

Law No. 318 on the Cultural Heritage of the Nation

Official Gazette No. 9086

**THE NATIONAL CONGRESS
On behalf of the Republic**

No. 318

Courtesy translation provided by WIPO © 2012

Whereas Article 101 of the Constitution of the Republic provides that the country's artistic and historical wealth, whoever is the owner thereof, shall form part of the nation's cultural heritage and shall be safeguarded by the State,

Whereas it shall consequently be the State's responsibility to regulate all matters relating to the protection, conservation, enrichment and use of the nation's cultural heritage,

THE FOLLOWING LAW HAS BEEN PASSED:

Article 1. – For the purposes of this Law, the nation's cultural heritage shall be divided into:

- a) monumental heritage;
- b) artistic heritage;
- c) documentary heritage;
- d) folkloric heritage.

Article 2. – Monuments, ruins and pre-Columbian archaeological remains, colonial buildings, urban ensembles and other constructions of special historical or artistic interest, and also statues, columns, pyramids, forts, crowns and shields intended to remain at a public commemorative site shall form part of monumental heritage.

Article 3. – Artistic heritage shall consist of all movable property and items, whatever their origin and location, that are of unquestionable value by virtue of their artistry or historical significance and are intended or likely to be intended to form part of the collections of a public museum.

Article 4. – Documentary heritage shall consist of written evidence from the past that merits and requires appropriate conservation and classification in archives or establishments that are accessible for the purposes of paleography and research.

Article 5. – For the purposes of this Law, folkloric heritage shall consist of the variety of typical physical manifestations of Dominican tradition and, in particular, the most representative three-dimensional expressions of popular art and handicrafts.

Article 6. – The Dominican State shall safeguard property that constitutes the nation's cultural heritage, in accordance with the provisions of this Law and through the bodies established pursuant to this Law or other special legal or regulatory provisions.

Article 7. – The safeguarding of such property shall require the prior identification, description and delimitation thereof, as appropriate, for which purpose the bodies referred to above, within their respective spheres of activity, shall inventory and classify it according to its nature and purpose, in accordance with modern registration procedures, within a period of six months or within the periods provided for in the Regulations issued for that purpose by the Executive.

Article 8. – Owners or holders of real estate, collections or items of unquestionable monumental, artistic, documentary or folkloric value shall be obliged to declare such possessions for the purposes set out in the preceding Article.

Article 9. – Owners of any of the types of property described above shall inform the relevant bodies of transfers thereof that they have made, within no more than ninety (90) days of the date on which the operation was carried out.

Article 10. – Property forming part of the nation's cultural heritage, even where it belongs to individuals, that can be moved may not be taken out of the country except for a limited time for exhibition, classification or study purposes and with the consent of the General Directorate of Fine Art or the relevant bodies. Such consent shall be granted in the manner provided for in the Regulations issued for that purpose by the Executive, which shall also regulate the conditions under which the move may be effected.

Article 11. – Under no circumstances may property that forms part of the nation's cultural heritage and that is subject to the regime established by the present Law be destroyed, damaged or altered without consultation by the owners or holders thereof.

Article 12. – Excavations for mines or archaeological objects in any part of the national territory shall be prohibited. However, the State Secretariat for Education, Fine Art and Worship, through the General Directorate of Fine Art and bodies established by special laws or provisions that are responsible for safeguarding the nation's cultural heritage, may, within the scope of their respective powers, authorize such excavations to be carried out for the purposes of archaeological research by the country's universities, by nationally recognized national or municipal museums, or by national or foreign scientific bodies or institutions, and also by qualified natural persons who, in the opinion of the aforementioned bodies, are worthy of such authorization.

Article 13. – Anyone that henceforth makes a discovery of any object that is considered to form part of the nation's cultural heritage shall be obliged to declare it, with all the necessary information for the classification thereof.

Where the discovery occurs in the National District, the declaration shall be made at the offices of the National Museum, whose Director shall in turn inform the qualified body, in accordance with the Law or the Regulations for receiving such declaration. Where, on the other hand, the discovery occurs outside the National District, the declaration shall be made to the mayor of the jurisdiction in question.

Article 14. – The Executive shall be authorized to issue such Regulations as may be necessary for the implementation of the present Law and to take whatever measures it deems appropriate for the conservation and safeguarding of the nation's cultural heritage.

Article 15. – Any infringement of the provisions of the present Law or of those Regulations issued by the Executive for the enforcement thereof shall be punishable with a prison term of six months to two years and a fine of RD\$ 200.00 to RD\$ 2,000.00.

Article 16. – The State Secretariat for Education, Fine Art and Worship and the police, customs and migration authorities shall take appropriate measures for the purposes of enforcing the present Law.

Article 17. – The present Law shall repeal and replace Law No. 5207 of March 16, 1913, enacted in the city of Barahona and amended where necessary, Law No. 293 of February 13, 1932, Law No. 1400 of April 19, 1947, and any other law that may be contrary thereto.

DONE at the Meeting Hall of the Senate, Palace of the National Congress, in Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on May 23, 1968, the 125th year of Independence and the 105th year of the Restoration.

Adriano A. Uribe Silva
Acting Vice-President

Yolanda A. Pimentel de Pérez
Secretary

Alberto D'mayo
Ad Hoc Secretary

DONE at the Meeting Hall of the Chamber of Deputies, Palace of the National Congress, in Santo Domingo, National District, capital of the Dominican Republic, on June 12, 1968, the 125th year of Independence and the 105th year of the Restoration.

Patricio G. Badia Lara

President

Federico Collado G.
Ad Hoc Secretary

Ramón Antonio Gómez
Ad Hoc Secretary

JOAQUIN BALAGUER
President of the Dominican Republic

In exercise of the powers conferred on me by Article 55 of the Constitution of the Republic,

I hereby **ENACT** the present Law and order it to be published in the *Official Gazette* so as to make it known and ensure compliance therewith.

DONE at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on June 14, 1968, the 125th year of Independence and the 105th year of the Restoration.

JOAQUIN BALAGUER