

Law of the People's Republic of China on Protection of Cultural Relics

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Chapter I

General Provisions

Article 1 This Law is enacted in accordance with the Constitution, with a view to strengthening the protection of cultural relics, inheriting the splendid historical and cultural legacy of the Chinese nation, promoting scientific research, conducting education in patriotism and in the revolutionary tradition, and building a socialist society with cultural, ideological and material progress.

Article 2 The State places under its protection the following cultural relics within the boundaries of the People's Republic of China:

(1) Sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings and murals that are of historical, artistic or scientific value;

(2) Important modern and contemporary historic sites, material objects and typical buildings that are related to major historical events, revolutionary movements or famous personalities and that are highly memorable or are of great significance for education or for the preservation of historical data;

(3) Valuable works of art and handicraft articles dating from various historical periods;

(4) Important documents dating from various historical periods, and manuscripts, books and materials, etc. that are of historical, artistic or scientific value; and

(5) Typical material objects reflecting the social system, social production or the life of various nationalities in different historical periods.

The criteria and measures for the verification of cultural relics shall be formulated by the administrative department for cultural relics under the State Council and submitted to

the State Council for approval.

Fossils of paleovertebrates and paleoanthropoids of scientific value shall be protected by the State in the same way as cultural relics.

Article 3 Immovable cultural relics, such as sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings and murals as well as important modern and contemporary historic sites and typical buildings, may, depending on their historical, artistic and scientific value, be designated respectively as major sites to be protected for their historical and cultural value at the national level, sites to be protected for their historical and cultural value at the provincial level, and sites to be protected for their historical and cultural value at the city or county level.

Movable cultural relics, such as important material objects, works of art, documents, manuscripts, books, materials, and typical material objects dating from various historical periods, shall be divided into valuable cultural relics and ordinary cultural relics; and the valuable cultural relics shall be subdivided into grade-one cultural relics, grade-two cultural relics and grade-three cultural relics.

Article 4 In the work concerning cultural relics, the principle of giving priority to the protection of cultural relics, attaching primary importance to their rescue, making rational use of them and tightening control over them shall be carried out.

Article 5 All cultural relics remaining underground or in the inland waters or territorial seas within the boundaries of the People's Republic of China are owned by the State.

Sites of ancient culture, ancient tombs and cave temples are owned by the State. Such immovable cultural relics as memorial buildings, ancient architectural structures, stone carvings, murals and typical architectural structures of the modern and contemporary times, designated for protection by the State, except where otherwise provided for by regulations of the State, are owned by the State.

The ownership of State-owned immovable cultural relics shall remain unchanged when ownership or the right to use of the land to which such relics are attached changes.

The following movable, cultural relics are owned by the State:

(1) Cultural relics unearthed within the territories of the People's Republic of China, except where otherwise provided for by regulations of the State;

(2) Cultural relics collected and preserved by institutions for the collection of State-owned cultural relics and by other State organs, armed forces, State-owned enterprises, public institutions, etc.;

(3) Cultural relics collected and purchased by the State;

(4) Cultural relics donated to the State by citizens, legal persons and other organizations; and

(5) Other cultural relics owned by the State as provided for by laws.

Ownership of movable cultural relics owned by the State shall remain unchanged when institutions for their preservation or collection cease to exist or are replaced.

Ownership of the State-owned cultural relics shall be protected by laws and shall brook no infringement.

Article 6 Ownership of memorial buildings, ancient architectural structures, cultural

relics handed down from ancestors and other cultural relics obtained in accordance with laws, which belong to collectives or individuals, shall be protected by laws. Owners of the cultural relics shall abide by State laws and regulations on the protection of cultural relics.

Article 7 All government department, public organizations and individuals shall have the obligation to protect the cultural relics in accordance with laws.

Article 8 The administrative department for cultural relics under the State Council shall take charge of the work concerning the protection of cultural relics throughout the country.

Local People's governments at various levels shall take charge of the work concerning the protection of cultural relics within their own administrative areas. Departments in charge of the work concerning the protection of cultural relics under local People's governments at or above the county level shall exercise supervision and control over the protection of cultural relics within their own administrative areas.

The relevant administrative departments under People's governments at or above the county level shall, within the scope of their own functions and duties, take charge of the work concerning the protection of cultural relics.

Article 9 People's governments at various levels shall attach importance to the protection of cultural relics and correctly handle the relations between economic and social development and the protection of cultural relics so as to ensure safety of the cultural relics.

Capital construction and the development of tourism shall be governed by the principle for the work concerning the protection of cultural relics, and such activities may not cause damage to cultural relics.

Public security organs, administrative departments for industry and commerce, the Customs, departments for urban and rural construction planning and the relevant State organs shall, in accordance with law, conscientiously perform their functions and duties for the protection of cultural relics and maintain the order of the control over cultural relics.

Article 10 The State develops the undertaking of the protection of cultural relics. People's governments at or above the county level shall incorporate the undertaking of the protection of cultural relics into their own plans for national economic and social development and the expenses entailed shall be listed in their own budgets. Budgetary appropriations made by the State for the protection of cultural relics shall increase along with the increase of revenues.

Incomes earned by the undertakings of the State-owned museums, memorial halls, sites protected for their historical and cultural values, etc. shall exclusively be used for the protection of cultural relics, and no units or individuals may take them into their own possession or misappropriate them.

The State encourages, through such forms as donations, the establishment of social funds for the protection of cultural relics, which shall exclusively be used for the protection of cultural relics. No units or individuals may take such funds into their own

possession or misappropriate them.

Article 11 Cultural relics are unrenewable cultural resources. The State devotes great efforts to the publicity and education in the need to protect cultural relics, enhances the awareness of the entire people of the need, and encourages scientific research in this field in order to raise the scientific and technological level for the protection of the cultural relics.

