

*FEDERAL LAW ON ARCHAEOLOGICAL, ARTISTIC AND HISTORIC
MONUMENTS AND AREAS⁽¹⁾*

(Official Gazette, 6 May 1972)

⁽¹⁾ *Unofficial translation prepared by Unesco*

In the margin is a seal with the National Coat of Arms and the words : 'United Mexican States. Presidency of the Republic'.

LUIS ECHEVERRIA ALVAREZ, Constitutional President of the United Mexican States, to the people of Mexico. Be it known:

That the Honourable Congress of the Union has communicated to me the following :

DECREE:

The Congress of the United Mexican States enacts the following FEDERAL LAW ON ARCHAEOLOGICAL, ARTISTIC AND HISTORIC MONUMENTS AND AREAS

CHAPTER I

General Provisions

ARTICLE 1. *The object of this Law is of social and national interest and its provisions pertain to public policy.*

ARTICLE 2. *Research on and protection, conservation, restoration and recovery of archaeological, artistic and historic monuments and areas containing monuments are in the public interest.*

The Secretariat of Public Education, the National Institute of Anthropology and History, the National Institute of Fine Arts and other cultural institutes throughout the country, in conjunction with State and municipal authorities as well as private individuals, shall conduct continuing campaigns to foster knowledge about and respect for archaeological, historic and artistic monuments.

The National Institute of Anthropology and History and the National Institute of Fine Arts and Letters, in pursuance of the Regulations for the application of this Law, hereinafter called the Regulations, shall organize or authorize the establishment of civil associations, local committees and groups of rural dwellers as auxiliary bodies to prevent archaeological plunder and preserve the cultural heritage of the nation. In addition, regional museums shall be established.

ARTICLE 3. *The application of this Law shall be the responsibility of :*

- I. The President of the Republic*
- II. The Secretary of Education*
- III. The Secretary of the National Heritage*
- IV. The National Institute of Anthropology and History*
- V. The National Institute of Fine Arts and Letters*
- VI. Other federal authorities and agencies according to their competence.*

ARTICLE 4. *The authorities of the States, territories and municipalities shall, in the application of the present Law, be vested with the powers specified therein and in its Regulations.*

ARTICLE 5. *Archaeological, artistic and historic monuments and monument areas shall be those determined expressly in this Law and those that may be declared such, either through the official channels or at the request of an interested party.*

The President of the Republic or, in his stead, the Secretary of Education, shall issue or revoke the relevant declaration (declaratoria) which shall be published in the Official Gazette (Diario Oficial) of the Federation.

ARTICLE 6. *The owners of immovable property declared a historic or artistic monument shall conserve, and, where necessary, restore such property pursuant to the provisions of the following article and with the prior authorization of the appropriate Institute.*

The owners of immovable property adjacent to a historic or artistic monument who intend to carry out excavation, consolidation, demolition or construction work that may affect the character of that monument, shall obtain permission from the appropriate Institute, said permission to be granted once the requirements laid down in the Regulations have been fulfilled.

ARTICLE 7. *The authorities of the States, territories and municipalities shall restore and conserve archaeological and historic monuments only after obtaining prior permission from, and under the guidance of, the National Institute of Anthropology and History.*

Similarly, when the aforesaid authorities decide to construct or renovate buildings so that the National Institute of Anthropology and History may exhibit archaeological and historic monuments in their region, they shall obtain the necessary permission, since such buildings must conform to the safety standards and control requirements set forth in the Regulations.

The National Institute of Anthropology and History may accept donations from the aforesaid authorities, as well as from private sources, for the purposes set forth in this article.

ARTICLE 8. *The authorities of the States, territories and municipalities may collaborate with the National Institute of Fine Arts and Letters in conserving and exhibiting artistic monuments according to the terms laid down by that Institute.*

ARTICLE 9. *The competent Institute shall provide professional advice on the conservation and restoration of immovable property declared to be a monument.*

ARTICLE 10. *The competent Institute shall undertake to conserve and restore any immovable property declared to be a historic or artistic monument when the owner, having been requested to do so, has not performed such work. The Treasury of the Federation shall provide the necessary funds for the work.*

ARTICLE 11. *The owners of immovable property declared to be a historic or artistic monument who conserve or restore such property, under the terms of the present Law, may request exemption*

from the relevant real estate tax in the district and federal territories' jurisdiction, on the basis of the technical report issued by the competent Institute, in pursuance of the Regulations.

The Institutes shall encourage State governments to exempt from real estate tax any property declared to be a monument when such property is used for non-profit purposes.

