

LAW ON MUSEUM ACTIVITY

(Published in the "Official Gazette of the Socialist Republic of Montenegro", No. 26/77, 30/77, 33/89)

I. GENERAL PROVISIONS

Article 1

Museum activity shall, in the spirit of this Law, mean a systematic researching, collecting, studying, keeping, professional protecting, professional and scientific handling and exhibiting of the movable property which is important for culture, art, science and education as well as publishing the outcome of such activity.

Article 2

Museum activity shall be aimed at establishing more favourable conditions for movable cultural property (hereinafter referred to as the museum material), being a part of a national and human cultural heritage in general, to be preserved and to serve for meeting cultural, scientific and educational needs of the society.

Article 3

Museum activity shall be performed by the museums and museum collections as well as the National Museum of Montenegro (hereinafter referred to as the museums).

Article 4

Museum activity shall be of specific interest for the society.

Article 5

The municipality on the territory of which the museum material is located shall be entitled to perform the museum material management, unless such right is conferred to an associated labour organization or other self-managing organization or community or body, or the owners of the museum material are the citizens or civil-legal persons.

The museum material, which is located in land or water, shall be socially owned property.

Article 6

The Museum Material shall be protected by this Law regardless of whether it is the socially owned property or citizens' property or the property of the civil-legal persons.

Article 7

A movable item, which is reasonably thought to represent a museum material, shall enjoy the precedent protection.

The following items shall be particularly subject to precedent protection: items related to history of the society; life and work of the eminent persons; fine arts pieces of work such as: paintings, icons, drawings, graphic arts, sculptures, mosaics and their collections; movable archeological items; collections that have historic value as a whole; collections and individual examples of old money, medals, decorations, seals and alike; postage and revenue stamps collections; items related to life and custom of the people; collections and rare examples of nature; applied arts and artistic crafts' items, music instruments, tools, machines and means of transportation as well as other things older than 50 years ; and archive and library material having the characteristic of the museum material.

Article 8

The museum material and material enjoying precedent protection under the Article 7, paragraph 2 of this Law may neither be damaged or destroyed nor exported or taken abroad.

Article 9

The provisions of the Law on Protection of Cultural Monuments shall be applied to the museum material having the characteristic of cultural monument.

The provisions of the Law on Protection of Cultural Monuments shall be applied to the museum material with respect to archeological excavations and research.

Article 10

The museum activity is public.

The publicity of activity shall be achieved through publishing research programmes and general designs, organizing permanent and temporary exhibitions and informing the public about the significant discoveries.

More specific provisions concerning achieving the publicity of work are contained in the Statute and other self-management enactments of the museum.

Article 11

The municipal administrative body competent for cultural issues of the municipality on the territory of which a museum is seated shall supervise legality of the museum activity

The republic administrative body competent for cultural issues shall perform supervision of the legality of work of the museum established by the Socialist Republic of Montenegro.

II. MUSEUM MATERIAL

Article 12

The museum material shall mean original works in the field of art, applied art, craft, cottage industry; items and documents related to life and custom of people, historic events and phenomena, and important persons; items related to nature and technique serving for improving culture, science and education.

Article 13

The museums, as a rule, shall acquire the museum material by means of discovery, collection (research, excavation, extraction and the like), purchase, exchange, legacy, gift and by taking over the museum material from government agencies, associated labour organizations or other self-managing organizations and communities.

Article 14

The museum material shall be exhibited in the museum premises or other premises ensuring protection of such material in compliance with regulations.

The museum material, which is not exhibited, shall be systematized and carefully kept in compliance with the regulations on museum material keeping.

The museum material of special importance shall be kept in a special way.

The museum material, which is not provided the museum protection according to regulations on museum protection, shall be ceded for keeping and using to other museum providing such protection, upon prior opinion obtained by the Republic Institute for Protection of Cultural Monuments.