Article 12 The State gives moral encouragement or material rewards to units and individuals for any of the following deeds:

- (1) Conscientiously implementing laws and regulations on the protection of cultural relics and making remarkable achievements in protecting cultural relics;
- (2) Resolutely fighting against criminal acts, in the interest of protecting cultural relics;
- (3) Donating important cultural relics in one's own collection to the State or making donations for the undertaking of protection of cultural relics;
- (4) Immediately reporting or delivering to the authority when discovering cultural relics, which facilitates their protection;
- (5) Making major contributions to the work of archaeological excavations;
- (6) Making important inventions and innovations in the science and techniques for the protection of cultural relics, or other important contributions in this respect;
- (7) Rendering meritorious service in rescuing cultural relics that are in danger of being destroyed; and
- (8) Having been engaged in the work concerning cultural relics over long years and having made outstanding achievements in this field.

Chapter II

Immovable Cultural Relics

Article 13 The administrative department for cultural relics under the State Council shall select sites from among the ones protected for their significant historical, artistic or scientific value at the provincial, city or county level and designate them as major sites to be protected for their historical and cultural value at the national level, or shall directly designate such major sites, and report them to the State Council for verification and announcement.

Sites to be protected for their historical and cultural value at the provincial level shall be verified and announced by the People's governments of provinces, autonomous regions, or municipalities directly under the Central Government, and be reported to the State Council for the record.

Sites to be protected for their historical and cultural value at the city or county level shall be verified and announced respectively by the People's governments of cities divided into districts, of autonomous prefectures and of counties, and be reported to the People's governments of provinces, autonomous regions, or municipalities directly under the Central Government for the record.

Immovable cultural relics of sites to be protected for their historical and cultural value

that have not yet been verified and announced as such shall be registered and announced by the administrative department for cultural relics under the People's government at the county level.

Article 14 Cities with an unusual wealth of cultural relics of important historical value or high revolutionary memorial significance shall be verified and announced by the State Council as famous cities of historical and cultural value.

Towns, neighbourhoods or villages with an unusual wealth of cultural relics of important historical value or high revolutionary memorial significance shall be verified and announced by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government as famous neighbourhood, villages or towns of historical and cultural value, and reported to the State Council for the record.

Local people's governments at or above the county level in places where famous cities of historical and cultural value, or famous neighbourhoods, villages or towns of historical and cultural value are located shall take charge of drawing up special plans for their protection and include such plans in their overall urban plans.

Measures for the protection of famous cities, famous neighbourhoods, villages and towns of historical and cultural value shall be formulated by the State Council.

Article 15 People's governments of provinces, autonomous regions, and municipalities directly under the Central Government and of cities and counties shall respectively delimit the necessary area of protection, put up signs and notices, and establish records and files for the historical and cultural sites protected at the corresponding levels and shall, in the light of different circumstances, establish special organs or assign fulltime persons to be responsible for control over these sites. The area of protection and records and files for the major historical and cultural sites protected at the national level shall be reported by the administrative department for cultural relics under the People's governments of provinces, autonomous regions, or municipalities directly under the Central Government to the administrative department for cultural relics under the State Council for the record.

The administrative departments for cultural relics under the local people's governments at or above the county level shall, on the basis of the requirements for the protection of different cultural relics, formulate specific protective measures for the immovable cultural relics of the sites protected for their historical and cultural value and of the sites that have not yet been verified as such, and announce the measures for implementation.

Article 16 When drawing up plans for urban and rural construction, the people's governments at various levels shall, on the basis of the requirements for the protection of cultural relics, see to it that protective measures for the historical and cultural sites protected at different levels within their own administrative areas are first formulated through consultation between the departments for urban and rural construction planning and the administrative departments for cultural relics and include such measures in their plans.

Article 17 No construction of additional projects or such operations as blasting, drilling and digging may be conducted within the area of protection for a historical and

cultural site. However, where under special circumstances it is necessary to conduct construction of additional projects or such operations as blasting, drilling and digging within the area of protection for such a site, its safety shall be guaranteed, and the matter shall be subject to approval by the people's government which originally verified and announced the site and which, before giving approval, shall ask consent of the administrative department for cultural relics under the people's government at the next higher level; and where construction of additional projects or such operations as blasting, drilling and digging are to be conducted within the area of protection for a major historical and cultural site protected at the national level, the matter shall be subject to approval by the people's government of the relevant province, autonomous region, or municipality directly under the Central Government, which, before giving approval, shall ask consent of the administrative department for cultural relics under the State Council.

Article 18 On the basis of the actual needs for the protection of cultural relics and with the approval of the People's government of the relevant province, autonomous region, or municipality directly under the Central Government, a certain area for control of construction may be delimited around a site protected for its historical and cultural value, and such an area shall be announced.

No construction of a project conducted in an area for control of construction may deform the historical features of the site protected for its historical and cultural value; and the design for the project shall, in correspondence with the protection level of the site protected for its historical and cultural value, be subject to consent by the appropriate administrative department for cultural relics before it is submitted to the department for urban and rural construction planning for approval.

Article 19 No facilities that pollute the sites protected for their historical and cultural value or their environment may be put up within the area of protection for these sites or the area for control of construction, and no activities that may adversely affect the safety and environment of these sites may be conducted. Where there are already facilities that pollute the sites and their environment, they shall be brought under control within a specified time limit.

Article 20 While choosing a place for a construction project, the construction unit shall try its best to get around the site of immovable cultural relics; where it is impossible to do so under special circumstances; it shall do everything it can to protect the original site protected for its historical and cultural value.