ARTICLE 12. *Restoration and conservation work on immovable property declared to be a monument which is carried out without the appropriate permission or authorization, or which fails to comply with such permission or authorization, shall be suspended by order of the competent Institute, and, if necessary, the work shall be demolished by the owner or by the Institute, and the monument shall be restored or rebuilt.*

The relevant municipal authority may, in an emergency, act as an auxiliary to the Institute concerned in ordering the temporary suspension of such unauthorized work.

The foregoing shall be applicable to the work referred to in Article 6, paragraph 2.

Demolition, restoration and reconstruction work on the property shall be carried out at the expense of the owner. Where necessary, it shall be undertaken according to the provisions of Article 10, above.

In such cases, the person ordering the work to be done and the person overseeing it shall be considered to have equal responsibility with the owner.

ARTICLE 13. *The owners of movable property declared to be a historic or artistic monument shall conserve and, where necessary, restore it, according to the provisions of Articles 6, 7, 8, 9, 10, 11 and 12 of this Law.*

ARTICLE 14. *The status or change in status of any federally owned immovable property declared to be an archaeological, historic or artistic monument shall be established by decree of the Federal Executive Office, through the Secretariat of the National Heritage, which shall take into consideration the report of the Secretariat of Education.*

ARTICLE 15. *Dealers in monuments and historic or artistic property shall be registered with the competent Institute, for the purposes of this Law, in accordance with the requirements of the appropriate Regulations.*

ARTICLE 16. *Privately owned historic or artistic monuments may be exported temporarily or permanently, by means of a permit issued by the competent Institute, in accordance with the Regulations of this Law.*

The exportation of archaeological monuments is prohibited, except in the form of exchanges or gifts to foreign governments or scientific institutes with the agreement of the President of the Republic.

The National Institute of Anthropology and History shall promote the recovery of archaeological monuments located abroad that are of especial value to the Mexican nation.

ARTICLE 17. *A permit shall be required from the competent Institute for the reproduction of archaeological, historic or artistic monuments, and, where appropriate, the provisions of the Federal Copyright Law shall be applied. Handicrafts shall be an exception, concerning which the law thereon shall be applied, or, should the latter be found wanting, the Regulations for the application of the present Law.*

ARTICLE 18. *The registrations, concessions, authorizations, issue of permits, expert studies, advisory reports and other services provided by the Institutes within the terms of this Law and its Regulations shall give rise to the relevant rights.*

When the Federal Government, the decentralized agencies and the Department of the Federal District carry out any work, they shall be obliged, at their expense, to engage certified anthropologists who shall advise on and direct archaeological rescue work under the guidance of the National Institute of Anthropology and History and shall likewise submit the pertinent objects and studies to this Institute.

Any proceeds from the above and other similar activities shall become part of the funds of the respective institutes. The Secretariat of Finance and Public Credit shall ensure that these institutes receive adequate budgetary allocations in good time to ensure the proper discharge of their functions and responsibilities.

ARTICLE 19. *In the absence of specific provisions in the present Law, the following shall also be applied ;*

- I. *International treaties and federal laws; and*
- II. *Civil and penal codes in force throughout the Federal District and territories as regards local matters, and those in force throughout the Republic as regards federal matters.*

ARTICLE 20. *In order to supervise compliance with this Law, the Secretariat of Education, the Secretariat of the National Heritage and the competent Institutes may undertake tours of inspection, in accordance with the relevant Regulations.*

CHAPTER II

Concerning registration

ARTICLE 21. A Public Register of Archaeological and Historic Monuments and Areas under the auspices of the National Institute of Anthropology and History, and a Public Register of Artistic Monuments and Areas under the auspices of the National Institute of Fine Arts and Letters, shall be established for the registration of archaeological, historic or artistic monuments and the declaration of their respective areas.

ARTICLE 22. The respective Institutes shall register monuments belonging to the Federation, States and municipalities; decentralized agencies, enterprises in which the State takes part and individual or legal entities must enter in the appropriate register any monuments that they own.

The declaration of immovable property to be a monument must be recorded in the Public Register of Property in the relevant judicial district.

ARTICLE 23. Entries in the registers shall be made either through the official channels or at the request of the interested party. If the registration is to be carried out through the official channels, the interested party must be served prior personal notice. Should his name or domicile be unknown, publication in the Official Gazette (*Diario Oficial*) shall have the effect of personal notice.

The interested party may contest the notification and submit evidence to substantiate his defence plea within a period of two weeks from the date of notice. The appropriate Institute shall take evidence and make a decision within thirty days after the objection.

ARTICLE 24. Registration shall not determine the authenticity of the property registered. A certificate of authenticity shall be issued according to the procedure established in the relevant Regulations.

ARTICLE 25. The transfer of ownership of immovable property declared to be a historic or artistic monument shall be made a matter of official record. Whoever transfers ownership shall declare under oath whether the property involved is a monument.

The notaries public shall announce any declaration of property as a monument, and shall notify the competent Institute of the transaction within a period of thirty days.

