

# Heritage Conservation Act

Passed 27.02.2002

[RT I 2002, 27, 153](#)

entered into force 01.04.2002

## [Amended by the following Acts \(hide\)](#)

Passed	Published	Entered into force
--------	-----------	--------------------

15.05.2002	<a href="#">RT I 2002, 47, 297</a>	01.01.2003
------------	------------------------------------	------------

05.06.2002	<a href="#">RT I 2002, 53, 336</a>	01.07.2002
------------	------------------------------------	------------

19.06.2002	<a href="#">RT I 2002, 63, 387</a>	01.09.2002
------------	------------------------------------	------------

24.03.2004	<a href="#">RT I 2004, 25, 171</a>	26.04.2004
------------	------------------------------------	------------

24.01.2007	<a href="#">RT I 2007, 12, 66</a>	01.01.2008
------------	-----------------------------------	------------

20.12.2007	<a href="#">RT I 2008, 3, 24</a>	17.02.2008
------------	----------------------------------	------------

20.11.2008	<a href="#">RT I 2008, 51, 287</a>	19.12.2008
------------	------------------------------------	------------

10.12.2009	<a href="#">RT I 2009, 63, 408</a>	28.12.2009
------------	------------------------------------	------------

22.04.2010	<a href="#">RT I 2010, 19, 101</a>	01.06.2010
------------	------------------------------------	------------

22.04.2010	<a href="#">RT I 2010, 22, 108</a>	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
------------	------------------------------------	---

17.06.2010	<a href="#">RT I 2010, 38, 231</a>	01.07.2010
------------	------------------------------------	------------

**Passed      Published      Entered into force**

23.02.2011 [RT I,](#)                      01.06.2011  
[21.03.2011,](#)  
[4](#)

## **Chapter 1**

### **GENERAL PROVISIONS**

#### **§ 1. Scope of application of Act**

(1) The Heritage Conservation Act regulates the rights and obligations of state and local government authorities and owners and possessors of cultural monuments (hereinafter *monuments*) in organising the protection of monuments and heritage conservation areas and in ensuring the preservation of monuments and heritage conservation areas.

(2) Administrative proceedings regulated by this Act shall be conducted pursuant to the procedure provided by the Administrative Procedure Act, unless otherwise provided by this Act.

#### **§ 2. Definition of monument**

A monument is a movable or immovable, a part thereof, a body of things or an integral group of structures under state protection which is of historical, archaeological, ethnographic, urban developmental, architectural, artistic or scientific value or of value in terms of religious history or of other cultural value and due to which it is designated as a monument pursuant to the procedure provided for in this Act.

#### **§ 3. Classes of monuments**

(1) Monuments are movable monuments or immovable monuments according to the classification of things as movables and immovables.

(2) The following things and bodies of things may be immovable monuments:

1) the sites of ancient, medieval and modern settlements, fortresses, refuges, places of worship, burial grounds, ancient fields, cup-marked stones, roads, bridges, harbour sites, and sites related to early industry;

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

2) civil, industrial, defence and sacred buildings, and their ensembles and complexes, which have artistic value or value in terms of cultural history;

3) structures reflecting the development of science, technology and production;

4) works of monumental art;

5) structures, memorials, cemeteries, sites (areas) and parks of historical value;

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

6) underwater submerged water crafts, aircrafts and other vehicles, parts or bodies thereof together with the underneath bottom of water body and cargo or other content.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(3) The following things and bodies of things may be movable monuments:

- 1) parts severed from immovable monuments;
- 2) archaeological findings, ethnographic and historical objects and collections thereof;
- 3) works of visual and applied art and collections thereof which have artistic value or value in terms of religious or cultural history;
- 4) machines and fixtures reflecting the development of science, technology or production.

(4) Monuments may be classified as archaeological, architectural, artistic, technical, industrial or historical monuments.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(5) Underwater monuments can be things or bodies of things specified in subsections (2) and (3) of this section which are located in internal and transboundary water bodies, inland and territorial seas and exclusive economic zones.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 3<sup>1</sup>. Ownership of underwater monuments**

(1) Underwater monuments located in internal and transboundary water bodies, inland and territorial seas which do not have an owner or the owner of which cannot be established belong to the state.

(2) Underwater monuments are administered by the National Heritage Board.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 4. Heritage conservation areas**

(1) Historical settlements, parts thereof and sites of cultural value which have developed under the joint influence of natural phenomena and human activities are eligible for designation as heritage conservation areas.

(2) For the purposes of this Act, a heritage conservation area may consist of immovable monuments, or immovable monuments and other things, which together with the site, natural features, the street network, blocks of houses and arrangement of plots (registered immovables) constitute a culturally valuable whole.

### **§ 5. Prohibition on destruction of or damage to monuments**

It is prohibited to destroy or damage monuments.

## **Chapter 2**

# **ORGANISATION OF HERITAGE CONSERVATION**

### **§ 6. Organisers of heritage conservation**

[[RT I 2004, 25, 171](#) – entered into force 26.04.2004]

(1) Heritage conservation is organised by the Ministry of Culture, the National Heritage Board and rural municipality and city governments.

[[RT I 2004, 25, 171](#) – entered into force 26.04.2004]

(2) [Repealed - [RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 7. National Heritage Board**

The main function of the National Heritage Board is to organise heritage conservation work, to exercise state supervision over monuments and heritage conservation areas and to maintain the national register of cultural monuments.

## **§ 8. Heritage Conservation Advisory Panel**

(1) The Heritage Conservation Advisory Panel is an advisory body which operates within the Ministry of Culture.

(2) The Heritage Conservation Advisory Panel consists of no less than seven members and its membership shall be approved for a term of four years by the Minister of Culture.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(3) The Heritage Conservation Advisory Panel is comprised of representatives of universities, research institutions, associations and alliances, and experts in the fields of history, archaeology, ethnography, architecture, restoration and the history of art and science.

