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## DECREE NUMBER 55

**WHEREAS:** Act No.2 of 4 August 1977, the National and Local Monuments Act, in its First Final Provision empowered the Ministry of Culture to prepare and enact the draft Rules and Regulations for such an Act, and submit them to the Council of Ministers for their adoption.

**WHEREAS:** The Ministry of Culture, in fulfilling what it is established in such Final Provision, has prepared the Draft Rules and Regulations it proceeds to adopt.

**THEREFORE:** Making use of the powers vested on it, the Executive Committee of the Council of Ministers adopts the following:

### **RULES AND REGULATIONS TO IMPLEMENT THE THE NATIONAL AND LOCAL MONUMENTS ACT**

## **CHAPTER 1: ON NATIONAL AND LOCAL MONUMENTS**

### **Article 1:**

A National Monument is considered any urban historic center and any building, site or object that, due to its exceptional nature, deserves to be preserved for having cultural, historic or social significance for the country, and has been declared as such, by the National Commission of Monuments and registered in the Registry of National and Local Monuments.

### **Article 2:**

A Local Monument is understood as any building, site or object that, not having the necessary conditions to be declared a National Monument, deserves to be preserved due to its cultural, historic or social interest for a determined locality, and has been declared as such, by the National Commission of Monuments and registered in the Registry of National and Local Monuments.

## **CHAPTER 2: ON THE CLASSIFICATION OF NATIONAL AND LOCAL MONUMENTS**

### **Article 3:**

According to their features, National Monuments are classified in Urban Historic Centers, Buildings, Sites and Objects. Local Monuments are classified in Buildings, Sites and Objects.

### **Article 4:**

**An urban Historic Center** is such a complex formed by buildings, public and private spaces, streets, plazas and geographic or topographic peculiarities constituting and surrounding it, and that in a determined

historic moment, had a clear unitary physiognomy, an expression of social community, individualized and organized.

#### **Article 5:**

**Constructions** are the premises or a group of them made by man covering from prehistory up to current times. For determining its condition, its current use will not be taken into account, but its original purpose, and according to this they will be, as per their nature: civilian, commemorative, domestic, industrial, military and religious. If determined building originally had several simultaneous functions, its prevailing function, or the one originating its value will determine its importance.

**Civilian constructions** are those which original purposes had a collective or public nature, such as government buildings, cemeteries, theaters, societies, offices, shops, hospitals, schools, promenades, parks, squares, lyceums and others.

**Commemorative constructions** are those which primary function had been that of remembering a personality or a historic deed of national or local relevance, and those having a basically decorative purpose, or that of rendering a determinate significance to the area where it is located, such as: statues, mausoleums, tombstones, obelisks, fountains, tombstones, busts, sculptures, triumph arches and others.

**Domestic constructions** are those, whose main original function had been housing, such as houses, villas, estates, chalets, palaces, and others.

**Industrial constructions** are those which originally had a productive, industrial or agroindustrial nature, such as sugar mills, sugar factories, cigar factory, coffee plantations and factories in general.

**Military constructions** are those that were originally built for defensive or surveillance purposes, or for living quarters of troops, such as forts, castles, walls, barricades, barracks and others.

**Religious constructions** are those that originally were used for religious acts or activities related to them, such as churches, parishes, chapels, seminaries and convents.

#### **Article 6:**

**Sites** are all spaces, places or areas, be them rural or urban, where a significant deed or process of historic, scientific, ethnographic or legendary significance took place, or having characteristics of architectural homogeneity or a peculiar morphology of the urban design, and those where the nature presents aspects warranting to be preserved. Sites can be natural, archaeological, urban and historic.

**Natural sites** are those geologic or physiographic, geographic and biologic formations, or groups of that sort of formations having a special importance from the point of view of science, natural beauty or the joint work of man and nature.

**Archaeological sites** are those which in their surface or subsoil have been detected or could be detected the presence of remains of the material culture and the life of men of the past, and which deserve to be studied or preserved due to their scientific or cultural significance. This category includes dive sites in the sea, rivers or lakes.

**Urban sites** are those groups of buildings that within a limited area or a neighborhood, township or city, have a special significance due to their architectural or environmental nature or to their integration with the landscape.

**Historic sites** are those places where relevant deeds of the national or local history have taken place.

#### **Article 7:**

**Objects** are those weapons, paintings, sculptures, scientific instruments, natural formations taken apart from their environment, and any other assets that, due to their exceptional cultural, historic or social meaning, deserve to be preserved and protected.