- ARTICLE 26. *The parties involved in the transfer of ownership of movable property declared to be a historic or artistic monument shall give notice of such transactions to the appropriate Institute within a period of thirty days thereafter.*

CHAPTER III

Concerning archaeological, artistic and historic monuments

- ARTICLE 27. *Archaeological monuments, both movable and immovable, are the inalienable and imprescriptible property of the nation.*
- ARTICLE 28. *Movable and immovable property that is a product of the cultures existing prior to the establishment of Hispanic culture in the national territory, as well as human, animal and plant remains related to those cultures, are archaeological monuments.*
- ARTICLE 29. *Movable archaeological monuments may not be transported, exhibited or reproduced without permission of the competent Institute. Anyone who finds archaeological objects must inform the nearest civil authority thereof. The relevant authority shall send official written evidence of the notice, or else shall deliver it, and inform the National Institute of Anthropology and History within 24 hours so that the latter may decide on appropriate action.*
- ARTICLE 30. *All work to discover or explore archaeological monuments shall be performed exclusively by the National Institute of Anthropology and History or by scientific institutions or other institutions of acknowledged ethical reliability that have been granted prior authorization.*
- ARTICLE 31. *In granting the authorizations referred to in the foregoing article, the National Institute of Anthropology and History shall specify the terms and conditions governing the work, as well as the obligations of those who carry out such work.*
- ARTICLE 32. *The National Institute of Anthropology and History shall suspend any work that is being executed on archaeological monuments without prior authorization, or that violates the authorization accorded, or during which there has been a theft of archaeological material. If necessary, the Institute shall take over the site, revoke the authorization and impose the appropriate sanctions.*
- ARTICLE 33. *Works of outstanding aesthetic value shall be considered artistic monuments.*

Except for Mexican mural painting, the works of living artists shall not be declared monuments.

Outstanding murals shall be conserved and restored by the State.

ARTICLE 34. *For the purposes of Article 5 of this Law, there shall be established the National Commission on Artistic Areas and Monuments whose task it shall be to propose that the President of the Republic declare the works of a deceased Mexican artist to be artistic areas or monuments. The Commission shall also keep the Register of movable artistic works from their first exhibition in the country, in accordance with the provisions of the Regulations organizing its functions, and without prejudice to the provisions of the Federal Copyright Law.*

The Commission shall be composed of the Director of the National Institute of Fine Arts and Letters, who shall be its Chairman, critics, artists and exhibitors of works of art, and bodies and associations concerned with these activities as determined by its Rules of Procedure.

ARTICLE 35. *All property linked with the nation's history from the time of the establishment of Hispanic culture in the country shall be considered historic monuments, according to the terms of the relevant declaration or by the determination of the Law.*

ARTICLE 36. *The present Law determines that historic monuments shall be :*

- I.** *Buildings constructed from the sixteenth to the nineteenth century, and intended to be used: as churches or annexes thereto, archbishops' or bishops' palaces, or presbyteries; as seminaries, convents, or buildings for the administration, propagation, teaching or practice of a religious faith; for education or instruction provided for charitable reasons or for social betterment; for public service or embellishment, and for the purposes of the civil and military authorities. Any movable objects that may be found or have already been found in such buildings, and civil works of a private nature produced from the sixteenth to the nineteenth century inclusive, are also included.*
- II.** *Documents and papers belonging, or that have belonged, to bureaux and archives of the Federation, States or municipalities and presbyteries.*
- III.** *Original manuscripts relating to the history of Mexico and books, pamphlets and other matter printed in Mexico or abroad between the sixteenth and the nine-*

teenth centuries and which, by virtue of their rare nature and importance to Mexican history deserve to be kept in the country.

- IV. *Collections and craft tools and artefacts may be promoted to this category by means of an appropriate declaration.*

CHAPTER IV

Concerning monument areas

- ARTICLE 37. *The President of the Republic shall, by decree, declare areas of archaeological, artistic and historic works to be monument areas, under the terms of this Law and its Regulations.*

Such declarations shall be entered in the appropriate register referred to in Article 21, and shall be published in the Official Gazette (Diario Oficial) of the Federation.

