner" of the property, land or other things implies the management office as defined in proviso, (a), Article 50.

Article 53 (Agreement and report)

- a) The management office under previous Article must gain agreement of the Minister of Education, in advance with the exception of the case according to the provision of Article 20 (including occasion of applying Article 20 to Article 29), if the office concerned is going to land, exchange or dispose the designated or provisional designated property of its own.
- b) The management office and previous Article must report to the Minister of Education if one of the reasons worded below occurs, with the exception of the case according to the provision of Article 24 (including occasion of applying 24 to Article 29):
- 1) Acquisition of the designated or provisionally designated cultural property.
 - 2) Receipt of a transfer of the designated or provisionally designated cultural property, or change of the custody office.

Article 54 (Prohibition of transfer and establishing private-right)

The state-owned cultural property, designated or provisionally designated, shall be by no means a object of transfer or establishing private right unless otherwise provided in their Act. However, as far as nothing should interence to the management and protection, and provided there shall be particular necessity for the public use and utility, the public body or the juridical person for the public benefit may take the approval of the right of use with a certain condition attached.

Chapter 6.

Supplementary rules

Article 55 (Succession of right and obligation)

- a) As the possessor of the designated or provisionally designat cultural property is changed, the new possessor of it shall succeed the right and obligation from the old possessor, assumed under the orders, directions or other disposals by the Minister of Education and other Government agencies according to this Act.
- b) The provision of (a), this Article shall apply to the case of the appointment or its cancellation of the management body in accordance with the provision of Article 19. The right and obligation returned to the possessor, however, shall be exception to this case.

Article 56 (Motion of objection)

- a) The persons, who are not subject to the following measures taken by the Minister of Education, the Director of the

Bureau of Cultural Property Preservation, Mayor of the Seoul Special City or the Governor, may file a motion of objection to the Minister of Education.

- 1) Appointment of the management body according to the provision of (a), Article 19.
 - 2) Approval or disapproval on the transformation of present situation and condition according to the provision of (5), (a), Article 20.
 - 3) Prohibition, limitation or other order of a certain action.
- b) The motion of protest should be submitted within 30 days from the date of taking disposal or receiving notification by the counter-part of disposal or receiver of notification, and within 60 days from the date of taking disposal by the person other than one above-stated.
- c) The Minister of Education must decide on the ~~matter~~ submitted under (b), this Article within 30 days from the ~~date~~ of receipt of the motion.

Article 57(Award)

The Minister of Education shall be authorized to confer commendation with a extra prize in accordance with the provision of the Cabinet Decree to the person concerning to the following items:

- 1) A person who has discovered and reports the buried cultural property to be designated as the natinal^e treasure or treasure.
- 2) A person who tried to prevent from the extinctive loss, theft or impairment of the cultural property, designated or provisional, at the sacrifice of his labor and ^{weath.} weath.

- 3) A person of distinguished service for the protection and fostering of the immaterial property of importance, not as a possessor of the immaterial property.
- 4) A exemplary person faithful to his responsibility and service for the management, protection or opening to the public of the cultural property, designated or provisional.

Article 58 I (Mandate of the authority)

The Minister of Education may entrust a part of his authority provided for in this Act to the Director of the Bureau of Cultural Property Preservation, Mayor of the Seoul Special City or Governor.

Article 58 II (Establishment of Special account)

- a) There shall be established The Special Account for the Property Management within the framework of the Ministry of Education in order to control and manage the payment and expenditure financed from the Treasury necessary for the management and protection of the state-owned property (with the exception of the property not belonging to the Bureau of Cultural property Preservation) under the management of the Minister of Education.
- b) The necessary matters pertaining to establishment and operation of the Special Account for the Property Management shall be provided by other Act.

Chapter 7

Penal Rules.

Article 59 (Crime of non-licensed export)

- a) The person who exported or removed cultural property, designated or provisional, to the foreign country without approval shall be sentenced to not exceeding 15 years' imprisonment or confinement, or subject to a fine not exceeding 150,000 won.
- b) The person who exported or removed national treasure or other material property not designated as treasure to the foreign country without approval shall be subject to a fine not exceeding 100,000 won, or sentenced to detention or penalty.

