



## OBJECTS AND REASONS

This Bill would provide for

- (a) the preservation of places, structures and relics or other objects of archeological, historical and cultural interests; and
- (b) related matters.

### *Arrangement of Sections*

*Section*

#### PRELIMINARY

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SCHEDULE

BARBADOS

A Bill entitled

An Act to provide for

- (a) the preservation of places, structures and relics or other objects of archaeological, historical and cultural interests; and
- (b) related matters.

ENACTED by the Parliament of Barbados as follows:

## PRELIMINARY

*Citation*

Short title.     **1.** This Act may be cited as the *Preservation of Antiquities and Relics Act, 2011*.

Interpretation.

**2.** In this Act,

"antiquity" means any

- (a) place or site;
- (b) monument or structure erected, formed or built by human agency that is affixed to the land; or
- (c) monument or structure erected, formed or built by human agency that is located under water or on the seabed

that is of historical, cultural or archaeological interest or is believed to be of historical or archaeological interest;

"Director" means the Director of the Barbados Museum and Historical Society;

"discovery" means the finding in Barbados

- (a) in, on or under land or sea;
- (b) in or on anything growing on land; or
- (c) attached to or within the fabric or foundation of a structure in, on or under land or sea

of an antiquity or relic the presence of which was previously unknown to the owner or occupier of such land or structure;

"document" includes

- (a) anything on which there is writing;
- (b) a map, plan, drawing, illustration or photograph; and

- (c) anything from which sounds or visual images are capable, with or without the aid of a device, of being reproduced, and also includes a part of a document and a copy, reproduction or duplicate of a document;

"licence" means a licence issued under section 4;

"Minister" means the Minister with responsibility for Culture;

"Society" means the Barbados Museum and Historical Society, a society incorporated by the *Barbados Museum and Historical Society Act*; Act 1933-31.

"relic" means a moveable object that is or is believed to be not less than 50 years old where that object

- (a) constitutes ethnographic art or ethnography;
- (b) constitutes decorative art;
- (c) is related to the military;
- (d) is fine art;
- (e) is of scientific or technological interest;
- (f) is of historical or archeological significance;
- (g) is a book, record, document, photograph, graphic, film or television material or a sound recording;
- (h) is a fossil remain or impression;
- (i) is a botanical or any other organic remain;
- (j) is a human remain;
- (k) is any wreck of archaeological or historical interest including the ruins or remains of a site, monument, structure or wreck whether or not modified or restored in any way; or
- (l) is any other object, that is declared by order pursuant to section 21 to be a relic;

"remote sensing instrument" means a device that is used, designed or adapted for detecting any organic or inorganic materials in the ground, under water or on the seabed;

"wreck" means

- (a) the whole or any portion of a vessel including an aircraft that is abandoned in the sea, under water or on the seabed;
- (b) the flotsam, jetsam, lagan or derelict found in the sea;
- (c) any part of the cargo, stores or equipment of a vessel referred to in paragraph (a); or
- (d) any part of the personal property on board a vessel referred to in paragraph (a) when it was abandoned.

Society to be responsible for administration of Act.

3. The Society shall be responsible for the administration of this Act.

## PART I

### *Licensing*

Prohibition in respect of export, trade or sale without a licence or export certificate.

4. (1) No person shall

- (a) excavate or search for any antiquity or relic;
- (b) use a remote sensing instrument or other device or instrument to search for any antiquity or relic; or
- (c) collect or remove any relic from the site of its excavation

unless he holds a valid licence issued in accordance with this Part.

(2) No person shall export any antiquity or relic unless he has applied for and obtained a valid export certificate for that purpose.

(3) The application for an export certificate shall be in the form set out in the *Schedule* and shall comply with the Customs requirements set out in the *Schedule*. Schedule.

(4) A person who contravenes paragraphs (a), (b), or (c) of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years.

(5) A person who exports an antiquity or relic in contravention of subsection (2) is guilty of an offence and is liable on indictment to a fine of \$250 000 or to imprisonment for a term of 5 years or to both.

(6) Where a person has been convicted of an offence under subsection (5), the court may order that the subject matter of the offence be forfeited to the Crown.

5. (1) A person who wishes to engage in any activity set out in section 4(1) shall apply to the Minister, in the prescribed form, for a licence or for the export certificate in the form set out in the *Schedule*, as the case may be. Issue of  
licence or  
export  
certificate.  
Schedule.