- ARTICLE 38. *Monument areas shall be subject to the jurisdiction of the federal authorities as prescribed in this Law and its Regulations.*

- ARTICLE 39. *An archaeological monument area is one where several immovable archaeological monuments are situated, or presumed to be situated.*

- ARTICLE 40. *An artistic monument area is one containing several inter-related artistic monuments, with open spaces or topographic elements which, taken together, form a monumental ensemble of outstanding aesthetic value.*

- ARTICLE 41. *A historic monument area is one containing several historic monuments related to a national event or linked to past events of significance to the country.*

- ARTICLE 42. *In monument areas, and both inside and outside monuments, all announcements, notices, bills, garages, car-parks and service stations selling petrol or oil, all telegraph and telephone poles and wires, electric power transformers and conductors, and lighting installations and all stands, stalls or booths, or any other permanent or temporary constructions, shall be subject to the provisions set forth in this Law and its Regulations.*

- ARTICLE 43. *The competent Institutes shall grant prior authorization for the execution of work in monument areas, pursuant to the provisions of Chapter I.*

CHAPTER V

Concerning competence

- ARTICLE 44. The National Institute of Anthropology and History shall be competent in matters concerning archaeological and historic monuments and monument areas.
- ARTICLE 45. The National Institute of Fine Arts and Letters shall be competent in matters concerning artistic monuments and monument areas.
- ARTICLE 46. In case of doubt as to the competence of the Institutes in a given matter, the Secretary of Education shall determine which Institute is empowered to deal with the affair.

For purposes of competence, the archaeological nature of a property shall take priority over historic character, and the latter shall take priority over artistic character.

CHAPTER VI

Concerning sanctions

- ARTICLE 47. Anyone who executes practical archaeological work by excavation, removal or by any other means, on immovable archaeological monuments, or in archaeological monument areas, without the authorization of the National Institute of Anthropology and History shall be liable to a term of one to ten years' imprisonment and to a fine of one hundred to ten thousand pesos.
- ARTICLE 48. Anyone who has received a contract or commission from the National Institute of Anthropology and History or an authorization granted by that Institute to carry out archaeological work, and who appropriates a movable archaeological monument for himself or for another, shall be liable to a term of one to ten years' imprisonment and to a fine of three thousand to fifteen thousand pesos.

If the offences mentioned in this Law are committed by government officials responsible for its application, the sanctions pertaining thereto shall be imposed on them independently of those to which they shall be liable in pursuance of the Law concerning Responsibilities of Civil Servants and Government Employees.

- ARTICLE 49. Anyone who executes any act of transfer of ownership or sale of a movable archaeological monument, and anyone who transports, exhibits or reproduces it without permission and appropriate registration, shall be liable to a term of one to ten

years' imprisonment and to a fine of one thousand to fifteen thousand pesos.

ARTICLE 50 *Anyone who illegally possesses an archaeological monument or a movable historic monument which was found on or which came from an immovable monument to which Section I of Article 36 refers shall be liable to a term of one to six years' imprisonment and to a fine of one hundred to fifty thousand pesos.*

ARTICLE 51. *Anyone who takes possession of a movable archaeological, historic or artistic monument without the consent of the person who is entitled to it by law shall be liable to a term of two to ten years' imprisonment and to a fine of three thousand to fifteen thousand pesos.*

ARTICLE 52. *Anyone who by means of fire, flood or explosion damages or destroys an archaeological, artistic or historic monument shall be liable to a term of two to ten years' imprisonment and to a fine equal to the value of the damage caused.*

Anyone who by any other means damages or destroys any archaeological, artistic or historic monument shall be liable to a term of one to ten years' imprisonment and to a fine equal to the value of the damage caused.

ARTICLE 53. *Anyone who by any means attempts to remove or removes from the country an archaeological, artistic or historic monument without permission from the appropriate Institute shall be liable to a term of two to twelve years' imprisonment and to a fine of one hundred to fifty thousand pesos.*

ARTICLE 54. *Repeat offenders committing any of the illegal acts described in this Law shall incur sanctions varying between an additional two-thirds to twice the length of the term of imprisonment. The penalties for persistent offenders shall be two or three times those imposed for the major offence.*

In cases of recidivism and persistent offence, judgement shall be based on the principles laid down in the Penal Code for the Federal District and territories which is applicable throughout the Republic in federal matters.

For the purposes of this Law, traffickers in archaeological monuments shall be considered persistent offenders.

In determining the severity of the sanctions referred to in this Law, due consideration shall be given to the offender's educational background, his habits and behaviour, as well as his financial situation and the circumstances which led him to commit the offence.

ARTICLE 55. *Any infraction of this Law or its Regulations that is not provided for in this chapter shall be punished by the appropriate Institutes with a fine varying between one hundred and fifty thousand pesos; appeal proceedings may be instituted in accordance with the terms of the Regulations of this Law.*

TRANSITIONAL CLAUSES

ARTICLE ONE *This Law shall enter into force thirty days after its promulgation in the Official Gazette (Diario Oficial) of the Federation.*

ARTICLE TWO *The Federal Law of 23 December 1968 on the Cultural Heritage of the Nation, published in the Official Gazette of the Federation on 16 December 1970, is hereby abrogated and any provisions that are contrary to the present Law are hereby repealed.*

ARTICLE THREE *Any declarations of monuments that have been made in compliance with previous laws, as well as the registration of such monuments, shall continue in effect.*

ARTICLE FOUR *All rights acquired in conformity with previous laws shall be repealed, the holders being bound to comply with the obligations imposed upon them by such laws.*

Mexico City, 28 April 1972. (Signed) Renato Vega Alvafado, D.P.; Vicente Fuentes Díaz, S.P.; Raymundo Flores Bernal, D.S.; Vicente Juárez Carro, S.S.

