

Cultural Heritage Act

Act of 9 June 1978 No.50 concerning the Cultural Heritage

T-1342, 2002

Last amended 3 March 2000 No.14

Chapter I. Purpose and Scope

§ 1 Purpose of the Act

The purpose of this Act is to protect archeological and architectural monuments and sites, and cultural environments in all their variety and detail, both as part of our cultural heritage and identity and as an element in the overall environment and resource management.

It is a national responsibility to safeguard these resources as scientific source material and as an enduring basis for the experience of present and future generations and for their self-awareness, enjoyment and activities.

The intention of this Act must also be taken into account in any decision taken pursuant to another Act that may affect the cultural heritage.

Amended by Act of 3 July 1992 No. 96.

§ 2 Monuments and sites, and cultural environments - definitions

The term «archeological and historical monuments and sites» is defined here as all traces of human activity in our physical environment, including places associated with historical events, beliefs and traditions.

The term «cultural environment» is defined here as any area where a monument or site forms part of a larger entity or context.

Monuments and sites and cultural environments which are valuable architecturally or from the point of view of cultural history may be protected under the present Act.

Amended by Act of 3 July 1992 No. 96.

Chapter II. Monuments and Sites which are Automatically Protected by Law

Heading amended by Act of 3 July 1992 No. 96.

§ 3 Prohibition against disturbing monuments and sites

No person shall, unless this is lawful pursuant to Section 8, initiate any measure which is liable to damage, destroy, dig up, move, change, cover, conceal or in any other way unduly disfigure any monument or site that is automatically protected by law or to create a risk of this happening.

If the ground above any monument or site that is automatically protected by law or in an area as described in Section 6 has previously been used for grazing or cultivation, it may continue to be used in this manner unless the competent authority decides otherwise. The soil must not be ploughed or otherwise worked more deeply than previously without the permission of the competent authority.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 4 Monuments and sites which are automatically protected

The following monuments and sites earlier than AD 1537 are automatically protected:

a. settlement sites, caves, natural rock shelters with evidence that people have lived or worked there, sites of dwellings or churches, churches, houses and structures of all kinds, and remains or parts of these, artificial mounds marking ancient farming settlements, farms, homesteads, courtyard sites or any other groups of structures, such as market sites and trading places, town sites and the like or remains of these.

b. sites and remains of workshops and other places of work of all kinds, such as quarries and other mining sites, iron extraction sites, charcoalburning and tarmaking sites, and other traces of crafts or industry.

c. traces of land cultivation of any kind, such as clearance cairns, ditches and plough furrows, fences and enclosures, and hunting, fishing and trapping devices.

d. road and tracks of any kind, whether unpaved or paved with stone, wood or other material, dams and weirs, bridges, fords, harbour installations and crew-change stations, landing places and slipways, ferry berths and portages or their remains, obstructions in fairways, road markers and navigation markers.

e. defences of any kind such as hill-forts, entrenchments, ramparts, moats, fortifications and remains of these and beacons, cairns, etc.

f. thingsteads, cult sites, cult deposition sites and cairns, wells, springs and other places associated with archeological finds, traditions, beliefs, legends or customs.

g. stones and outcrops with inscriptions or images such as runic inscriptions, rock carvings and rock paintings, cup-marks, grooves and other rock art.

h. standing stones, crosses and similar monuments.

i. stone settings, stone paving, etc.

j. burials of any kind, singly or in groups, such as burial mounds, buri-al cairns, burial chambers, cremation burials, urn burials, coffin burials, churchyards and their enclosures, and sepulchral monuments of all kinds.

The same applies to Sami monuments and sites of the kinds described above that are over 100 years old.

Unless the competent authority decides otherwise, standing structures confirmed at any time as originating in the period 1537-1649 are automatically protected by law. Correspondingly, the third and fourth paragraphs of Section 15 apply to automatically protected structures from the period 1537-1649. Exemption from protection may be granted under Section 15a.

