

It is important to note that this translation is *not* an official document. It has been translated with a view to giving interested parties abroad insight into the spirit and content of Swedish laws and ordinances.

Heritage Conservation Act (1988:950)

including amendments up to and including SFS 2002:1090

Chapter 1. Introductory provisions

Section 1

The care and preservation of our cultural environment is a matter of national concern.

Responsibility for this is shared by all. Both private persons¹ and public authorities must show consideration and care towards the cultural environment. Anyone who plans or carries out work must ensure that damage to the cultural environment is, as far as possible, avoided or limited.

Section 2

This Act contains provisions on place-names, ancient monuments, remains and finds, cultural heritage buildings and ecclesiastical cultural heritage property, and also on the export of cultural goods and the return of cultural objects to Sweden.

The County Administrative Board shall supervise the management of heritage conservation resources in the county.

The National Heritage Board shall supervise the management of heritage conservation resources in Sweden overall. The National Heritage Board may appeal against decisions by a court or any other authority under this Act.

Section 3

The provisions of this Act concerning owners of real property or buildings shall, when the property or building is occupied under entailment or on comparable terms or with a permanent right of occupation, apply to the occupier.

Good place-names practice

Section 4

In State and local government operations, good place-names practice shall be observed. This means that

- place-names established by long usage shall not be changed without good cause,
- place-names shall generally be spelled in accordance with generally accepted rules for linguistic correctness, unless spelling forms established by long usage otherwise require,
- the impact on names established by long usage shall be taken into account when forming new place-names, and
- Swedish, Sami and Finnish names shall, as far as possible, be used in parallel on maps and also for signs and other marking in multilingual areas.

¹ Any reference to 'person' in this translation refers, where the context permits, to both natural and legal persons.

Names that have been approved for public map production shall also be used in their approved form in other contexts.

Chapter 2. Ancient monuments, remains and finds

Ancient monuments and remains, and ancient finds

Section 1

Ancient monuments and remains are protected under this Act.

Ancient monuments and remains are the following traces of human activity in past ages, having resulted from use in previous times and having been permanently abandoned

1. graves, funeral buildings and burial grounds, and also churchyards and other cemeteries,
2. raised stones and also stones and rock bases with inscriptions, symbols, marks and pictures, as well as other carvings or paintings,
3. crosses and memorials,
4. places of assembly for the administration of justice, cult activities, commerce and other common purposes,
5. remains of homes, settlements and workplaces and cultural layers resulting from the use of such homes or places, and similarly remains from working life and economic activity,
6. ruins of fortresses, castles, monasteries, church buildings and defence works, and also of other remarkable buildings and building works,
7. routes and bridges, harbour facilities, beacons, road markings, navigation marks and similar transport arrangements, as well as boundary markings and labyrinths,
8. shipwrecks, if at least one hundred years have presumably elapsed since the ship was wrecked.

Ancient monuments and remains also include natural formations associated with ancient customs, legends or noteworthy historic events, as well as traces of ancient popular cults.

Section 2

An ancient monument or remain includes a large enough area of ground or on the seabed to preserve the remains and to afford them adequate scope with regard to their nature and significance. This area is to be termed an ancient remains area.

Should a question arise concerning the determination of the boundaries of an ancient remains area, the issue shall be dealt with by the County Administrative Board.

If a matter relating to the determination of boundaries is raised by someone who is not the owner of the area, the latter shall be notified of the matter and given an opportunity of expressing views. The notice shall be given by means of service.

Section 3

Ancient finds are objects that have no owner when found and that

1. are discovered in or near ancient monuments and remains and are connected with them, or
2. are found in other circumstances and are presumably at least one hundred years old.

Section 4

Ancient finds according to Section 3(1) accrue to the State.

An ancient find according to Section 3 (2) accrues to the finder. He is, however, duty bound to invite the State to acquire it in return for payment (offer for redemption)

1. if the find contains objects partly or wholly of gold, silver, copper, bronze or any other copper alloy, or
2. if the find consists of two or more objects, which were presumably deposited together.

Ancient finds discovered on or beneath the seabed beyond the limits of national jurisdiction and salvaged by a Swedish vessel or taken to Sweden, accrue to the State.

A shipwreck discovered on or beneath the seabed beyond the limits of national jurisdiction and salvaged by a Swedish vessel or taken to Sweden, accrues to the State if at least one hundred years have presumably elapsed since the ship was wrecked.

Section 5

Anyone discovering an ancient find that accrues or must be offered for redemption to the State is to report the find without delay to the National Heritage Board, the County Administrative Board, the County Museum or a police authority. Ancient finds belonging to shipwrecks can also be reported to the Coastguard Service.

It is the duty of the finder, when requested to do so, to surrender the ancient find in return for a receipt and to state where, when and how the find was discovered.

Protection, care and survey of ancient monuments and remains, and sites where ancient finds have been discovered

Section 6

It is prohibited, without permission under this chapter, to disturb, remove, excavate, cover over or, by building development, planting or in any other way, to alter or damage ancient monuments and remains,

Section 7

The National Heritage Board and the County Administrative Board may take such measures as are necessary in order to protect and care for ancient monuments and remains. These measures may, for example, comprise relocation, refurbishment and enclosure of the ancient monument and remains or clearance. A measure of this kind may also refer to ancient monuments and remains incorporated in building works.

The County Administrative Board may appoint another to take measures under subsection one, on the conditions determined by the County Administrative Board. A measure involving the disturbance or alteration of the ancient monument or remains may not, however, be taken without such a measure being expressly provided for in the assignment from the County Administrative Board.

Before any measure is taken, the owner or anyone holding a special right to the land or building works shall be served with notice thereof. The same shall apply with regard to an area of water.

If the measures taken entail costs or damage to the owner or any other person, such person is entitled to reasonable compensation out of public funds. Decisions concerning compensation shall be made by the County Administrative Board and served on those affected by the decisions.

Section 8

The National Heritage Board and the County Administrative Board may, notwithstanding Section 6, survey ancient monuments and remains, salvage a shipwreck constituting ancient remains and also survey a site where ancient finds have been discovered.

The County Administrative Board may grant some other person permission to conduct such a survey or salvage operation, on the conditions determined by the County Administrative Board.

Surveying or salvaging operations shall be subject to the provisions on notification and compensation referred to in Section 7(3) and (4).