## **CHAPTER 3: ON THE NATIONAL MONUMENTS COMMISSION**

**ARTICLE 8:** The National Monuments Commission is a body ascribed to the Ministry of Culture, created under Act 2, of 4 August 1977, the National and Local Monuments Act.

**Article 9:**

The National Monuments Commission is constituted by a President, an Executive Secretary, and a representative appointed by the heads of each of the following bodies:

1. Ministry of Construction
2. Ministry of Education
3. Ministry of Higher Education
4. Academy of Sciences of Cuba
5. National Institute of Tourism
6. Institute of Physical Planning of the Central Planning Board
7. National Institute of Forestry Development and Use
8. Institute of History of the Communist Movement and the Socialist Revolution in Cuba

A representative of the organization of Cuban architects will also constitute the Commission, and representatives of any other bodies deemed necessary by the Ministry of Culture, and appointed by the heads of the corresponding bodies.

**Article 10:**

The President of the National Monuments Commission shall be appointed and dismissed by the Ministry of Culture, and is to be entrusted with guiding and representing the National Monuments Commission. He/she will also be empowered to call on and preside over the sessions of the National Monuments Commission.

**Article 11:**

The Executive Secretary is the person occupying the post of Director of the Cultural Heritage of the Ministry of Culture, and shall be entrusted with fulfilling the instructions given by the President:

- (a) See after the preservation and custody of the documents
- (b) Ascertain that the proper controls to studies, projects, inventories, inspections of works and other duties of a technical nature that shall be entrusted on him, are implemented.

The Executive Secretary will regularly report the President of the National Commission on the results of the works carried out, steps taken and recommendations given in each case.

**Article 12:**

For the best fulfillment of its duties, the National Monuments Commission will count on a group of advisors constituted by historians, architects and other specialists. The members of the group of advisors shall be appointed by the Ministry of Culture on a proposal of the Commission, and members of said group shall simultaneously perform the duties they have in the body, entity or enterprise in which they work, and those assigned to them as members of the group of advisors.

**Article 13:**

The National Monuments Commission shall meet once a month or at any time it is convened by the President, out of the established period, when for fairly reasons, it is deemed necessary.

The sessions of the National Monuments Commission shall be also attended, when deemed necessary, by members of the group of advisors, mentioned in the previous paragraph, as well as any other person invited to attend by the President of the Commission.

**Article 14:**

The National Monuments Commission is the only body empowered to determine and declare which urban historic centers, buildings, sites or objects are National or Local Monuments.

**Article 15:**

The National Monuments Commission will propose to the Ministry of Culture the creation of Documentation Centers, workshops and other suitable work centers, both national and provincial, to put into practice and execute the plans of inventory, study, preservation and restoration of the National and Local Monuments.

**Article 16:**

The National Monuments Commission will implement the provisions and guidelines ruled or transmitted by the Ministry of Culture, and will supervise the work of the Provincial Monuments Commissions.

## **CHAPTER 4: ON THE PROVINCIAL MONUMENTS COMMISSIONS**

**Article 17:**

The Provincial Monuments Commissions are ascribed to the Culture Directions of the Executive Committees of the Provincial Assemblies of the People's Power, and are subordinated, both technically and methodologically to the Ministry of Culture.

**Article 18:**

The Provincial Monuments Commissions are integrated as provided in Article 9 of the present Regulations, by representatives of the administrative directions of the Executive Committees of the Provincial Assemblies of the People's Power, performing the duties of national bodies pointed out in that article. It is not indispensable that all the activities

carried out by bodies mentioned in such article be represented in the Provincial Commissions.

In case the activities of the organizations pointed out in Article 9, do not correspond with one of the already mentioned administrative directions of the People's Power in the provinces, and the representation of such organization is deemed indispensable, its delegate will be appointed by the corresponding national institution.

**Article 19:**

The President and the Executive Secretary of the Provincial Monuments Commissions shall be appointed and dismissed by the Executive Committee of the Provincial Assemblies of the People's Power, on a proposal of the corresponding direction, and after the approval of the National Commission.

The official taking care of Cultural Heritage affairs at the Provincial Direction of Culture shall be preferably appointed as Executive Secretary of the Provincial Commissions, and he/she shall be also entrusted with keeping the archives and documents corresponding to the National and Local Monuments in his/her province.