(2) Subject to section 6, the Minister may, on payment of the prescribed fee, issue a licence or an export certificate to a person who makes an application pursuant to subsection (1).

(3) Notice of the issue of a licence or an export certificate under this section shall be published within 7 days of its issue in the *Official Gazette*.

(4) A licence or an export certificate shall not be transferable.

(5) An applicant for a licence in respect of privately owned land of which the applicant is not the owner, shall obtain permission in writing from the owner of that land to engage in the activity for which the licence is being sought, and shall submit that permission together with the application to the Minister.

Licences  
for  
excavation.

6. (1) The Minister shall not issue a licence to a person under paragraph (a), (b) or (c) of section 4(1) unless the Director, after consultation with the Coastal Zone Management Unit, the Town and Country Planning Department or the Fisheries Division, as the case may be, is satisfied that the person

- (a) has had sufficient training or experience and expertise to enable him to carry out the proposed excavation and search satisfactorily;
  - (b) has at his disposal sufficient staff, financial and other necessary resources to enable him to carry out the proposed excavation and search satisfactorily; and
  - (c) is able to conduct, or to arrange for a proper scientific study of any antiquity or relic discovered as the result of the proposed excavation and search, and to arrange for their proper preservation, restoration, analysis, documentation and presentation.
- (2) A licence referred to in this section shall contain such conditions
- (a) as are appropriate and necessary to ensure the
    - (i) conduct of an excavation or search and the deposit of a research plan with the Director;
    - (ii) recording, mapping and the documentation of the excavation or search;
    - (iii) use of a remote sensing instrument or other device or instrument;

- (iv) conservation, preservation and restoration of materials discovered;
- (v) removal, examination, presentation, return and deposit of materials discovered;
- (vi) making and delivery of casts, rubbings, squeezes, photographic and other reproductions to the Director; and
- (vii) submission to the Director of any object excavated or removed from the site;

(b) respecting the

- (i) right of any employee or person authorised by the Director to go on the premises and observe operations or conduct inspections; and
- (ii) submission to the Director of adequate field excavation reports and analytical reports including artifact catalogues and accompanying images and drawings; and

(c) as are regarded as desirable for the purposes of the Act.

(3) Subject to subsection (4), a licence issued under paragraph (a), (b) or (c) of section 4(1) may be granted for a period not exceeding 12 months.

(4) The Minister may renew a licence for a further period not exceeding 12 months where

- (a) a licence is issued for the excavation and search for an antiquity or relic and the excavation and search is not concluded by the date of the expiry of that licence; and
- (b) the Director is satisfied that the excavation or search should be allowed to continue.

(5) For the purposes of this section, "conservation" means the proper handling, initial cleaning, remedial conservation where required, documentation, packing and storing of the objects discovered by the excavation in state-of-the-art materials and containers.

(6) The research plan referred to in subsection (2) shall provide information on the resident flora and fauna on the site and the impact which the excavation may have on the habitat.

Rights of  
licensee.  
Cap. 240  
S.I. 1972/76

7. Notwithstanding the provisions made under the *Town and Country Planning Act* and *the Regulations*, the holder of a licence permitting excavation may, subject to the conditions of that licence, enter, excavate and search for antiquities or relics on or under

- (a) any Crown land specified in the licence; or
- (b) subject to section 5(5), any private land specified in the licence.

Revocation  
of licence.

8. (1) Subject to subsection (2), the Minister may revoke any licence where

- (a) the licensee fails to comply with any condition of the licence; or
- (b) the Director recommends the revocation on the ground that such revocation is necessary for the protection or preservation of the antiquity or relic, in the public interest.

(2) A licence shall not be revoked unless the holder of that licence has been given a reasonable opportunity to make representation to the Minister as to why the licence should not be revoked.

(3) As soon as possible after the revocation of a licence, the Minister shall by notice in writing, inform the person whose licence has been revoked of the revocation and the reasons for the revocation.

Appeal.

9. A person aggrieved by

- (a) the refusal of the Minister to renew a licence under section 6(4);  
or
- (b) the revocation of a licence under section 8(1),

may within 21 days after the date of refusal or revocation appeal to a Judge in Chambers who may confirm or reverse the refusal or revocation.

**10.** (1) The Minister shall publish in the *Official Gazette* a notice of every issue, renewal or revocation of a licence. Notice and Register.

