Law of the PRC on the Protection of Cultural Relics

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the protection of cultural relics, inheriting the fine historical and cultural heritage of the Chinese nation, promoting scientific research, conducting education in patriotism and revolutionary traditions, and building socialist spiritual civilization and material civilization.

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

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

(2) Major historical sites, objects and representative buildings of modern and contemporary times related to major historical events, revolutionary movements or famous figures that are of commemorative or educational significance or of historical value;

(3) Valuable works of art and handicrafts of various historical periods;

(4) Important documents of various historical periods, as well as manuscripts and books and materials of historical, artistic or scientific value;

(5) Representative objects reflecting the social systems, social production and social life of various ethnic groups in different historical periods.

Article 3 — Immovable cultural relics such as sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings, murals and major historical sites and representative buildings of modern and contemporary times may, on the basis of their historical, artistic and scientific value, be designated respectively as major historical and cultural sites protected at the national level, historical and cultural sites protected at the provincial level, and historical and cultural sites protected at the city or county level.

Article 4 — The guideline for work concerning cultural relics shall be: giving priority to protection, giving first place to rescue, making rational use of cultural relics, and strengthening administration. All government organs, public organizations, enterprises and institutions shall attach importance to the protection of cultural relics. All entities and individuals shall have the obligation to protect cultural relics in accordance with the law.

Article 5 — All cultural relics remaining underground, in inland waters or in territorial seas within the territory of the People's Republic of China are owned by the state. Sites of ancient culture, ancient tombs and cave temples are owned by the state. Immovable cultural relics such as memorial buildings, ancient architectural structures, stone carvings, murals and representative buildings of modern and contemporary times designated by the state for protection are owned by the state, except as otherwise provided for by the state. Ownership of state-owned immovable cultural relics shall not be changed by the termination or change of the right to use the land to which they are attached.

Article 6 — Collectively owned and privately owned memorial buildings, ancient architectural structures, ancestral temples and other cultural relics that have been designated as protected cultural relic sites shall be protected in accordance with this Law.

Article 7 — All government organs, public organizations, enterprises and institutions shall attach importance to the protection of cultural relics and shall, in accordance with the provisions of this Law and other relevant laws and administrative regulations, fulfill their obligations for the protection of cultural relics.

Article 8 — The administrative department for cultural relics under the State Council shall be responsible for the work concerning the protection of cultural relics throughout the country. Local people's governments at all levels shall be responsible for the work concerning the protection of cultural relics within their respective

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administrative areas. The relevant departments of local people's governments at or above the county level shall be responsible for the work concerning the protection of cultural relics within the scope of their respective functions and duties.

Article 9 — People's governments at all levels shall attach importance to the protection of cultural relics and shall properly handle the relationship between economic construction, social development and the protection of cultural relics, so as to ensure the safety of cultural relics. Capital construction and tourism development shall comply with the guideline for the work concerning cultural relics, and the activities thereof shall not cause damage to cultural relics.

Article 10 — The state shall encourage, through policy support and other measures, citizens, legal persons and other organizations to participate in the protection of cultural relics. The state shall commend and reward those entities and individuals that have made outstanding contributions to the protection of cultural relics.

Chapter II — Immovable Cultural Relics

Article 11 — The administrative department for cultural relics under the State Council shall, on the basis of the historical, artistic and scientific value of immovable cultural relics, select and designate major historical and cultural sites protected at the national level, or directly designate them, and submit them to the State Council for approval and announcement. Historical and cultural sites protected at the provincial level shall be designated and announced by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and shall be filed with the State Council. Historical and cultural sites protected at the city or county level shall be designated and announced respectively by the people's governments of cities divided into districts, autonomous prefectures and counties, and shall be filed with the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 12 — A protection record shall be made for immovable cultural relics that have not yet been approved and announced as protected cultural relic sites, and shall be announced by the administrative department for cultural relics of the people's government at the county level. For immovable cultural relics that have not yet been approved and announced as protected cultural relic sites, the administrative department for cultural relics of the local people's government at or above the county level shall register and announce the same.

Article 13 — Cities, towns, streets and villages that have an unusual wealth of cultural relics of important historical value or high revolutionary commemorative and educational significance may be approved and announced as famous historical and cultural cities, towns, streets or villages.

Article 14 — A people's government that designates and announces a historical and cultural site protected at the national level, a provincial level or a city or county level shall, within one year of the designation and announcement of such site, delimit the necessary area of protection, make a sign, establish a record and file, set up a special organization or assign full-time personnel to take charge of the management of the site.