In the case of any province where this responsibility cannot be vested on the person taking care of the Cultural Heritage, another official of the Direction of Culture shall be appointed in his place.

**Article 20:**

The Provincial Monuments Commission shall adopt the strictest actions and shall see to the preservation of National and Local Monuments in its territory. It will also develop and promote research and dissemination works on such monuments, as per the methodological instructions issued by the National Monuments Commission.

**Article 21:**

The Provincial Monument Commission, with a previous authorization of the National Commission, can promote the cooperation of the mass

organizations, as well as State entities to disseminate information on and protect the National and Local Monuments in its territory.

**Article 22:**

The Provincial Monument Commission shall fulfill all the formalities and send to the National Commission all proposals to declare National and Local Monuments.

**Article 23:**

The Provincial Monument Commissions shall declare the existence, and control the maintenance as per the technical guidelines established by the Ministry of Culture, of those buildings, sites and objects in their territory that, not fulfilling the requirements to be declared National or Local Monuments, have a determined social, artistic, cultural, legendary, decorative or landscaping value or significance.

**Article 24:**

The executive secretaries of the Provincial Monument Commissions shall send to the Executive Secretary of the National Monument Commission the applications for work licenses to be carried out on a National or Local Monuments or protected zone in their territory, to be approved by the National Monuments Commission, according to the restrictions and guidelines established by the degree of protection of the asset in question. Likewise, they will render regular information on the state and situation of the assets in their territory already registered in the Registry of National and Local Monuments.

When no technical guidelines have been established to preserve certain asset, or if established, they are not totally explicit on their enforcement, previous instructions from the Ministry of Culture shall be requested.

**Article 25:**

The Provincial Monuments Commissions are empowered to create

municipal delegations, with the previous authorization of the National Monuments Commission, to take care of the territory of a municipality under their jurisdiction, that might be exceptionally valuable due to the number and quality of its buildings and sites, or where there are any other sort of conditions warranting it.

The municipal delegations shall be constituted by one or more delegates, according to the specific characteristics of each municipality, and shall be subordinated to the Provincial Monument Commissions.

Generally, the members of the municipal delegations shall receive no retribution for the performance of their duties, nor there will be any administrative apparatus or retributed position for the service of municipal delegations. Notwithstanding the previously mentioned, in exceptional cases, the Minister of Culture shall provide otherwise, after fulfilling the corresponding formalities.

## **CHAPTER 5: ON THE WORK GROUPS OF THE NATIONAL MONUMENTS COMMISSION AND THE PROVINCIAL MONUMENT COMMISSIONS**

### **Article 26:**

For a better operation of the National Monuments Commission, it is allowed to create as many Work Groups as necessary, to simultaneously perform their duties in the organization, entity or enterprise in which they work and the ones assigned to them as members of such Group.

The Work Groups shall be constituted with specific purposes to promote and propose the study, preservation, restoration, care and other aspects of those National and Local Monuments declared as such by the National Monuments Commission.

### **Article 27:**

The Work Groups shall have either a national or provincial nature.

The National Work Groups will operate as branches of the National Monuments Commission and under its methodological guidance. The Provincial Work Groups will function as branches of the corresponding Provincial Monuments Commissions, and under the methodological guidance of the National Monuments Commission.

**Article 28:**

Both the national and provincial Work Groups shall be constituted by a President, a Vice President, an Executive Secretary, and as many members as on the opinion of the corresponding National Monuments Commission or the Provincial Monuments Commission be required. The National Monuments Commission or the Provincial Monuments Commission as corresponding shall approve all members of the Work Group, either national or provincial. The Presidents of the National Work Groups shall be appointed by the National Monuments Commission; the Vice President and the Executive Secretary must be members of the Provincial Commission where the monument is located.

## **CHAPTER 6: ON THE DESIGNATION OF NATIONAL AND LOCAL MONUMENTS**

**Article 29:**

The National Monuments Commission, under what is provided in the Act and the present Regulations, shall determine and designate as a National or Local Monument any historic urban center, site, building or object, and shall take examine the proposal made by the Provincial Monuments Commissions, as well as the suggestions and criteria of its group of advisors or any other natural or juridical person.

**Article 30:**

The designation of National or Local Monument shall be made, taking into account its historic, artistic, environmental, natural or social values.

Historic value will be that the National Monument shall have, linked to a personality or a relevant deed of the political, social scientific or cultural history.