The provisions of Sections 16-18 apply to all structures automatically protected by law as described in the first three paragraphs in so far as this is appropriate.

An object or area registered by the competent authority or marked off in the GAB register (the official Norwegian register for property, addresses and buildings), cf. Section 4-1, fourth paragraph, of Act of 23 June 1978 No. 70 relating to Surveying, Subdivision and Registration of Real Property (the Land Subdivision Act) as a monument or site automatically protected by law shall always be regarded as a monument or site automatically protected by law, unless evidence is submitted to the contrary.

In cases of doubt the Ministry shall decide whether or not a monument or site is automatically protected by law according to this provision. The Ministry's decision is binding.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 5 Official registration of structures automatically protected by law

The competent authority shall ensure that all structures that are automatically protected under Section 4, including the security zone around the structure, are officially registered as protected property.

Repealed by Act of 3 July 1992 No. 96 and added by Act of 3 March 2000 No. 14.

§ 6 Security zone

Around an automatically protected monument or site as described in Section 4 a zone shall extend from the visible or known perimeter as far as necessary to protect it from disturbance as described in Section 3, first paragraph. The area shall be delimited in each case by the authority appointed under the Act.

Until an area as described in the first paragraph has been specifically delimited, it shall comprise a zone extending 5 metres from the visible perimeter of the monument or site.

Amended by Act of 3 July 1992 No. 96.

§ 7 (Repealed by Act of 3 July 1992 No. 96.)

§ 8 Permission to disturb an automatically protected monument or site

Anyone intending to initiate measures which may affect an automatically protected monument or site in a manner described in Section 3, first paragraph, must notify the competent authority or the nearest police authority as early as possible before it is planned to put the measures into effect. The competent authority shall decide as soon as possible whether and if so in what way the measures may be carried out. An appeal against the decision may be made to the Ministry within 6 weeks of the date notification of the decision reaches the addressee.

If it only becomes apparent after work has begun that this may affect an automatically protected monument or site in a manner described in Section 3, first paragraph, notification in accordance with the first paragraph shall be sent immediately, and the work stopped in so far as it may affect the monument or site. The competent authority shall decide as soon as possible, and at the latest within 3 weeks of receiving the notification, whether the work may continue and on what conditions. Under special circumstances, the deadline may be extended by the Ministry. This applies similarly to the last sentence of the first paragraph.

The Ministry may require that any construction, site, etc. erected or begun in contravention of this section of the Act be removed or rectified within a specified time limit.

Permission pursuant to the first paragraph need not be obtained for construction work that is in compliance with local area plans or development plans approved after this Act has entered into force. The same applies to areas designated for development in municipal authority area plans, where the authority appointed under this Act has consented to such use.

Amended by Act of 21 April 1989 No. 17 and Act of 3 July 1992 No. 96.

§ 9 Mandatory inquiry etc.

When a public or large private project is being planned, the person or administrative agency in charge of the project has a duty to find out whether it will affect an automatically protected monument or site in the manner described in Section 3, first paragraph, cf. Section 8, first paragraph.

The inquiry may be made by sending the plan for the project to the authority appointed under the Act, which is required to submit a statement within 3 months. The Ministry may enforce this. If the authority finds that the project will affect an automatically protected monument or site in a manner described in Section 3, first paragraph, it is entitled to extend the time limit by a further month in order to determine how the project in the event may be realised or take the necessary steps to examine the monument or site and, if appropriate,

rescind its protection. The Ministry may extend the time limit. The project may not be started before the time limit has expired.

The provisions of the first and second paragraph apply correspondingly to the preparation of area plans and development plans.

The Ministry may issue further regulations concerning the implementation of the provisions in the first three paragraphs.

Amended by Act of 14 June 1985 No. 77 and Act of 3 July 1992 No. 96.