Article 15 — Within the protection area for a protected historical and cultural site, no construction project or operations such as blasting, drilling and excavation that may affect the safety of the cultural relics and their environment shall be carried out. Where a construction project cannot be avoided or where special circumstances require operations such as blasting, drilling and excavation, the safety of the protected historical and cultural site shall be ensured, and the matter shall be submitted to the people's government that originally designated and announced the site for approval.

Article 16 — Where a construction project is to be carried out, the construction entity shall, in advance, submit an application to the administrative department for cultural relics of the people's government of the province, autonomous region or municipality directly under the Central Government for conducting an archaeological survey and exploration of the area where cultural relics may be buried underground. The expenses for the archaeological survey and exploration shall be included in the budget of the construction

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project.

Article 17 — Where immovable cultural relics are in danger of being damaged, the user of the cultural relics shall be responsible for reinforcing and repairing them; where the user is not responsible for protecting the cultural relics, the local people's government shall be responsible for reinforcing and repairing them.

Article 18 — The principle of not altering the original state of cultural relics shall be adhered to in the repair, maintenance and removal of immovable cultural relics.

Article 19 — Immovable cultural relics shall not be demolished. Where the protection of a historical and cultural site at the provincial, city or county level has special requirements and it is necessary to demolish the site, the matter shall be subject to the consent of the administrative department for cultural relics under the State Council.

Article 20 — The principle of not altering the original state of cultural relics shall be adhered to in the use of immovable cultural relics, and the safety of cultural relics shall be ensured. Immovable cultural relics shall not be damaged, reconstructed, added to or demolished.

Chapter III — Archaeological Excavations

Article 21 — All archaeological excavations shall be subject to approval, and no entity or individual may excavate cultural relics buried underground without approval. Institutions applying to conduct archaeological excavations for the purpose of scientific research shall submit their excavation plans to the administrative department for cultural relics under the State Council for approval.

Article 22 — Before carrying out a large-scale capital construction project, the construction entity shall report to the administrative department for cultural relics of the people's government of the province, autonomous region or municipality directly under the Central Government and request that an archaeological investigation team conduct an investigation or exploration of the area where cultural relics may be buried underground.

Article 23 — Where cultural relics are discovered in the course of construction or agricultural production, no entity or individual may excavate them without authorization. Where the site needs to be excavated by the archaeological excavation unit, the expenses for the archaeological investigation, exploration and excavation shall be included in the budget of the construction project.

Article 24 — All cultural relics unearthed in the course of an archaeological excavation shall be registered and preserved properly by the archaeological excavation unit. No entity or individual may encroach upon or privately divide such cultural relics.

Article 25 — Where it is necessary to transfer cultural relics unearthed in the course of archaeological excavation from one province, autonomous region or municipality directly under the Central Government to another, the matter shall be subject to the approval of the administrative department for cultural relics under the State Council.

Article 26 — Foreign nationals, foreign organizations and international organizations that intend to conduct archaeological investigations, explorations and excavations within the territory of the People's Republic of China shall obtain the permission of the administrative department for cultural relics under the State Council and shall submit reports on the results of their work.

Chapter IV — Cultural Relics in the Collection of Institutions

Article 27 — Museums, libraries and other cultural relic collection entities shall classify, register and file the cultural relics in their collections, shall keep the cultural relics properly, and shall ensure the safety of the cultural relics.

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Article 28 — Cultural relic collection entities may obtain cultural relics by the following means:

(1) Purchasing;

(2) Accepting donations;

(3) Exchanging in accordance with the law;

(4) Other means provided for by laws and administrative regulations.

State-owned cultural relic collection entities may also obtain cultural relics through the allocation of cultural relics by the administrative department for cultural relics, the transfer of designated cultural relics, and the delivery of cultural relics by public security organs, customs, administration for industry and commerce, and other departments.

Article 29 — Cultural relics in the collection of state-owned cultural relic collection entities shall not be sold or given as gifts. The allocation, exchange and lending of cultural relics in the collection of state-owned cultural relic collection entities shall be subject to the approval of the administrative department for cultural relics.

Article 30 — Cultural relic collection entities shall establish a management system for the cultural relics in their collections, shall keep files on the cultural relics in their collections, and shall report to the competent administrative department for cultural relics for filing.

Article 31 — Cultural relic collection entities shall, in accordance with the relevant provisions of the state, be equipped with facilities to ensure the safety of the cultural relics in their collections, and shall ensure the safety of the cultural relics in their collections.