(4) The Heritage Conservation Advisory Panel shall make proposals and express opinions concerning all issues arising from this Act. The opinions of the Advisory Panel constitute the recommended basis for the National Heritage Board and local governments in the planning of heritage conservation work and the elaboration of heritage conservation principles. The Advisory Panel shall submit its opinions and recorded decisions in writing to the Minister of Culture and the National Heritage Board.

(5) The statutes of the Heritage Conservation Advisory Panel shall be [approved by a regulation of the Minister of Culture](#).

## **§ 9. Rural municipality and city governments**

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(1) Rural municipality and city governments shall:

- 1) maintain records on immovable monuments in their territory;
- 2) take into consideration the heritage conservation requirements arising from immovable monuments, heritage conservation areas and their protected zones when preparing and co-ordinating physical planning, land use and other documentation and when establishing traffic control;
- 3) make proposals to the National Heritage Board to place things of cultural value under temporary protection;
- 4) monitor whether persons who conduct work involving monuments hold research permits and activity licences issued pursuant to the established procedure;
- 5) monitor whether work involving monuments, protected zones thereof and structures located within heritage conservation areas and the relevant plans have been approved by the

National Heritage Board;

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

- 6) promptly inform the National Heritage Board of any violations of this Act, alterations resulting in damage to monuments, and findings of cultural value;
- 7) suspend work and other activities which endanger monuments or findings of cultural value;
- 8) perform other tasks arising from the statutes of heritage conservation areas;
- 9) observe other requirements arising from this Act in the performance of their duties.

(2) Pursuant to agreements entered into by the National Heritage Board and local government councils, rural municipality and city governments may perform duties of the state in heritage conservation.

(3) Rural municipality and city governments may remit the organisation competence of heritage conservation arising from this Act to a rural municipality or city authority.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 10. Heritage conservation monitors**

Monitors whose rights and duties are [established by a ruling of the Minister of Culture](#) shall participate in heritage conservation on their own initiative.

## **Chapter 3**

# **DESIGNATION OF MONUMENTS**

## **§ 11. Temporary protection**

(1) The National Heritage Board shall place things of cultural value under temporary protection in order to determine the need to designate the things as monuments.

(2) The procedure for temporary protection shall be established upon placement of a thing under temporary protection.

(3) Requirements relating to monuments and restrictions on ownership of monuments provided for in this Act apply to things placed under temporary protection. The owner or possessor of a thing which is placed under temporary protection has the rights and obligations of an owner or possessor of a monument.

(4) A thing may be placed under temporary protection for up to six months, except in the case specified in subsection 42 (1) of this Act.

(5) Things of cultural value shall be placed under temporary protection and the protection thereof shall be terminated [pursuant to the procedure established by a regulation of the Government of the Republic](#).

[[RT I 2004, 25, 171](#) – entered into force 26.04.2004]

## **§ 12. Designation as monument and revocation of designation and alteration of information relating to monuments**

(1) A thing is designated as an immovable monument and the designation of a thing as an immovable monument shall be revoked by a directive of the Minister of Culture based on the expert assessment of the National Heritage Board and a proposal from the Heritage Conservation Advisory Panel. The expert assessment of the National Heritage Board and a proposal from the Heritage Conservation Advisory Panel shall be introduced previously to the owner of a thing or an immovable monument.

(2) A thing is designated as a movable monument and the designation of a thing as a movable monument shall be revoked by a directive of the Minister of Culture based on the expert assessment and proposal of the National Heritage Board. The expert assessment and proposal of the National Heritage Board shall be introduced previously to the owner of a thing or a movable monument.

(3) Information relating to monuments specified in the legislation of designation as monument such as the name, composition and boundaries shall be altered by a directive of the Minister of Culture based on the expert assessment and proposal of the National Heritage Board.

(4) The directives of the Minister of Culture specified in subsections (1) – (3) of this section shall be made public in *Riigi Teataja*.

(5) The procedure for designation as a monument and revocation of such designation and alteration of information relating to monuments [shall be established by a regulation of the Government of the Republic](#).

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 13. Registration of monuments**

(1) Information relating to monuments shall be entered in the national register of cultural monuments. The national register of cultural monuments shall be established and the statutes for maintenance of the register [shall be approved by the Government of the Republic](#) pursuant to the procedure provided in the Public Information Act.

[[RT I 2007, 12, 66](#) – entered into force 01.01.2008]

(2) The location of immovable monuments and their protected zones shall be entered in the land cadastre.

(3) Underwater monuments shall be entered on the navigation map by the Maritime Administration in co-operation with the National Heritage Board.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 14. Marking of monuments with signs**

(1) Immovable monuments shall be and movable monuments and underwater monuments may be marked with appropriate signs.

(2) The marking of monuments with signs shall be organised by the National Heritage Board. Upon marking of monuments with signs the National Heritage Board may co-operate with rural municipality and city governments.

(3) The procedure of marking of monuments and the image of signs shall be approved [by a regulation of the Minister of Culture](#).

(4) It is prohibited to damage or remove monument signs.

(5) Upon the consent of the National Heritage Board and the owner a fixed data medium with the width up to 2 meters and length up to 2 meters extending up to 2.5 meters above ground can be installed on the immovable monument and the protected zone thereof in order to describe the immovable monument. Such immovable monument data medium shall be subject to requirements provided for small construction works pursuant to the Building Act.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 15. Designation as heritage conservation areas**

(1) Heritage conservation areas shall be designated on the proposal of the Minister of Culture by [the Government of the Republic](#).

(2) Upon designation as heritage conservation areas [the Government of the Republic approves](#) the statutes of a heritage conservation area which provides the boundaries of the heritage conservation area and its protected zone and sets out the date on which the heritage conservation area was first designated as being protected under heritage conservation and specifies the requirements and restrictions applicable in the heritage conservation area and its protected zone and division of tasks between bodies organising heritage conservation. If the heritage conservation area contains a protected natural feature, the statutes shall also provide for co-operation between bodies organising heritage conservation and the administrator of the protected natural feature.