In accordance with the provisions of Article 89, paragraph 1, of the Political Constitution of the United Mexican States, and for its due promulgation and observance, I hereby issue the present Decree at the residence of the Federal Executive Office, Mexico City, Federal District, this twenty-eighth day of April 1972. (signed) Luis Echeverría Alvarez. (signed) Victor Bravo Ahúja, Secretary of Education. (signed) Horacio Flores de la Peña, Secretary of the National Heritage. (signed) Mario Moya Palencia, Secretary of the Interior. (signed) Hugo B. Margáin, Secretary of Public Finance. (signed) Emilio O. Rabasa, Secretary of Foreign Affairs. (signed) Octavio Sentíes Gómez, Head of the Department of the Federal District.

REGULATIONS for the application of the Federal Law on Archaeological, Artistic and Historic Monuments and Areas.⁽¹⁾⁽²⁾

In the margin is a seal with the National Coat of Arms and the words: "United Mexican States. Presidency of the Republic".

I, Luís Echeverría Alvarez, Constitutional President of the United Mexican States, by virtue of the authority vested in me by Article 89, (1) of the Political Constitution of the United Mexican States, do issue the following

REGULATIONS FOR THE APPLICATION OF THE FEDERAL LAW
ON ARCHAEOLOGICAL, ARTISTIC AND HISTORIC MONUMENTS
AND AREAS

CHAPTER I

General Provisions

ARTICLE 1 - The competent Institute shall organize or authorize the establishment of civil associations, local committees or groups of rural dwellers, whose purpose shall be to:

I - assist the federal authorities in the upkeep or preservation of a given area or monument;

II - carry out educational work among members of the community on the importance of conserving and developing the cultural heritage of the nation;

III - encourage the public to visit monument areas or monuments;

IV - inform the authorities of any excavation, work or activity that has not been authorized by the competent Institute;

V - perform any activities connected with the above that are authorized by the competent Institute.

ARTICLE 2 - In order to become operational, the civil associations, local committees or groups of rural dwellers shall:

I - obtain written authorization from the competent Institute;

II - submit to the competent Institute a certified copy of the memorandum of association in the case of civil associations;

III - register the memorandum of association with the competent Institute in the case of local committees or groups of rural dwellers, which shall have no fewer than ten members;

IV - testify before the competent Institute that their members are persons of good character and have not been found guilty of any international offence.

ARTICLE 3 - Civil associations shall elect their governing bodies in accordance with their articles of association; local committees and groups of rural dwellers shall have a chairman, a secretary, a treasurer and three officers, elected by a majority vote of their members for a period of one year and eligible for re-election.

(1) Published in the Official Gazette on 8 December 1975
(2) Unofficial translation prepared by Unesco

ARTICLE 4 - The authorizations issued by the competent Institute shall describe the area or monument and indicate the measures that are applicable for the fulfilment of the purpose to which Article 1 of these Regulations refers.

ARTICLE 5 - The competent Institute shall, after allowing those concerned to produce evidence and to present their case, revoke the authorizations issued to civil associations, local committees or groups of urban dwellers in the following circumstances:

I - when the general meeting decides to dissolve them by a majority vote;

II - in the event of failure to comply with the provisions of the Law, of these Regulations or of the authorizations granted.

ARTICLE 6 - The competent Institutes may grant civil associations, local committees and groups of rural dwellers permits valid for a period of up to 25 years, renewable once for an equal term, for the provision of visitor services within certain areas or monuments. On the expiry of such a permit, any improvements made thereunder by those so authorized in the said areas or monuments shall become the property of the Nation.

ARTICLE 7 - The competent Institute may authorize already constituted individual or legal entities that meet the conditions laid down in Article 2 of these Regulations to assist the competent authorities in preventing archaeological plunder and to preserve the cultural heritage of the Nation.

ARTICLE 8 - Civil associations, local committees and groups of rural dwellers may set up or maintain regional museums; to that end, the provisions laid down in the Articles above shall apply. In addition, such bodies shall:

I - seek the technical advice of the competent Institute, which shall determine the methods to be used in construction, inventorying, maintenance and the collection of entrance fees;

II - request the authorization of the competent Institute to secure and raise funds to cover running costs, maintenance and acquisitions, as well as for the organization of cultural events and all kinds of promotional activities related to the museums;

III - pay to the competent Institute on demand the percentage indicated by that Institute of the sum total of entrance fees collected.

