

THE LAWS OF THE PEOPLE'S REPUBLIC
OF CHINA ON
THE PROTECTION OF CULTURAL RELICS

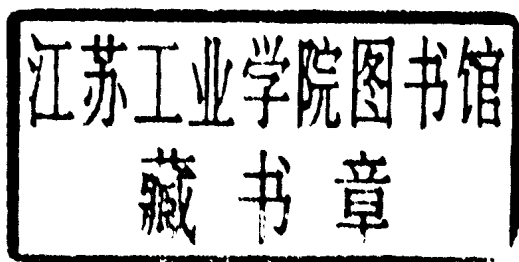
中華人民共和國
文物保護法

Forbidden City Publishing House

紫禁城出版社

THE LAWS OF THE PEOPLE'S REPUBLIC OF CHINA
ON THE PROTECTION OF CULTURAL RELICS

中華人民共和國文物保護法



Edited by The Legislative Division of the State Bureau of
Cultural Relics

國家文物局法制處

Published by Forbidden City Publishing House

紫禁城出版社

責任編輯：樂靜莉

封面設計：鄭志標

中華人民共和國文物保護法

國家文物局法制處編

紫禁城出版社出版

北京師範大學印刷廠印刷

新華書店北京發行所發行

850×1168 毫米 1/32 印張 2.5 7 千字

1994 年 12 月第 1 版第 1 次印刷 印數 3100 冊

ISBN 7-80047-198-5/G · 12

定價：5 元

CONTENTS

- Law of the People's Republic of China on the
Protection of Cultural Relics (1)
- Decision of the Standing Committee of the Na -
tional People's Congress Regarding the
Revision of Article 30 and Article 31 of the
Law of the People's Republic of China on
the Protection of Cultural Relics (12)
- Rules for the Implementation of the Law of the
People's Republic of China on the
Protection of Cultural Relics (19)
- Regulations of the People's Republic of China
Concerning the Administration of the Work
for the Protection of Underwater Cultural
Relics (33)
- Measures of the People's Republic of China for
the Administration of the Foreign-Related
Archaeological Activities (38)

目 錄

中華人民共和國文物保護法	(45)
全國人民代表大會常務委員會關於修改 《中華人民共和國文物保護法》 第三十條第三十一條的規定	(54)
中華人民共和國文物保護法實施細則	(59)
中華人民共和國水下文物保護管理條例	(69)
中華人民共和國考古涉外工作管理辦法	(72)
編後記	(76)

Law of the People's Republic of China on the Protection of Cultural Relics

(Adopted at the 25th Meeting of the Standing Committee of the Fifth National People's Congress and promulgated by Order No. II of the Standing Committee of the National People's Congress on, and effective as of November 19, 1982)

Chapter I General Provisions

Article 1 This Law is formulated with a view to strengthening state protection of cultural relics, contributing to the development of scientific research, inheriting the splendid historical and cultural legacy of our nation, conducting education in patriotism and in the revolutionary tradition, and building a socialist society with an advanced culture and ideology.

Article 2 The state shall place under its protection, within the boundaries of the People's Republic of China, the following cultural relics of historical, artistic or scientific value;

(1) sites of ancient culture, ancient tombs, ancient architectural structures, cave temples and stone carvings that are of historical, artistic or scientific value;

(2) buildings, memorial sites and memorial objects related to major historical events, revolutionary movements or famous people that are highly memorable or are of great significance for education or for the preservation of historical data;

(3) valuable works of art and handicraft articles dating from various historical periods;

(4) important revolutionary documents as well as manuscripts and ancient or old books and materials, etc., that are of historical, artistic or scientific value; and

(5) typical material objects reflecting the social system, social production or the life of various nationalities in different historical periods.

The criteria and measures for the verification of cultural relics shall be formulated by the state department for cultural administration, which shall report them to the State Council for approval.

Fossils of paleovertebrates and paleoanthropoids of scientific value shall be protected by the state in the same way as cultural relics.