(3) Before designation as a heritage conservation area the National Heritage Board asks the opinion of the local government council concerning the draft statutes of a heritage conservation area and organises the public display of the draft statutes of a heritage conservation area in the local rural municipality or city council and on the National Heritage Board webpage by notifying of it in advance in at least one national daily newspaper and local newspaper. The duration of the public display shall be at least four weeks.

(4) During the public display proposals and objections can be presented to the National Heritage Board in a format which can be reproduced in writing. After proceeding the proposals and objections the National Heritage Board shall organise a public discussion based on the collected proposals and objections.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **Chapter 4**

# **ENSURING PRESERVATION OF MONUMENTS. RESTRICTIONS ON OWNERSHIP**

## **§ 16. Duties of owner or possessor of monument or structure located within heritage conservation area**

(1) The owner or possessor of a monument is liable for its preservation. The owner or possessor of a monument is required to:

1) maintain the monument;

1<sup>1</sup>) repair the monument if it is necessary in order to ensure the maintenance of the monument;

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

2) adhere to the restrictions determined by this Act so far as the National Heritage Board has not permitted specific activities;

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

3) promptly inform the National Heritage Board and the rural municipality or city government of any alterations resulting in damage to the monument or of loss of possession of the monument against the owner's or possessor's will;

4) provide officials of bodies organising heritage conservation or authorised persons of the National Heritage Board with access to the monument for inspection;

5) preserve and maintain the monument sign;

6) notify the National Heritage Board of succession to the movable monument or of the deposit of the movable monument.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(2) The maintenance and preservation of a structure which is located within a heritage conservation area but is not a monument (hereinafter structure located within a heritage conservation area) shall be ensured by its owner or possessor who has the duties specified in clauses (1) 3) and 4) of this section.

(2<sup>1</sup>) Repair in the meaning of this Act shall be the maintenance of the condition, including the technical condition of a monument or structure located within heritage conservation area, which does not alter the appearance or details of the monument or structure located within heritage conservation area.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(3) [Repealed - [RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 17. Restoration of damaged monuments and signs**

Damaged monuments and signs shall be restored to their former condition pursuant to the [procedure established by the Government of the Republic](#). If it is not possible to restore a monument or sign, the damage shall be compensated for pursuant to law.

## **§ 18. Protection obligation notice**

(1) On the basis of the legal instrument designating a monument, the National Heritage Board shall prepare a protection obligation notice for the owner or possessor.

(2) The protection obligation notice concerning an immovable monument shall set out:

1) the name, location, features of the monument, registry number in the national register of cultural monuments, title, number and date of the legal instrument designating the monument;

2) a list of work necessary to maintain the monument, if necessary;

3) the alleviations prescribed to the restrictions applicable to historical and archaeological monuments, if necessary;

4) the boundaries of the monument and the extent of the protected zone, if determined, and

the alleviations prescribed to the restrictions applicable therein.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(3) The protection obligation notice concerning a movable monument shall contain the information specified in clauses (2) 1)-2) of this section and, where necessary, the conditions for the preservation of the movable monument.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(4) A protection obligation notice shall be prepared in three copies of which one shall be given to the owner or possessor, the second shall be given to the rural municipality or city government and the third shall be retained by the National Heritage Board.

(5) If a protected zone extends into a neighbouring immovable, a protection obligation notice shall also be prepared for the owner or possessor of the neighbouring immovable.

(6) Upon the transfer of a monument or transfer of the possession of a monument, the owner shall give the protection obligation notice to the new owner or possessor.

### **§ 19. Notification of a monument or an immovable or structure located within a heritage conservation area or protected zone thereof in a sales, gratuitous or barter contract**

The sales, gratuitous or barter contract of a monument or an immovable or structure located within a heritage conservation area or protected zone thereof shall specify that the object of the contract is a monument or an immovable or structure located within a heritage conservation area or protection zone thereof.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 20. Deposit of movable monument**

In the absence of conditions necessary for the preservation of a movable monument or if its owner or possessor does not apply measures prescribed in a protection obligation notice within the specified term, the National Heritage Board may arrange for the monument to be deposited without charge under conditions which ensure its preservation until the owner or possessor is able to ensure adequate preservation of the monument.

### **§ 21. Requirement to preserve body of things**

Movable monuments which together constitute a body of things may be transferred or bequeathed separately or distributed upon the division of an estate only with the permission of the National Heritage Board.

### **§ 22. Taking a monument or a thing under temporary protection out of country**

A monument or a thing under temporary protection can be taken out of country or exported only temporarily on the basis of Intra-Community Transport, Export and Import of Cultural Objects Act.

[\[RT I 2008, 3, 24](#) – entered into force 17.02.2008]

## **§ 23. Restrictions on use of movable monuments**

The following is prohibited with respect to a movable monument without the permission of the National Heritage Board:

- 1) severance of the monument from an immovable monument to which it belongs;
- 2) conservation, restoration, or alteration of the appearance of the monument in any other manner;

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

- 3) use of the monument for a purpose which endangers the preservation of the monument.

## **§ 24. Restrictions applicable on immovable monuments and in heritage conservation areas**

(1) The following are prohibited on immovable monuments and in heritage conservation areas without the written permission of the National Heritage Board:

- 1) conservation and restoration;
- 2) construction, including the development of attics, and closing in and building inside archways and yards;
- 3) changes to the historical street networks, building lines and boundaries of registered immovables;
- 4) changes to the intended use of land of registered immovables on which an archaeological monument is located or to the use of land of registered immovables located in heritage conservation areas;
- 5) alterations to the roofscape and to the facades of structures, including doors, windows, stairways, gates, etc.;
- 6) alterations to the appearance of the monument or construction, including alterations of the colour scheme, and also the relocation of structural element details;
- 7) the addition of objects to monuments, structures or heritage conservation areas which damage or alter the appearance thereof, including a mobile object such as the placing of a kiosk, sales pavilion or outdoor cafeteria, lighting and other device, utility network or structure, data medium and advertising;
- 8) the use of building materials which differ from or imitate the original building materials;
- 9) the planting of vegetation, any cutting and excavation works and land improvement operations.