If a shipwreck constituting ancient remains and having no owner is salvaged, it shall accrue to the State.

Section 9

The Government or the authority appointed by the Government may make regulations concerning what the public must observe within and in the vicinity of areas referred to in Section 2.

Regulations under subsection one may also be made for a site where ancient finds have been discovered, provided this can be done without causing any significant inconvenience. Such regulations may only apply until, at the latest, the site has been surveyed in accordance with Section 8.

The County Administrative Board may decide on the use of land in the vicinity of the areas referred to in Section 2, provided that this does not significantly impede current use of the land.

Public notice of a decision concerning regulations shall be given in an appropriate manner.

Interference with ancient monuments and remains

Section 10

Anyone intending to erect a building or installation or to carry out any other contracting work should ascertain well in advance whether any ancient monuments or remains can be affected by the work and, if such be the case, consult the County Administrative Board immediately.

If an ancient monument or remains are discovered in the course of excavation or other work, the work shall be suspended immediately, insofar as it affects the ancient monument or remains. The person directing the work is to report the matter immediately to the County Administrative Board.

Section 11

If a special investigation is needed to find out whether ancient monuments and remains are affected by planned contracting work involving the use of a considerable area of land, the cost of the investigation shall be borne by the entrepreneur. Development of this kind includes, for example, the construction of a highway, a large private road, a railway, an airfield, an energy supply facility, a large water project and particularly extensive construction for purposes of housing, industry or commerce.

Decisions on special investigations shall be made by the County Administrative Board. The County Administrative Board shall in its decision

state who is to carry out the investigation. The Public Procurement Act (1992:1528) does not apply in these circumstances. The County Administrative Board shall ensure that the investigation meets good scientific standards and is executed at a cost that is not higher than is prompted by the circumstances.

Section 12

Anyone wishing to disturb, alter or remove ancient monuments and remains must apply to the County Administrative Board for permission.

The County Administrative Board may not grant such permission unless the ancient monument and remains cause a hindrance or inconvenience that is disproportionate to their significance.

In the case of the owner of a shipwreck or of an ancient find belonging to a shipwreck, permission may be granted unless there are special reasons to the contrary.

If anyone other than the owner of the land or water area or the owner of the shipwreck applies for permission, the application shall be rejected if the owner objects to the measure and if there are no particular reasons why the application should be allowed.

Section 13

As conditions for permission under Section 12, the County Administrative Board may impose reasonable demands for a special survey to record the ancient monument and remains and to protect and care for ancient finds or regarding special measures to preserve the ancient monument and remains. The decision shall as far as possible state the estimated cost entailed by the measures.

Before considering an application under Section 12, the County Administrative Board may decide on a preliminary archaeological survey of the ancient monument and remains if this is necessary in order to provide an adequate basis for the assessment or to assess the need to require a special survey.

In its decision for a preliminary archaeological survey or a special survey, the County Administrative Board shall state who is to carry out the survey. The Public Procurement Act (1992:1528) does not apply in these circumstances. The County Administrative Board shall ensure that the survey meets good scientific standards and is executed at a cost that is not higher than is prompted by the circumstances.

Section 14

Those who perform contracting work affecting ancient monuments and remains shall bear the cost of measures under Section 13.

The entrepreneur, however, shall not bear cost that

1. relates to previously unknown ancient monuments and remains,
2. substantially exceeds the amount indicated by the County Administrative Board in its decision for permission under Section 13(1),
3. refers to a preliminary archaeological survey under Section 13(2), if the County Administrative Board does not grant permission for interference with the ancient monument and remains under Section 12(2), or
4. refers to a preliminary archaeological survey or special survey under Section 13, if it transpires that no ancient monuments or remains are affected by the contracting work.

Decisions under this Section shall be made by the County Administrative Board and served on the entrepreneur.

Section 15

Anyone refused permission under Section 12 with reference to ancient monuments and remains that, when discovered, were completely unknown and without visible sign above ground, is entitled to reasonable compensation out of public funds if the ancient monuments and remains cause him substantial hindrance or inconvenience. An application for such compensation shall be submitted to the County Administrative Board. The application shall be delivered to the County Administrative Board within two years of the ancient monuments and remains being discovered as a result of excavation or other work, otherwise the right to compensation will lapse. These provisions on compensation shall not apply if the land is expropriated. Compensation for hindrance or inconvenience shall be deposited with the County Administrative Board. The relevant parts of the provisions of the Expropriation Act (1972:719) concerning the granting of tenancies or servitudes shall apply to the distribution and disbursement of amounts deposited and the legal consequences of distribution and disbursement. However, the amount shall be paid to the applicant directly if it is of no material importance to anyone with a legal interest other than the applicant.

Redemption and reward in connection with ancient finds

Section 16

For the redemption of an ancient find that, under Section 4, must be offered for redemption, compensation shall be paid in an amount that is reasonable considering the nature of the find, but in the case of objects of precious metal not equalling less than the value of the metal by weight, augmented by one-eighth.

A special reward may also be paid for ancient finds.

Issues relating to redemption, compensation and reward shall be dealt with by the National Heritage Board.

Distribution of finds procedure

Section 17

The National Heritage Board may, through the distribution of finds procedure, assign the right of the State to an ancient find to a museum that undertakes to care for it in an adequate manner for the future.

This also applies to a shipwreck as referred to in Section 4(4).

Metal detectors

Section 18

Apparatus that can be used for electronically detecting metal objects beneath the ground surface (metal detectors) may not be used unless otherwise provided by Section 19 or 20.

Nor may metal detectors be carried on ancient monuments and remains, except when travelling on a road that is open to the general public, unless otherwise provided for in Section 19 or 20.

Section 19

The prohibition in Section 18 of the carrying and use of metal detectors does not apply to the National Heritage Board.

Notwithstanding the prohibition in Section 18, metal detectors may be carried and used in the course of military activities in order to search for things other than ancient finds.

Furthermore, notwithstanding the provision of Section 18(l), metal detectors may be used by public authorities in the course of their activities in order to search for things other than ancient finds.

Section 20

Notwithstanding Section 18, metal detectors may be carried and used for surveys of ancient monuments and remains, or sites where ancient finds have been discovered, that are conducted with the permission of the County Administrative Board by someone other than the National Heritage Board.

The County Administrative Board may also grant permission for the carrying and use of metal detectors in other cases, if there is due cause for so doing.