§ 10 Costs of investigating automatically protected monuments and sites

The costs involved in investigating automatically protected monuments or sites or in implementing special protective measures to safeguard these on account of projects as described in Sections 8 and 9 shall be borne by the initiator of the project. If there are special reasons, the Ministry may decide that all or some of the costs shall be met by the State. Where less extensive private projects are involved, all or part of the costs shall be met by the State pursuant to a decision by the Ministry, if these costs are unreasonably heavy for the initiator of the project.

The Ministry may issue further regulations concerning the implementation of the provisions in the first paragraph.

Amended by Act of 3 July 1992 No. 96.

§ 11 Maintenance, examination etc.

When the landowner or user has been notified, the competent authority is free to:

a. search for, record, take pictures of, maintain, restore, reconstruct, move or enclose an automatically protected monument or site and take the necessary steps to look after it or display it, including clearing the surrounding area.

b. examine a monument or site by excavation or other means. After examination the monument or site shall be put in order or preserved unless the authority appointed under the Act decides otherwise.

Failing an amicable agreement, the amount of compensation for disturbing the land or for infringement of rights shall be decided by valuation. In rural police districts, valuations are administered by the district sheriff.

Amended by Act of 3 July 1992 No. 96.

Chapter III. Protected Objects

Heading amended by Act of 3 July 1992 No. 96.

§ 12 Right of ownership of protected objects

When it seems clear that there is no longer any reasonable possibility of establishing ownership or tracing the owner, the following objects which come to light by chance, by discovery, through excavation or in any other way are State property:

a. pre-medieval and medieval objects (up to AD 1537), such as weapons, tools, cult objects, stones, pieces of wood or objects of other material bearing inscriptions or images, architectural fragments not directly associated with structures or remains of structures, furniture, church inventory, jewellery, archive material, skeletons and skeletal fragments, etc.

b. coins dated earlier than AD 1650.

c. Sami objects of the kinds described under a. that are more than 100 years old.

In cases of doubt, the Ministry will decide what constitutes a protected object in accordance with the first paragraph, a-c. The Ministry's decision is binding. If there are special reasons, it may be decided that an object is designated a protected object irrespective of its age.

The Ministry may expropriate protected objects as described in the first paragraph, a-c, if the object should be in public ownership because of its importance to the national cultural heritage and if there is undoubtedly more to be gained than lost by disturbing the object. If there are special reasons, protected objects will be included irrespective of their age.

The Ministry shall ensure that owners, holders of rights and others with a particular interest in the matter, are given the opportunity to comment before an expropriation order is adopted. A reasonable time limit shall be set for the submission of comments and must be no shorter than 6 weeks. When an expropriation proposal has been finalized, it shall be announced in the Norwegian Gazette and in at least two newspapers with wide local circulations that a expropriation proposal has been made available for public inspection.

Owners of and holders of rights to protected objects that are expropriated are entitled to compensation by the State for financial loss incurred as a result of the expropriation order. If the parties cannot agree on the compensation that should be awarded, compensation will be decided by a court of law.

Act of 23 October 1959 No. 3 relating to the expropriation of real property will also apply in so far as it is appropriate.

If such objects are sold at auction, the State, or alternatively the county or municipality where the object was stored or was found, is entitled to submit a bid matching the highest bid offered within three weeks.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 13 Preservation, rewards, etc.

No one must damage a protected object. Regardless of who is the owner, the competent authority may excavate, move, examine and raise objects as described in Section 12 a-c, and take other steps to preserve them or take them into safekeeping.

The finder of a protected object has a duty to report the find to the local police or the authority appointed under the Act without delay.

The Ministry may decide on a reward, to be divided equally between the finder and the landowner. If the object is of silver or gold, the reward shall be equivalent to at least the value of the metal by weight plus an amount not less than 10 per cent of the value of the metal. If there are special reasons, the Ministry may stipulate a lower figure or withhold part or all of the landowner's share. The Ministry's decision on the amount of the reward is not open to appeal. A decision by the Ministry to pay less than the minimum compensation for objects of silver or gold may be put before a court of law.