Where the original site is to be protected, the construction unit shall first work out protective measures and, in correspondence with the level of protection for the site, submit the measures to the appropriate administrative department for cultural relics for approval, and include the measures in its feasibility study report or in the design, in which the task of protection is specified.

Where it is impossible to protect the original site or the site needs to be moved to another place or dismantled, the matter shall be reported to the People's government of the relevant province, autonomous region, or municipality directly under the Central Government for approval; Where a site protected for its historical and cultural value at the provincial level needs to be moved to another place or dismantled, consent of the

administrative department for cultural relics under the State Council shall be obtained prior to approval. No major historical and cultural sites protected at the national level may be dismantled; where such a site needs to be moved to another place, the matter shall be reported by the People's government of the relevant province, autonomous region, or municipality directly under the Central Government to the State Council for approval.

Among the State-owned immovable cultural relics to be dismantled in accordance with the provisions of the preceding paragraph, the murals, carvings, building components, etc. which are worthy of collecting shall be collected by the institution for the collection of cultural relics designated by the administrative department for cultural relics.

The expenses required for protecting, moving to another place or dismantling an original site as provided for by this Article shall be included in the budget of the construction unit for the construction project.

Article 21 Users of State-owned immovable cultural relics shall be responsible for their repairs and maintenance; and the owners of the immovable cultural relics not owned by the State shall be responsible for their repairs and maintenance. Where the immovable cultural relics not owned by the State are in danger of damage and the owner cannot afford their repairs, the local People's government shall offer the owner assistance; and where the owner can afford their repairs but refuses to perform his obligation to repair them as required by law, the People's government at or above the county level may make emergency repairs and the expenses entailed shall be borne by the owner.

Repairs to be made for sites protected for their historical and cultural value shall, in correspondence with their different levels of protection, be subject to approval by the appropriate administrative department for cultural relics; and repairs to be made for the immovable cultural relics of the sites that are not yet verified as ones protected for their historical and cultural value shall be subject to approval by the administrative departments for cultural relics under the People's governments at the county level with which the sites are registered.

The repairs, removal, or reconstruction of a site protected for its historical and cultural value shall be undertaken by the unit that has obtained the qualification certificate for projects designed to protect cultural relics.

In the repairing, maintaining and removing immovable cultural relics, the principle of keeping the cultural relics in their original state shall be adhered to.

Article 22 Where immovable cultural relics are totally damaged, the ruins shall be protected and the damaged relics may not be rebuilt on the original site. However, where under special circumstances it is necessary to have such relics rebuilt on the original site, the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government shall ask consent of the administrative department for cultural relics under the State Council before submitting the matter to the People's government of the relevant province, autonomous region, or municipality directly under the Central Government for approval; and where major site protected for its historical and cultural value at the national level needs to be rebuilt on the original site, the matter shall be submitted by the People's government of the relevant province, autonomous region, or municipality directly under the Central Government to the State Council for approval.

Article 23 Where it is necessary to use a memorial building or an ancient architectural structure owned by the State at a place verified as a site protected for its historical and cultural value for purposes other than the establishment of a museum, a cultural relics preservation institute or a tourist site, the administrative department for cultural relics under the People's government that originally verified and announced it as such a site shall first ask consent of the administrative department for cultural relics at the next higher level and then submit a report to the said People's government for approval; and where a major site protected for its historical and cultural value at the national level is to be used for other purposes, the People's government of the relevant province, autonomous region, or municipality directly under the Central Government shall submit a report to the State Council for approval. Where the State-owned immovable cultural relics of a site not verified as one protected for its historical and cultural value are to be used for other purposes, the matter shall be reported to the administrative department for cultural relics under the People's government at the county level.

Article 24 No immovable cultural relics owned by the State may be transferred or mortgaged. No State-owned sites protected for their historical and cultural value, which are established as museums or cultural relics preservation institutes or used as tourist sites may be made enterprise assets for business operation.

Article 25 No immovable cultural relics not owned by the State may be transferred or mortgaged to foreigners.

The transfer and mortgage of the immovable cultural relics not owned by the State, or the change in their use shall, in correspondence with their different grades, be reported to the appropriate administrative departments for cultural relics for the record; and where their repairs are to be financed by the local People's government, the matter shall be submitted to the appropriate administrative departments for cultural relics for approval.

Article 26 The principle of keeping the immovable cultural relics in their original state shall be adhered to in their use, and the users shall be responsible for the safety of the structures and the cultural relics attached to them, see to it that the immovable cultural relics are not damaged, rebuilt or dismantled and that no additional structures are built on the site.

With regard to the buildings or structures that threaten the safety of the sites protected for their historical and cultural value or damage their historical features, the local People's government shall, without delay, investigate and handle the matter, and when necessary, it may have such buildings or structures dismantled or moved to other places.

Chapter III

Archaeological Excavations

Article 27 The procedure of submitting reports for approval shall be performed for all archaeological excavations; all institutions engaged in archaeological excavations shall

be subject to approval by the administrative department for cultural relics under the State Council.

No units or individuals may, without permission, conduct excavation of the cultural relics buried underground.

Article 28 The institutions engaged in archaeological excavations that need to conduct archaeological excavations for the purpose of scientific research shall submit their excavation plans to the administrative department for cultural relics under the State Council for approval; plans for archaeological excavations relating to the major sites protected for their historical and cultural value at the national level shall be submitted to the administrative department for cultural relics under the State Council for examination and verification before they are forwarded to the State Council for approval. Before giving approval to or examining and verifying such plans, the administrative department for cultural relics under the State Council shall consult with the research institutes of social sciences, other scientific research institutes and the experts concerned.