(2) In addition to the provisions of subsection (1) of this section the following are prohibited on immovable monuments without the written permission of the National Heritage Board:

- 1) earthworks and cultivation of land;
- 2) the removal and damage of open architectural and structural elements and details in interior spaces and removal of constructions from their initial location, or the covering up or damage in any other manner of such details or elements;
- 3) the construction of roads, utility lines and networks.

(3) Conservation is a complex of works which prevents the further destruction of a monument or structure located on a heritage conservation area by technically securing its structural and decorative elements by not altering them and preserving the historical layers.

(4) Restoration is a complex of works which ensures the authentic fixation of the historical and architectural condition of a monument or structure located on a heritage conservation area by removing elements of low value and elements and layers spoiling the appearance and by

restoring the missing parts in scientifically justified form based on original documents and studies.

(5) The procedure for issue of permits specified in subsections (1) and (2) of this section and the format of permits [shall be established by a regulation of the Minister of Culture](#).

(6) Construction, conservation and restoration in a heritage conservation area shall be carried out and the building materials to be used shall be selected taking into consideration the architectural and historical value of the structures and the heritage conservation area.

(7) Possible alleviations to restrictions of heritage conservation areas and structures located therein which are not monuments shall be established in the statutes of a heritage conservation area.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 24<sup>1</sup>. Additional restrictions applicable to underwater monuments and the protected zone thereof**

In addition to the restrictions specified in § 23 and 24 of this Act it is prohibited to anchor, trawl, dredge and dump solid substances within underwater monuments and the protected zones thereof.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 24<sup>2</sup>. Permit for diving to underwater monuments**

(1) It is prohibited to dive to underwater monuments and protected zones thereof except for cases specified in subsection (2) of this section.

(2) It is allowed to dive to underwater monuments and protected zones thereof in the following cases:

- 1) under the supervision of a diving service provider to underwater monuments or
- 2) on the basis of permit for diving to underwater monuments (hereinafter *diving permit*) issued without a term by the National Heritage Board.

(3) Diving service provider shall notify the National Heritage Board of diving to underwater monuments and the protected zone thereof in advance and also after diving. After diving to underwater monuments and the protected zone thereof the National Heritage Board shall be notified of the condition of underwater monuments and the protected zone thereof, above all of violations to underwater monuments and the protected zone thereof and the danger of diving to underwater monuments.

(4) Diving permit can be applied for by a person who is at least 18 years of age and who has passed a training during which he/she has acquired the skill of diving to underwater monuments without damage thereto.

(5) The National Heritage Board shall refuse to issue the diving permit if the applicant does not correspond to the requirements established in this Act or has considerably violated the requirements established in this Act or legal instruments issued on the basis thereof within the previous year.

(6) The National Heritage Board shall declare the diving permit invalid if the owner of the diving permit violates the requirements established in this Act or legal instruments issued on the basis thereof.

(7) The National Heritage Board shall review the diving permit application within one month since the submission of application.

(8) The applicant or holder of diving permit shall be notified of issue, refusal or declaration of invalidity of a diving permit within five working days in a format which can be reproduced in writing.

(9) The procedure for issue of a diving permit, notification of diving and the condition of underwater monument and the protected zone thereof and the format of diving permit [shall be established by a regulation of the Minister of Culture](#).

[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

## **§ 25. Protected zones and restrictions applicable therein**

(1) In order to protect immovable monuments and heritage conservation areas, protected zones shall be established.

(2) The following shall be the tasks of protected zones:

- 1) to ensure the observability of an immovable monument and heritage conservation area, including the preservation of long-distance views and visibility of silhouette;
- 2) preservation of constructional elements of cultural value of an immovable monument, heritage conservation area and the surrounding area thereof in the context of space.

(3) A protected zone of an immovable monument is land extending fifty metres from the exterior or boundary of the monument, unless the legal instrument designating a monument prescribes otherwise. Extent of the protected zone of an immovable monument can be changed.

(4) A common protected zone can be established for immovable monuments comprising a historical whole or immovable monuments located close by.

(5) The establishment and alteration proceeding of the protected zone of an immovable monument and the publication of a directive by the Minister of Culture shall be subject to § 12 of this Act.

(6) Protected zones shall not be established for:

- 1) immovable monuments which are located within a heritage conservation area unless the statutes of the heritage conservation area provide otherwise;
- 2) immovable monuments located in cemeteries.

(7) The following are prohibited within a protected zone of an immovable monument without the written permission of the National Heritage Board:

- 1) erection of structures, construction of roads, ditches and utility lines, other earthwork and excavation and land improvement operations;
- 2) closure of observability of the immovable monument.

(8) The procedure for and the format of the permit specified in subsection (7) of this section shall be established by a regulation of the Minister of Culture.

(9) The extent of the protected zone of heritage conservation area, requirements and restrictions applicable therein shall be established in the status of the heritage conservation area. The protected zone of heritage conservation area can be divided into parts with different scope of restrictions.

[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

## **§ 26. Public access to immovable monuments**

(1) Everyone has unrestricted access to an immovable monument which is located on an immovable owned by a legal person in public law.

(2) A person in private law on whose immovable a monument is located or over whose immovable a customary access route to a monument passes shall ensure unrestricted passage to the monument for everyone from sunrise to sunset.