If a find is State property, the authority appointed under the Act may, once the object has been examined, hand over all or part of the find to the finder or the landowner. The decision is not open to appeal.

Amended by Act of 3 July 1992 No. 96.

Chapter IV. Ship Finds and Protection of Vessels

Heading amended by Act of 3 March 2000 No. 14.

§ 14 Ship finds

The State shall have the right of ownership of boats more than 100 years old, ships' hulls, gear, cargo and anything else that has been on board, or parts of such objects, when it seems clear under the circumstances that there is no longer any reasonable possibility of finding out whether there is an owner or who the owner is.

The authority appointed under the Act may dig up, move, examine or raise objects as described in the first paragraph, regardless of who is the owner, and take other steps to preserve the object or take it into safekeeping. Such measures, or any other measures that may damage the object, may not be implemented either by the owner or by others without the permission of the competent authority, or if so, then subject to certain conditions. As far as possible, the owner or user of the land shall be notified before measures in accordance with this paragraph are effectuated. The provisions in Section 9, Section 10 and the second paragraph of Section 11 similarly apply.

The finder of an object as described in the first paragraph has a duty to report the find to the local police or the authority appointed under the Act. If a find is State property, the competent authority may, after the object has been examined, hand it over wholly or in part to the finder or the landowner.

The Ministry may decide on the amount of a reward by valuation. The third paragraph of Section 13 similarly applies. The finder is defined as the person who discovers and reports a previously unknown find, cf. the third paragraph.

§ 14 a Protection of vessels

The Ministry may protect boats which are of particular historical value. The protection order extends to fixtures and gear. Larger, moveable items may also be included if there are special reasons, in which case the details of each individual item must be specified separately.

In a protection order the Ministry may prohibit or otherwise regulate all kinds of measures that may run counter to the purpose of the protection.

If possible, a note of the protection order shall be made in the relevant ship register. The provisions of Sections 15a and 22, subsection 4, apply similarly. Sections 16-18 apply in so far as this is appropriate.

Added by Act of 3 March 2000 No. 14.

Chapter V. Individual Protection Order

Heading amended by Act of 3 July 1992 No. 96.

§ 15 Protection of vessels

The Ministry may protect structures and sites or parts of these which are valuable architecturally or from the point of view of cultural history. The protection order includes fixed inventory (cupboards, stoves etc.). Larger pieces of moveable furniture may also be included if there are special reasons, in which case the details of each individual item must be specified separately.

Structures and sites that may be protected in accordance with the first paragraph include monuments and sites as described in Section 4, first paragraph, a-j, regardless of their age, special sites such as parks, gardens, avenues, etc. and public memorials, and other places with important historical associations.

In its protection order the Ministry may prohibit or otherwise regulate all kinds of measures that may run counter to the purpose of the protection.

If the protection order does not include further provisions on the contents of the order, no one may dismantle, move, extend, alter, change materials or colours or undertake other changes over and above ordinary maintenance. Measures beyond this require the permission of the authority appointed in accordance with Section 15a. This also applies to fittings and fixtures.

Amended by Act of 21 April 1989 No. 17, Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 15a Exemption

The Ministry may in special cases grant exemption from a protection order or its provisions in respect of measures which will not have any significant impact on the protected monument or site.

If there are conditions attached to the exemption that increase the cost of the work, the owner or user shall be fully or partly compensated for the increase in costs.

Added by Act of 3 July 1992 No. 96.

§ 16 Order to rectify damage to protected structures or sites

If an owner or user begins work in contravention of a protection order, or if he damages a protected structure or site, he may be ordered to restore the monument or site to its previous condition within a reasonable time limit. The same applies if another person damages a protected structure or site and the owner or user knew of this and did not attempt to prevent the damage from being done.

If the order is not complied with, the competent authority may have the work carried out at the owner's or user's expense. The claim may be enforced by distraint.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 17 Maintenance of protected structures etc.