Article 3 The state department for cultural administration shall take charge of the work concerning cultural relics throughout the country.

Local people's governments at various levels shall place under their protection cultural relics in their respective administrative areas. Provinces, autonomous regions, and municipalities directly under the Central Government as well as autonomous prefectures, counties, autonomous counties and cities where there are relatively large amounts of cultural relics may set up organs for the protection and control of the cultural relics within their respective administrative areas.

All government organs, public organizations and individuals have the obligation to protect the country's cultural relics.

Article 4 All cultural relics remaining underground or in the inland waters or territorial seas within the boundaries of the People's Republic of China shall be owned by the state.

Sites of ancient culture, ancient tombs and cave temples shall be owned by the state. Memorial buildings, ancient architectural structures, stone carvings, etc., designated for protection by the state, unless governed by other state regulations, shall be owned by the state.

Cultural relics in the collection of state organs, armed forces, enterprises owned by the whole people and public institutions shall be owned by the state.

Article 5 Ownership of memorial buildings, ancient architectural structures and cultural relics handed down from generation to generation which belong to collectives or individuals shall be protected by state laws. Owners of the cultural relics must abide by the relevant state regulations governing the protection and control of cultural relics.

Article 6 The expenses for the protection and control of cultural relics shall be listed in the budgets of the central and local governments.

Chapter II
**Sites to Be Protected for
Their Historical and Cultural Value**

Article 7 Cultural relics, such as sites related to revolutionary history, memorial buildings, sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings, etc., shall be designated as sites to be protected for their historical and cultural value at different levels according to their historical, artistic or scientific value.

Sites to be protected for their historical and cultural value at the level of counties, autonomous counties and cities shall be approved and announced by the people's governments at the same level and reported to the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government for the record.

Sites to be protected for their historical and cultural value at the level of provinces, autonomous regions, and municipalities directly under the Central Government shall be approved and announced by the people's governments at the same level and reported to the State Council for the record.

The state department for cultural administration shall select, from among the sites to be protected at different levels, those which have a significant historical, artistic or scientific value as major sites to be protected at the national level, or shall directly designate such sites and report them to the State Council for approval and announcement.

Article 8 Cities with an unusual wealth of cultural relics of high historical value and major revolutionary significance shall be recommended to the State Council by the state department for cultural administration together with the department for urban and rural construction and environmental protection to be approved and announced as famous cities of historical and cultural value.

Article 9 The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government and of counties, autonomous counties and cities shall delimit the necessary scope of protection, put up signs and notices, and establish records and files for the historical and cultural sites to be protected at different levels and shall, in the light of different circumstances, establish

special organs or assign fulltime personnel to be responsible for the administration of these sites. The scope of protection and records and files for the major sites to be protected at the national level shall be reported by the departments for cultural administration of the provinces, autonomous regions, and municipalities directly under the Central Government to the state department for cultural administration for the record.

Article 10 When drawing up plans for urban and rural construction, the people's governments at various levels must see to it that protective measures for the historical and cultural sites to be protected at different levels are first worked out through consultation between the departments for urban and rural planning and the departments for cultural administration and that such measures are included in the plans.

Article 11 No additional construction project may be undertaken within the scope of protection for a historical and cultural site. In case of a special need, consent must be obtained from the people's government which made the original announcement on the designation of such a site and from the department for cultural administration at the next higher level. If an additional construction project is to be undertaken within the scope of protection for a major historical and cultural site to be protected at the national level, consent must be obtained from the people's government of the relevant province, autonomous region, or municipality directly under the Central Government and from the state department for cultural administration.

Article 12 On the basis of the actual needs for the protection of cultural relics and with the approval of the people's government of a province, an autonomous region or a municipality directly under the Central Government, a certain area for the control of construction may be delimited around a site to be protected for its historical and cultural value. Construction of new buildings or other structures in such an area shall not deform the environmental features of the historical and cultural site. The design for construction must be agreed to by the department for cultural administration before it is submitted to the department for urban and rural planning for approval.