ARTICLE 9 - Declarations in respect of artistic and historic monuments belonging to the Federation, to the Federal District, or to states and municipalities, together with declarations of archaeological, artistic and historic areas, shall be issued or revoked by the President of the Republic. Other declarations shall be issued or revoked by the Secretary of Education.

Declarations of archaeological, artistic and historic areas shall describe these in detail and, where appropriate, the conditions governing any construction work in these areas.

The declarations or revocations referred to in this Article shall be published in the Official Gazette of the Federation. With regard to monuments, the interested parties shall be notified personally thereof, as shall be the owners of adjoining property in the case of buildings. When the address of

those to be informed is unknown, a second publication of the declaration or revocation in the Official Gazette of the Federation shall have the effect of personal notice. In addition, the local Public Registry of Property and the competent Public Registry of Historic Monuments and Areas shall be notified and shall enter that notification in their records.

ARTICLE 10 - The National Institute of Anthropology and History may assign the usufruct of movable archaeological monuments to decentralized public bodies and enterprises in which the State takes part, and to the individual or legal entities that are the de facto owners of such monuments.

ARTICLE 11 - The assignment referred to in the preceding Article shall be made by the National Institute of Anthropology and History only if the following requirements are met:

I - an application shall be submitted on the officially approved form, giving the information that the latter requires;

II - the monument shall be made available for inspection.

Should there be reason to believe that transportation of the monument would expose it to damage, the National Institute of Anthropology and History shall inspect the property *in situ*, subject to payment of the expenses entailed in ascertaining the existence of the monument.

ARTICLE 12 - The assignment of usufruct shall be individual and not transferable, except in the event of death, and shall be of an unlimited duration.

ARTICLE 13 - The usufructuaries of movable archaeological monuments shall be required to conserve them and, where appropriate, carry out restoration work subject to the authorization and under the guidance of the National Institute of Anthropology and History.

The assignment shall be revoked by the National Institute of Anthropology and History if the provisions of the preceding paragraph are not complied with, provided that the interested parties have first been given an opportunity to produce any evidence in their favour and to speak in their own defence.

ARTICLE 14 - The competence of the Federal authorities within monument areas shall be limited to the protection, conservation, restoration and rehabilitation thereof.

ARTICLE 15 - The inspectors commissioned to ensure compliance with the Law and with these Regulations shall make their visits in accordance with the powers of the units that they represent and in conformity with instructions received from the authority that decides to conduct the inspection, subject to the following rules:

I - they shall duly identify themselves to the interested party as inspectors from the relevant unit;

II - in the course of the inspection they may request the information required from the interested party;

III - in the case of dealers engaged in the purchase and sale of property declared to be artistic or historic monuments, the inspector shall verify that the operations carried out were in conformity with the provisions of the Law and these Regulations;

IV - the inspectors shall draw up a detailed report on the visits of inspection in which they shall record, if need be, any irregularities and the data required to determine the nature of the infringement thereby incurred. The records shall be signed by the inspector or inspectors making the visit and by those who have taken part in it; if the interested parties refuse to sign, this fact shall be noted in the report;

V - the reports shall be submitted within 72 hours to the competent Institute so that, if necessary, the procedure laid down in Article 48 of these Regulations may be initiated.

ARTICLE 16 - The civil and military authorities shall assist the inspectors in their duties at the latter's request.

CHAPTER II

Concerning Registration

ARTICLE 17 - Entries in respect of movable monuments or the relevant declarations made in the public registers of the competent Institutes shall include:

I - the nature of the monument and, where appropriate, the name by which it is known;

II - a description of the movable property and its location;

III - the name and address of the owner, or, where appropriate, of the de facto owner;

IV - property transfer deeds drawn up in accordance with the Law;

V - the new function of the monument, when it is federal property.

ARTICLE 18 - Entries in respect of immovable monuments or the relevant declarations made in the public registers of the competent institutions shall include:

I - the origin of the monument;

II - the nature of the building and, where appropriate, the name by which it is known;

III - the surface, location, confines and description of the monument;

IV - the name and address of the owner or the de facto owner;

V - the property transfer deeds drawn up in accordance with the Law;

VI - the new function of the building, when it is federal property.

ARTICLE 19 - Entries of declarations of monument areas in the public registers of the competent Institutes shall include:

I - the location and boundaries of the area;

II - its size;

III - a list of the monuments and, where appropriate, the names by which they are known.

ARTICLE 20 - Entries concerning dealers in artistic or historic monuments and property made in the public registers of the competent Institutes shall include the following particulars:

I - name, title or trade name;

II - address;

III - business licence;

IV - type of property involved in transactions;

V - the notifications referred to in Article 26 of the Law;

VI - place of business;

VII - change in title or trade name;

VIII - transfer, closure or removal from the company register.