Liability, etc.

Section 21

Fines or imprisonment of up to six months shall be imposed for archaeological heritage crime, on a person who, with intent or by negligence

1. misappropriates or otherwise acquires, conceals, damages, alters or disposes of objects that, under Section 4, accrue to the State or shall be offered for redemption to the State, or

2. unlawfully disturbs, removes, excavates, covers over, or by building development, planting or in any other way, alters or damages ancient monuments and remains.

If an offence according to subsection one has been committed with intent and is to be deemed grave, imprisonment of up to four years shall be imposed for grave archaeological heritage crime. In determining whether the offence is grave, it shall be specially considered whether the offender used special equipment or otherwise displayed special cunning, whether the act was committed habitually, involved ancient finds of great value or extent or entailed extensive destruction of ancient monuments and remains.

For attempted grave archaeological heritage crime or preparation for the same, a sentence shall be imposed as provided for in Chapter 23 of the Penal Code.

Section 21a

Fines or imprisonment of up to six months shall be imposed on a person who, with intent or by negligence

1. does not report ancient finds as provided for in Section 5,
2. violates regulations or a decision made under Section 9,
3. does not make a report as provided for in Section 10(2), or
4. violates Section 18.

Section 22

In the event of infringement of a decision or regulation under this chapter, the Enforcement Service may lend special enforcement assistance to rectify matters. The National Heritage Board and the County Administrative Board may apply for enforcement assistance.

The Payment Orders and Enforcement Assistance Act (1990:746) contains provisions concerning enforcement assistance as referred to in subsection one.

Section 22a

Ancient finds that have been the subject of offences under this chapter and that do not otherwise accrue to the State under Section 4(l), shall be declared

forfeited, provided this is not manifestly unreasonable. Instead of the ancient find, its value may be declared forfeited. Other proceeds of such an offence shall also be declared forfeited, provided this is not manifestly unreasonable.

A metal detector that has been used in connection with an offence under this chapter shall be declared forfeited, provided this is not manifestly unreasonable. Other equipment used as an aid in connection with the commission of an offence under this chapter, or the value of the same, may be declared forfeited, provided this is necessary for the prevention of crime or if there are other special reasons for so doing.

Section 23

In matters falling under Section 2(2) and Section 9, the County Administrative Board may, if necessary, make interim regulations to apply pending the final determination of the matter.

Appeals, etc.

Section 24

Decisions made by the National Heritage Board under Section 17 may be appealed against to the Government.

Other decisions under this chapter may be appealed against to a general administrative court, unless otherwise provided by Section 25. Leave to appeal is required for an appeal to an Administrative Court of Appeal.

The municipality may appeal against decisions under Section 2(2), Section 9(l)-(3) and Section 12(2).

Section 25

Decisions by the County Administrative Board may not be appealed against as regards

1. compensation for costs or damage under Section 7(4),
2. compensation under Section 8(3),
3. decisions concerning the cost of a preliminary survey or special survey under Section 14(2), or
4. compensation under Section 15(1).

Anyone dissatisfied with a decision referred to in subsection one can institute proceedings against the State in the Real Property Court. Proceedings must be instituted within one year of service of the County Administrative Board's decision.

Compensation awarded by a court under Section 15(l) shall be deposited as provided for in Section 15(2).

Chapter 3. Cultural heritage buildings

Section 1

A built environment (building) of outstanding interest on account of its cultural historic value or forming part of a settlement of outstanding cultural historic value may be designated a cultural heritage building by the County Administrative Board. The provisions of this chapter concerning cultural heritage buildings may also be applied to parks, gardens or other installations of cultural historic value.

In the case of a building of such value as referred to in subsection one and belonging to the State, the regulations made by the Government concerning state-owned cultural heritage buildings shall apply. If a state-owned cultural

heritage building is transferred to non-state ownership, it shall thereupon constitute a cultural heritage building under this Act.
The provisions of this chapter do not apply to a building constituting ancient monuments and remains or church building under this Act.

Implications and scope of protection

Section 2

When a building is designated a cultural heritage building, the County Administrative Board shall prescribe, by means of protective regulations, the way in which the building shall be cared for and maintained and the respects in which it may not be altered.

If necessary, the regulations may also include provisions to the effect that an area surrounding the building shall be kept in such a state that the appearance and character of the cultural heritage building will not be debased.

Section 3

Protective regulations shall as far as possible be framed in consensus with the owner of the building and the owner of the surrounding areas of land. The obligations imposed on the owner must not exceed what is absolutely necessary for the maintenance of the cultural historic value of the cultural heritage building. The use of the building and the reasonable wishes of the owner shall be taken into consideration.

Designation of cultural heritage buildings

Section 4

The question as to whether a building should be designated a cultural heritage building can be raised by anyone upon application or taken up by the County Administrative Board on its own initiative.

An application for a building to be designated a cultural heritage building must include particulars of the real property on which the building is situated, particulars concerning the owner of the property and a description of the building. The application should also indicate the circumstances adduced as grounds for designating the building a cultural heritage building.

Before making any decision that, under this chapter, can entitle the owner or any other person to compensation or redemption, the County Administrative Board shall investigate whether funds for this purpose are available.

Section 5

If a question has been raised or taken up concerning whether a building should be designated a cultural heritage building, the County Administrative Board, pending the determination of the matter, may prohibit measures that may reduce or destroy

the cultural historic value of the building. This prohibition may be valid for up to six months. It may be prolonged if there are extraordinary reasons to do so, but not by more than six months at a time.

Section 6

If it can be presumed that a building may be considered for designation as a cultural heritage building, the County Administrative Board may order that notice shall be given to the County Administrative Board before the building is

demolished or altered in any way substantially impairing its cultural historic value (notification obligation).

Within a month of being notified, the County Administrative Board shall decide whether the measure notified shall be allowed to be implemented or be prohibited under Section 5. During this period, the measure for which notice has been given may not be implemented, unless it is allowed by the County Administrative Board.

Section 7

If a state-owned cultural heritage building has been transformed to become a cultural heritage building under this chapter, a designation to this effect shall be issued by the County Administrative Board.

Section 8

The County Administrative Board shall, without delay, notify the Land Survey Authority for an entry to be made in the general section of the land register or for the removal of an entry previously made,

1. when the question of a building being designated a cultural heritage building has been raised or initiated or a designation has been issued under Section 7,
2. when an order under Section 6(1) has been issued or revoked,
3. when a decision concerning designation as a cultural heritage building has entered into final legal force or been revoked, or
4. when an application for designation as a cultural heritage building has been refused.