Chapter V — Cultural Relics in Private Collections

Article 32 — Cultural relics in private collections may be inherited, donated, sold, or exchanged among citizens in accordance with the law.

Article 33 — The purchase and sale of cultural relics shall be conducted in accordance with the law. The state prohibits the purchase and sale of the following cultural relics:

(1) State-owned cultural relics, except as otherwise provided by the state;

(2) Precious cultural relics in the collection of non-state-owned cultural relic collection entities;

(3) Murals, carvings and components of immovable cultural relics.

Article 34 — Enterprises engaged in the auction of cultural relics shall obtain a permit for the auction of cultural relics issued by the administrative department for cultural relics under the State Council.

Article 35 — No cultural relics may be sold or purchased without the approval of the administrative department for cultural relics. Cultural relic stores and cultural relic auction enterprises shall register the cultural relics sold or auctioned by them and shall submit the records to the administrative department for cultural relics for filing.

Article 36 — Banks, smelters, paper mills, waste material purchasing stations and other entities that discover cultural relics among the cultural relics recycled by them shall hand over such cultural relics to the administrative department for cultural relics in accordance with the relevant provisions of the state.

Article 37 — The state encourages citizens, legal persons and other organizations to donate cultural relics in their private collections to state-owned cultural relic collection entities, or to lend them to state-owned cultural relic collection entities for exhibition and scientific research.

Chapter VI — Taking Cultural Relics Out of or Into China

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Article 38 — Where state-owned cultural relics, precious cultural relics in the collection of non-state-owned cultural relic collection entities, and other cultural relics whose export is prohibited by the state are to be taken out of the country, the matter shall be subject to the examination and approval of the administrative department for cultural relics under the State Council.

Article 39 — Where cultural relics are to be taken out of the country for exhibition, the matter shall be subject to the approval of the administrative department for cultural relics under the State Council. The period for exhibiting cultural relics outside the country shall not exceed one year.

Article 40 — Where cultural relics are to be transported, mailed or carried out of the country, the matter shall be subject to the examination of the exit examination institution for cultural relics designated by the administrative department for cultural relics under the State Council. Cultural relics that are permitted to be taken out of the country upon examination shall be issued an exit permit by the administrative department for cultural relics under the State Council.

Article 41 — Cultural relics that are temporarily brought into the country by foreign nationals, stateless persons, foreign organizations or international organizations shall be registered with the customs and shall be re-transported out of the country within the prescribed period.

Article 42 — The state shall take measures to prevent the loss of cultural relics and promote the return of lost cultural relics to China.

Chapter VII — Legal Liability

Article 43 — Any entity or individual that commits any of the following acts shall be ordered by the administrative department for cultural relics to make corrections; where the circumstances are serious, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Illegally excavating sites of ancient culture or ancient tombs without authorization;

(2) Illegally carrying out construction projects or operations such as blasting, drilling and excavation within the protection area for a protected historical and cultural site;

(3) Damaging or destroying cultural relics;

(4) Transferring or mortgaging immovable cultural relics in violation of the law.

Article 44 — Any entity or individual that illegally buys or sells cultural relics, or auctions or sells cultural relics without authorization, shall be ordered by the administrative department for industry and commerce to make corrections, the illegal gains and the illegally operated cultural relics shall be confiscated, and a fine shall be imposed; where the circumstances are serious, the business license shall be revoked.

Article 45 — Any entity or individual that smuggles cultural relics, steals, robs, privately divides or illegally possesses state-owned cultural relics shall be investigated for criminal liability in accordance with the law.

Article 46 — Where a cultural relic collection entity fails to equip itself with safety facilities in accordance with the relevant provisions of the state, or fails to ensure the safety of the cultural relics in its collection, the administrative department for cultural relics shall order it to make corrections; and where serious consequences are caused, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed.

Article 47 — Any functionary of the administrative department for cultural relics or any other relevant state organ who abuses his power, neglects his duties or engages in malpractice for personal gain shall be given an administrative sanction; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

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Chapter VIII — Supplementary Provisions

Article 48 — The protection and administration of fossils of paleovertebrates and paleoanthropoids of scientific value shall be governed by the relevant provisions of this Law on the protection of cultural relics.

Article 49 — The State Council shall formulate specific measures for the implementation of this Law.

Article 50 — This Law shall come into force on the date of promulgation. The Regulations on the Protection of Cultural Relics promulgated by the State Council on November 19, 1982 shall be repealed simultaneously.

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