Article 13 While choosing a construction site and designing a project, if the project involves a site to be

protected for its historical and cultural value, the construction unit shall first work out the protective measures jointly with the department for cultural administration of a province, an autonomous region, or a municipality directly under the Central Government or of a county, an autonomous county or a city, and such measures shall be written into the planning project description.

Any removal or dismantling involving a site to be protected for its historical and cultural value, if considered specially necessary for a project, shall be agreed to by the people's government at the same level as the site itself and by the department for cultural administration at the next higher level. Any removal or dismantling involving a major site to be protected at the national level shall be referred to the State Council by the people's government of a province, an autonomous region or a municipality directly under the Central Government for decision. The expenses and workforce required for the removal or dismantling shall be included in the investment and labour plans of the construction unit.

Article 14 The principle of keeping the cultural relics in their original state must be adhered to in the repairs and maintenance at the sites designated as the ones to be protected for their historical and cultural value and in any removal involving these sites, such as sites related to revolutionary history, memorial buildings, ancient tombs, ancient architectural structures, cave temples, stone carvings, etc. (including attachments to the structures).

Article 15 If it is necessary to use a memorial building or an ancient architectural structure owned by the state at a place designated as a site to be protected for its historical and cultural value for purposes other than the establishment of a museum, a cultural relics preservation institute or a tourist site, the local department for cultural administration shall submit a report for approval to the people's government which originally announced the designation of such a site. If it is necessary to use for other purposes a major site to be protected for its historical and cultural value at the national level, the matter shall be agreed to by the people's government of a province, an autonomous region, or a municipality directly under the Central Government and shall be reported to the State Council for approval. The units in charge of these sites

as well as specially established organs, such as museums, must strictly abide by the principle of keeping the cultural relics in their original state, and must be responsible for the safety of the buildings and of the affiliated cultural relics, and may not damage, rebuild, extend or dismantle them. Units which use memorial buildings or ancient architectural structures shall be responsible for the maintenance and repair of these buildings or structures.

Chapter III

Archaeological Excavations

Article 16 The procedure of submitting reports for approval must be performed for all archaeological excavations. No unit or individual may conduct excavations without permission. The cultural relics unearthed, except for those to be handed over, as may be necessary, to scientific research institutions for the purpose of research, shall be taken care of by units designated by local departments for cultural administration, and no unit or individual may take them into its or his own possession. With a view to ensuring the safety of the cultural relics, conducting scientific research and making full use of cultural relics, the departments for cultural administration of provinces, autonomous regions, and municipalities directly under the Central Government may, when necessary, transfer and use the cultural relics within their respective administrative areas after reporting to and securing the approval of the people's governments of these administrative divisions; the state department for cultural administration may, upon approval by the State Council, transfer and use major cultural relics unearthed anywhere in the country.

Article 17 To conduct archaeological excavations for the purpose of scientific research, institutions in charge of cultural relics, institutions for archaeological research and institutions of higher learning in the provinces, autonomous regions, and municipalities directly under the Central Government shall submit their excavation programmes to the state department for cultural administration for joint examination with the Chinese Academy of Social Sciences, and may not proceed with the excavations until they obtain the approval of the state

department for cultural administration.

Archaeological excavation programmes which have to be carried out at the major sites to be protected for their historical and cultural value at the national level shall be submitted to the state department for cultural administration for joint examination with the Chinese Academy of Social Sciences before they are forwarded to the State Council for approval.

Article 18 Before carrying out a large-scale capital construction project, the construction unit shall first conduct investigation or prospecting related to cultural relics, together with the department for cultural administration of a province, an autonomous region or a municipality directly under the Central Government, at places where such relics may be buried underground within the area designated for the project. If cultural relics are discovered in the course of investigation and prospecting, measures for handling them should be jointly decided upon by the two parties through consultation. In case of important discoveries, the department for cultural administration of a province, an autonomous region or a municipality directly under the Central Government shall submit timely reports for handling by the state department for cultural administration.