Section 9

The National Heritage Board, the County Administrative Board or anyone working on the assignment of the County Administrative Board is entitled to be admitted to buildings and associated areas of land and to implement there such measures and investigations as are needed for the application of this Act.

Provisions concerning compensation and redemption

Section 10

The owner and a holder of a special right to real property is entitled to compensation from the State if the protective regulations

1. constitute an impediment to the demolition of a building and the damage thus entailed is substantial in relation to the value of the part of the property affected, or
2. otherwise considerably impede current use of the land within the part of the property affected.

Compensation under subsection one may, if appropriate, be paid in annual amounts, the interested party or the State being entitled to reassessment in the event of a change of circumstances.

If protective regulations gravely impair the use of the property, the State is under an obligation to redeem the property if the owner so requests.

The provisions of subsection one shall also apply when a prohibition under Section 5 has been issued by the County Administrative Board. Compensation payable in such a case shall, if there are grounds for so doing, be set off against compensation that may subsequently become payable under this section.

For the purposes of subsections one and three, and notwithstanding the provisions of Sections 11 and 20 or Chapter 15, Section 4 of the Planning and

Building Act (1987:10), concerning the lapsing of rights of action or entitlement to compensation or redemption, consideration shall also be given to other decisions concerning protective regulations and to decisions under Chapter 14, Section 8(I), items 2 and 3, of the Planning and Building Act, subject to the precondition that these decisions were made not more than ten years before the latest decision concerning protective regulations.

Section 11

If a question has been raised concerning whether a building should be designated a cultural heritage building, the County Administrative Board may order that anyone wishing to claim compensation or redemption should notify the County Administrative Board to this effect within a certain length of time, not less than two months after being served with the order to do so. An order of this kind shall be accompanied by particulars concerning the protective regulations that it is intended to make. Anyone failing to give notice of their claim within the prescribed period will thereby have lost their entitlement to compensation or redemption.

Decisions concerning compensation and redemption shall be made by the County Administrative Board.

Agreements between the State and an interested party or what they have manifestly assumed shall apply between them regarding compensation or redemption, shall also apply to anyone subsequently acquiring the rights of the interested party.

Section 12

If, as a result of a decision pursuant to this chapter, the value of real property declines to such an extent that it can no longer be presumed to constitute full security for the creditors, the compensation to which the interested party is entitled under Section 10 shall be deposited with the County Administrative Board. This provision, however, only applies to creditors who had mortgage claims on the property when the right to compensation arose and to sums of compensation that are immediately payable.

A creditor suffering damage due to deposits not having been made in accordance with subsection one is entitled to compensation from the State. Compensation is paid against deduction endorsed on the instrument of debt. The same applies if a creditor has incurred a loss due to compensation being underestimated and not having been considered by a court owing to an agreement between the State and the interested party or for some other reason.

Section 13

In matters of compensation or redemption under Section 10 or Section 12(2) of this Act, the Expropriation Act (1972:719) shall apply insofar as the present Act does not contain any provision to the contrary.

Compensation for reduction of the market value of the property in cases referred to in Section 10 shall be determined as the difference between the market value of the property before and after the decision. For this purpose, expectations concerning a change in the use of the land shall be disregarded.

Compensation for damage under Section 10(I), item 1, shall be reduced by an amount corresponding to that which under this item should be tolerated without compensation.

If the State so requests and if it is not manifestly unreasonable to do so, the court shall order that compensation under Section 10 (I) is not to be paid until certain measures have been carried out on the building.

If an action for compensation or redemption instituted by the property owner or another interested party is rejected, the court may order that he shall pay his own costs if he has instituted the proceedings without proper cause. If the proceedings have manifestly been commenced without reasonable grounds, the court may also order him to reimburse the State for its legal costs.

Alteration and revocation

Section 14

If there are special reasons for doing so, the County Administrative Board may grant permission for alterations to a cultural heritage building in contravention of the protective regulations.

The County Administrative Board may grant this permission subject to such conditions as are reasonable in view of the circumstances prompting the alteration. The conditions may refer to the manner in which the alteration shall be carried out and the documentation needed.

Section 15

If the preservation of a cultural heritage building entails hindrance, inconvenience or costs out of reasonable proportion to the importance of the building, the County Administrative Board may amend the protective regulations or revoke the designation as cultural heritage building. The County Administrative Board may also revoke the designation of a cultural heritage building if the designation is found to serve no purpose.

The Government may revoke the designation of a cultural heritage building or amend protective regulations if it grants permission for expropriation relating to the building or a surrounding area and the designation as cultural heritage building or the protective regulations cannot be maintained without inconveniencing the purpose of the expropriation.

When deciding to revoke the designation of a cultural heritage building or to amend protective regulations, the County Administrative Board or the Government may order that the applicant for the revocation or amendment shall pay for special documentation of the building, if it is reasonable to do so.

Provisions on liability, etc.

Section 16

To ensure compliance with protective regulations and decisions under this chapter, the County Administrative Board may order a person responsible for the management of a cultural heritage building to implement rectification or discontinue measures in progress. Such an order may be combined with a default fine.

In cases as referred to in subsection one, the County Administrative Board may instead make a request to the Enforcement Service for special enforcement assistance under the Payment Orders and Enforcement Assistance act (1990:746) against the person responsible for the management of a cultural heritage building.

Section 17

If a County Administrative Board has issued an order or a prohibition against anyone in their capacity as an owner of real property, or a site-leaseholder or owner of a building on land that belongs to someone else, the County Administrative Board may despatch the decision to the registration authority

to be entered into the land registry encumbrances section. If the order is combined with an ongoing default fine, this shall also be entered. If the applicant is not the addressee of the order or prohibition, the person who last applied for land registration or registration of the acquisition of a site-leasehold shall, by registered letter, be immediately notified of the entry by the registration authority.

If an entry has been made, the order or prohibition applies against the new owner of the property. However, if the new owner has acquired the property by purchase, exchange or gift and if the property constitutes real property or a site-leasehold, an ongoing default fine also applies against the new owner computed from the date of transfer of ownership. Other default fines do not apply against a new owner of the property, but the County Administrative Board may impose a new default fine for that owner. An ongoing default fine that refers to a particular period may only be collected from the person who was the owner at the commencement of the period.