(2) The Director shall keep a Register of the names of persons licensed under this Act.

(3) The Register referred to in subsection (2) shall be open for public inspection at all reasonable times.

## PART II

### *Notification, Acquisition, Powers of Entry, Valuation and Appeal*

**11.** (1) A person who

(a) has in his possession or under his control; or

(b) is concerned in or knows of the discovery of

any antiquity or relic shall inform the Director of the existence or discovery of that antiquity or relic, and its location; and shall make available to the Director, a copy of a comprehensive and illustrated description of any antiquity or relic which he possesses.

(2) No person shall

(a) remove from Barbados

(i) an antiquity or relic; or

(ii) any structure that forms part of or is erected near to, or that supports or appears to support an antiquity or relic;

(b) do any act that

(i) causes damage to;

(ii) is likely to damage;

Notifica-  
tion of  
antiquity or  
relic.

(iii) alters; or

(iv) destroys

the antiquity or relic; or

(c) permit or acquiesce in the doing of an act referred to in paragraph (a) or (b).

(3) A person who

(a) contravenes the provisions of subsections (1) or (2); or

(b) makes a false statement to the Director as to the existence, location or discovery of an antiquity, an object that reasonably appears to be an antiquity or relic

is guilty of an offence and is liable upon summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years or to both.

Entry onto  
private  
premises.

**12.** (1) Where the Director receives information or believes that an antiquity or relic exists and that the antiquity or relic is being kept or has been discovered on any private premises contrary to section 11, the Director may

(a) serve notice in writing on the owner or occupier of the premises that the Director has reason to believe of the existence of the antiquity or relic on the premises; and

(b) request that the owner or occupier deliver up or cause to be delivered up the antiquity or relic pursuant to section 11 within 48 hours thereof; and the owner or occupier shall deliver up the antiquity or relic when requested to do so.

(2) Where the owner or occupier fails to act in accordance with subsection (1) or section 11, the Director may, subject to subsection (3),

(a) enter upon the premises and conduct any inspection of the object that appears to be an antiquity or relic, as may be considered necessary; or

(b) take possession of the object that appears to be an antiquity or relic for further inspection or safekeeping where in the opinion of the Director, the public interest so requires.

(3) The Director shall

(a) obtain the consent of the owner or occupier of the premises to enter; and

(b) before entering on to any private premises give not less than 48 hours notice in writing of the intention to enter to the owner or occupier of the premises on which the object that appears to be an antiquity or a relic is kept or has been discovered.

(4) Where consent to enter on the premises referred to in subsection (1) is not granted, the provisions of section 17 shall apply.

(5) Compensation shall be paid to the owner of the premises entered under subsection (1) for any actual damage or injury resulting to that person by reason of the exercise of the powers conferred by this section.

13. (1) Where the Director is aware of the existence of an antiquity or relic or receives information pursuant to section 11(1) and has taken the necessary action under section 12, the Director may, in consideration of

Acquisition  
of antiqui-  
ties and  
relics.

(a) the national, historical, scientific or artistic importance of the antiquity or relic; and

(b) the need to ensure the preservation of the antiquity or relic,

recommend to the Minister that

(i) the antiquity or relic be acquired by the Crown in the public interest; and the Crown may acquire that antiquity or relic; or

(ii) such safety or safeguarding measures as may be required be taken to ensure the preservation of the antiquity or relic.

(2) No person shall dispose of an antiquity or relic whilst it is in the process of being acquired by the Crown.

(3) Any person who fails to comply with subsection (2) is guilty of an offence and is liable upon summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years or to both.

Acquisition  
of antiqui-  
ties.

Cap. 228.

**14.** (1) Where the Minister determines that it is in the public interest for an antiquity to be acquired and that antiquity is land or is a site on which a monument or structure is erected, then acquisition shall be regarded as being undertaken for a public purpose within the meaning of the *Land Acquisition Act* and subject to this section, the provisions of that Act shall apply.

Cap. 228.

(2) The Director and the Chief Surveyor may, after publication of the notices made pursuant to section 4(1) of the *Land Acquisition Act*, go onto the land containing or comprising the antiquity and may

- (a) ascertain and demarcate the boundaries of the land;
- (b) examine and take inventory of the antiquity;
- (c) determine what measures must be taken to protect the antiquity; and
- (d) do any act required for the protection of the antiquity.