Decision on ceding the museum material referred to under paragraph 4 of this Article shall be made by the municipal administrative body competent for the cultural issues or republic administrative body competent for cultural issues with respect to the

museum material placed in the museum that was founded by the Socialist Republic of Montenegro.

Executive official of the republic administrative body, competent for cultural issues shall, more precisely, stipulate the conditions with respect to keeping and maintaining the museum material.

Article 15

A museum may deposit the museum material for keeping and use with other museum, other associated labour organizations or self-managing organizations and communities, under the terms and conditions determined by such museum.

A museum may accept the museum material for permanent or temporary keeping and exhibiting, if such keeping and exhibiting are in compliance with the nature and tasks of the museum.

Article 16

In order to complete the museum material, the museums may exchange such material among each other, or with archives, libraries and other associated labour organizations or other self-managing organizations or communities.

The museums may exchange the museum material for items that are citizens' property or civil-legal persons' property, which have museum value, except for the exchange of the unique and rare items of special value.

Exchange of the museum material under paragraph 2 of this Article shall be performed upon the approval of the republic administrative body competent for the cultural issues.

Article 17

The museums shall be obliged to make available the museum material and professional documentation related to such material to any interested associated labour organization or other self-managing organization or community, or scientific and professional workers with a view to its studying, publishing or duplicating.

The way and conditions for use of the museum material shall be regulated by the museum self-management enactments.

Article 18

Foreign citizens may do researching of the museum material on the territory of the Socialist Republic of Montenegro only in co-operation with the museums.

The museums must obtain prior approval issued by the republic administrative body competent for cultural issues with regard to performing the tasks referred to under paragraph 1 of this Article.

Article 19

The museum material may not be exported or taken abroad.

By way of exception, a certain museum material may be exported or taken abroad on the basis of the licence issued by republic administrative body competent for cultural issues.

Republic administrative body competent for cultural issues shall issue the licence referred to under the paragraph 2 of this Article upon prior opinion obtained from the museum in which the museum material is placed.

Republic administrative body competent for cultural issues may authorize the museum where the museum material is placed to issue the licence referred to under the paragraph 2 of this Article for certain types of the museum material of less significance or certain types of the museum material to be ceded to other museums or other associated labour organizations for the purpose of exchange.

In case that museum material comes from other socialist republic, or socialist autonomous province, prior to issuing the licence for its export or taking abroad, opinion issued by the competent body or organization from that republic or autonomous province shall be obtained.

Article 20

In order to take the museum material abroad for the purpose of exhibition, expertise and the like, the republic administrative body competent for cultural issues, on the basis of the opinion issued by the Republic Institute for Protection of Cultural Monuments, shall issue the licence for temporary taking the museum material abroad. The licence shall contain the deadline for bringing the museum material back to the country.

Article 21

Republic administrative body competent for cultural issues, or the museum, in addition to export-licence or licence for temporary taking the museum material abroad, shall submit to the customs authorities a complete file folder, including photo-documentation, for identification of the museum material.

Article 22

The museum material of paramount importance for culture and history of Montenegro may not be permanently taken from the territory of the Socialist Republic of Montenegro to other socialist republics and socialist autonomous provinces.

Other museum material may be permanently ceded to a specific institution from other socialist republic or socialist autonomous province, on the basis of the licence of the republic administrative body competent for cultural issues, which is issued upon prior opinion obtained from the Republic Institute for Protection of Cultural Monuments.

Article 23

Activities that may directly or indirectly damage or destroy the museum material may not be undertaken.

Article 24

The museum material may be removed from the inventory only by way of an exception, upon proposal of a special commission to be established by the museum managing body. The commission shall be composed of the representatives of the museum to which such material belongs, Republic Institute for Protection of Cultural Monuments or Republic Institute for Environmental Protection, depending on the type of such material.

Upon proposal of the commission referred to under paragraph 1 of this Article, the museum material that has lost the museum value may be removed from the records.

Article 25

The museums shall keep the inventory book and the files of the museum material items.