(3) Access to a structure designated as a monument or its yard shall be granted at the time and pursuant to the procedure permitted by the owner or possessor.

(4) The National Heritage Board may restrict access to an immovable monument if unrestricted access endangers the monument.

## **§ 27. Right of pre-emption**

(1) The state has a right of pre-emption upon transfer of a movable monument. The provisions of the Law of Obligations Act concerning right of pre-emption apply to the right of pre-emption of a movable monument.

(2) The state and thereafter the local government have the right of pre-emption upon transfer of an immovable on which an immovable monument is located.

(3) The state and the local government do not have the right of pre-emption if the thing is transferred to a spouse, descendant or parent or to a brother or sister or a descendant thereof and also if an apartment ownership, right of superficies or right of superficies in apartments is transferred.

(4) On the basis of an application by the National Heritage Board, a notation shall be entered in the third division of land register part that the immovable is encumbered with the right of pre-emption specified in subsection (2) of this section. The consent of the owner of the immovable is not necessary upon entry of the notation in the land register. Reference shall be made in the application and the entry of the notation to this Act and section and the legal instrument by which the immovable was designated as a monument.

(5) If it is evident on the basis of the entry in the land register that the immovable is encumbered with a right of pre-emption for the purposes of this section, a notary shall, within five working days after attestation of the sales contract or other contract for the acquisition or transfer of an immovable, send a notarised copy of contract electronically to the National Heritage Board and the local government of the location of the immovable or structure to be

transferred for deciding on exercising the right of pre-emption.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 28. Expropriation of immovable monuments**

If an owner or possessor does not ensure the preservation of an immovable monument, does not adhere to the restrictions on its use, prohibits the scientific study of a monument or unduly refuses to grant access to a monument and if the owner or possessor has been punished for the violation of this Act pursuant to misdemeanour or criminal procedure, the Government of the Republic may, in the public interest, expropriate the immovable on which an immovable monument is located without the consent of the owner for fair and immediate compensation pursuant to the procedure provided by the Immovables Expropriation Act.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 29. Rights of owners and possessors**

(1) An owner or possessor is entitled to obtain the following without charge from or through the National Heritage Board:

- 1) scientific or other information concerning a monument;
- 2) consultation for the maintenance and use of a monument.

(2) At the request of an owner or possessor, the National Heritage Board is required to deposit a movable monument without charge under conditions which ensure its preservation.

(3) An owner or possessor of a monument or structure located on heritage conservation area may apply for a support from the state budget or from a rural municipality or city budget to maintain the monument or structure located on heritage conservation area, conserve or restore the monument or create the optimum conditions for its preservation.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(3<sup>1</sup>) The procedure for applying for a support from the state budget, the procedure for the review of applications and the bases and procedure for the grant of such support [shall be established by a regulation of the Government of the Republic](#). The procedure shall set out a list of data and documents to be submitted to obtain support, the due date for the submission of application, the procedure for reviewing an application, the reasons for the acceptance of or refusal to accept applications and the procedures for notifying the applicants.

(4) The Government of the Republic may establish other incentives for owners and possessors of monuments or immovables located within the protected zones of immovable monuments and for owners of structures located within heritage conservation areas and their protected zones.

## **§ 29<sup>1</sup>. Transfer of immovable monuments**

(1) Immovable monuments can be transferred from their initial location to a suitable location if preservation of the immovable in the present location is endangered and thereby the preservation of the immovable monument is ensured.

(2) Transfer of an immovable shall be decided by the Minister of Culture on the basis of the application of the owner of an immovable monument, expert assessment by the National

Heritage Board and proposal of the Heritage Conservation Advisory Panel and consent of the local government council.

(3) Transfer of an immovable monument is performed on the basis of a project that follows the special conditions of heritage conservation pursuant to the procedure specified in § 35 of this Act.

(4) Costs related to the transfer of an immovable monument shall be borne by the owner of the immovable monument.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## Chapter 5

# FINDINGS OF CULTURAL VALUE

### § 30. Findings of cultural value

(1) A finding of cultural value is a movable found in the ground or on the surface of the ground, structure, inside a construction, water or in the sediment of a body of water, which is either a natural feature or has historical, archaeological, scientific, artistic or other cultural value and which has no owner or the owner of which cannot be ascertained.

(2) Findings of cultural value belong to the state. Finder or possessor of a thing specified in subsection (1) of this section shall allow the establishment of cultural value of the thing by the National Heritage Board.

(3) The person on whose immovable the thing specified in subsection (1) of this section is found shall allow the excavation of the thing if he/she is compensated the damage caused thereby.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### § 30<sup>1</sup>. Search of a thing of cultural value with a search device

(1) The search of a thing specified in § 30 (1) of this Act with a search device is prohibited without the search permit of a thing with cultural value (hereinafter *search permit*) issued by the National Heritage Board with the term of one calendar year. Search device in the meaning of this Act shall be a technical tool or device, except a navigating instrument, with the help of which it is possible to determine the location of a thing specified in § 30 (1) of this Act.

(2) The search with a search device on immovable monument and the protected zone thereof is prohibited except for the performance of official duties or studies which have been co-ordinated with the National Heritage Board.

(3) Upon search of a thing specified in § 30 (1) of this Act with a search device on the basis of a search permit the National Heritage Board shall be submitted information concerning the time and place of the search each year about the previous calendar year no later than by 31 January.

(4) The search permit can be applied for by a person of at least 18 years of age who has passed a training during which he/she has acquired the skill to recognise a thing with cultural value without damage to the finding or the place of the finding.

(5) The National Heritage Board shall refuse to issue the search permit if the applicant does not correspond to the requirements established in this Act or has considerably violated the requirements established in this act or the legal instruments issued on the basis thereof within the previous year.

(6) The National Heritage Board shall declare the search permit invalid if the holder of the permit violates the requirements established in this Act or the legal instruments issued on the basis thereof.