Article 29 Before launching a large-scale capital construction project, the construction unit shall first request in a report the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government to make arrangements for institutions engaged in archaeological excavations to conduct archaeological investigation and prospecting at places where cultural relics may be buried underground within the area designated for the project.

Where cultural relics are discovered in the course of investigation and prospecting, the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government shall, in compliance with the requirements for protection of cultural relics, decide on the protective measures through consultations with the construction unit. In case of important discoveries, the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government shall immediately submit a report to the administrative department for cultural relics under the State Council for handling.

Article 30 With regard to archaeological excavations which have to be carried out along with a construction project, the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government shall submit an excavation plan based on the result of prospecting to the administrative department for cultural relics under the State Council for approval. Before giving approval to the plan, the administrative department for cultural relics under the State Council shall consult with research institutes of social sciences, other scientific research institutes and the experts concerned.

In cases where the pressing time limit for the completion of the project or the danger of natural damage makes it truly urgent to rescue and excavate the sites of ancient culture or ancient tombs, the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government may make arrangements for proceeding with the excavation,

while going through the formalities of examination and approval.

Article 31 The expenses needed for archaeological investigation, prospecting, or excavation, which have to be carried out because of capital construction or construction for productive purposes, shall be included in the budget of the construction unit for the construction project.

Article 32 In the course of construction of a project or agricultural production, all units and individuals that discover cultural relics shall keep the scene intact and immediately report to the local administrative department for cultural relics; after receiving the report, the department shall, except under special circumstances, rush to the scene within 24 hours and put forth its proposals on the handling of the matter within seven days. The administrative department for cultural relics may report to the local People's government; requesting it to inform the public security organ of the matter and to seek its assistance in keeping the scene intact; and where important cultural relics are discovered, the matter shall immediately be reported to the administrative department for cultural relics under the State Council, which shall put forth its proposal on the handling of the matter within 15 days after receiving the report.

The cultural relics discovered in such a manner as mentioned in the preceding paragraph belong to the State, and no unit or individual may plunder, privately divide or conceal them.

Article 33 Without submitting a report to the administrative department for cultural relics under the State Council for special permission by the State Council, no foreigner or foreign organization may conduct archaeological investigation, prospecting or excavation within the boundaries of the People's Republic of China.

Article 34 The results of archaeological investigation, prospecting and excavation shall be reported to the administrative department for cultural relics under the State Council and to the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government.

Excavated archaeological relics shall be registered, preserved properly and, in accordance with the relevant regulations of the State, turned over for collection to the administrative department for cultural relics under the People's government of the relevant province, autonomous region, or municipality directly under the Central Government or to the State-owned museums, libraries or other State-owned institutions for the collection of cultural relics designated by the administrative department for cultural relics under the State Council. Upon approval by the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government, or under the State Council, institutions engaged in archaeological excavation may retain a small amount of unearthed cultural relics as samples for scientific research.

No units or individuals may take excavated archaeological relics into their own possession.

Article 35 To meet the need of ensuring the safety of cultural relics, conducting scientific research and making full use of cultural relics, the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government may, upon approval by the People's government at the corresponding level, transfer and use the cultural relics unearthed within their own administrative areas; and the administrative department for cultural relics under the State Council may, upon approval by the State Council, transfer major cultural relics unearthed anywhere in the country.

Chapter IV

Cultural Relics in the Collection of Cultural Institutions

Article 36 Museums, libraries and other institutions for the collection of cultural relics shall classify the cultural relics in their collection into different grades, compile files for the relics kept by them, establish a strict system of control, and submit them to the competent administrative department for cultural relics for the record.

The administrative department for cultural relics under the People's governments at or above the county level shall compile files for the cultural relics in the collection of cultural institutions in their own administrative areas; and the administrative department for cultural relics under the State Council shall compile files for grade-one cultural relics of the State and for the cultural relics in the collection of State-owned cultural institutions under its charge.

Article 37 Institutions for the collection of cultural relics may obtain cultural relics by the following means:

- (1) Purchasing;
- (2) Accepting donations;
- (3) Exchanging according to law; or
- (4) Other means as provided for by laws and administrative rules and regulations.

Institutions for the collection of State-owned cultural relics may also obtain cultural relics through designation by the administrative department for cultural relics for preserving the relics or through transfer by the department.

Article 38 Institutions for the collection of cultural relics shall, in light of the need for protection of cultural relics in their collection and in accordance with the relevant regulations of the State, establish a sound system of control and report it to the competent administrative department for cultural relics for the record. Without approval, no unit or individual may, through transfer, obtain cultural relics in the collection of cultural institutions.

Legal representatives of the institutions for the collection of cultural relics shall be responsible for the safety of the cultural relics in their collection. Before leaving their posts, the legal representatives of the institutions for the collection of State-owned cultural relics shall, on the basis of the files of the cultural relics in the collection of the

cultural institutions, go through the formalities of handing over the cultural relics in the collection of the institutions.

Article 39 The administrative department for cultural relics under the State Council may transfer the cultural relics in the collection of the State-owned cultural institutions anywhere in the country. The administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government may transfer the cultural relics in the collection of the State-owned cultural institutions, which are under its charge and are located in its administrative area; and where grade-one cultural relics in the collection of State-owned cultural institutions are transferred, the matter shall be reported to the administrative department for cultural relics under the State Council for the record.

State-owned institutions for the collection of cultural relics may apply for transfer of the cultural relics in the collection of State-owned cultural institutions.

Article 40 Institutions for the collection of cultural relics shall give full play to the cultural relics in their collection and, through holding exhibitions, conducting scientific research, etc., help enhance publicity and education in the splendid history and culture and the revolutionary tradition of the Chinese nation.