Regulations on keeping the inventory book and the files shall be more precisely stipulated by the executive official of the Republic administrative body competent for cultural issues.

Article 26

The museum shall keep the records on the museum material, which is the property of citizens or civil-legal persons, for a field or activity that it was established for.

Any citizen, civil-legal person, interested agency or associated labour organization or other self-managing organization or community may institute the procedure for entry in the records referred to under the paragraph 1 of this Article.
Entry in the records shall be executed upon proposal of the expert commission established by the museum.

Article 27

With respect to pre-emption right to the museum material, provisions of the Law on Protection of Cultural Monuments shall be applied accordingly.

III. MUSEUMS

Article 28

Museums are associated labour organizations in the field of culture, dealing with a systematic researching, collecting, keeping, maintaining, arranging, studying, handling, exhibiting, promoting and publishing of the museum material as well as the museum activity promoting.

Article 29

In order to fulfill their tasks, the museums shall:

- prepare and arrange permanent, temporary and movable exhibitions;
- organize lectures, courses, seminars and other forms of work;
- publish professional catalogues, scientific and expert publications;
- inform the public about the historic documents, intangible and tangible cultural monuments, technical achievements and natural resources;
- organize study visits;
- enable scientists and experts to study the museum material;
- provide expert and technical protection of the museum material;
- improve the museum service and museum research;
- perform other tasks defined under the Statute and other self-management enactments of the museum.

In the framework of the museum activity, the museums shall also perform the science-related work.

Article 29a ("Official Gazette of the SRM", No. 33/89)

National Museum of Montenegro shall perform central service tasks for the territory of the Socialist Republic of Montenegro.

The central service shall:

- keep records on museums;
- keep the register of the museum workers in charge of expert tasks;
- monitor and study the conditions related to premises, work and development of the museum;
- monitor and study the conditions related to protection, public display and exhibition of the museum material;
- keep the central catalogue of the museum material;
- offer expert assistance in performing the museum activity;
- organize expert and research work with the purpose of improvement and overall development of the museology.

Article 30

The museum may be established by any socio-political community, associated labour organization, self-managing community of interest, local community or any other social-legal or civil-legal person or citizen.

The museum may be established by two or more founders.

In case that the museum is established by two or more founders, their mutual rights and obligations shall be regulated by the self-management agreement, while their rights and obligations related to the museum to be founded shall be regulated by the deed of foundation.

Article 31

Conditions for establishing and work of the museum are as follows:

- acquiring appropriate museum material;
- providing funds for establishing and commencement of work;
- providing adequate premises, equipment and appropriate professional staff;

Conditions referred to under paragraph 1, indented lines 1 and 3, shall be more specifically stipulated by the executive official of the republic administrative body competent for cultural issues.

Article 32

Founder of a museum shall consider and adopt a social feasibility study on the museum establishing, prior to passing the deed of foundation.

Prior to adoption of the feasibility study under the paragraph 1 of this Article, the founder shall be obliged to obtain consent of the competent self-managing community of interest of culture on the justification of the museum establishing.

The founder of the museum shall also be obliged to obtain the consent referred to under paragraph 2 of this Article in case of expansion of the museum activities.

Article 33

According to their activity, the museums may be complex and special.

Complex museums shall generally deal with and display history, culture, national creativity, nature, economy and other fields of certain region.

Special museums shall deal with and display particular historic periods and events, life and work of eminent persons, natural phenomena as well as social and certain activities' development in certain region or in certain social period.

The museum may change its activity with the consent of the founder.

Article 34

The museums may have their workshops and laboratories for conservation, stuffing and restoration of the museum material.

Workshops and laboratories may perform the tasks referred to under paragraph 1 of this Article for other legal and natural persons as well.

Article 35

The museum may contain a memorial-house.

The memorial-house is an authentic ambiance related to a certain period of time, event or person.

Article 36

The museum collections shall perform certain tasks referred to under Article 1 of this Law, which are defined under the deed of foundation.