(7) The National Heritage Board shall review the search permit application within one month since the submission thereof.

(8) The applicant or owner of the search permit shall be notified of issue, refusal or declaration of invalidity of a search permit within five working days in a format which can be reproduced in writing.

(9) The procedure for issue of a search permit and reporting the search of things of cultural value and the format of the search permit [shall be established by regulation of the Minister of Culture](#).

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 31. Temporary protection of findings of cultural value**

Findings of cultural value are under temporary protection from the moment they are found.

### **§ 32. Duties of finder**

(1) A finder of a thing specified in § 30 (1) of this Act is required to preserve the place of the finding in an unaltered condition and to notify the National Heritage Board or the rural municipality or city government promptly of the finding.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(2) A found thing shall be left in the place it is found until it is delivered to the National Heritage Board. A found thing may be removed from the place it is found only if its preservation is endangered. It shall not be damaged by cleaning, furbishing, breaking or in any other manner, or by severing parts from the whole.

### **§ 33. Entitlement to fee**

(1) The finder of a thing specified in subsection 30 (1) of this Act, except for the finder of underwater submerged water craft, aircraft or other vehicle is entitled to receive a fee. The amount of the fee shall be determined by the National Heritage Board on the basis of an expert assessment. Upon establishing the amount of fee, the natural, historical, archaeological, scientific, artistic or other cultural value of the thing found, circumstances of finding and transfer to the state shall be taken into account. The procedure for the payment of fees [shall be established by a regulation of the Government of the Republic](#).

(2) The receiver of fee shall be entitled to stay anonymous.

(3) A thing with cultural value can be transferred to the finder without charge on the basis of the National Heritage Board expert assessment without determining a fee.

(4) A fee shall not be paid in the following cases:

1) the finder's duties include searching for and excavating things specified in subsection 30 (1) of this Act or studying monuments or supervising compliance with requirements concerning heritage conservation;

2) the finder has violated the obligations specified in § 32 of this Act.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **Chapter 6**

# **ENSURING PROTECTION OF MONUMENTS AND OF STRUCTURES LOCATED WITHIN HERITAGE CONSERVATION AREAS WHEN CONDUCTING AND PLANNING WORK INVOLVING MONUMENTS AND STRUCTURES**

### **§ 34. Study of monuments and structures located within heritage conservation areas and underwater archaeological study**

(1) Study of monuments and structures located within heritage conservation areas which results in alteration thereof may be undertaken only with the permission of the National Heritage Board and with the previous knowledge of the rural municipality or city government by the owner or possessor unless the statutes of the heritage conservation area provide otherwise.

(2) The owner or possessor of a monument or structure located within heritage conservation area is required to permit the study specified in subsection (1) of this section if damage caused by study is compensated for. Damage shall not be compensated for in the case provided for in § 35 (7) of this Act.

(3) Underwater archaeological study can be performed in internal and transboundary water bodies, inland and territorial seas and exclusive economic zones with the permission of the National Heritage Board.

(4) The activity licence specified in § 36 of this Act and a schedule for the studies approved by the National Heritage Board are necessary to obtain the permission specified in subsections (1) and (3) of this section. The National Heritage Board shall decide to issue a corresponding permit or to refuse to issue a permit within one month as of submission of the application. A permit shall be issued for the conduct of a specific study.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 35. Conservation, restoration and construction of monuments or of structures located within heritage conservation areas**

(1) Immovable monuments or structures located within heritage conservation areas may only be conserved, restored or constructed on the basis of a conservation, restoration and construction plan which adheres to the special conditions for heritage conservation. With the approval of the National Heritage Board the basic plan for the construction of the interior space of the building located within heritage conservation areas may be compiled without the special conditions for heritage conservation.

(2) Immovable monuments or structures located within heritage conservation areas may only be conserved and restored under the supervision of a responsible specialist or subject to heritage conservation supervision exercised by the compiler of the conservation and restoration plan. The procedure for heritage conservation supervision [shall be established by a regulation of the Minister of Culture.](#)

(3) The special conditions for heritage conservation shall prescribe the requirements for the study, preservation, conservation, restoration and construction of immovable monuments and structures located within heritage conservation areas. The procedure for the preparation of special conditions for heritage conservation [shall be established by a regulation of the Minister of Culture.](#)

(4) Special conditions for heritage conservation regarding immovable monuments and structures located within heritage conservation areas, plans for their conservation, restoration or construction except for special conditions for heritage conservation prepared by the National Heritage Board and plans for earthwork and construction work involving immovable monuments or immovables located within heritage conservation areas shall be approved by the National Heritage Board.

(5) After the approval of the plan for the works referred to in subsection (4) of this section, the National Heritage Board shall issue a permit for the commencement of work except if the written consent or building permit of the local government or Technical Surveillance Authority is required for the performance of work according to the Building Act. The local government or Technical Surveillance Authority shall grant such written consent or building permit after co-ordination with the National Heritage Board.

(6) The requirements of the Rescue Board, Technical Surveillance Authority and Health Care Board concerning monuments and structures located within heritage conservation areas shall be co-ordinated with the National Heritage Board.

(7) Before the commencement of work specified in subsection (4) of this section involving immovable monuments or immovables or structures located within heritage conservation areas, studies shall be conducted at the expense of the person who orders the work.

(8) The conditions and procedure for the preparation of plans for the conservation, restoration, or construction of immovable monuments or of structures located within heritage conservation areas and for the conduct of prior studies therein [shall be established by a regulation of the Minister of Culture.](#)

(9) Movable monuments can be conserved and restored only on the basis of an activity plan for conservation or restoration works. The necessity of the previous study, preparation of an activity plan for study and heritage conservation supervision shall be decided by the National Heritage Board separately in each case.