Artistic or architectural value shall be the one with a relevant or exceptional aesthetic value, due to its style elements, construction components or decorative details.

Environmental value shall be the one of that National or Local Monument that due to its shape or architectural nature has become an indissoluble part of the environment of an era or region.

Natural or social value shall be the one any National or Local Monument shall have, constituted by a site, that due to its scientific or cultural characteristics, or its geological or physiographic nature with manifestations of stratigraphic or paleontological interest, may constitute the habitat of endangered animal or vegetable species of great value, and thus of great interest for the science and culture or the preservation of natural beauty.

### **Article 31:**

Once the National or Local Monument is designated as such, the National Commission shall notify the National Registry of Cultural Assets and to its proprietary or owner, which shall be compelled to conserve and protect it. If the owner or holder is a State body or institution, or a private natural or juridical person, the National Monument Commission can provide its restoration as established in Article 58 of the present Regulations.

In case the National or Local Monument is the property of a private individual, the State reserves the right to purchase it, if necessary, for its preservation. If no agreement with the proprietary or owner is reached in this sense, the National Commission shall initiate, as per the legislation in force, the corresponding procedure of forceful expropriation on grounds of public utility or social interest.

## **CHAPTER 7: ON THE REGISTRY OF NATIONAL AND LOCAL MONUMENTS**

### **Article 32:**

The National Monuments Commission, together with the Provincial Commissions, shall keep a Registry of National and Local Monuments.

### **Article 33:**

In the Registry of National and Local Monuments shall be included:

- (1) The National Monuments
- (2) The Local Monuments,
- (3) The real estate that, without having any relevant values to be

declared National or Local Monuments, are part of an urban historic center or a site designated National or Local Monument.

All assets registered in this Registry shall abide by the same provisions established by the Act and the present Regulations.

### **Article 34:**

In the Registry of National and Local Monuments must contain all the data that might allow to identify the Monument, such as its location, name, classification, protected zone, proprietary, use, restrictions, assessment, time when it was carried out, degree of protection, inventory number, description, state of preservation, proposed preservation actions, bibliographic and documented references, localization period, identification photo and any other data deemed necessary to include.

The executive secretaries of the Provincial Commissions shall keep a copy of the Registry of National and Local Monuments corresponding to their territories.

### **Article 35:**

The National Monuments Commission will publicize, by means of an official publication, the list of assets registered in the Registry of National and

Local Monuments, and will deliver it to the National Registry of Cultural Assets, the Provincial Monuments Commissions, the People's Power bodies and all the organizations and institutions that are entitled to know it. The Provincial Monuments Commissions shall deliver a list of the assets of its territory - included in the Registry of National and Local Monuments -, to the Provincial and Municipal People's Power bodies. It will also notify the natural or juridical persons that are proprietors or owners of such assets.

**Article 36:**

Transfers of ownership of assets registered in the National or Local Monuments Registry will include in the corresponding document a statement that the asset object of this operation is registered in the Registry of National and Local Monuments. The parties taking part in such actions, shall notify the National Monuments Commission, through the corresponding Provincial Commission, within thirty days as from the date the action in question is executed.

## **CHAPTER 8: ON THE PROTECTION OF MONUMENTS**

**Article 37:**

By protection is understood all the actions - either legal or institutional -, including technical, construction, restoration and other actions, that may help keep the integrity of the monuments from different agents that might endanger the durability of a part or a whole urban historic center, site, building or object.

**Article 38:**

Once declared a National or Local Monument, an urban historic center, site, building or object, shall be considered of social interest and shall be submitted to the protection and restrictions of the National and Local Monuments Act, this Regulations, and any other provisions enacted on this

issue by the National Monuments Commission.

**Article 39:**

In order to establish the definitions and protection criteria of assets registered in the Registry of National and Local Monuments, several degrees of protection shall be established to which such assets shall be subjected according to their assessment, state of conservation, its relation with the environment and other factors that might determine their social and cultural interest.

The protection degrees will be the following:

(1) First degree of protection:

Assets of great value, that shall be preserved integrally, and on which they will approve and recommend actions to be adopted for its conservation and restoration.

Assets on this group shall be directly subordinated to the control of the National Monuments Commission.

(2) Second degree of protection:

Assets, which conservation is subordinated to previous partial modifications or to their non-exceptional nature, and that could be subjected to, controlled modifications or adaptations. These assets shall be directly subordinated to the control of the National Monuments Commission.