If an order or prohibition that has been entered in the register is revoked by a decision that has entered into final legal force or if the measure referred to in the order has been implemented or the purpose of the order or prohibition has lost its significance, the County Administrative Board shall, as soon as it becomes aware of this circumstance, report this to the registration authority for deletion of the entry.

Section 18

Fines shall be imposed on any person who

1. contrary to protective regulations made, demolishes or otherwise destroys a cultural heritage building or alters it without permission under Section 14 or without observing conditions attaching to such permission, or
2. violates a prohibition issued under Section 5 or an order under Section 6(l) or takes measures contrary to the provisions of Section 6(2).

A person who fails to comply with an order subject to a default fine or a prohibition subject to a default fine shall not be sentenced to a penalty for the matter subject to the order or prohibition.

Appeals, etc.

Section 19

Decisions by the County Administrative Board under this chapter may be appealed against to a general administrative court. Leave to appeal is required for an appeal to an Administrative Court of Appeal.

A decision by the County Administrative Board not to designate a building a cultural heritage building may only be appealed against by the National Heritage Board.

Section 20

Decisions by the County Administrative Board concerning compensation and redemption may not be appealed against. Anyone dissatisfied with such a decision may institute proceedings against the State in the Real Property Court within one year of being served with the County Administrative Board's decision. If no proceedings are instituted within this period, the right of action for compensation or redemption will lapse.

When the question of designating a building as a cultural heritage building has been raised or taken up, the State may institute proceedings in the Real Property Court against an interested party concerning the determination of the conditions applicable to the compensation. If no decision concerning designation as a cultural heritage building is made within one year of the case

being determined through a judgment that has entered into final legal force, the judgment shall cease to be binding on the parties.
Proceedings concerning compensation under Section 12(2) shall be instituted in the Real Property Court.

Section 21

A decision under Section 1, 5 or 6 shall be implemented notwithstanding any appeal proceedings against it.

Chapter 4. Ecclesiastical cultural heritage property

Section 1

The historical cultural values inherent in church buildings, church sites, ecclesiastical furnishings and cemeteries are protected under the provisions of this chapter.

Church buildings and church sites

Section 2

Church buildings and church sites shall be cared for and maintained in such a way that their cultural historic value is not diminished and their appearance and character are not debased.

Church buildings, for the purposes of this Act, are buildings consecrated for the rites of the Church of Sweden before 1 January 2000 and owned or managed by the Church of Sweden or any of its organisational parts on 1 January 2001.

A church site is an area surrounding a church building, connected with the function and environment of the building and not constituting a cemetery.

Section 3

Church buildings erected, and church sites constituted, before the end 1939 may not be altered in any significant respect without permission from the County Administrative Board.

In the case of a church building, permission must always be obtained for demolition, relocation or reconstruction of the building, and also for interference with or alteration of its exterior and interior including permanent fittings and artistic decorations, and also for alterations to its colour scheme. In the case of a church site, permission is always required for enlargement of the site and for the erection or significant alteration of buildings, walls, portals or other permanent features of the site.

The County Administrative Board may impose such conditions for permission as are reasonable, considering the circumstances prompting the alteration. The conditions may refer to the manner in which the alteration shall be carried out and the documentation needed.

Section 4

If the National Heritage Board so decides, the provisions of Section 3 concerning applications for permission shall also apply concerning a church building or a church site that came into being after 1939 and is remarkable owing to its cultural historic value.

Section 5

Customary maintenance work or urgent repairs may be carried out without permission. Measures of this kind shall be carried out using material and

methods appropriate to the cultural historic value of the building or installations.

Ecclesiastical furnishings

Section 6

Furnishings of cultural historic value belonging to a church building or to another ecclesiastical building, church site or cemetery shall be properly kept and cared for.

Section 7

Every parish is to keep a list of furnishings as referred to in Section 6. The list shall state whether an object is owned or managed by somebody other than the parish and whether it is kept in any other place than in the church. Two persons shall be appointed in every parish to be responsible for keeping the list. These persons shall also ensure that the objects concerned are properly kept and cared for. The parish shall give notice to the County Administrative Board of the persons appointed.

Section 8

The diocese is to verify at least every six years that all listed objects still remain. Similar verification shall also be made in connection with substitution of any of the persons appointed in accordance with Section 7(2). After each verification, a copy of the list shall be sent to the County Administrative Board.

Section 9

In the case of a listed object not belonging to any individual or family, permission is required from the County Administrative Board in order

1. to dispose of it,
2. to delete it from the list,
3. to repair or alter it, or
4. to move it from the place where it has long since belonged.

The County Administrative Board may, as regards subsection one, items 3 and 4, impose the conditions for the permission as are reasonable, taking into consideration the circumstances that prompted the measure. The conditions may refer to the manner in which the measure shall be carried out and also the documentation needed.

Permission is not required for minor repairs. Such repairs may not be carried out in such a way as to reduce the cultural historic value of the object concerned.

Section 10

The County Administrative Board and the National Heritage Board may inspect ecclesiastical furnishings.

The County Administrative Board may also decide that an object shall be added to the list.

If there is a serious danger of an object being damaged, the County Administrative Board may take possession of it until further notice or take some other necessary measure for its protection or care. Before any such measure is taken, consultations shall be held with the diocese and, if the object is owned by a private person, with that person.

Cemeteries

Section 11

In the care of a cemetery, due regard shall be given to its importance as part of our cultural environment. Cemeteries shall be cared for and maintained in such a way that their cultural historic value is not reduced or debased.

Section 12

For the purposes of this chapter, cemeteries are areas or spaces as referred to in Chapter 1, Section 1 of the Burials Act (1990:1144).

The provisions concerning cemeteries also apply to such buildings at the cemetery as are not church buildings, and also to permanent features such as walls and portals.

Section 13

In the case of a cemetery laid out before the end of 1939, permission must be obtained from the County Administrative Board

1. in order to enlarge or otherwise significantly alter the cemetery,
2. to erect there any new building or permanent feature or to demolish or significantly alter an existing building or permanent feature.

The County Administrative Board may impose the conditions for the permission as are reasonable, taking into consideration the circumstances that prompted the alteration. The conditions may refer to the manner in which the alteration shall be carried out and also the documentation needed.