(3) The Minister responsible for Housing and Lands shall by resolution seek the approval of both Houses of Parliament, for the compulsory acquisition of

- (a) the antiquity; and
- (b) any land which is necessary for the proper preservation and appreciation of the historical, scientific or artistic importance of the antiquity.

(4) Where Parliament has approved the acquisition of the antiquity, the Governor-General shall declare that the antiquity has been acquired by the Crown by the publication of a notice to that effect in the *Official Gazette* and in a daily newspaper that is published and circulated in Barbados.

(5) Upon publication of the notice in accordance with subsection (4), the antiquity shall immediately vest in the Crown.

(6) Where an antiquity is acquired by the Crown, the Director or any person authorised by the Director in writing, may go onto the premises of the person in possession of the antiquity and take possession of it.

(7) Compensation payable under this section shall, subject to subsection (8), be paid in accordance with section 11 of the *Land Acquisition Act*.

Cap. 228.

(8) Where the Minister determines that it is in the public interest for an antiquity to be acquired under subsection (1) and that antiquity is not land or a site to which that subsection refers, compensation may be payable to the owner in accordance with section 15(6) in the same manner as if the antiquity were a relic referred to in that section.

**15.** (1) Where after the inspection of a relic pursuant to section 12, the Director believes that the relic is of such importance that it should be acquired, the Director may enter into negotiations with the owner of the relic for the purpose of acquiring that relic by private treaty.

Valuation, compulsory acquisition and compensation in respect of relics.

(2) Where the Minister is advised by the Director that the owner of a relic that meets the requirement of subsection (1), refuses to sell that relic, the Minister shall

(a) direct that such measures, as may be required, be taken to ensure the preservation of the relic;

- (b) inform the public, by way of the publication of a notice in 3 successive issues of the *Official Gazette* and a daily newspaper that is published and circulated in Barbados, that the relic is of such importance to the cultural heritage of Barbados that it should be acquired; and
- (c) by resolution seek the approval of both Houses of Parliament for the compulsory acquisition of the relic.

(3) Where Parliament has approved the acquisition of the relic, the Governor-General shall declare that the relic has been acquired by the Crown by publication of a notice to that effect in the *Official Gazette* and in a daily newspaper that is printed, published and circulated in Barbados.

(4) Upon publication of the notices in accordance with subsection (3), the relic shall immediately vest in the Crown.

(5) Where a relic is acquired by the Crown, the Director or any person authorised by the Director in writing, accompanied by a member of the Police Force in uniform, may go onto the premises of the person in possession of the relic and take possession of it.

(6) Compensation payable under this section may be paid in accordance with the value determined by a panel of 3 appraisers appointed by the Director, with the approval of the Minister; but where the owner is dissatisfied with the valuation, the owner may appeal to a Judge in Chambers.

Payment of  
compensa-  
tion to  
owner.

**16.** Compensation paid under this Act shall be paid to the owner of the antiquity or relic except that where the owner cannot be ascertained or found, compensation shall be paid to the person who immediately before the acquisition had possession of the antiquity or relic.

Search and  
seizure.

**17.** (1) Where the owner or occupier of private premises

- (a) fails after 48 hours to give consent to the Director to enter upon the premises; or

- (b) having permitted entry to those premises, fails to allow removal of the antiquity or relic,

a member of the Police Force at the request of the Director may obtain a search warrant from a magistrate to enter and search the premises and seize any antiquity or relic on the premises.

(2) A magistrate may issue a warrant referred to in subsection (1) where he is satisfied on information on oath that there are reasonable grounds for believing that a person referred to in section 11(1) is likely to contravene or has contravened the provisions of that section.

(3) The member of the Police Force named in the warrant issued under subsection (2)

- (a) may seize and remove any object that reasonably appears to be an antiquity or a relic found on the premises; and

- (b) shall deliver the object that is seized under this section into the custody of the Director.

(4) A search warrant referred to under subsection (1) may be issued and executed on a Sunday and shall be executed between the hours of 5 o'clock in the morning and 8 o'clock at night except where the magistrate authorises the member of the Police Force to execute the warrant at any hour.

(5) When any antiquity or relic mentioned in subsection (1) is seized and brought before any magistrate, the magistrate may detain or cause that antiquity or relic to be detained for a period not exceeding 60 days, to allow the Director the opportunity to inspect that antiquity or relic; and the magistrate shall take reasonable care that it be preserved until the conclusion of the case.