(3) Third degree of protection:

Assets which conservation is subordinated to previous modifications which are practically irreversible, to a relative local relevance or because they create harmonic environmental relations with assets of the first and second degrees of protection. After a previous authorization they can be totally or partially modified, adapted or demolished.

Assets in this group are under the supervision of the Provincial Monuments Commission subjected to the methodological and technical guidelines issued by the National Monuments Commission.

(4) Fourth degree of protection:

Assets which conservation is not desirable, since they create non-harmonic environmental relationships with those in the first and second degrees of protection. They can be adapted, modified or even demolished, although the use given to them or the project of the new construction to be carried out shall be controlled, so it will not affect the aspect nor the integrity of the assets in the first and the second degrees, environmentally linked to them.

This group shall be subordinated to the control of Provincial Commissions under the methodological and technical guidance of the National Monuments Commission.

**Article 40:**

To the effects of exerting the corresponding safeguard of urban historic centers, buildings and sites, if deemed necessary, the National Monument Commission can designate a Protected Zone in a determined area surrounding the asset to be preserved, both if the designation as National or Local Monument has been adopted, or while the investigation process to designated it as such, is in course.

## **CHAPTER 9: ON THE APPROVAL OF WORK LICENSES**

**Article 41:**

The administrative directions of the Local Bodies of the People's Power shall transmit to the Executive Secretary of the corresponding Provincial Monuments Commission any application for a license for a new construction, maintenance, preservation, restoration, adaptation, demolition, change of use, placement of billboards, signs, identification plates and advertisements, or any other work intended to be carried out in an urban historic center, site, building or protected zone, registered in the National and Local Monument Registry.

**Article 42:**

The Provincial Executive Secretary shall submit to the National Monuments Commission the applications for work licenses for their approval, also stating the criteria of the Provincial Commission in this respect.

In each case the license application shall be accompanied by the technical documents the Ministry of Culture might request.

**Article 43:**

Any work carried out on an asset registered in the Registry of National and Local Monuments, without the authorization provided by the Act and these Regulations, or that shall infringe an authorization already granted, shall be suspended by a provision of the National Monuments Commission or the corresponding Provincial Commission. In such a case, they will proceed, at the expense of the interested person, to demolish the work carried out or added and to its restoration or reconstruction.

To these effects, the Provincial Commissions shall appear before the corresponding Provincial or Municipal body of the People's Power, to request an immediate stop of the work, until a final decision is reached by the National Monuments Commission.

**CHAPTER 10: ON THE CONTROL OF THE CONSTRUCTION WORKS AND THE USE OF THE SOIL**

**Article 44:**

To the effects of this Regulations, as control of the construction works and use of the soil, it shall be understood, the group of provision on the implementation of works and the use given to urban historic centers, sites and construction registered in the Registry of National and Local Monuments, with a permanent or a temporal nature.

**Article 45:**

No facility shall be allowed in the registered sites and buildings, as well as

in the established protected zones, without the previous authorization of the National Monuments Commission or the corresponding Provincial Commissions, as determined by the degree of protection established for each asset.

**Article 46:** The shows and public celebrations held in a National or Local Monument cannot entail any damage to the monument in question, nor modify its character. In all the cases, representations, shows, filming, sport and recreational activities and public acts, shall be approved by the National or Provincial Commission as corresponding.

**Article 47:**

For the transfer of monuments or archaeological remains which its current "in situ" location must be changed, an explicit authorization of the National Monuments Commission shall be requested.

**Article 48:**

The works carried out in the public roads of urban historic centers and sites registered in the Registry of National and Local Monuments shall have the previous authorization of the corresponding Provincial Commission. In the case of the use of specific material in the place, such as stone slabs pavement, granite paving stones, boulders, granite sidewalks, and others, they shall be preserved during the works and then duly restored after the conclusion of the works.

**Article 49:**

No partial nor total demolition shall be allowed, in an urban historic center, site, building or protected zone, registered in the Registry of National and Local Monuments, without the previous authorization of the National Monuments Commission or the corresponding Provincial Commission, as determined by the degree of protection established for

each asset.

**Article 50:**

Subject to the guidelines and the supervision of the Ministry of Culture and under the Provincial Monuments Commissions, provincial warehouses shall be created with building materials and elements resulting from demolitions such as wood, stone slabs, marble, tiles, fittings and other items that could be used in future restoration works.