Article 60 (Crime of damage or concealment)

- a) The person who damaged, concealed or impaired by other ways the utility of the national treasure or treasure property, designated or provisional, shall be sentenced to not exceeding 10 years' imprisonment or confinement, or subject to a fine not exceeding 100,000 won.
- b) In case of (a), this Article, if the cultural property belongs to his own, he shall be sentenced to not exceeding 7 years' imprisonment or confinement, or subject to a fine not exceeding 70,000 won.

Article 61 (Crime of damage or concealment)

- a) The person who damaged, concealed or impaired by other ways the utility of the cultural property, designated or provisional, (except the structure) other than the property as defined in the provision of Article 60, shall be sentenced to not exceeding 5 years' imprisonment or confinement, or subject to a fine not exceeding 50,000 won.

- b) In case of (a), this Article, if the cultural property belongs to his own, he shall be sentenced to not exceeding 3 years' imprisonment or confinement, or subject to a fine not exceeding 30,000 won.

Article 62 (Aggravating crime)

- a) If the crime provided for in the provisions Article 59 to 61 should be committed by means of the threatening or intimidation with power of the group or using the dangerous arms and other things, the penalty shall be aggravated to the limit of one-half of that stated in each Article concerned.
- b) The person who inflicted injury or death by the crime of above (a) to the manager or protector of the cultural property, designated or provisional, shall be sentenced to penal servitude for life or to exceeding 3 years' imprisonment.

Article 63 (Application of the Criminal law)

The person, who committed a crime of arson, inundation or impairment to the buildings or structures worded below, shall be punished by the corresponding application of the provisions of Article 165, 178 or 367, and other ^{regulations} ~~regulations~~ concerning to each case above-mentioned, in the Criminal Law.

- 1) Buildings or structures which are the designated or provisionally designated cultural properties.
- 2) Buildings or structures necessary for the protection of the designated or provisionally designated cultural properties.

Article 64 (Crime of inundation)

- a) A person who inflicted a loss or impairment upon the historic place of remains designated as cultural property,

Scenic district or area of natural monuments by the overflows of water shall be sentenced to the imprisonment for 1 to 10 years.

- b) In case of (a), this Article, if the area concerned belongs to his own, he shall be sentenced to a fine not exceeding 10,000 won.

Article 65 (Other crime of inundation)

A person who inflicted a loss upon the seat of the cultural property other than that provided for in the provision of Article 64 by the overflows of water shall be sentenced to not exceeding 10 years' imprisonment, or subject to a fine not exceeding 100,000 won.

Article 66 (Unconsummated crime)

The unconsummated offence against the Articles 59 to 61, 64 and 65 shall be punished.

Article 67 (Offence of negligence)

A person who inflicted a loss or impairment upon the area under the provisions of Article 64 and 65 by his negligence or error shall be subject to a fine not exceeding 5,000 won.

Article 68 (Other offence)

- a) A person who falls under one of the following cases stated below shall be sentenced to not exceeding a years' imprisonment, or subject to a fine not exceeding 20,000 won:

- 1) Removal of cultural property, designated or provisional, away from the original depots or related area without approval.
- 2) The transformation of the present situation and condition, or the action having a bad effect upon the management and preservation of the cultural property, designated or provisional without approval.
- b) In case of (a), this Article, if the property concerned belongs to one's own, he shall be sentenced to not exceeding year's imprisonment or confinement, or subject to a fine not exceeding 10,000 won.

Article 69

A person who falls under one of the following cases shall be sentenced to no exceeding 1 year's imprisonment or confinement, or subject to a fine not exceeding 10,000 won:

- 1) The infringement of a order or measures of prohibition or limitation relating to the management, preservation, repair or restoration etc, of the cultural property, designated or provisional, without just reasons.
- 2) The excavation of buried property with no permission, the infringement of order stopping the excavation or the transformation of the present situation and condition.
- 3) The refusal, evasion or the interference with the works of repair and restoration, or with the preventive measures taken for the preservation of the cultural property, designated or provisional, endangered by a loss or impairment without just reasons.
- 4) The transferee of the buried cultural property from a person of (2), this Article.