ARTICLE 21 - In order to register a monument, the interested party shall:

I - submit an application on the officially approved form, giving the information that the latter requires;

II - present, where appropriate, the official declaration of the monument;

III - submit, where appropriate, documents attesting ownership or de facto ownership of the monument;

IV - submit the ground plan and architectural drawings of cross-sections and façades in the case of immovable monuments;

V - submit photographs, if necessary, to facilitate identification of the property in question.

ARTICLE 22 - To ensure registration, dealers shall submit an application within ten days of the commencement of their operations, using the officially approved forms. The aforesaid application shall be accompanied by an inventory of the artistic or historic monuments in their possession. Dealers shall, also within an equivalent time-limit, notify the registry of the competent Institute of any changes in their activity.

ARTICLE 23 - Each public register of archaeological and historic areas shall comprise four sections, in which shall be entered:

I - movable monuments and declarations thereof;

II - immovable monuments and declarations thereof;

III - declarations of areas;

IV - dealers.

ARTICLE 24 - Entries shall be numbered seriatim; when several entries refer to the same monument, they shall be numbered collaterally.

ARTICLE 25 - Once the entry has been made and the relevant fees paid, a registration certificate shall be issued to the interested party which shall not be a guarantee of the authenticity of the property registered.

ARTICLE 26 - Entries shall be cancelled by:

I - revocation of the declaration;

II - decision of the competent authority;

III - closure or removal from the company register in the case of dealers;

IV - other provisions of the laws or regulations in force.

ARTICLE 27 - In no circumstances shall additions be made to entries in the register. All rectifications shall be made as a fresh entry in which the error made shall be clearly indicated and corrected.

ARTICLE 28 - Each public registry of the competent Institutes shall hold and keep up to date a catalogue of monuments and areas which shall include any documents that have been requested for registration purposes.

ARTICLE 29 - In order to obtain a certificate of authenticity for a monument, the interested party shall submit an application to the competent Institute containing:

I - particulars of the interested party;

II - the nature of the property in question;

III - a detailed description of the property.

The application shall be processed after payment of the relevant fees.

ARTICLE 30 - The competent Institute shall submit the application to its technical unit, which shall issue an opinion within a period of 30 working days.

ARTICLE 31 - The competent Institute shall make a decision, on the basis of the application and of the opinion issued, within 30 working days.

CHAPTER III

Concerning archaeological, artistic and historic monuments and areas

ARTICLE 32 - The permanent export of any privately owned artistic property that has been declared a monument is forbidden.

ARTICLE 33 - The permanent export of the following privately owned monuments is forbidden:

I - the monuments mentioned in paragraphs I, II and III of Article 36 of the Law.

II - irreplaceable monuments;

III - monuments whose integrity may be impaired by transportation or by changes in their surroundings.

ARTICLE 34 - The temporary export of privately owned artistic or historic monuments whose integrity may be impaired by transportation or by changes in their surroundings is prohibited.

ARTICLE 35 - In order to secure permission for the temporary or permanent export of a privately owned artistic or historic monument, the interested party must meet the conditions stipulated on the official application form available from the competent Institute.

ARTICLE 36 - In the event of the temporary export of the artistic or historic monuments referred to in Articles 32 and 33 of these Regulations, the interested party shall give the competent Institute a sufficient warranty, acceptable by the latter, for the return and conservation of the monument.

ARTICLE 37 - The duration of the temporary export of artistic or historic monuments shall be determined by the competent Institute, in the light of the purpose of that export.

ARTICLE 38 - For the purposes of the Law and of these Regulations, the reproduction of an archaeological, artistic or historic monument for commercial purposes shall be taken to mean the production of a relic by any process or means whatsoever and of a size similar to that of the original or on a different scale.

ARTICLE 39 - A permit for the reproduction of monuments may be granted by the competent Institute when the interested party demonstrates irrefutably that he has the authorization of the owner, de facto owner or concessionnaire to reproduce them and that he has complied with the provisions of the Federal Copyright Law.

Likewise, the applicant shall disclose any commercial use to which the reproduction is to be put. That use shall not detract from its status as a monument.

ARTICLE 40 - The permit shall state the approved commercial use to which the reproductions shall be put. The commercial use may be changed only with the authorization of the competent Institute.

ARTICLE 41 - Reproductions of monuments shall bear an indelible stamp that shall read as follows: 'Reproduction authorized by the competent Institute'.