If it comes to the knowledge of the authority appointed under the Act that a protected structure is falling into disrepair due to lack of maintenance, the structure may be inspected. If there is a danger that the structure will fall into decay, the owner or user may be ordered, with the consent of the Ministry, to take steps within a reasonable time limit to prevent this. If the order is not complied with, Section 16 will be applied accordingly, unless the owner or user shows that he is unable for financial reasons to put the structure in order.

The Ministry may give the owner or user a grant towards maintenance or towards alterations approved by the authority appointed under this Act.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 18 Damage by fire, etc.

If a protected structure, etc. is damaged by fire or otherwise accidentally damaged, the owner or user shall notify the competent authority as soon as possible. The authority shall decide within 6 weeks whether or not it shall be put in order or rebuilt. The time limit may be extended by the Ministry.

If the structure is insured and the insurance company has been notified that the structure is protected, the company has a duty to notify the competent authority if insurance is involved. The authority may decide

that the company shall not pay out any insurance money before a decision has been taken in accordance with the first paragraph.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 19 Protection of the area around a protected monument or site

The Ministry may protect an area around a protected monument or site or a ship find as described in Section 14 insofar as this is necessary to preserve the effect of the monument in the environment or to safeguard scientific interests associated with it.

In a protection order made in accordance with the first paragraph, the Ministry may prohibit or otherwise regulate any activity or traffic within the protected area which may run counter to the purpose of the protection. The same applies to dividing the land or leasing it out for the purpose of such activity as described in the first sentence.

The Ministry may in special cases grant exemption from a protection order or its provisions in respect of measures which will not have any significant impact on the protected area.

Amended by Act of 3 July 1992 No. 96.

§ 20 Protection of cultural environments

A cultural environment may be protected by the King in order to preserve its value to cultural history.

In a protection order made in accordance with the first paragraph, the King may prohibit or otherwise regulate any activity or traffic with the protected area which may run counter to the purpose of the protection. The same applies to dividing the land or leasing it out for the purpose of such activity as described in the first sentence.

The Ministry may in special cases grant exemption from a protection order or its provisions in respect of measures which will not have any significant impact on the protected area.

Amended by Act of 3 July 1992 No. 96.

§ 21 Upkeep

In areas protected pursuant to Sections 19 and 20, the competent authority may undertake whatever upkeep is found necessary to achieve the purpose of the protection. Such upkeep may comprise the maintenance of the protected area, including clearing and tending the vegetation, and other measures to preserve the cultural environment, etc.

The owner or user must be notified before upkeep in accordance with the first paragraph is undertaken.

Amended by Act of 3 July 1992 No. 96.

Chapter VI. Special Provisions

§ 22 Administrative procedure

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

The authority responsible for the protection shall publish an notice, as a rule in at least two newspapers with wide local circulations, describing the intended protection order and its likely consequences. Landowners

and holders of rights should as far as possible be informed by letter and given a reasonable time limit for comment before the protection order is drawn up.

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

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

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

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

4. The Ministry may impose a temporary protection order until the matter has been settled.

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

Amended by Act of 14 June 1985 No. 77, Act of 21 April 1989 No. 17, Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 22a Protection of state-owned structures and sites

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

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

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

Added by Act of 3 March 2000 No. 14.

§ 23 Prohibition on exports

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

a. automatically protected monuments and sites pursuant to this Act.

b. structures of all kinds and parts of structures, coins, archive material, manuscripts, seals and signets, furniture and other inventory or chattels, costumes, weapons and the like that are over 100 years old and that are interesting for artistic or cultural reasons or because of their associations with historic persons. The Ministry may for special reasons extend the export prohibition to such objects irrespective of their age.

c. Sami monuments and sites irrespective of their age.

d. objects commemorating prominent or important persons, and historical remains of activities and events of importance to Norwegian history of whatever age.

e. paintings, sculptures and other pictorial art, handicrafts and prototypes of design products that are more than 50 years old.

f. boats, motor vehicles, aircraft and rolling stock or parts of these that are more than 50 years old.