The museum collection shall perform activity autonomously or as a part of the museums or other self-managing organizations and communities.

The museum collection shall autonomously or with assistance of the museum professionally deal with, keep, systematize and exhibit the museum material, contributing, thus, to education of citizens and raising their cultural awareness.

Article 37

The museums shall be obliged to establish co-operation among each other, with other associated labour organizations in the field of culture, education, science and public information and other self-managing organizations and communities in performing their museum activity and, particularly, with respect to harmonizing protection programmes related to technical equipment, professional staff and the museum material publishing.

Article 38

In case that museum ceases to fulfill any of the stipulated conditions for its work, republic administrative body competent for cultural issues shall urge such museum to fulfill such conditions within set time limit.

If such museum does not fulfill stipulated conditions within set time limit, the body referred to under paragraph 1 of this Article shall halt performing of the museum activity and propose to the founder to pass the deed of repeal.

Article 39

Museum may start with its work when the republic administrative body competent for cultural issues determines that the conditions for the commencement of work are fulfilled.

Article 40

Museum shall be repealed in case that:

- it does not perform the activity that it was established for;
- it does not meet the conditions under Article 31 of this Law.

Deed of repeal shall be passed by the founder.

Article 41

Prior to passing the deed of repeal of a museum, the founder shall be obliged to obtain the opinion from the museum, which is to be repealed, and competent self-managing community of interest of culture and related socio-political community.

Article 42

Deed of repeal of a museum shall stipulate measures for placing and protection of the museum material as well as organization or body that will take over such museum material from the museum to be repealed.

Founder shall immediately inform the Republic body for protection of cultural monuments about the measures related to placing and protection of such museum material.

Article 42a ("Official Gazette of SRM", No. 33/89)

"The National Museum of Montenegro" shall professionally supervise the work of a museum.

Professional supervision over keeping and maintaining of the museum material that is located outside the museum shall be performed by the museum on the territory of which such museum material is located.

Article 42b ("Official Gazette of SRM", No. 33/89)

Employees who have university degree, who have passed state exam in the museum field and have at least five years of working experience may professionally supervise the work of museum including keeping and maintaining of the museum material, which is located outside the museum.

Employees for performing professional supervision shall be appointed by the managing body upon proposal of executive officer of the museum or National Museum of Montenegro.

Article 42c ("Official Gazette of SRM", No. 33/89)

In performing professional supervision, appointed employees of the National Museum of Montenegro shall:

- inspect professional work related to collecting, researching, studying, keeping, professional protecting, professional handling and using of the museum material;
- inform the museums about identified lacks, recommend related measures and set the time limits for their elimination;
- issue written order to the museum if identified lacks are not eliminated on time;
- request written report on order execution and control the execution of order;
- inform the republic administrative body competent for cultural issues and related self-managing community of interest of culture if the museum is not proceeded according to the order.

Provision of the paragraph 1 of this Article shall be applied in performing professional supervision over keeping and maintaining of the museum material, which is located outside the museum.

Article 42d ("Official Gazette of SRM", No. 33/89)

Complaint against the museum employee's order issued in performing professional supervision over keeping and maintaining of the museum material located outside the museum, shall be filed to the managing body of the "National Museum of Montenegro", and complaint against the order issued by the Montenegrin National Museum's employee shall be filed to the republic administrative body competent for cultural issues.

Complaint referred to under paragraph 1 of this Article shall be filed within eight days from the date of the order acceptance.

Decision upon complaint shall be irrevocable.

In case that museum or other social-legal and civil-legal persons or citizens do not proceed according to the decision made upon complaint, the National Museum of Montenegro or republic administrative body competent for cultural issues shall inform about it the founder of the museum and related self-managing community of interest with a view to undertake appropriate measures aimed at eliminating lacks identified with regard to professional supervision.