Article 70

A person who falls under one of the following cases shall be subject to a fine not exceeding 5,000 won.

- 1) The infringement of the prohibition, limitation measure or order, taken or issue for the environment preservation of the cultural property, designated or provisional, without just reasons.
- 2) The refusal, evasion or the interference of the excavation of the buried cultural property without just reason.
- 3) Hindering a manager from carrying out his management measures for the cultural property, designated or provisional, without just reasons.
- 4) The refusal, evasion, hindrance or offering false data or material to the performance of a duty by public official in accordance with this Act or order therefrom without just reasons.
- 5) Causing a loss or impairment to the cultural property, designated or provisional owing to the default or grave negligence of a person responsible for the management and preservation.

Article 71

A person who falls under one of the following cases shall be subject to a fine not exceeding 1,000 won:

- 1) The pattern-copy, drawing or imitation of the designated property (the national treasure or treasure), or its approval with no permission.

The sound-recording, photographing or making the musical-note or scenario of and about a cultural property, or its approval with no permission.

- 2) The infringement of a order pertaining to the exhibition or opening of the designated cultural properties to the public, or of a measure taken for its suspension, limitation or prohibition without just reasons.
- 3) Display of the designated cultural property at the place other than the seat of original custody, or sending exhibit to the exhibition-show without approval.
- 4) The collection of admission-fee without permission.
- 5) The false statement or report.

Article 72 (Fine for default)

A person who falls under one of the following cases shall be subject to a fine for default not exceeding 1,000 won:

- 1) The negligence of duty of a owner of the immaterial property of importance relating to the opening to the public according to this Act.
- 2) The negligence of a statement or report provided for in this Act.

Article 73 (Bilateral punishment)

If a delegate of the corporated body, a proxy of the corporated body or a individual, or employee or other workers should perpetrate the offence, provided for in this Chapter, pertaining to the management of business or property of the corporated body or individual, the corporated body or individual also shall be subject to a fine or fine for default concurrently with the punishment of offender directly concerned.

Additional Rules

Article 1 (Date of enforcement)

This Act shall come into effect as of date of the promulgation.

Article 2 (Abrogated Act and expired Regulation)

- a) The Former Imperial Property Act shall be abrogated, and the properties provided in this Act shall be regulated according to the following measures:
- 1) The designated properties deserved to be preserved permanently shall belong to the State ownership.
 - 2) The grade "A" properties among others shall belong to the administrative ones according to the State-owned property Act.
 - 3) The grade "B" properties among others shall belong to the ordinary ones according to the State-owned Property Act, and other miscellaneous properties shall be disposed of by the Minister of Education and the incomes here from shall be reverted to the Special Accounts for the Management of Cultural Property, notwithstanding the provision of Article 20, the State-owned property Act, and Article 3, the Temporary Exceptional Act for the Disposal of State-or Public-owned Property. In the application of the Temporary Exceptional Act, the terms "The Minister of Finance" provided in Article and "The Director of Local Bureau of Cultural Property Management" under that Act shall be replaced with "The Minister of Education" and "The Director of the Bureau of Cultural Property Preservation" respectively,

Term "This Act" in [the Temporary Exceptional Act for the Disposal of State- or Public-owned Property] shall mean [The Act for cultural property preservation].

- b) If deems necessary particularly for disposal of the miscellaneous properties in accordance with the provision of (a), This Article, some of them can be transferred to the juridical person of ^{foundation} ~~foundation~~ Sook-Myung Institute, Jin-Myung Institute and Yang-Jung Institute established by the donation of the Former Imperial Household.
- c) In case of the transfer under the provision of (b), this Article, the Minister of Education should carry it out according to the decision of the Cabinet Meeting after consultation with the Minister of Finance about to the items and limits of Properties concerned.