

ACT  
ON THE PROTECTION AGAINST THE EXPORT OF CERTAIN ANCIENT ARTICLES OF  
CULTURAL HERITAGE

issued 19 December 1985

In accordance with Parliamentary Resolution the following conditions have been laid down:

PURPOSE OF THE LAW, ETC.

Par.1 This law contains directions on the export of certain ancient Swedish and foreign objects of cultural heritage.

The purpose of the law is to prevent that ancient objects of cultural heritage, which are of great importance to the national cultural heritage, be exported from the country.

Par.2 Objects of Swedish cultural heritage refer to objects which are, or can be, considered to be, produced in Sweden or a country other than Swedish.

The borders considered to be Swedish at the time this law goes into effect, will be the determining factor, according to the law, in what is to be considered Sweden and who is to be considered Swedish.

PERMISSION TO EXPORT

Par.3. Any person who wishes to export an object of cultural heritage must have an export licence, if the object belongs to the type referred to in Par.s 4-6.

Par.4. Objects of Swedish cultural heritage.

1. Objects which have been produced prior to the year 1600, regardless of value:
  - a) printed matters, maps and pictures
  - b) manuscripts on parchment or paper
2. Objects more than 100 years old, regardless of value:
  - a) drinking vessels, harnesses and textile tools (equipment) if they are made of wood and are painted or polished.
  - b) national costumes and embroidered or national textile, woven in pattern,
  - c) painted tapestry,
  - d) furniture, mirrors and boxes,
  - e) gold watches, wall clocks and table clocks,
  - f) initialled glazed earthenware,
  - g) musical instruments as well as
  - h) firearms, sidearms and protective weapons.

3. Objects more than 100 years old, with a value of more than 50000 kronor, when the object can not be referred to in point 2:
  - a) paintings, drawings and sculpture,
  - b) objects made of ceramics, glass or porphyry,
  - c) objects of gold, silver or bronze, with the exception of coins and medals,
  - d) chandeliers and tapestry.
4. Objects more than 50 years old with a value of more than 2000 kronor, when the object can not be referred under points 1 or 2.
  - a) Objects of Lapp origin,
  - b) non printed records, letters, diaries, manuscripts, notes and accounts,
  - c) handdrawn maps and sketches, as well as
  - d) technical models and prototypes and scientific instruments.

Par.5. Foreign cultural objects which can be assumed to have arrived in Sweden prior to the year 1840, and which have a value of more than 50000kronor:

- a) furniture, mirrors and boxes,
- b) gold watches, wall clocks and table clocks,
- c) musical instruments,
- d) firearms, sidearms and protective weapons,
- e) paintings, drawings and sculpture,
- f) objects of ceramics, glass and ivory,
- g) objects of gold, silver and bronze, with the exception of coins and medals,
- h) chandeliers and tapestry.

Par.6. Permission is required for the export of even a part of an object, as mentioned in Par.s 4 or 5.

Par.7. A cultural object may be exported from the country without permission if

1. The owners of the object leave Sweden to reside in another country,
2. The object, through inheritance, will, or the division of joint property, has been acquired by a private person residing in another country,
3. The object is exported by a public institution in this country or an institution receiving a subsidy from the state, municipality or county council, and will be returned to Sweden.
4. The object is exported by a private person, to be used in connection with public

cultural activity and will be returned to Sweden.

or

5. the object has temporarily been borrowed from abroad.

#### EXAMINATION OF APPLICATIONS FOR EXPORT PERMITS.

Par. 8. Permission to export cultural objects will be given if the object is of little importance to the national cultural heritage.

Even if the object has great importance to the national cultural heritage, export permit will be granted if the object is acquired by an institution abroad.

Par. 9. Request for the permission to export must be examined by the Royal Library, the office of the Custodian of National Monuments and the State Historical Museums, the State Archive, the State Art Museums or the Nordic Museum Institute (permit authorities). For each type of object mentioned in Par.s 4 and 5, the Government shall determine which authority shall examine the application for permission.

#### PROCEDURES OF THE PERMIT COMMISSION

Par.10. Application for a permission shall be directed to the office of the Custodian of National Monuments and the State Historical Museums. If the application, according to directions supported in Par. 9, must be examined by another authority, the application shall be directed to such an authority.

Par.11. If an application refers to more than one of the authorities which grant the permission, the office of the Custodian of National Monuments and the State Historical Museums shall decide which authority shall examine the application.

Such authority shall not make a decision in the matter until one or other authorities involved have been consulted. Application shall be refused if any of the authorities concerned feel that permission should not be granted.

Par.12. The applicant for permission to export an object shall attach two black and white photographs of the object. Photographs are not necessary if the application refers to objects contained in Par. 4 1a) and 4b). Photographs are not necessary when the permission authority grants an exception to this requirement. The applicant shall, upon request of the authorities, put the object at their disposal for examination.

Par.13. The administration law (1971:290) shall apply even in questions of cases on permission, dealt with by the Nordic Museum Institute. The decision in such a case is made by the

Director of the Institute or other officer nominated by the director.