Where State-owned cultural institutions for the collection of cultural relics, for purposes of holding exhibitions, conducting scientific research, etc., need to borrow from each other cultural relics in their collection, the matter shall be reported to the competent administrative department for cultural relics for the record; and where grade-one cultural relics in the collection of cultural institutions are to be borrowed, the matter shall be subject to approval by the administrative department for cultural relics under the State Council.

Where institutions for the collection of cultural relics not owned by the State and other institutions, for purposes of holding exhibitions, need to borrow cultural relics in the collection of the State-owned cultural institutions, the matter shall be subject to approval by the competent administrative department for cultural relics; and where grade-one cultural relics in the collection of State-owned cultural institutions are to be borrowed, the matter shall be subject to approval by the administrative department for cultural relics under the State Council.

The maximum period of time for the borrowing of cultural relics between the institutions for the collection of cultural relics may not exceed three years.

Article 41 Cultural relics in institutions for the collection of State-owned cultural relics that have compiled files of the cultural relics in their collection may be exchanged among such institutions upon approval by the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government, and the matter shall be reported to the administrative department for cultural relics under the State Council for the record; and where grade-one cultural relics in their collection are to be exchanged, the matter shall be subject to approval by the administrative department for cultural relics under the State Council.

Article 42 No institutions for the collection of State-owned cultural relics that have not compiled files of the cultural relics in their collection may handle the cultural relics in their collection in accordance with the provisions in Articles 40 and 41 of this Law.

Article 43 The institution for the collection of the cultural relics that obtains cultural relics through lawful transfer, exchange or borrowing of the cultural relics in the collection of State-owned cultural institutions may give a reasonable sum of compensation to the institution for the collection of cultural relics that provides it with the cultural relics. The specific administrative measures in this respect shall be formulated by the administrative department for cultural relics under the State Council.

The amount of compensation gained by the institutions for the collection of State-owned cultural relics from the transfer, exchange or lending of cultural relics shall be used for the improvement of the conditions for the collection of cultural relics or for the collection of new cultural relics, but not for other purposes; and no unit or individual may take it into its/his own possession.

The cultural relics transferred, exchanged or borrowed shall be kept in good care, and none of them may be lost or damaged.

Article 44 No institutions for the collection of State-owned cultural relics may donate, lease or sell the cultural relics in their collection to other units or individuals.

Article 45 Measures for disposition of the cultural relics which institutions for the collection of the State-owned cultural relics no longer keep shall be formulated separately by the State Council.

Article 46 No repairs of cultural relics in the collection of cultural institutions may change their original state; and when duplicating, taking photos or making rubbings of cultural relics in the collection of cultural institutions, one shall take care not to damage the cultural relics. Specific administrative measures in this respect shall be formulated by the State Council.

The provisions of the preceding paragraph shall be applicable to repairs, duplication, photo-taking and rubbing of all-in-one cultural relics of immovable cultural relics.

Article 47 Museums, libraries and other institutions for the collection of cultural relics shall, in accordance with the relevant regulations of the State, be installed with facilities against fire, robbery and natural damages so as to ensure safety of the cultural relics in their collection.

Article 48 Where grade-one cultural relics in the collection of cultural institutions are damaged, the matter shall be reported to the administrative department for cultural relics under the State Council for examination, verification and handling. Where other cultural relics in the collection of cultural institutions are damaged, the matter shall be reported to the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government for examination, verification and handling; and the said department under the relevant People's government shall submit the results of such examination, verification and handling to the administrative department for cultural relics under the

State Council for the record.

Where cultural relics in the collection of a cultural institution are stolen, robbed or missing, the institution shall immediately report the case to a public security organ and at the same time to the competent administrative department for cultural relics.

Article 49 No workers of the administrative department for cultural relics and the institution for the collection of State-owned cultural relics may borrow State-owned cultural relics or illegally take them into their own possession.

Chapter V

Cultural Relics in People's Collection

Article 50 Citizens, legal persons and other organizations, except institutions for the collection of cultural relics, may collect cultural relics obtained through the following channels:

- (1) Lawfully inheriting or accepting as gifts;
- (2) Purchasing from cultural relics stores;
- (3) Purchasing from auction enterprises engaged in auction of cultural relics;
- (4) Mutually exchanging or transferring in accordance with law the cultural relics lawfully owned by individual citizens; or
- (5) Other lawful channels prescribed by the State.

Cultural relics, as specified in the preceding paragraph, which are in the collection of citizens, legal persons and other organizations, except the institutions for the collection of cultural relics, may be circulated according to law.

Article 51 No citizens, legal persons or other organizations may purchase or sell the following cultural relics:

- (1) state-owned cultural relics, except ones with the approval of the State;
- (2) valuable cultural relics in the collection of the cultural institutions not owned by the State;
- (3) such of the State-owned irremovable cultural relics as murals, carvings and components of buildings, except such of the State-owned irremovable cultural relics as murals, carvings and components of buildings that are dismantled according to law but are not collected by the institutions for the collection of cultural relics and therefore are not governed by the provisions in the fourth paragraph of Article 20 in this Law; or
- (4) cultural relics not obtained through the channels provided for in Article 50 of this Law.

Article 52 The State encourages citizens, legal persons and other organizations, except the institutions for the collection of cultural relics, to donate the cultural relics in their collection to the institutions for the collection of State-owned cultural relics or to lend them to institutions for the collection of cultural relics for exhibition and research.

Institutions for the collection of State-owned cultural relics shall honour and comply with the wishes of donors and keep the donated relics in proper collection and

preservation and make appropriate display of them.

No cultural relics that the State prohibits from leaving the country may be transferred, leased or pledged to foreigners.