While carrying out capital construction or agricultural production, any unit or individual that discovers cultural relics shall immediately report the discoveries to the local department for cultural administration. In case of important discoveries, the local department for cultural administration must submit timely reports for handling by the departments for cultural administration at higher levels.

Article 19 With regard to archaeological excavations which have to be carried out along with a construction project, the department for cultural administration of a province, an autonomous region or a municipality directly under the Central Government shall submit an excavation programme based on prospecting to the state department for cultural administration for joint examination with the Chinese Academy of Social Sciences and for approval by the department. In cases where the pressing time limits for the completion of the project or the danger of natural damage makes it truly urgent to rescue the sites of ancient culture and ancient tombs, the department for cultural administration of a province, an autonomous region or

a municipality directly under the Central Government may organize people to proceed with the excavations while going through the procedures to obtain approval.

Article 20 The expenses and workforce needed for the prospecting for cultural relics and archaeological excavations which have to be carried out because of capital construction or construction for productive purposes shall be included in the investment and labour plans of the construction units or reported to planning departments at higher levels for proper arrangement.

Article 21 No foreign national or foreign organization may engage in archaeological investigations or excavations within the boundaries of the People's Republic of China without special permission granted by the State Council, on the basis of a report from the state department for cultural administration.

Chapter IV

Cultural Relics in the Collection of Cultural Institutions

Article 22 Museums, libraries and other institutions under ownership by the whole people must classify the cultural relics in their collection by different grades, compile files for the relics kept by them, establish a strict system of control and register the relics with the relevant department for cultural administration.

Local departments for cultural administration at various levels shall compile files for the cultural relics in the collection of cultural institutions in their respective administrative areas; the state department for cultural administration shall compile files for Grade One cultural relics of the state.

Article 23 Sales of cultural relics in the collection of museums, libraries and other institutions under ownership by the whole people shall be prohibited. Transfers and exchanges among these institutions of the cultural relics in their collection must be reported to the departments for cultural administration for the record; transfers and exchanges of Grade One cultural relics in their collection must be approved by the state department for cultural administration. No unit or individual may have cultural relics transferred without approval.

Chapter V

Cultural Relics in Private Collections

Article 24 Cultural relics in private collections may be purchased by units designated by the departments for cultural administration; no other unit or individual may engage in the business of purchasing cultural relics.

Article 25 The resale of cultural relics in private collections at a profit shall be strictly forbidden, and so shall be the private sale of such relics to foreigners.

Article 26 Banks, smelteries, paper mills and departments for the recovery of old and waste materials shall assume responsibility, jointly with the departments for cultural administration, for sorting out cultural relics from among gold and silver articles and waste materials. The cultural relics thus obtained, except for coins and other kinds of currency of past ages which are needed by research institutes of the banks and which may be kept by the banks, shall be turned over to and placed at the disposal of the departments for cultural administration. The prices of the cultural relics turned over shall be reasonably assessed.

Important cultural relics confiscated according to law by public security organs, the Customs and the departments for the administration of industry and commerce shall be turned over to the departments for cultural administration.

Chapter VI

Taking Cultural Relics out of China

Article 27 Cultural relics to be exported or to be taken out of the country by individuals must be declared to the Customs in advance and examined by the department for cultural administration of a province, an autonomous region or a municipality directly under the Central Government designated by the state department for cultural administration before export certificates are granted. Cultural relics leaving the country must be shipped out at designated ports. Cultural relics which, after examination, are not permitted to leave the country may be requisitioned by the state through purchase.

Article 28 It shall be prohibited to take out of the

country any cultural relics of significant historical, artistic or scientific value, with the exception of those to be shipped abroad for exhibition with the approval of the State Council.