Section 14

If the National Heritage Board so decides, the provisions of Section 13 will also apply with respect to a cemetery laid out after the end of 1939, if the cemetery adjoins a church building erected before then or is remarkable owing to its cultural historic value.

Section 15

If there are objects of cultural historic value in a cemetery or in a building in a cemetery owned and managed by a secular municipality, the provisions of Sections 6, 7, 9 and 10 shall also apply to those objects. The municipality shall then be responsible for the listing, keeping and care of those objects. Instead of the provision made in Section 7, the list shall state whether an object is owned or managed by somebody other than the municipality.

Emergency preparedness measures

Section 15a

The Church of Sweden and its organisational parts shall implement the emergency preparedness measures that are required during times of alert for the care and maintenance of the ecclesiastical cultural heritage property.

Compensation to the Church of Sweden

Section 16

The Church of Sweden is entitled to certain compensation from the State for costs justified for cultural historic reasons in conjunction with the care and maintenance of ecclesiastical cultural heritage property.

The Church of Sweden decides on the distribution of the compensation between the dioceses. The diocese decides on the distribution within its area.

The National Heritage Board shall be afforded an opportunity of expressing its views on the distribution in the country. The County Administrative Board shall be afforded an opportunity of expressing its views on the distribution within the county.

Intervention to achieve rectification

Section 17

The County Administrative Board may order a person who is responsible for the management of an ecclesiastical cultural heritage property to implement rectification or discontinue measures in progress to ensure compliance with regulations and decisions under this chapter. Such an order may be combined with a default fine.

In those cases referred to in subsection one, the County Administrative Board may instead request special enforcement assistance from the Enforcement Service under the Payment Orders and Enforcement Assistance Act (1990:746) against the person who is responsible for the management of an ecclesiastical cultural heritage property.

Appeals

Section 18

Decisions under Sections 3, 4, 9, 10 13 and 14 and also Section 17(1) may be appealed against to a general administrative court.

Leave to appeal is required for an appeal to an Administrative Court of Appeal.

Chapter 5. Safeguards against the export from Sweden of certain older cultural goods

Section 1

Older Swedish and foreign cultural goods that may be of major importance to the national cultural heritage may not be taken out of Sweden without special permission.

Section 2

The term Swedish cultural goods refers to objects that were actually or presumably made in Sweden or in some other country by a Swede.

The term foreign cultural goods refers to objects made in another country by someone other than a Swede.

For the purposes of determination under this Act, the boundaries of Sweden on 1 July 1986 shall decide whether an object shall be deemed to be Swedish cultural goods.

Section 3

The Government may make regulations concerning which cultural goods may not be taken out of Sweden without a special permission.

Section 4

Repealed by Act (2000:265)

Section 5

Repealed by Act (2000:265)

Section 6

Repealed by Act (2000:265)

Consideration of applications for export permits

Section 7

Questions concerning export permits shall be determined by the Royal Library, the National Heritage Board, the National Archives, the National Art Museums including Prince Eugen's Waldemarsudde Art Museum or the Nordic Museum Foundation (licensing authorities) in accordance with the allocations determined by the Government.

Applications shall be submitted to the National Heritage Board.

The Government, or the authority appointed by the Government, may make more detailed regulations on the application procedure.

Section 8

The Administrative Procedure Act (1986:223) shall also apply to issues concerning permit matters that are dealt with by the Nordic Museum Foundation. Decisions on such matters shall be made by the Governor of the Foundation or some other officer appointed by the Governor.

Section 9

Applicants for permits shall, at the request of the licensing authority, place the goods at the disposal of the authority for examination.

Section 10

Permission for the export of cultural goods from Sweden shall be given if the goods are not of major importance to the national cultural heritage.

Section 11

Even if the goods are of major importance to the national cultural heritage, permission shall be given for their export from Sweden if

1. the owner migrates from Sweden to settle in another country,
2. the goods have been acquired through inheritance, legacy or partition by an individual resident in another country,
3. the goods will be taken out of Sweden by a public institution in this country or an institution receiving a grant from the State, a municipality or a county council and are to be brought back to Sweden again,
4. the goods will be taken out by an individual for use in connection with public cultural activities and are to be brought back to Sweden again, or
5. the goods are temporarily in Sweden.

Even if the goods are of major importance to the national cultural heritage, permission may be given for their export if they are acquired by an institution abroad.

Section 12

If an application relates to more than one of the licensing authorities, the National Heritage Board shall decide which licensing authority is to handle the application. That licensing authority may only determine the matter after consulting the other licensing authority or authorities concerned. In such cases, the application shall be refused if any of the licensing authorities concerned considers that a permit should not be granted.

Section 13

An export permit applies for one year from the date of the decision.

Section 14

Repealed by Act (2000:265).

Appeals

Section 15

If an export permit application has been refused by a licensing authority, the decision may be appealed against to a general administrative court.

Leave to appeal is required for an appeal to an Administrative Court of Appeal.

Other decisions made by a licensing authority under this chapter cannot be appealed against.

Consent by the Government

Section 16

Even if cultural goods are of major importance to the national cultural heritage, the Government may consent to them being taken out of Sweden, provided there are extraordinary reasons for doing so.

Penalties

Section 17

Provisions concerning penalties for the illegal export of cultural goods from Sweden and for attempted offences of this kind are contained in the Smuggling Penalties Act (2000:1225).

Chapter 6. Return of cultural objects unlawfully removed

Section 1

A cultural object unlawfully removed after 31 December 1994 from a State within the European Economic Area (EEA) and present in Sweden shall, shall be returned to that State upon request.

Definitions

Section 2

For the purposes of this chapter, a cultural object is an object that

1. in the State from which it has been removed is regarded as a national treasure possessing artistic, historic or archaeological value under legislation or administrative procedures within the meaning of Article 36 of the Treaty of Rome, and

2. belongs to one of the categories specified in the Annex to this Act or is an integral part of the inventories of an ecclesiastical institution or an integral part of a public collection and included in the inventory of a museum, an archive or a library collection.

A public collection is a collection owned by

- a State as referred to in Section 1,
- a local or regional authority in such a State, or
- a public institution in such a State that is owned or to a large extent financed by the State or by a local or regional authority.

Section 3

A cultural object has been unlawfully removed if it has been removed from the territory of a State in breach of the rules of that State for the protection of national treasures, or if the object has not been returned at the end of a period of temporary lawful removal, or if some other condition attaching to the removal has been breached.