Article 53 The establishment of cultural relics stores shall be subject to approval by the administrative department for cultural relics under the State Council or by the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government, and the stores shall be administered according to law.

No cultural relics stores may engage in auction of cultural relics or set up auction enterprises for the purpose.

Article 54 Auction enterprises established according to law for the auction of cultural relics are required to obtain license for auction of cultural relics issued by the administrative department for cultural relics under the State Council.

No auction enterprises engaged in auction of cultural relics may conduct business activities of purchasing or selling cultural relics or set up cultural relics stores.

Article 55 No workers of the administrative departments for cultural relics may establish or participate in the establishment of cultural relics stores or auction enterprises engaged in auction of cultural relics.

No institutions for the collection of cultural relics may establish or participate in the establishment of cultural relics stores or auction enterprises engaged in auction of cultural relics.

The establishment of cultural relics stores or auction enterprises engaged in auction of cultural relics in the form of Chinese-foreign equity joint venture, Chinese-foreign contractual joint venture or wholly foreign-owned venture is prohibited.

Except for cultural relics stores and auction enterprises engaged in auction of cultural relics that have obtained approval, no other units or individuals may engage in business activities relating to cultural relics.

Article 56 Cultural relics to be sold by cultural relics stores shall, prior to their sale, be examined and verified by the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government; and the ones approved for sale shall be marked by the said administrative department.

Cultural relics for auction by auction enterprises shall, prior to their auction, be examined and verified by the administrative department for cultural relics under the People's government of the relevant province, autonomous region or municipality directly under the Central Government, and the matter shall be reported to the administrative department for cultural relics under the State Council for the record; and where the said administrative department cannot determine whether the relics in question may be auctioned, it shall submit the relics to the administrative department for cultural relics under the State Council for examination and verification.

Article 57 Cultural relics stores and auction enterprises shall, in accordance with the

relevant regulations of the State, keep records of the cultural relics they purchase and sell or auction and submit the records to the administrative department for cultural relics that originally examined and verified the relics for the record.

Where the client or buyer requests to keep his identity secret when auctioning cultural relics, the administrative department for cultural relics shall do so, except where otherwise provided for in laws and administrative rules and regulations.

Article 58 When the administrative department for cultural relics examines and verifies the cultural relics that are to be put up for auction, it may designate an institution for the collection of State-owned cultural relics to enjoy the priority in purchasing the valuable ones among them. The purchasing prices may, through consultation, be determined between the representatives of the institution and the trustor of the cultural relics.

Article 59 Banks, smelteries, paper mills and units for the recovery of old and waste materials shall be responsible, jointly with the local administrative department for cultural relics, for sorting out cultural relics from among gold and silver articles and waste materials. The cultural relics thus sorted out, except for coins and other kinds of currency of past ages which are needed for research by banks and which may be kept by them, shall be turned over to the local administrative department for cultural relics. Reasonable compensation shall be paid for the sorted out cultural relics that are turned over.

Chapter VI

Taking or Bringing Cultural Relics out of or into China

Article 60 No state-owned cultural relics, valuable cultural relics among the ones not owned by the State or other cultural relics that are prohibited from being taken out of China according to State regulations may be taken out of the country, except the ones to be taken out of the country for exhibition in accordance with the provisions of this Law or for special needs upon approval by the State Council.

Article 61 Cultural relics to be taken out of the country shall be subject to examination and verification by the examination and verification authority for the entry and exit of cultural relics designated by the administrative department for cultural relics under the State Council. For the cultural relics that may be taken out of the country after examination and verification, the administrative department for cultural relics under the State Council shall issue an exit permit, and they shall be shipped out of the country at the port designated by the said administrative department.

Cultural relics to be transported, mailed or taken out of the country by any units or individuals shall be declared to the Customs; and the Customs shall let them leave the country on the strength of their exit permit.

Article 62 Cultural relics to be taken out of the country for exhibition shall be subject to approval by the administrative department for cultural relics under the State Council; and if the number of Grade One cultural relics exceeds the quota fixed by the State Council, the matter shall be subject to approval by the State Council.

The only existing or fragile relics among the Grade One cultural relics are prohibited from being taken out of the country for exhibition.

Cultural relics to be taken out of the country for exhibition shall be examined, verified and registered by the examination and verification authority for entry and exit of cultural relics. The Customs shall let them leave the country on the strength of the approval document issued by the administrative department for cultural relics under the State Council or by the State Council. The entry of the cultural relics into the country that have been taken out for exhibition shall be examined, verified and inspected by the original examination and verification authority for the entry and exit of cultural relics.

Article 63 Temporary entry of cultural relics into the country shall be declared to the Customs, and shall be subject to examination and verification by the examination and verification authority for the entry and exit of cultural relics and be registered with it.

Before leaving the country, the cultural relics that have entered the country temporarily shall be examined, verified and inspected by the examination and verification authority for the entry and exit of cultural relics that originally examined, verified and registered them; and if all is in order, the administrative department for cultural relics under the State Council shall issue an exit permit for these cultural relics and the Customs shall let them leave the country on the strength of the permit.

Chapter VII

Legal Liabilities

Article 64 Anyone who, in violation of the provisions of this Law, commits one of the following acts, which constitutes a crime, shall be investigated for criminal responsibility according to law:

- (1) illicitly excavating sites of ancient culture and ancient tombs;
- (2) intentionally or negligently damaging or destroying valuable cultural relics under State protection;
- (3) selling without authorization or privately giving the cultural relics in the collection of State-owned cultural institutions to a unit not owned by the State or an individual;
- (4) selling or giving, without authorization, to foreigners valuable cultural relics that the State prohibits from being taken out of the country;
- (5) seeking profits by reselling the cultural relics that are prohibited by the State from being dealt in;
- (6) smuggling cultural relics;
- (7) robbing, plundering or privately dividing State-owned cultural relics or illicitly taking them into his possession; or
- (8) other acts hindering the control over cultural relics and that shall be investigated for criminal responsibility.