**Article 51:**

No new constructions shall be allowed in urban historic centers, sites or protected zones registered in the Registry of National and Local Monuments that might establish formal non-harmonic or undesirable relationships with buildings surrounding it, concerning their volume, height, facade details, presence or absence of galleries and balconies, proportions of the openings, materials and texture. Any new construction shall have the previous authorization of the National Monuments Commission or the corresponding Provincial Commission, as determined by the degree of protection established for each asset.

**Article 52:**

In rural historic sites and natural sites no highways, expressways, roads, railways, airports, channels, docks, bus stops, gas or petrol stations, nor any other facility linked to transportation, shall be built, without the previous authorization of the National Monuments Commission or the corresponding Provincial Commission, as determined by the degree of protection established for each asset.

**Article 53:**

In rural historic sites and natural sites no high or low voltage power lines, energy producing or conducting constructions, telephone and telegraph communications, radio and television facilities or any other similar

equipment shall be installed, without the previous authorization of the National Monuments Commission or the corresponding Provincial Commission, as determined by the degree of protection established for each asset.

**Article 54:**

In the urban historic centers, sites, protected zones or in gardens, patios and other areas of the buildings, registered in the Registry of National and Local Monuments, no sowing nor chopping down of trees shall be carried out, without the previous authorization of the National Monuments Commission or the corresponding Provincial Commission, as determined by the degree of protection established for each asset.

**Article 55:**

No erection of industries, production centers, exploitation of mines and quarries, waste disposal, sanitary facilities or any other agent shall be allowed, that even outside the declared limits of a monument or protected zone, may cause any sort of pollution affecting the appearance or integrity of the monument.

**Article 56:**

The National Monument Commission can determine to instruct or regulate the use of transmitting or sound reproduction equipment, as well as the admissible sound level in any urban historic center, site or building registered in the Registry of National and Local Monuments.

**Article 57:**

Any kind of fair, festival, tourist camps or any other activity that might affect the scenery in its appearance or integrity, shall not be allowed in a natural or archaeological site registered in the Registry of National and Local Monuments.

**Article 58:**

The natural or juridical person that is a proprietary or owner of an asset registered in the Registry of National or Local Monuments shall be entrusted with its preservation, cleaning and painting, and if deemed necessary, with restoring it at his/her own expense, with the previous authorization of the National Monuments Commission or the corresponding Provincial Commission according to the degree of protection established for each asset.

**Article 59:**

The natural or juridical person proprietary or owner of real estates next to a building or site registered in the Registry of National and Local Monuments, intending to carry out excavation, demolition, foundations or construction works, that might affect the appearance or the integrity of the monument, shall obtain an authorization from the National Monuments Commission or the corresponding Provincial Commissions according to the degree of protection established for each asset.

**Article 60:**

No natural or juridical person shall make use of uncultivated land lots or private or public spaces within the limits of an urban historic center, site, building or protected zone, registered in the Registry of National and Local Monuments, to store raw materials, finished or waste products, park or deposit vehicles or equipment or any other similar use, either with a transitory or permanent nature, without the corresponding authorization of the National Monuments Commission or the Provincial Commission as corresponding to the degree of protection established for each asset.

**Article 61:**

Placing urban furniture elements such as bus stops, telephone booths, benches, flower pots and others, within an urban historic center, site or next to a building registered in the Registry of National or Local

Monuments is not allowed, without the authorization of the National Monuments Commission or the Provincial Commission, as corresponding to the degree or protection established for each asset.

**Article 62:**

Buildings registered in the Registry of National and Local Monuments shall not be modified by adding mezzanines, attics, huts on the roof or balconies, fences, billboards, change of dimensions of the facades or the interiors, opening new access doors, transformation of windows into entrance doors, substitutions, cuts or changes in the carpentry works, fittings, boulders, moldings, stucco or any other existing component. Any change in the building shall have a previous authorization and supervision of the National Monuments Commission or the Provincial Commission according to the degree of protection established for each asset.

**Article 63:**

Any modification of the lines of the facades within urban historic centers and urban sites registered in the Registry of National and Local Monuments is prohibited without the previous authorization of the National Monuments Commission.

**Article 64:**

The erection or placing of permanent decorative elements, such as statues, busts, plates, monuments, fountains, obelisks, triumph arches and other similar elements in urban historic centers, sites, buildings or protected zones, registered in the Registry of National and Local Monuments is hereby prohibited, without the previous authorization of the National Monuments Commission or the Provincial Commission, as corresponding to the degree of protection established for each asset.