(10) The activity plans for conservation and restoration works of movable monuments and plans connected with alterations of the conditions for preservation and use of movable monuments shall be co-ordinated with the National Heritage Board.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 35<sup>1</sup>. Preparation of special conditions by the National Heritage Board**

(1) The National Heritage Board shall be entitled to prepare special conditions for heritage conservation.

(2) The officials of the National Heritage Board shall not be required to hold the activity licence specified in § 36 of this Act in order to prepare the special conditions for heritage conservation.

[[RT I 2008, 51, 287](#) – entered into force 19.12.2008]

### **§ 36. Activity licences**

(1) Undertakings, non-profit associations or foundations and also responsible specialists in charge of works are required to hold an activity licence in the following areas of activity:

- 1) preparation of a plan for conservation and restoration of a monument or a structure located on an object entered in UNESCO World Heritage List;
- 2) preparation of activity plans for study, conservation and restoration works and special conditions for heritage conservation;
- 3) study which causes alteration of a monument and underwater archaeological study;
- 4) conservation and restoration of monuments and structures located on an object entered in UNESCO World Heritage List;
- 5) exercise of heritage conservation supervision on the monument and heritage conservation area;
- 6) provision of diving service to underwater monuments.

(2) State and local government bodies and legal persons in public law who conduct such work on the basis of law or their statutes, as well as a natural person who has been granted a vocation according to the type of work do not need an activity licence to conduct the work specified in clauses 1–5 of subsection (1) of this section.

(3) A sole proprietor may perform the works specified in subsection (1) of this section on the basis of the activity licence issued by the responsible specialist.

(4) Operation on areas of activity specified in subsection (1) of this section is permitted only in case the undertaking, non-profit association or foundation holding the activity licence has concluded a contract for organisation of work with a responsible specialist holding an activity licence.

(5) An activity licence is not necessary for the following activities related to monuments or structures located within heritage conservation areas:

- 1) maintenance;
- 2) repair;
- 3) drawing of budgets and calculations;
- 4) photographing;
- 5) conduct of archival and bibliographical studies, preparation of historical reviews and

certificates;

6) inventory of monuments, structures and their details and elements.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 37. Application for activity licence**

(1) In order to obtain an activity licence, an applicant shall submit an application to the National Heritage Board which sets out the name and contact information of the applicant and the work regarding which the licence is applied for.

(2) If the applicant for the licence is an undertaking, foundation or non-profit association, the following shall be annexed to the application:

- 1) the registration number in the register of economic activities if such registration is required, and a copy of the activity licence valid in the field of construction, if such activity licence is required. The company to be founded shall notify the registration number after the entry of the company in the commercial register;
- 2) confirmation of the applicant that he/she has concluded a work management contract with a responsible specialist holding an activity licence;
- 3) the list of work carried out on monuments and heritage conservation areas and the corresponding reports;
- 4) a document certifying the payment of state fee.

(3) If the applicant for a licence is a responsible specialist, the following shall be annexed to the application:

- 1) applicant's confirmation that he/she has higher education according to the type of work;
- 2) applicant's confirmation that he/she has mainly operated in the given area of activity no less than four previous years or passed in-service training of the speciality corresponding to the requested area of activity;
- 3) the list of work carried out on monuments and heritage conservation areas and the corresponding reports;
- 4) a document certifying the payment of state fee.

(4) If the applicant of the activity licence is a responsible specialist of diving to underwater monuments, the application shall include:

- 1) applicant's confirmation that he/she holds the licence of internationally recognized diving instructor;
- 2) applicant's confirmation that he/she has passed a training during which he/she has acquired the skill to dive to underwater monuments without damage thereto;
- 3) a document certifying the payment of state fee.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 38. Review of applications, issue of activity licences and refusal to issue activity licences**

(1) The National Heritage Board shall issue an activity licence without a term for the conduct of specific work on all objects or one specific object according to the application.

(2) The National Heritage Board shall not issue an activity licence if the applicant, application or information or documents attached thereto do not correspond to the requirements

established by legal instruments or if the applicant has not observed a precept issued in the course of national supervision within the given time and pursuant to the given order.

(3) The National Heritage Board shall review the activity licence application within one month since the submission of application.

(4) The National Heritage Board shall inform the applicant of issue of the licence or refusal to grant the licence within five working days in a format which can be reproduced in writing.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 39. Expiry and revocation of activity licences**

(1) An activity licence expires in the following cases:

- 1) upon termination of the activities of the undertaking, foundation or non-profit association;
- 2) upon expiry of work management contract entered into with the single responsible specialist of an area of activity or single employee with the level of diving instructor; or
- 3) upon termination of internationally recognized diving instructor licence.

(2) The National Heritage Board shall revoke the activity licence in the following cases:

- 1) inaccurate information was submitted upon application for the activity licence;
- 2) responsible specialist does not correspond to requirements specified in § 37 of this Act;
- 3) monument, details or exterior thereof have been damaged or destroyed during operation in the area of activity; or
- 4) holder of the activity licence has not observed a precept issued in the course of national supervision within the given time and pursuant to the given order.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 40. Requirements for conduct of construction and other work**

(1) Construction, land improvement, road construction and other work which may endanger a monument shall be conducted only with the permission of the National Heritage Board under conditions which ensure the preservation of the monument, exterior and the surrounding environment thereof.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(2) In the case of work specified in subsection (1) of this section, an applicant for a corresponding permit is required to:

- 1) order work which prevents damage to the monument, finance such work and adhere to the requirements established for the conduct thereof;
- 2) notify the persons conducting the work of the existence of the monument and restrictions relating thereto.

(3) Persons conducting work which endangers a monument are responsible for the preservation of the monument when conducting such work and the applicant for the permit is responsible for the performance of the obligation specified in clause (2) 2) of this section.

(4) Construction and other work shall be documented [pursuant to the procedure established by the Minister of Culture](#).