Article 65 Anyone who, in violation of the provisions of this Law, causes the missing of or damage to cultural relics shall bear civil responsibility according to law.

Where the violation of the provisions of this Law constitutes an act against security administration, the public security organ shall impose a security administration punishment according to law.

Where the violation of the provisions of this Law constitutes an act of smuggling, but is not serious enough to constitute a crime, the Customs shall impose a punishment in accordance with the provisions of the relevant laws and administrative rules and regulations.

Article 66 Any unit that commits one of the following acts, which is not serious enough to constitute a crime, shall be ordered by the competent administrative department for cultural relics under the People's government at or above the county level to put it right; if serious consequences are caused, it shall be fined not less than RMB 50,000 Yuan but not more than 500,000 Yuan; and if the circumstances are serious, the authority that originally issued the qualification certificate shall revoke the certificate:

(1) without authorization, conducting construction project or such operations as blasting, drilling and digging within the area of protection for a historical and cultural site;

(2) conducting construction project in an area for the control of construction within a site protected for its historical and cultural value; the design for which is not submitted to the administrative department for cultural relics for consent or to the urban and rural construction planning department for approval, and which deforms the historical features of the site protected for its historical and cultural value;

(3) removing or dismantling irremovable cultural relics without authorization;

(4) repairing irremovable cultural relics without authorization and obviously changing their original state;

(5) without authorization, rebuilding on the original site irremovable cultural relics that are totally damaged and thus destroying the cultural relics; or

(6) in the case of a construction unit without qualification certificate for projects designed to protect cultural relics, repairing, removing or reconstructing cultural relics.

Anyone who scrawls or smears on cultural relics or does damage to them not seriously, or to the signs of the sites, which are protected for their historical and cultural value, put up in accordance with the provisions of the first paragraph of Article 15 of this Law shall be given disciplinary warning by the public security organ or by the unit where the cultural relics are located, and may, in addition, be imposed a fine.

Article 67 Where a unit puts up, within the area of protection for a site protected for its historical and cultural value or the area for the control of construction, facilities that pollute the site and its environment, or fails to bring under control within the specified time limit the existing facilities that pollute the site and its environment, it shall be imposed a punishment by the administrative department for environmental protection in accordance with the provisions of the relevant laws and administrative rules and regulations.

Article 68 Any unit or individual that commits one of the following acts shall be ordered by the competent administrative department for cultural relics under the People's government at or above the county level to put it right and its/his unlawful gains derived therefrom shall be confiscated; if the amount of such unlawful gains is more than 10,000 Yuan, it/he shall be fined not less than two times, but not more than five times, the amount of the unlawful gains; and if the amount of the unlawful gains is less than 10,000 Yuan, it/he shall be fined not less than 5,000 Yuan but not more than 20,000 Yuan:

(1) transferring or mortgaging State-owned immovable cultural relics, or making them enterprise assets for business operation;

(2) transferring or mortgaging irremovable cultural relics not owned by the State to foreigners; or

(3) without authorization, changing the purpose of use of a site protected for State-owned cultural relics.

Article 69 Where the layout, environment, historical features, etc. of a famous city of historical and cultural value are seriously undermined, the State Council shall revoke its title of famous city of historical and cultural value; where the layout, environment, historical features, etc. of a town, neighbourhood or village of historical and cultural value are seriously undermined, the People's government of the relevant province, autonomous region or municipality directly under the Central Government shall revoke its title of neighbourhood, town or village of historical and cultural value; and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions according to law.

Article 70 Where a unit commits one of the following acts, which is not serious enough to constitute a crime, the competent administrative department for cultural relics under the People's government at or above the county level shall order it to put it right and may, in addition, impose on it a fine of not more than 20,000 Yuan; and if there are unlawful gains derived therefrom, such unlawful gains shall be confiscated:

(1) in the case of an institution for the collection of cultural relics, failing to have facilities against fire, robbery and natural damage installed as required by the provisions of the relevant regulations of the State;

(2) in the case of the legal representative of an institution for the collection of State-owned cultural relics, when leaving his post, failing to hand over the cultural relics in accordance with the files on the cultural relics in the collection of the institution, or the cultural relics handed over are not in agreement with the files;

(3) donating, leasing or selling State-owned cultural relics in the collection of cultural institutions to other units or individuals;

(4) disposing of State-owned cultural relics in the collection of cultural institutions in violation of the provisions of Articles 40, 41 and 45 of this Law; or

(5) in violation of the provisions of Article 43 of this Law, misappropriating or taking into one's own possession the amount of compensation gained from the cultural relics transferred, exchanged or lent according to law.

Article 71 Where a unit or individual deals in cultural relics that the State prohibits from being dealt in or transfers, leases or mortgages to foreigners cultural relics that the

State prohibits from being taken out of the country, which is not serious enough to constitute a crime, the competent administrative department for cultural relics under the People's government at or above the county level shall order it/him to put it right and confiscate its/his unlawful gains derived therefrom; if the amount of the earnings from such illegal operations is more than 10,000 Yuan, it/he shall, in addition, be fined not less than two times, but not more than five times, the amount of the said earnings; and if it is less than 10, 000 Yuan, it/he shall, in addition, be fined not less than 5,000 Yuan but not more than 20,000 Yuan.

