

**Decree of 13 March 1985 (Bulletin of Acts and Decrees 262), comprising an order in council implementing section 3, subsection 3 and section 21 of the Cultural Heritage Preservation Act<sup>1</sup>**

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

On the recommendation of 12 July 1984 of Our Minister for Welfare, Health and Cultural Affairs, Museums, Monuments and Archives Department, no. MMA/U-135161;

Having regard to the provisions of section 3, subsection 3 and section 21 of the Cultural Heritage Preservation Act (Bulletin of Acts and Decrees 1984, 49);

Having heard the National Commission for Museums;

Having heard the Council of State (recommendation no. W13.84.0380/24.4.46 of 13 November 1984);

Having seen the further report of 4 March 1985 of Our Minister for Welfare, Health and Cultural Affairs, Museums, Monuments and Archives Department, no. U 16360;

Have approved and decreed:

**Part 1 General Provisions**

**Article 1**

The following definitions shall apply for the purposes of this decree:

- a. the act: the Cultural Heritage Preservation Act;
- the list: the list referred to in section 2, subsection 1 of the act.

**Article 2**

1. An object shall be deemed to have such cultural-historical or scientific value that it should be preserved as part of the Dutch cultural heritage and should thus be placed on the list, if it may be regarded as irreplaceable and indispensable.

2. An object shall be deemed irreplaceable within the meaning of paragraph 1 should no, or hardly any other similar objects or objects of a similar type to be found in good condition in the Netherlands.

3. An object shall be deemed indispensable within the meaning of paragraph 1 if it possesses one or more of the following characteristics:

- a. symbolic value, meaning that the object or collection serves as a clear memorial to persons or events which are of evident importance to the history of the Netherlands;
- b. a link function, meaning that the object serves as an essential element in a development which is of evident importance to the practice of science in the Netherlands, including the study of the history of culture;
- c. a benchmark function, meaning that the object makes an essential contribution to research into or knowledge of other important artistic or scientific objects.

4. A collection shall be deemed to be of such cultural-historical or scientific value that it should be preserved as part of the Dutch cultural heritage and should thus be included on the list if the entire collection, or one or more of the objects that form an essential part thereof, meet the requirements specified in paragraph 1.

**Part 2 The list**

**Article 3**

The list shall comprise two main categories:

- a. protected objects, and
- b. collections.

**Article 4**

Each main category shall be divided into the following sub-categories:

- 1: the Fine Arts
- 2: History
- 3: Natural History

**Article 5**

Having heard the Council, Our Minister shall determine in which category protected objects or collections should be placed. Should an object or collection fall into more than one category, placement under one category shall suffice.

The pages on which protected objects are listed shall be subdivided into three columns, the first for a brief description of the protected object, the second for the reason for its placement on the list and the third for special remarks.

**Article 7**

1. The pages on which collections are listed shall be subdivided as specified in the foregoing article. However, in the column reserved for a brief description of the collection, reference to a separately numbered annexe shall suffice.

2. The list of objects belonging to the collection, the description of the elements common to these objects and the description of the collection, as referred to in section 2, subsection 2 of the Act, shall be included in the annexe referred to in paragraph 1.

**Article 8**

The following shall in any event be included in the column for special remarks: the date and number of the decision placing the object on the list, the date on which the owner gave the permission referred to in section 2, subsection 3, second sentence of the act, the number and a short summary of any decisions or rulings given by Our Minister or the ordinary or administrative court concerning the object or collection after its placement on the list, provided they make no reference to the owner or location of the protected object apart from the fact that the former has granted permission.

**Article 9**

Instead of the description of a protected object or collection as referred to in articles 6 and 7, a photograph or other reproduction of the protected object or collection may, in consultation with the owner, be attached to the list.

**Part 3 Notifications**

**Article 10**

Our Minister may lay down further provisions relating to the form and content of the notification referred to in section 7, subsection 3, second sentence of the act. The decision shall be announced in the Government Gazette.

**Article 11**

This decree may be cited as the Cultural Heritage Preservation Decree.

**Article 12**

The Cultural Heritage Preservation Act shall enter into force on the second day following the publication of the Bulletin of Acts and Decrees in which this decree is published. This decree shall enter into force on the same date.

We order and command that this decree and the accompanying Explanatory Memorandum shall be published in the Bulletin of Acts and Decrees and that a copy thereof shall be forwarded to the Council of State and the Court of Audit.

The Hague, 13 March 1985

Beatrix

The Minister for Welfare, Health and Cultural Affairs,  
L.C. Brinkman

Issued on the twenty-third of May 1985

The Minister of Justice,  
F. Korthals Altes

NOTES

1. Amended by the acts of 23 December 1988 (Bulletin of Acts and Decrees 638), 3 July 1989 (Bulletin of Acts and Decrees 348), 25 October 1989 (Bulletin of Acts and Decrees 492), 22 June 1994 (Bulletin of Acts and Decrees 573), 9 March 1995 (Bulletin of Acts and Decrees 145) and the Act amending the General Administrative Law Act (Bulletin of Acts and Decrees 1992, 422).

2. The Cultural Heritage Preservation Act entered into force on 25 May 1985, pursuant to article 12 of the Cultural Heritage Preservation Decree (Bulletin of Acts and Decrees 1985, 262)

3. Amended by the decrees of 30 January 1987 (Bulletin of Acts and Decrees 196), 21 September 1989 (Bulletin of Acts and Decrees 434) and 23 December 1993 (Bulletin of Acts and Decrees 541)

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