Institution of proceedings

Section 4

The State from whose territory the cultural object has been unlawfully removed can institute proceedings for its return in a general court. The proceedings shall be brought against the possessor of the object.

A summons application in a case referred to in subsection one shall be accompanied by a document describing the object and that states that it is a cultural object, and also by a declaration by the appropriate authority in the requesting State, to the effect that the object has been unlawfully removed. If the object is owned by someone other than the possessor, the court, if the owner is known, shall notify him of the institution of proceedings. The same shall apply concerning anyone who has a special right to the object.

Section 5

On application being made by the State from whose territory a cultural object has been unlawfully removed, the court may decide on a measure to secure the object. The provisions of Chapter 15, Sections 2, 5, 7, 8 and 10 of the Code of Judicial Procedure shall then apply. In this context, superior right to certain property shall refer to the right to have the property returned.

Section 6

Return proceedings shall be instituted within one year of the requesting State becoming aware of the whereabouts of the object and of who was in possession of it. Proceedings, however, may not be instituted more than 30 years after the object was unlawfully removed. In the case of an object belonging, under Section 2, to a public collection and ecclesiastical objects enjoying special protection under the law of the requesting State, proceedings may, however, be instituted within 75 years after the removal.

If the removal is no longer unlawful when proceedings are instituted, the action shall be dismissed.

Compensation

Section 7

If a cultural object is to be returned, the possessor of the object is entitled, on his own account, to fair compensation from the requesting State, provided the possessor has exercised due care and attention in acquiring the object and as regards the manner in which the object was removed from the requesting State. A person who acquired the object through inheritance, legacy or gift is entitled to compensation only if the person from whom the object was acquired would have been so entitled.

The compensation shall be determined in the case concerning return of the cultural object.

Inspection

Section 8

On application being made by the authority appointed by the Government (the Central Authority), the district/city court may decide that the authority may carry out an inspection on the premises of a person in order to search for a particular cultural object that has been unlawfully removed from a State as referred to in Section 1. Permission may be granted only if

1. there is special reason to believe that the object sought can be found during the inspection,
2. if there is reasonable cause to fear that the person on whose premises the inspection is to be conducted will evade supplying information if he is in possession of the object, and
3. the importance of the measure being taken outweighs the encroachment or other detriment that the measure involves for the person affected.

Application shall be made in writing.

If there is reasonable cause to fear that the object will be concealed or some other measure taken in order to prevent or impede return, a decision under subsection one may be made without the other party being given the opportunity of expressing his views on the application. Nor, in such case, need the other party be notified of the decision of the court before the inspection begins.

The decision takes effect immediately unless otherwise determined.

Section 9

An inspection decision shall state the extent to which the Central Authority is entitled to gain access to premises, areas of land, means of transport and other spaces.

The provisions of Chapter 28, Sections 6, 7(2) and 9(1) of the Code of Judicial Procedure shall apply to the inspection.

The authority may request enforcement assistance from the Enforcement Service in order to carry out the inspection. Chapter 16, Section 10 of the Enforcement Code shall then apply.

Section 10

If the object sought is found upon the inspection, the Central Authority may take possession of the object if there is reason to fear that the possessor, by concealing the object or by taking some other measure, will prevent or impede return.

Section 11

A party affected by the taking of possession under Section 10 may submit a written request for adjudication of the same with the district/city court that adjudicated on the application for permission for the inspection. On receiving the request, the court shall hold a hearing at the earliest possible opportunity and, in the absence of extraordinary reasons, not later than the fourth day afterwards.

Both the party affected and the Central Authority shall be summoned to the hearing.

At the hearing, the authority shall state the reasons for the taking of possession. The party affected shall be given the opportunity to express his views. The hearing shall, if possible, proceed without interruption. A stay of proceedings may be granted only if there are extraordinary reasons for so doing. The court shall issue a decision immediately after the hearing has been concluded.

Section 12

The court shall determine how long the taking of possession is to continue. The time thus set may not be longer than is absolutely necessary. However, the taking of possession may not continue for more than three months.

Section 13

If, in accordance with Section 5, a court has made a decision on a security measure concerning an object, a decision for the taking of possession of the same object shall cease to apply.

Procedural provisions

Section 14

In proceedings in cases under this chapter, the provisions of the Code of Judicial Procedure concerning contentious cases where extra-judicial settlement is not permitted shall apply.

The Judicial Matters Act (1996:242) shall apply to the handling of questions referred to in Sections 8 and 11.

In the absence of a provision to the contrary in this chapter, the question of the competence of a court shall be determined in accordance with Chapter 10 of the Code of Judicial Procedure.

Costs

Section 15

In cases under this chapter, the provisions of Chapter 18 of the Code of Judicial Procedure shall apply regarding the litigation costs, with the following alterations. Unless the opponent of the requesting State realised or should have realised that the object had been unlawfully removed, that costs in the district/city court shall be borne by the State requesting return. The same shall apply, in such circumstances, to costs in a superior court if they were caused by the State appealing. However, costs referred to in Chapter 18, Section 6 of the Code of Judicial Procedure shall always be borne by the party that caused them.

Section 16

The State requesting return shall bear the costs of enforcement of a judgment concerning return of a cultural object.

Applicable law

Section 17

If an unlawfully removed cultural object has been returned, the ownership of the object shall be determined in accordance with the laws of the State requesting return.

Annex

Categories referred to in Chapter 6, Section 2(l), item 2

A.1. Archaeological objects more than 100 years old which are the products of:

- excavations and finds on land or under water,
- archaeological sites,
- archaeological collections.

2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years.
3. Pictures and paintings, other than those in category 3a or 4, executed entirely by hand, on any medium and in any material whatsoever.
- 3a. Watercolours, gouache and pastels executed entirely by hand, on any medium whatsoever
4. Mosaics, other than those in the categories 1 and 2, executed entirely by hand, in any material whatsoever and drawings executed entirely by hand on any medium and in any material whatsoever.
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters.
6. Original sculptures or statuary and copies produced by the same process as the original, other than those in category 1.
7. Photographs, films and negatives thereof.
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections.
9. Books more than 100 years old, singly or in collections.
10. Printed maps more than 200 years old.
11. Archives, and any elements thereof, which are more than 50 years old, on any medium and in any material whatsoever.
12. a. Collections and specimens from zoological, botanical, mineralogical or anatomical collections.
- b. Collections of historical, palaeontological, ethnographic or numismatic interest.
13. Means of transport more than 75 years old.
14. Any other antique items not included in categories A1 to A13, more than 50 years old.