(6) Where any person is committed for trial or sentenced or any appeal is made, the magistrate may order the antiquity or relic referred to in subsection (5) to be further detained for the purpose of evidence at the trial or on the hearing of the appeal or pending the outcome of the appeal.

(7) Where no person is committed for trial or convicted or no appeal is filed, the magistrate shall direct that the antiquity or relic that was seized be restored to the person from whom it was taken.

Emergency powers of entry.

- 18.** (1) Where the Director has reasonable cause to suspect that
- (a) a person is likely to export an object that reasonably appears to be an antiquity or a relic without having obtained a licence; or
  - (b) an antiquity or relic
    - (i) may be destroyed; or
    - (ii) needs to be protected

the Director may request a member of the Police Force to obtain a search warrant from a magistrate to enter upon the premises and conduct a search for the antiquity or relic believed to be on the premises.

(2) A magistrate may issue a warrant referred to in subsection (1) where the magistrate is satisfied on information on oath that there are reasonable grounds for believing that

Obstruction of search.

- (a) a person referred to in subsection (1) is likely to contravene or has contravened the provisions of that subsection; or
- (b) that an antiquity or relic may be destroyed or needs protection from decay.

(3) The member of the Police Force named in the warrant issued under subsection (2) may

- (a) seize and remove any antiquity, relic or object that reasonably appears to be an antiquity or relic found on the premises; and
- (b) deliver the object removed into the custody of the Director.

**19.** Any person who

- (a) assaults, obstructs, hinders or delays a member of the Police Force or the Director in effecting any entry or search which he is entitled to effect under this Act;

- (b) fails to comply with any lawful demand of the member of the Police Force or the Director in the execution of his duties under this Act; or
- (c) refuses, neglects, or falsifies any information which may reasonably be required of him and which is within his power to give,

is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of one year or to both.

### PART III

#### *Miscellaneous*

20. In any civil or criminal proceedings, a certificate signed by the Director and stating that an object is an antiquity or relic or reasonably appears to be an antiquity or relic shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein. Certificate.

21. Where the Minister is satisfied that an object is a relic, he may, by order, declare that object to be a relic. Order.

22. (1) The Director shall prepare annual reports of the activities carried out under this Act and shall deliver each report to the Minister not later than 21 days following the end of each year. Director to report to Minister.

(2) The Minister shall, as soon as practicable after receiving a report referred to in subsection (1), cause a copy to be laid in both Houses of Parliament.

23. The resources of the Society for the administration of this Act shall comprise Resources of the Society.

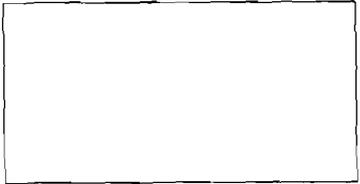
- (a) any moneys voted by Parliament therefor; and
- (b) any fees collected by the Society for the administration of this Act.

- Regulations. **24.** The Minister may make Regulations
- (a) prescribing the form of licences;
  - (b) prescribing the manner in which applications for licences shall be made;
  - (c) prescribing the fees for
    - (i) the issue or renewal of a licence; or
    - (ii) the inspection of the Register;
  - (d) regulating the conduct of excavations and searches for antiquities or relics;
  - (e) providing for the prohibition and control of access to excavations and sites, and for the payment, restriction and regulation of entrance fees thereto;
  - (f) providing for the preservation, conservation, restoration, analysis, documentation and preservation of antiquities or relics; and
  - (g) generally for the carrying out of the provisions of this Act.
- General offence. **25.** Any person who contravenes any provision of this Act or the Regulations for which no other fine or term of imprisonment is provided under this Act is guilty of an offence and, in addition to any penalty he is otherwise liable to pay, is liable on summary conviction to a fine of \$5 000 or to a term of imprisonment for one year.
- Commence-ment. **26.** This Act comes into operation on a date to be fixed by proclamation.