(5) An immovable which, according to information held by the National Heritage Board, may yield a hitherto unknown finding of cultural value shall be studied before the commencement of work. The study shall be conducted at the expense of the applicant for the permit.

#### **§ 41. Halting of construction and other work**

If an archaeological cultural layer, including human bones, which has sedimented as a result of human activity, or a finding of cultural value is discovered in the course of work at a monument, in a heritage conservation area or at any other place, the person who conducts the work is required to halt the work, preserve the place of the finding in an unaltered condition and inform the National Heritage Board and the rural municipality or city government promptly thereof.

[[RT I 2004, 25, 171](#) – entered into force 26.04.2004]

#### **§ 42. Suspension of construction and other work**

(1) If things specified in § 41 of this Act are discovered, the National Heritage Board or rural municipality or city government has the right to suspend work for up to two weeks in order to ascertain the necessity of studies or whether the things qualify as monuments.

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(2) Damage caused by suspension of work shall be compensated for on the conditions and pursuant to the procedure provided by law.

[[RT I 2002, 53, 336](#) – entered into force 01.07.2002]

#### **§ 43. [Repealed - [RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]**

#### **§ 44. Suspension of activities contrary to heritage conservation requirements**

The National Heritage Board and rural municipality or city government are required promptly to suspend all work and any activities which may endanger a monument or finding of cultural value or which are otherwise contrary to this Act.

## **Chapter 6<sup>1</sup>**

### **SUPERVISION**

[[RT I 2004, 25, 171](#) – entered into force 26.04.2004]

#### **§ 44<sup>1</sup>. Supervisory agency**

(1) State supervision over compliance with this Act and requirements established on the basis thereof shall be exercised by the National Heritage Board and rural municipality or city government according to their competence in case the rural municipality or city government have been assigned the competence of supervision on the basis of a contract under public law concluded between the National Heritage Board and the local government council.

(2) The National Heritage Board shall co-operate with the Police and Border Guard Board upon supervising protected zones of underwater monuments.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **§ 44<sup>2</sup>. Precept of official of inspection authority**

(1) Upon non-compliance with the requirements provided for in this Act, the supervisory official has the right issue precepts which set out:

- 1) the time and place of the issue of the precept;
- 2) the given name, surname and position of the person who prepares the precept and the name and address of the agency;
- 3) the given name and surname of the natural person or the name of the legal person to whom the precept is issued;
- 4) the circumstances which are the basis for the issue of the precept and a reference to the legal basis thereof;
- 5) the conclusion of the precept in which the obligations of the obligated subject arising from the precept and the terms for the performance thereof are set out;
- 6) a reference to the possibility of coercive measures being applied upon failure to perform the obligations set out in the precept;
- 7) the procedure and term for contesting the precept;
- 8) the signature of the person who prepares the precept.

(2) The supervisory official shall send the precept to the person or the representative thereof by registered post with advice of delivery or shall serve it on them against signature.

(3) Upon failure to comply with a precept, the supervisory agency may impose substitutive enforcement or penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment is 1300 euros.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

## **Chapter 7**

### **LIABILITY**

[\[RT I 2002, 63, 387](#) – entered into force 01.09.2002]

#### **§ 45. Damage to or removal of monument signs**

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(1) Damage to or removal of a monument sign is punishable by a fine of up to 100 fine units.

[\[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.

[\[RT I 2010, 22, 108](#) – entered into force 01.01.2011]

#### **§ 46. Violation of requirements related to findings of cultural value**

(1) Failure to report of a finding of cultural value and knowingly removing a finding of cultural value or part thereof from the place it is found and for damage to the finding of

cultural value, part thereof or an archaeological cultural layer is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.  
[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

#### **§ 46<sup>1</sup>. Use of search device without permit**

Use of search device with the objective of searching a thing of cultural value without the search permit issued by the National Heritage Board is punishable by a fine up to 300 fine units.

[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

#### **§ 46<sup>2</sup>. Violation of prohibition of searching with a search device on immovable monuments and protected zones thereof**

Violation of prohibition of searching with a search device on immovable monuments and protection zones thereof is punishable by a fine up to 300 fine units.

[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

#### **§ 47. Violation of requirements for supervision of monuments and structures located within heritage conservation areas**

(1) Study of a monument or structure located within heritage conservation area without permission, without an approved plan and without heritage conservation supervision exercised by a responsible specialist or compiler of a plan, and the conservation or restoration of monuments or structures without an activity licence is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

#### **§ 47<sup>1</sup>. Violation of requirements for diving to underwater monuments**

(1) Diving to underwater monuments without the permit of the National Heritage Board or providing diving service to underwater monuments without activity licence is punishable by a fine up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I, 21.03.2011, 4 – entered into force 01.06.2011]

#### **§ 48. Damage to or destruction of monuments or structures located within heritage conservation areas**

(1) Damage to or destruction of a monument or structure located within heritage conservation area is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32 000 euros.

[[RT I 2010, 22, 108](#) – entered into force 01.01.2011]

### **§ 48<sup>1</sup>. Confiscation of search device**

(1) The National Heritage Board and a court may confiscate the search device being the immediate object to the misdemeanour specified in § 46–46<sup>2</sup> of this Act according to § 83 of the Penal Code.

(2) The procedure for preservation, transfer and delivery for destruction of the search device confiscated under subsection (1) of this section [shall be established by a regulation of the Minister of Culture](#).

[[RT I, 21.03.2011, 4](#) – entered into force 01.06.2011]

### **§ 49. Proceedings**

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the misdemeanours provided for in § 45–48 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in § 45–48 of this Act shall be conducted by:

- 1) National Heritage Board;
- 2) rural municipality or city governments.

[[RT I 2004, 25, 171](#) – entered into force 26.04.2004]

## **Chapter 8**

### **IMPLEMENTING PROVISIONS**

§ 50 – § 54 [Repealed.]