Article 72 Where a person, without permission, establishes a cultural relics store or an auction enterprise engaged in auction of cultural relics, or engages in business operations in cultural relics, which is not serious enough to constitute a crime, the administrative department for the industry and commerce shall, in accordance with law, stop him and confiscate his unlawful gains derived therefrom and the cultural relics dealt in; if the amount of the earnings from such illegal operations is more than 50,000 Yuan, he shall be fined not less than two times, but not more than five times, the amount of the earnings; and if the amount of the said earnings is less than 50,000 Yuan, he shall be fined not less than 20,000 Yuan but not more than 100,000 Yuan.

Article 73 Where a unit is found in one of the following circumstances, its unlawful gains and the cultural relics illegally dealt in shall be confiscated by the administrative department for industry and commerce; if the amount of earnings from such illegal operations is more than 50,000 Yuan, it shall, in addition, be fined not less than the amount of, but not more than three times the amount of, such earnings; if the amount of such earnings is less than 50,000 Yuan, it shall, in addition, be fined not less than 5,000 Yuan but not more than 50,000 Yuan; and if the circumstances are serious, its license shall be revoked by the original authority that issued the license:

- (1) if a cultural relics store engages in auction of cultural relics;
- (2) if an auction enterprise engaged in auction of cultural relics purchases or sells cultural relics;
- (3) if the cultural relics dealt in by a cultural relics store or auctioned by an auction enterprise are not examined and verified; or
- (4) if an institution for the collection of cultural relics engages in business operations in cultural relics.

Article 74 Where a person commits one of the following acts, which is not serious enough to constitute a crime, the competent administrative department for cultural relics under the People's government at or above the county level together with the public security organ shall recover the cultural relics; and if the circumstances are serious, he shall be fined not less than 5,000 Yuan but not more than 50,000 Yuan:

- (1) concealing or refusing to hand over cultural relics discovered; or
- (2) failing to turn over the cultural relics sorted out, as required by relevant regulations.

Article 75 Any unit that commits one of the following acts shall be ordered by the competent administrative department for cultural relics under the People's government at or above the county level to put it right:

(1) failing to report, as required by the provisions of this Law, the change in the use of the State-owned irremovable cultural relics of a site not verified as one to be protected for its historical and cultural value;

(2) failing to put on record, as required by the provisions of this Law, the transfer or mortgage of the irremovable cultural relics not owned by the State or the change in their use;

(3) in the case of a user of State-owned irremovable cultural relics, refusing to perform, in accordance with law, his obligation to repair them;

(4) in the case of an institution engaged in archaeological excavation, conducting archaeological excavation without authorization, or failing to give a truthful report of the results of the excavation;

(5) in the case of an institution for the collection of cultural relics failing to compile files of the cultural relics in its collection and establish a system of the control over them, as required by the relevant regulations of the State, or failing to report the files and the system of control for the record;

(6) in violation of the provisions of Article 38 of this Law, obtaining, through transfer, cultural relics in the collection of a cultural institution without approval;

(7) in the case of an institution for the collection of cultural relics, failing to report the damages of the cultural relics in its collection to the administrative department for cultural relics for examination, verification and disposition, or failing to report immediately to the public security organ or the administrative department for cultural relics about the cultural relics in its collection that are stolen, robbed or missing; or

(8) in the case of a cultural relics store or an auction enterprise, failing to keep records of the cultural relics it sold or auctioned, or failing to submit the records to the administrative department for cultural relics for the record, as required by the relevant regulations of the State.

Article 76 Where a worker of an administrative department for cultural relics, of an institution for the collection of cultural relics, of a cultural relics store or a cultural relics auction enterprise commits one of the following acts, he shall be given to administrative sanction according to law; if the circumstances are serious, he shall be discharged from public employment or disqualified for the job according to law; and a crime is constituted, he shall be investigated for criminal responsibility according to law:

(1) in the case of a worker of an administrative department for cultural relics, in violation of the provisions of this Law, abusing his power of examination and approval, failing to perform his functions and duties, or failing to investigate and handle unlawful acts discovered, which causes serious consequences;

(2) in the case of a worker of an administrative department for cultural relics and or an institution for the collection of State-owned cultural relics, borrowing or illegally taking into his possession State-owned cultural relics;

(3) in the case of a worker of an administrative department for cultural relics, establishing or participating in the establishment of cultural relics stores or auction enterprises engaged in auction of cultural relics;

(4) causing damage or destruction to the sites protected for their historical and cultural value and to valuable cultural relics or causing missing of such relics due to disregard of responsibility; or

(5) embezzling or misappropriating funds earmarked for the protection of cultural relics.

No persons discharged from public employment or disqualified for the job, as mentioned in the preceding paragraph, may be employed for administration of cultural relics or to deal in cultural relics within ten years from the date of discharge or disqualification.

Article 77 Where the persons directly in charge of the unit that commits one of the following acts mentioned in Articles 66, 68, 70, 71, 74 and 75 of this Law and the other persons directly responsible are State functionaries, they shall be given administrative sanctions according to law.

Article 78 Where public security organs, the administrative departments for industry and commerce, the Customs, the departments for urban and rural construction planning and other State organs, in violation of the provisions of this Law, abuse their powers, neglect their duties, or engage in malpractice for personal gains, thus causing serious damage or destruction to the valuable cultural relics under State protection or causing their missing, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 79 The People's Courts, the People's Procuratorates, the public security organs, the Customs and the administrative departments for industry and commerce shall have the cultural relics confiscated according to law registered, preserved properly, and turned over to the administrative department for cultural relics gratis after settlement of the cases, and the cultural relics shall be kept in the collection of an institution for the collection of State-owned cultural relics which is designated by the administrative department for cultural relics.

Chapter VIII

Supplementary Provisions

Article 80 This Law shall go into effect as of the date of its promulgation.