## SCHEDULE

*(Sections 4 and 5)***APPLICATION FOR EXPORT CERTIFICATE FOR  
ANTIQUITIES AND RELICS**

Each heading must be completed, except headings 2, 12 and 18 if they do not apply

1. Applicant requesting the exportation (name and address)	2. Applicant's representative (name and address)
3. Issuing authority (name and address)	4. Export authorisation  Customs Support Declaration Reference: No. _____ Duration: _____ From: ___ / ___ / ___  Country of destination:
5. Initial consignee (and subsequent consignee(s)) if known (name and address)	6. Type of export  Permanent export  Temporary export Time limit for re-importation: ___ / ___ / ___
7. Owner of the antiquity or relic (name and address)	
8. Photograph of the antiquity or relic: 9 x 12 centimetres minimum	
(Continue on supplementary pages if necessary. Validate with the issuing authority's signature and stamp)	

<p>9. Dimensions and net weight of the antiquity or relic (possibly with its stand)</p>	<p>10. Inventory number or other identification</p> <p><input type="checkbox"/> Inventory: No.</p> <p><input type="checkbox"/> Tariff heading No.</p> <p><input type="checkbox"/> No existing inventory <input type="checkbox"/> Other classification: No.</p> <p><input type="checkbox"/> No other existing classification</p>
<p>11. Description of the antiquity or relic</p> <p>(a) Type: (e) Geographical origin:</p> <p>(b) Author / co-author: (f) Dating:</p> <p>(c) Title or, failing that, subject matter: (g) Other information for identification purposes:</p> <p>(d) Scientific name if there is one:</p>	
<p>12. Number of antiquities or relics in the collection</p> <p>Presented:</p> <p>Not presented:</p>	<p>13. Copy, attribution, period, studio or style</p>
<p>14. Material(s) and Technique(s)</p>	
<p>15. Actual value of the antiquity or relic or, failing that, estimated value based on reasonable criteria in the country of exportation:</p>	

<p>16. Legal status and use of the antiquity or relic  Status: <input type="checkbox"/> Sold <input type="checkbox"/> Loaned <input type="checkbox"/> Exchanged</p> <p><input type="checkbox"/> Other (please specify) :</p> <p>Exported for: <input type="checkbox"/> Exhibition <input type="checkbox"/> Appraisal <input type="checkbox"/> Research <input type="checkbox"/> Repair</p> <p><input type="checkbox"/> Other (please specify) :</p>	
<p>17. Attached documents / special identification methods</p> <p><input type="checkbox"/> Photograph (colour) <input type="checkbox"/> Bibliography</p> <p><input type="checkbox"/> Other (please specify) :</p> <p><input type="checkbox"/> List <input type="checkbox"/> Catalogue</p> <p><input type="checkbox"/> Seals <input type="checkbox"/> Valuation documents</p>	
<p>18. Supplementary pages : number of supplementary pages if applicable (in figures and letters)</p>	
<p>19. Application</p> <p>I hereby apply for an export certificate for the antiquity or relic described above and declare that the information in this application and in the supporting documents is true.</p> <p>Place and date:</p> <p>Signature:</p> <p>(Position and name of signatory)</p>	<p>20. Signature and stamp of issuing authority</p> <p>Place and date :</p>
<p>21. Customs export office</p> <p>Stamp and date:</p>	

1. General

The foregoing Form must be completed in quintuplicate and each copy must be filled in legibly for each antiquity or relic, without overwritten text, erasures or alterations. They should preferably be completed in an electronic format.

Each heading must be completed, except headings 2, 12 and 18 if they do not apply.

Areas not used must be barred or scored out in such a way that nothing can be added.

The purpose of each copy is as follows:

Copy No. 1 : Application to be retained by the issuing authority.

Copy No. 2 : To be presented, in support of the export declaration, to the Customs export office and to be endorsed by that office and to be retained by the applicant (or his representative) requesting the exportation.

Copy No. 3 : To be presented to the Customs export office and then to accompany the consignment to the Customs office at the point of exit from the country. After endorsement by the Customs service, this copy is returned to the issuing authority by Customs, or by the applicant requesting the exportation or his representative.

Copy No. 4 : To be retained by the Customs export office (or the Customs office at the point of exit from the country).

Copy No. 5 : To be presented to the Customs export office and then to accompany the consignment to the Customs office at the point of exit from the country. After endorsement by the Customs service, it accompanies the antiquity or relic and must be presented at importation in the country of destination to certify the legality of the export operation.