ARTICLE 42 - Work in an area or monument, such as the posting of notices, advertisements or bills, the setting up of stalls, various installations, or any other work whatsoever, shall be carried out only after authorization has been granted by the competent Institute, for which the interested party shall submit an application containing the following:

- I - name and address of the applicant;
- II - name and address of the person in charge of the work;
- III - name and address of the owner;
- IV - characteristics, plans and specifications of the work to be carried out;
- V - plans, description and photographs showing the present state of the monument and, if it is immovable property, the property adjacent thereto;
- VI - acceptance of inspections to be carried out by the competent Institute;
- VII - at the discretion of the competent Institute, he shall furnish a sufficient guarantee against any damage to the monument.

The conditions laid down in this Article shall apply, where appropriate, to applications for the construction and fitting out of buildings for the purpose of holding exhibitions, to which Article 7 of the Law refers.

ARTICLE 43 - The competent Institute shall either grant or withhold the authorization mentioned in the preceding article within 30 working days from the date of receipt of the application; if it is granted, the applicant shall be notified so that he may pay the relevant fees in advance.

ARTICLE 44 - Any work carried out on property adjoining an archaeological, artistic or historic monument shall be subject to the prior authorization of the competent Institute, and to that end:

I - the applicant shall fulfil the conditions laid down in Article 42 of these Regulations;

II - the application shall be accompanied by the report of the expert approved by the competent Institute indicating the work that is needed in order to maintain the stability and the special characteristics of the monument. The cost of that work shall be defrayed in full by the owner of the adjoining property;

III - the competent Institute shall either grant or withhold the authorization within 30 working days from the date of receipt of the application.

ARTICLE 45 - The technical report referred to in Article 11 of the Law must establish:

I - that the use of the building is consistent with its use in the past and its special characteristics as an artistic or historic monument;

II - that the architectural features are in a good state of conservation;

III - that the operation of installations and services will neither alter nor detract from the value of the monument.

The technical report shall be issued, where appropriate, after payment of the corresponding fees.

ARTICLE 46 - Any work carried out in or on archaeological, artistic and historic monuments in breach of the provisions of the Law or of these Regulations shall be suspended by the competent Institute by the imposition of official seals to prevent continuation thereof.

Any person breaking the seals imposed shall be guilty of an offence punishable in accordance with Article 55 of the Law.

ARTICLE 47 - The competent Institute shall make representations to the appropriate authorities for a revocation of the exemption from the real estate tax granted to the owner of a monument when the building ceases to meet any of the requirements on which the report issued was based.

CHAPTER IV

Concerning Sanctions

ARTICLE 48 - For the imposition of a fine, the competent Institute shall summon the alleged offender to a hearing. The summons shall state the nature of the alleged offence and the place, date and time of the hearing at which that party will be able to produce evidence and speak in his own defence. The competent Institute shall take the appropriate decision.

ARTICLE 49 - An appeal may be submitted by the party sentenced to pay the fine within five working days from the date on which he received notice of the sanction.

ARTICLE 50 - In the appeal, which shall be submitted in writing to the Secretary of Education through the Institute imposing the sanction, the appellant shall state the reasons for which he considers that the fine should be withdrawn.

ARTICLE 51 - In the aforementioned written appeal, the appellant may furnish any evidence that he considers relevant. Where necessary, the Secretary of Education shall call a hearing within 15 days of the submission of the appeal, at which the evidence shall be considered and the appropriate decision taken.

ARTICLE 52 - The submission of the appeal shall suspend enforcement of the fine, provided that the sum total thereof has been guaranteed through the appropriate financial authorities in accordance with the Fiscal Code of the Federation.

TRANSITIONAL CLAUSES

ARTICLE ONE - These Regulations shall enter into force 30 days after their promulgation in the Official Gazette of the Federation.

ARTICLE TWO - Dealers in monuments and in artistic or historic property shall be entitled to a period of 60 days from the date on which these Regulations enter into force in which to register with the competent Institute and to comply with the requirements laid down in these Regulations.

ARTICLE THREE - The competent Institute shall take the necessary steps to ensure that the above-mentioned registration can be carried out within the specified time-limit.

ARTICLE FOUR - The regulations for the application of the Law on the Protection and Conservation of Archaeological and Historic Monuments, Typical Villages and Areas of Natural Beauty, issued on 3 April 1934 and published in the Official Gazette of the Federation on 7 April 1934, are hereby abrogated and any provisions contrary to the present Regulations are hereby repealed.

Issued at the residence of the Federal Executive Office, in Mexico City, this twentieth day of the month of September, nineteen hundred and seventy-five. (signed) Luis Echeverría Álvarez. (signed) Victor Bravo Ahúja, Secretary of Education. (signed) Francisco Javier Alejo, Secretary of the National Heritage. (signed) Mario Moya Palencia, Secretary of the Interior. (signed) José Lopez Portillo, Secretary of Public Finance. (signed) Emilio O. Rabasa, Secretary of Foreign Affairs. (signed) Octavio Sentíes Gómez, Head of the Department of the Federal District.