**Article 65:**

The use of water from the fountains, wells and decorative ponds in urban historic centers, sites, buildings and protected zones registered in the Registry of National and Local Monuments, is prohibited, as well as the disposal of wastes of any kind.

**Article 66:**

The National Monuments Commission or the Provincial Commissions, as determined by the degree of protection established for each asset, shall coordinate with the corresponding authorities the traffic regulations, parking, pedestrian crossings, closing of squares and public areas and other similar provisions in urban historic centers and sites registered in the Registry of National and Local Monuments. Any of the previous mentioned actions shall require the previous authorization of the National Commission or the corresponding Provincial Commission.

## **CHAPTER 11: ON THE DECORATION AND PRESERVATION OF EXTERIORS, PAINTING OF FACADES AND OTHER ELEMENTS**

**Article 67:**

To proceed to paint or clean, buildings registered in the Registry of National and Local Monuments the guidelines issued by the National Monuments Commission shall be implemented, concerning the method to be used, elements that shall be highlighted with the use of color, form of application, as well as the possible colors to be used.

**Article 68:**

Posting temporary decorative elements such as posters, ads, billboards, flags and decorations on the facades of buildings registered in the Registry of National and Local Monuments, is prohibited, without the previous

authorization of the National Monuments Commission or the corresponding Provincial Commission according to the degree of protection established for each asset.

In any case, these decorative elements cannot entail any damage to the building, and shall be removed by the same organization that placed it, within 72 hours after concluding the activity for which those items were posted.

**Article 69:**

Writing or placing posters and billboards, signs, and in general, any marks, modifications, or any wrongful use of the facades of buildings registered in the Registry of National and Local Monuments, is prohibited.

**Article 70:**

Placing tarpaulins, awnings or similar elements in the facades of urban historic centers, sites and buildings registered in the Registry of National and Local Monuments is prohibited, without the previous authorization of the National Monuments Commission, or the Provincial Commission as determined by the degree of protection established for each asset. In case that the element is accepted, it shall be kept at top conditions, and no materials or designs not previously approved can be used in their execution and repair jobs.

**Article 71:**

Modifications to the public lighting or the special lighting of urban historic centers, sites and buildings registered in the Registry of National and Local Monuments, shall be previously examined by the National Monuments Commission or the corresponding Provincial Commission, as determined by the degree of protection established for each case. It shall not be executed without fulfilling this requirement.

## **CHAPTER 12: ON THE EXPORT OF NATIONAL AND LOCAL MONUMENTS**

### **Article 72:**

The total or partial final export of an asset registered in the Registry of National and Local Monuments is prohibited. Only with the authorization of the National Monuments Commission, after the corresponding verifications, can an asset registered in the Registry of National and Local Monuments, be totally or partially exported, for a determined period of time.

To these effects it will be indispensable to produce before the Customs officials the certificate issued by the National Monuments Commission accrediting that the transfer abroad of a determined asset has been authorized, as well as the time it shall stay out of the National Territory.

### **Article 73:**

In case of the export of an asset or part of it, registered in the Registry of National and Local Monuments, a failure to present the certificate issued by the National Monuments Commission before Customs official, as referred in the previous article, shall entail the confiscation of the asset in question by Customs authorities. The Customs officials shall place the confiscated asset at the disposal of the National Monuments Commission.

## **CHAPTER 13: ON ARCHAEOLOGICAL RESEARCH AND OTHERS**

### **Article 74:**

The natural or juridical persons intending to carry out excavations or archaeological research shall procure, through the Executive Secretariat of the Provincial Commission corresponding to the place of the works, the authorization of the National Monuments Commission, and in due term,

send the latter a report with the findings of the works through the Provincial Monuments Commission.

**Article 75:**

The initial report with the findings of the excavation or research shall be submitted within three months, and the final report within a year as from the date the excavation works began.

The application to obtain such authorization, as referred in the previous article, shall include:

- (1) Full name, nationality and address of the natural or juridical person that will lead the works;
- (2) An accurate description of the place or places where the works will be carried out;
- (3) Purpose of the research;
- (4) General work plan;
- (5) Necessary data to prove the technical skills of the person or persons that will carry out the works.

**Article 76:**

To carry out excavation works it is required that the person carrying them out shall be an expert.