Chapter VII

Awards and Penalties

Article 29 The state shall give appropriate moral encouragement or material awards to units or persons for any of the following deeds:

(1) serious implementation of the policies, laws and regulations concerning cultural relics and remarkable achievements in protecting cultural relics;

(2) resolute struggle against criminal acts, in the interest of protecting cultural relics;

(3) donation of important cultural relics in one's own collection to the state;

(4) timely communication of information on, or delivery of, the cultural relics discovered, which facilitates their protection;

(5) important inventions and innovations in, or other major contributions to, the science and techniques for the protection of cultural relics;

(6) meritorious service in rescuing cultural relics in danger of being destroyed; and

(7) long-time service and outstanding achievements in the field of cultural relics.

Article 30 Administrative sanctions shall be applied to those who have committed any of the following acts:

(1) hiding cultural relics discovered underground, in inland waters, in territorial seas or in other places and failing to report and deliver them to the state, for which the persons involved shall be warned or fined by a public security department and the cultural relics illegally acquired by them shall be recovered;

(2) buying or selling cultural relics without the approval of the departments for cultural administration, for which the persons involved shall be warned or fined by the departments for the administration of industry and commerce, and their illegal earnings and the cultural relics illegally handled by them may be confiscated; or

(3) selling cultural relics in private collections to foreigners without permission, for which the persons involved shall be fined by the departments for the administration of industry and commerce, and the cultural relics in question and the illegal earnings derived therefrom may be confiscated.

Article 31 Persons who commit any of the following acts shall be investigated for criminal responsibility according to law:

(1) misappropriating or stealing cultural relics of the state;

(2) serious cases of smuggling valuable cultural relics out of the country or speculating in cultural relics;

(3) wilful damage of valuable cultural relics or places of cultural and historical interest under state protection; and

(4) serious damage of, or serious losses to valuable cultural relics caused by the dereliction of duty on the part of state personnel.

Those who excavate sites of ancient culture or ancient tombs without permission are punishable for larceny.

Those who sell valuable cultural relics in private collections to foreigners without permission are punishable for smuggling valuable cultural relics out of the country.

Personnel working in the field of cultural relics who steal cultural relics placed under their care shall be punished severely according to law.

Chapter VIII **Supplementary Provisions**

Article 32 The state department for cultural administration shall, in accordance with this Law, formulate rules for its implementation, which shall come into force after being submitted to and approved by the State Council.

Measures governing the production of replicas, rubbings and photographs of cultural relics shall be formulated by the state department for cultural administration.

Article 33 This Law shall come into force on the day of its promulgation. On that same day, the Provisional Regulations on the Protection and Control of Cultural Relics promulgated by the State Council in 1961 shall be invalidated. This Law shall prevail in case of conflict with other existing provisions for the protection and control of cultural relics.

Decision of the Standing Committee of the National People's Congress Regarding the Revision of Article 30 and Article 31 of the Law of the People's Republic of China on the Protection of Cultural Relics

(Adopted at the 20th Meeting of the Standing Committee of the Seventh National People's Congress on June 29, 1991)

The 20th Meeting of the Standing Committee of the Seventh National People's Congress, having considered the proposal submitted by the State Council regarding the Draft Amendment to the Law of the People's Republic of China on the Protection of Cultural Relics, decides to make the following revisions of Article 30 and Article 31 of the Law of the People's Republic of China on the Protection of Cultural Relics:

1. The following five items are added to the acts to which administrative sanctions shall be applicable as provided in Article 30:

(1) scrawling upon, defiling or mutilating cultural relics under State protection in not serious manners, or damaging or destroying signs put up in accordance with the provisions of Article 9 of this Law for places to be protected as cultural relics, for which the persons involved shall be fined or instructed to compensate for the losses thus incurred by the public security department or by the units to which the cultural relics belong.

(2) undertaking construction projects within the scope of protection for a historical and cultural site, in contravention of the provisions of Article 11 of this Law, or constructing buildings or other structures within the area delimited for the control of construction around a site to be protected for its historical and cultural value, in contravention of the provisions of Article 12 of this Law, for which the persons involved shall be instructed by the departments for urban and rural planning,