The cultural objects in categories A1 to A14 are covered by this Act only if their value corresponds to, or exceeds, the financial thresholds under B.

As regards categories A3 to A8, these only include objects that are more than 50 years old and do not belong to the originator.

B. Financial thresholds applicable to certain categories under A (in euros - EUR).

VALUE:

Whatever the value

- 1 (Archaeological objects)
- 2 (Dismembered monuments)
- 8 (Incunabula and manuscripts)
- 11 (Archives)

EUR 15,000

- 4 (Mosaics and drawings)
- 5 (Engravings)
- 7 (Photographs)
- 10 (Printed maps)

EUR 30,000

- 3a (Watercolours)

EUR 50,000

- 6 (Statuary)
- 9 (Books)
- 12 (Collections)
- 13 (Means of transport)
- 14 (Any other object)

EUR 150,000

- 3 (Pictures)

The assessment of whether or not the conditions relating to financial value are fulfilled must be made when return is requested. The financial value is that of the object in the requesting Member State.

Transitional provisions

1998:950

1. This Act enters into force on 1 January 1989.
2. The following enactments are repealed through this Act:
 - (a) the Ancient Monuments, Remains and Finds Act (1942:350),
 - (b) the Cultural Heritage Buildings Act (1960:690),
 - (c) the Export from Sweden Prevention (Various Cultural Goods) Act (1985:1104).
3. Decisions made under earlier legislation shall, for the purposes of the new Act, be deemed made by authority of the latter.
The second sentence of Chapter 4, Section 16 shall apply only in matters initiated after this Act enters into force.
Earlier provisions continue to apply with regard to appeals against decisions made before 1 January 1989. Matters referred to the Government by the end of 1988 but still pending at that time will be handled in accordance with earlier provisions.
4. If decisions on protective regulations or decisions on prohibition under Section 7 of the Cultural Heritage Buildings Act (1960:690) were made by the County Administrative Board before 1 July 1987, the compensation provisions applying previous to that date shall be applied.
5. For the purposes of Chapter 3, Section 10(5), decisions made prior to the entry into force of this Act shall also be taken into account.
In cases under Section 5 of the Cultural Heritage Buildings Act (1960:690) instituted before 1 July 1987, Section 12(2) of the said Act shall apply as worded before 1 July 1987.
6. Items 2 and 3 of the transitional provisions for the Export from Sweden Prevention (Various Cultural Goods) Act (1985:1104) shall continue to apply.

1991:872

This Act enters into force on the date determined by the Government. Earlier provisions shall continue to apply with regard to cases concerning enforcement assistance instituted before the said entry into force.

1995:72

This Act enters into force on 1 April 1995. Decisions made prior to the said entry into force shall be appealed against in accordance with earlier provisions.

1995:560

This Act enters into force on 1 July 1995.

Earlier provisions apply to permit applications received by the National Heritage Board before 1 July 1995.

1999:304

1. This Act enters into force, as regards Chapter 4, Section 16, on 1 January 2002 and otherwise on 1 January 2000.
2. Earlier provisions shall continue to apply as regards appeals against decisions that have been made before the entry into force.

2000:265

1. This Act enters into force on 1 July 2000.
2. Decisions on permits for the export of cultural goods from Sweden that have been made before this Act entered into force, do not apply after the end of 2000.

National Cultural Council

National Cultural Council Code of Statutes KRFS 2002:2

Regulations of the National Heritage Board on permits for the export from Sweden of certain older cultural goods

Decided 19 February 2002

In accordance with Section 33 of the Heritage Conservation Ordinance (1988:1188), the following is prescribed.

Section 1

Applications for a permit for the export from Sweden of cultural goods in accordance with Chapter 5 of the Heritage Conservation Act (1988:950), shall be made on a standard form determined and supplied by the National Heritage Board.

Section 2

An application form may only relate to one object. However, two or more objects that form a natural unit, for example a service, a mirror with associated table or a pair or a series of chairs, bracket lamps or horse collars may be reported on the same form.

Section 3

During a period when an investigation is being conducted concerning criminal conduct under the Smuggling Penalties Act (2000:1225) relating to cultural goods that are subject to a permit obligation, a permit for export of the goods may not be granted.

Section 4

One copy of a decision concerning an export permit shall be sent by the licensing authority by post to the applicant, and also one to the National Heritage Board.

Section 5

Decisions whereby an application is rejected shall be notified in the manner considered appropriate by the licensing authority. A copy of the decision shall be sent to the National Heritage Board

The Administrative Procedure Act (1986:223) contains provisions on giving of reasons for decisions, notifications to applicants, appeals, etc.

Section 6

When the cultural goods are taken out of Sweden, the permit certificate shall be produced for the Swedish Customs. The Swedish Customs shall endorse the decision with a note that export has taken place. The decision shall then be returned to the person who is taking the goods out.

Special rules on open export permits

Section 7

Open export permit means a permit that may be used for an unlimited number of occasions of export and to different places during the term of validity. An open export permit may be general or special and applies for one year from the date of the decision.

Section 8

For cultural goods that are taken out of Sweden by any of the central museums and that will be returned to Sweden, and that form part of the museum's collections or are intended to be used for exhibition activities, the National Heritage Board may grant a general open export permit. The permit decision shall state the name of the person who represents the museum.

The provisions of subsection one shall also apply to the Royal Library and the National Archives.

Section 9

A special open export permit may be granted for cultural goods that an individual regularly takes out of Sweden to be used in conjunction with public cultural activities and that will be returned to Sweden.

Section 10

When cultural goods as referred to in Section 8 are taken out of Sweden, the general open export permit shall be presented to the Swedish Customs, together with a schedule of the objects that are taken out. Each page of the schedule shall be signed by the person representing the museum according to the permit decision.

These Regulations enter into force on 1 April 2002.

These Regulations repeal the Regulations of the National Heritage Board and the Museums of National Antiquities on permits for export of certain older cultural goods (KRFS 1989:15).

THE NATIONAL HERITAGE BOARD

Bengt KÅ Johansson

Bengt Green