In any authorization issued the following shall be stated:

1. Full name, nationality and address of the natural or juridical person to whom it is granted;
2. Description of the place or places object of the authorization;
3. Work plan of the research, specifying the term granted for carrying it out, and the manner in which the real estate and objects found will be protected when works are suspended.
4. The obligation to accept inspections of the works in the form the National Monuments Commission deems pertinent, as well as the regularity in which it shall be informed of the stage of the works in

question.

**Article 77:**

Causal archaeological findings shall be notified immediately to the Executive Secretary of the Provincial Commission, who will notify the National Monuments Commission, for an investigation by the corresponding organism.

The obligation to notify such findings is vested upon the person who finds the items, and the organism or institution to which the place in questions is assigned, or the person owning it.

**Article 78:**

The National Monuments Commission once the existence of the finding is proved, will notify it to the corresponding scientific organism for an investigation. The National Monuments Commission can prevent the natural or juridical person, from continuing the works until he/she properly guarantees the preservation of the findings.

Likewise, it can revoke the authorization granted to carry out excavations or archaeological research, due to failure to fulfill the obligations acquired, or what it is provided in the Act or the present Regulations.

**Article 79:**

Groups of amateurs duly organized can be authorized to carry out excursions with the purpose of discovering or locating archaeological sites, after a previous application to the National Monuments Commission. An expert shall scientifically lead these groups.

**Article 80:**

The permit request for the activity mentioned in the previous article should fulfill the following formalities:

(1) The group of amateurs shall request the permit to the National Monuments Commission through the Provincial Monuments Commission,

in which they commit themselves not to carry out any excavations, except a single probing hole not bigger than one square meter of surface, if necessary, stopping this process when the first archaeological object is found.

(2) The permit request shall include the data mentioned in Article 75.

(3) The corresponding authorization shall state the data mentioned in Article 76.

**Article 81:**

If the group of amateurs wishes to continue their probing excavation, they must request the assistance of an expert through the channels provided in Articles 74, 75 and 76.

**Article 82:**

The National Monuments Commission shall promote courses and short courses on colonial and pre-Columbian archaeological techniques and research, with the purpose of duly training the amateurs.

**Article 83:**

The archaeological pieces discovered in excavations carried out by groups of amateurs shall be properly registered and delivered to the respective Provincial Monuments Commission, which shall keep them until their final location in a museum, scientific, teaching or cultural center, in coordination with the Cultural Heritage Direction of the Ministry of Culture.

**Article 84:**

They shall keep Pieces obtained in excavations carried out by official archaeological institutions until concluding their study. Eventually, the National Monuments Commission and the Cultural Heritage Direction of the Ministry of Culture shall decide their final location.

**Article 85:**

The removal or transfer of any archaeological, botanical, animal or mineral element found in a cave is hereby prohibited. The removal or transfer of the mentioned elements can only be carried out with the previous authorization of the National Monuments Commission.

**CHAPTER 14: ON THE RESTORATION AND  
PRESERVATION OF WORKS OF PLASTIC ARTS IN  
NATIONAL AND LOCAL MONUMENTS**

**Article 86:**

Works of plastic arts or any other element of decorative arts that are a part of any asset registered in the Registry of National and Local Monuments, cannot be submitted to preservation or restoration works without the previous authorization of the National Monuments Commission, in coordination with the National Registry of Cultural Assets, after hearing the opinion of the Cultural Heritage Direction of the Ministry of Culture. The National Monuments Commission will head and supervise the execution of the preservation and restoration works.

**Article 87:**

The transfer of any works of plastic arts as referred to in Article 86, shall be previously approved by the National Monuments Commission and the National Registry of Cultural Assets.

**FINAL PROVISIONS**

**First:** The National Monuments Commission or the Provincial Commissions, are hereby empowered to suspend any work that might contradict what it is provided for in the present Regulations, and shall account for any violation of them before the corresponding authorities.

**Second:** All provisions and regulations that may contradict the fulfillment of the present Rules and Regulations are hereby revoked, which will come into force as from the date of their publication in the Official Gazette of the Republic.

Given at the Palace of the Revolution, City of Havana, 29 November 1979.

Fidel Castro Ruz  
President of the Council of Ministers

Armando Hart Davalos  
Minister of Culture

Osmany Cienfuegos Gorriaran  
Secretary of the Council of Ministers  
and of its Executive Committee