The Ministry may issue special regulations for implementing the prohibition on exports, including further details of which objects are covered by the prohibition.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 23a Return of cultural objects

A cultural object unlawfully removed from the territory of a State Party to the Agreement on the European Economic Area (EEA) and which is being kept in Norway shall be physically returned to the territory of that State. The return referred to in Sections 23b and 23f is to be understood as a return in this manner.

Added by Act of 24 November 1995 No. 63.

§ 23b Tracing cultural objects etc

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

Added by Act of 24 November 1995 No. 63.

§ 23c Judicial procedure

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

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

The right to initiate legal proceedings for the return of an object as described in Sections 23a to 23f is subject to a time-limit of one year after the requesting State became aware of the location of the cultural object and of the identity of its possessor or holder. Limitation commences, at all events, no later than 30 years after the cultural object was unlawfully removed from the requesting State's territory, or in the case of cultural objects forming part of public collections and ecclesiastical goods subject to special protection arrangements under national law, no later than 75 years after the cultural object was unlawfully removed from the requesting State's territory.

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

Return proceedings may not be brought if removal from the national territory of the requesting Member State is no longer unlawful at the time when they are to be initiated.

Added by Act of 24 November 1995 No. 63.

§ 23d Compensation

If a cultural object is to be returned, the requesting State shall pay reasonable compensation to the possessor if the latter exercised due care and attention in acquiring the object. The compensation shall be paid upon return of the object.

Added by Act of 24 November 1995 No. 63.

§ 23e Right of ownership

The ownership of a cultural object after its return shall be governed by the legislation of the requesting State.

Added by Act of 24 November 1995 No. 63.

§ 23f Supplementary provisions

The Ministry will issue further regulations on the return of cultural objects in accordance with subsection 1, Chapter XXVIII of Appendix II of the EEA Agreement (Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State), including provisions on which objects fall within the scope of these arrangements.

Added by Act of 24 November 1995 No. 63.

§ 24 National Council for Cultural Heritage

The National Council for Cultural Heritage shall comprise a chairperson and six other members with personal deputies, all appointed by the King for four-year terms. The first appointment of two of the members and their deputies shall be for a term of two years. At least four of the members and their deputies shall be professionally qualified in the field of preservation of the cultural heritage.

The Council shall work to advance the preservation of the cultural heritage. It shall serve as an advisory body to the Ministry on issues covered by this Act and in other matters involving interests relating to the cultural heritage.

The King will issue further regulations concerning the duties, organization and working methods of the Council.

§ 25 Duty of public authorities to report

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

The municipality has a duty to send to the competent authority any application to demolish or substantially alter structures or sites established before 1850 that are not protected no later than four weeks before the application is decided on. Decisions to demolish or substantially alter such structures or sites shall be sent immediately to the competent authority, if the latter has expressed its opposition to demolition or substantial alterations.

Amended by Act of 3 March 2000 No. 14.

§ 26 Advance valuation

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

Amended by Act of 3 July 1992 No. 96.

§ 27 Penalties

Any person who wilfully or negligently contravenes any prohibition, order, condition or provision in or pursuant to this Act may be punished by fines or imprisonment for up to one year. In particular

aggravating circumstances, prison sentences of up to two years may be given. Aiding and abetting or any attempt at contravention are subject to the same penalties. Violation of the first sentence is regarded as a misdemeanour.

Amended by Act of 3 July 1992 No. 96 and Act of 3 March 2000 No. 14.

§ 28 The proper authority according to the Act

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

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

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

Amended by Act of 3 July 1992 No. 96, Act of 24 November 1995 No. 63 and Act of 3 March 2000 No. 14.

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

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

The following is laid down in the Act of 3 July 1992 No. 96 II second and third link:

Sections 15a - 18 of this Act also apply to structures, sites, etc. protected pursuant to Section 15 before the Act enters into force.

Section 21 of the present Act on upkeep also applies to areas protected pursuant to Section 21 before the Act enters into force.