III a CONDITIONS FOR PERFORMING PROFESSIONAL TASKS AND STATE EXAMS

Article 43a ("Official Gazette of SRM", No. 33/89)

Museum technicians, senior museum technicians, curators, senior curators and museum advisors may perform professional tasks in the museum activity.

Article 43b ("Official Gazette of SRM", No. 33/89)

Museum technician may be any person, who has related secondary education and who passed exam in the museum field.

Senior museum technician may be any person, who has related two-year post-secondary degree and who passed exam in the museum field.

Curator may be any person, who has related university degree and who passed exam in the museum field.

Senior curator may be any person who has:

- 1) related university degree, passed state exam in the museum field, eight years of related working experience and demonstrable professional skills;
- 2) master's degree in the museum field, five years of related working experience and demonstrable professional skills;
- 3) doctor's degree in the museum field, three years of related working experience and demonstrable professional skills.

Museum advisor may be any person, who has:

- 1) related university degree, passed state exam in the museum field, 12 years of related working experience and demonstrable professional skills;
- 2) master's degree in the museum field, eight years of related working experience and demonstrable professional skills;
- 3) doctor's degree in the museum field, five years of related working experience and demonstrable professional skills;

Self-management enactment of the museum shall stipulate what related educational qualification means in the spirit of provisions under paragraphs 1, 2, 3, 4 and 5 of this Article.

Article 43c ("Official Gazette of SRM", No. 33/89)

Expert commission shall assign professional vocations - senior curator and museum advisor.

Expert commission shall be composed of three eminent expert members and appointed by the republic administrative body competent for cultural issues.

Expert commission shall be appointed for a period of four years.

Expert commission shall work in the framework of the "National Museum of Montenegro".

Article 43d ("Official Gazette of SRM", No. 33/89)

Executive officer or managing body of the "National Museum of Montenegro" may initiate assigning of the professional vocations-senior curator and museum advisor.

Upon initiative referred to under paragraph 1 of this Article, the expert commission shall examine the work and research works of a candidate and, accordingly, make a decision on assigning professional vocation or identify that the candidate does not meet the criteria for such professional vocation assigning.

Article 43e ("Official Gazette of SRM", No. 33/89)

Person who becomes employed as the museum technician, senior museum technician or curator for the first time shall be considered as trainee.

Trainee period shall last for a year for persons who have two-year post-secondary qualifications or university degree, and six months for persons who have secondary education.

Trainee shall be obliged to pass state exam within two months following expiration of the trainee period.

Person who does not pass the exam under paragraph 3 of this Article shall be given notice.

Article 43f ("Official Gazette of SRM", No. 33/89)

"National Museum of Montenegro" shall organize state exam.

Republic administrative body competent for cultural issues shall stipulate state exam program and procedure and manner of its passing.

Article 43g("Official Gazette of SRM", No. 33/89)

State exam shall be passed before the commission, which is appointed by the managing body of the "National Museum of Montenegro" and composed of eminent experts in related field, upon prior opinion obtained from the republic administrative body competent for cultural issues.

Article 43x("Official Gazette of SRM", No. 33/89)

Republic administrative body competent for cultural issues shall, by resolution, determine a fee for passing the state exam or part of the state exam, upon proposal of the "National Museum of Montenegro".

Costs related to state exam passing shall be borne by the Museum, but the repeated exam costs shall be borne by the candidate.

Article 43i ("Official Gazette of SRM", No. 33/89)

Persons who have through in-service training attained higher educational degree may perform the tasks for which such educational degree is required if they pass a part of the related state exam.

Persons who have passed state exam for jobs and tasks, which are not within the museum scope of activity, may perform jobs and tasks related to such activity only if they pass a part of the state exam in the museum field within two years from the date of becoming employed.

Persons referred to under paragraph 2 of this Article who do not pass a part of the state exam within two years shall be given notice.

Article 43j ("Official Gazette of SRM", No. 33/89)

Persons who have master or doctor's degree in the museum field shall not pass state exam.