#### APPEALS

Par.14. Where a granting authority has refused an application for an export permit, complaints against the decision shall be directed to the Chamber Magistrate<sup>(2)</sup>

(Court of the House of Commons), through an appeal. Other decisions announced by a granting authority with regard to this law shall not be appealed against.

#### CONCESSIONS BY THE GOVERNMENT

Par.15. Even if a cultural object is of great importance to the national heritage, the Government shall, in special cases, permit the object to be exported.

#### RESPONSIBILITIES

Par.16. Responsibilities regarding the unlawful export, and of attempts to do so, of cultural objects, are found in provisions to the law (1960:418) on the penalty for smuggling goods

1. This law goes into effect 1 July 1986. By means of the law, proclamation (1927:129) regarding the prohibited export from the country of certain ancient cultural objects shall be revoked.
2. If the application for the export has been presented before the end of June 1986, and if it refers to objects contained in proclamation of 1927, then older provisions shall apply on examination of the application.
3. Permission given with support of proclamation of 1927 shall still apply.

On behalf of the Government

OLOF PALME

BENGT GÖRENSSON

(Ministry of Education and Cultural Affairs)

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## AMENDMENTS TO THE LAW (1942:350) REGARDING RELICS ON ANTIQUITY

issued 15 May 1985

In accordance with resolution of Parliament on the question of relics of antiquity\* (1942:350), it has been declared

partly, that Par.s 12, 16 and 20 shall have the wording as mentioned below, and

partly, that four new paragraphs, 15a - 15d shall be added, together with a new title immediately before Par.15a, which shall sound as mentioned below.

Par.12. Someone who has found an object which <sup>should</sup> belong to, or be offered as a first refusal, to the Government, shall, without delay, report the find to the Custodian of National Monuments and to the State Historical Museums, or to any representative selected by the authorities, or to the county administration or a Police authority. The finder is also required, on request, to hand over the object, against receipt, as well as to give accurate information regarding where, when and how the find was made.

### METAL DETECTORS

Par.15a. The term Metal Detector in this law shall mean an apparatus which can be used to electronically trace objects of metal below the ground's surface.

Par.15b. Metal detectors are not to be carried on fixed ancient monuments other than by travel on routes open to the public. Metal detectors are not to be carried on or near shipwrecks or other objects referred to in Par.9a.

Par.15c. Metal detectors shall not be used in Gotland County.

Metal detectors shall not be used within an area containing archeological finds of the type which shall be offered to those having the right of first refusal, according to Par.11, firstpart.

Such areas include the place where the find was made, and the adjoining land where additional relics can be assumed to be contained, with consideration to the characteristics of the earlier find, the <sup>appearance</sup> looks of the place of the find and of the adjoining land, together with the presence of other known places of finds nearby.

The Government, or the authority selected by the Government, shall determine the

\*the law was reprinted in 1976:442

borders of such an area, as mentioned in the second part.

Par.15d. Without hindrance to what has been mentioned in Par.15c, metal detectors may be used in the professional search for other objects than relics of antiquity.

Without hindrance to what has been mentioned in Par.s 15b and 15c it is intended that

1. Metal detectors may be carried and used in archeological examinations, carried out by the Office of the Custodian of National Monuments and the State National Museums or the County Administration or someone else permitted by the County Administration.
2. The County Administration shall give the permission to carry and use metal detectors.

Par.16. Someone who, with regard to fixed monuments, shipwrecks or other objects, as mentioned in Par.9a, without permission, takes measures, as mentioned in Par.1, second part, or who does not fulfil the obligation to report, according to Par.8, second part, will be subjected to a fine or imprisonment for a maximum period of 6 months. He must also pay all costs for such an infringement.

Anyone who does not report the find of relics of antiquity, according to what was laid down in Par.12, shall be punished as ordered in the first part, and loses all right regarding the find. The same is valid when someone hides, damages, changes, disposes of or acquired objects which, according to this law, belong to, or shall be offered for first refusal, to the Government.

Punishment shall also be inflicted, as mentioned in part one, upon anyone who infringes the rules mentioned in Pars. 15b or 15c. A metal detector used in an infringement, shall be declared forfeit, if it is not manifestly unreasonable.

Par.20. The County Administration's decision in matters, according to Par.3, part 2, Par.4, Par.15, part 3 and Par.15d, part 2, may be appealed against to the chamber magistrate. The same is valid in questions on decisions, as mentioned in Par.15c, part 3 and stated by authority other than the Government. The remaining decisions in this law by the County Administration or the office of the Custodian of National Monuments and the State Historical Museums may be appealed against to the Government.

The office of the Custodian of National Monuments and the State Historical Museums may appeal against the decisions of the County Administration, according to this law.

The same is valid in questions on the decisions about such orders as mentioned in Par. 15c, part 3, and which are reported by other authority than the Government.

This law goes into effect on 1 July 1985.

On behalf of the Government,

BENGT GORANSSON

Arvid Sanmark

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1800 words.