Article 44

It is annulled. ("Official Gazette of SRM", No. 33/89)

IV ACHIEVING SPECIAL SOCIAL INTEREST

Article 45

Representatives of the social community shall participate in managing museum affairs, which are of special interest for society.

Social community representatives shall particularly participate in managing following affairs:

- monitoring and analyzing the work of museum and defining guidelines for its work;
- adopting annual, medium-term and long-term programme, working and development plan of the museum;
- analyzing and approving projects related to excavating, researching, permanent and temporary displays and exhibitions;

- making decisions on opening of permanent and temporary displays and exhibitions;
- approving exchange of the museum material;
- undertaking special measures aimed at protecting and keeping of the museum material;
- appointing and relieving the executive officer.

Social community representatives shall be delegated or appointed by: founder, socio-political community, self-managing community of interest of culture, interested associated labour organizations and other self-managing organizations and communities.

Statute of the museum shall stipulate bodies and organizations under paragraph 3 of this Article, including number of members to be appointed or delegated by them.

Article 46

Parliament of the Socialist Republic of Montenegro shall approve the provisions of the statute of the museum established by the SRM, which are related to organization of the museum work and conditions and manner for appointing and relieving of the executive officer.

Municipality on the territory of which the museum is seated shall approve provisions of other museum statutes, which are related to organization of work and conditions and manner for appointing and relieving of the executive officer.

Article 47

Executive officer of the museum may be any person who has university degree and meets other criteria stipulated by the statute of the museum.

Executive officer of the museum shall be appointed by the managing body of the museum with the consent of founder or the Executive Council of the SRM Parliament for the museum that is established by SRM.

V. PENAL PROVISIONS

Article 48

Any person who damages or destroys the museum material shall be punished for criminal offence with a fine or imprisonment up to one year.

If act referred to in paragraph 1 of this Article causes huge damage, or if such act is intended to damage or destroy the museum material, its perpetrator shall be punished with imprisonment from one to five years.

Article 49

Any person, who exports or takes abroad the museum material or attempts to export or take abroad such material without the licence issued by the competent body, shall be punished with imprisonment up to one year.

Article 50

A fine amounting 300.000 to 1.500.000 dinars shall be imposed upon the museum for petty offence if:

- it does not keep the inventory book and files of the museum material items (Article 25);
- it exchanges the museum material without approval (Article 16, paragraph 3);

Fine amounting 100.000 to 200.000 dinars shall be also imposed upon responsible person in the museum for petty offence referred to in paragraph 1 of this Article.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 51

Existing museums shall be obliged to harmonize their organization and work with the provisions of this Law within a year from the day of its entering into force.

Article 52

Executive official of the republic administrative body competent for cultural issues shall pass regulations on the basis of authorizations provided for under this Law within a year from the day of entering into force of this Law.

Article 53

Self-management agreement under Article 44 of this Law shall be concluded within one year at the latest from the day of entering into force of this Law.

Article 54

When present Law enters into force, the Law on Museums shall become null and void ("Official Gazette of SR Montenegro", No. 22/65).

NOTE

Revised text of regulations could not include following articles:

Article 9 ("Official Gazette of SRM", No. 33/89)

Any person who fails to pass the state exam until the day of entering into force of this Law shall be obliged to pass it within two years from the day of entering into force of this Law.

Persons who do not pass state exam within period referred to in paragraph 1 of this Article shall be given notice.

Article 10 ("Official Gazette of SRM", No. 33/89)

Persons who have been performing jobs and tasks related to museum activity and have more than 15 years of related experience on the day of entering into force of this Law shall not pass state exam.

Article 11 ("Official Gazette of SRM", No. 33/89)

Republic administrative body competent for cultural issues shall pass regulations provided for by this Law within one year from the day of entering into force of this Law.

Article 12

Museums shall be obliged to harmonize their administrative enactments with the provisions of this Law within one year from the day of its entering into force.

Article 55

Present Law shall enter into force on the eighth day from the day of its publishing in the "Official Gazette of SRM".