## 2. Headings

- Heading 1 : *Applicant requesting the exportation* : Full name and address. The applicant requesting the export authorization (e.g. *society*, art dealer, gallery or individual) may or may not be the owner of the antiquity or relic.
- Heading 2 : *Applicant's representative* : Full name and address of the legal or authorized representative (e.g. carrier, forwarding agent, authorized agent or other). To be completed only when such a representative exists.
- Heading 3 : *Issuing authority* (heading for issuing authority only) : Name and full address of the competent authority issuing the authorization.
- Heading 4 : *Export licence* (heading for issuing authority only) : Indicate the authorization number, its duration (in months or years), the date from which export is authorized and the country of destination.
- Heading 5 : *Initial consignee (and subsequent consignee(s) if known)*: Full name and address of the consignee(s) of the antiquity or relic (e.g. *society*, art dealer, gallery or individual). Continue on supplementary pages if necessary.
- Heading 6 : *Type of export* (heading for the issuing authority only): Tick the appropriate heading. If it is a temporary export, the time limit for re-importation of the of the antiquity or relic must be indicated.
- Heading 7 : *Owner of the antiquity or relic* : name (e.g. *society*, art dealer, gallery or individual) and full address.
- Heading 8 : *Photograph of the antiquity or relic* (in colour and minimum 9 x 12 centimetres) : To be stuck on to the Form. The issuing authority must validate the photo by signing and stamping it. The Minister shall request other photos, taken from different angles, for three-dimensional objects.

Heading 9 : *Dimensions and net weight of the antiquity or relic (possibly with its stand)* : The unit of measurement for these dimensions is in metres or centimetres, in the following order : height, width, depth and diameter if appropriate. For the net weight of the antiquity or relic (possibly with its stand), the unit of measurement is kilograms or grams.

Heading 10 : *Inventory number or other identification* : Tick the appropriate heading(s). Enter the inventory number of the antiquity or relic within the establishment or collection of origin. If no inventory exists, specify this for the antiquity or relic at issue and enter the number of any other existing specific or by category classification.

Heading 11 : *Description of the antiquity or relic* : Apart from identification by number (inventory or other, see heading 10), describe the antiquity or relic by:

- (a) its precise nature (e.g. painting, statute, low-relief);
- (b) its possible author or co-authors, if known and/or documented. If the author is unknown, indicate : name unknown. Specify if the work is signed (signature, monogram) and in what part;
- (c) its precise title or, failing that, the subject matter it represents :

Title : The title to be used is the official one, i.e. that listed in an inventory of cultural property or by the national heritage and cultural property authorities. The title should be given:

- (1) in the author's original language or, failing that, in the language of the catalogue;
- (2) in the language of the Form.

Example : Painting by Munch from the *society* in Oslo (Norway)

- (1) In the original language : (SKRIK)
- (2) In the language of the form (English):  
The SCREAM.

It is very important to give the exact title, especially for the books.

Subject Matter : For paintings, mention portrait, landscape, still life, etc. For furniture, specify: armchair, commode, wardrobe, etc. If it is a statue: dancer, bishop, musician, etc. For a religious or liturgical object: chalice, paten, ciborium, etc.

- (d) its scientific name (especially for natural science collections and specimens), if one exists;
- (e) its geographical origin;
- (f) dating (as accurately as possible);
- (g) any other useful information that could facilitate its identification. Specify, for example, if restoration work has been carried out, if certain elements or parts of the antiquity or relic are missing, damaged, cracked, etc. Indicate the issue number for bronze castings, sculptures and works such as lithographs and engravings.

For collections comprising several items forming a homogenous whole (e.g. archaeological finds with similar dates found during the same excavation), a general description of the above characteristics, together with a list of antiquities or relics or a certificate from the competent scientific or archaeological organization or institute.

Continue on supplementary pages if necessary.

Heading 12 : *Number of antiquities or relics in the collection* : If the antiquities or relics presented at export form a homogenous whole making up part of a collection, specify their number and the number of other antiquities or relics in the collection not presented at export (if applicable).

Heading 13 : *Copy, attribution, period, studio or style* : If they are copies, indicate the author or authors copied. If the work is simply attributed to one author, indicate "attributed to ....."

Attributed to : Followed by an author's name, guarantees that the work was produced during the lifetime of the author mentioned and that there are serious reasons for believing that he was the author.

If the author is unknown, indicate the studio, school, style and period (e.g. Velásquez's studio, Venetian School, Louis XV or Victorian style, Ming period, etc.). For printed documents, indicate the editor's name.

Studio : Followed or preceded by the author's name, indicates that the work was produced in his studio or under his leadership.

School : Expression which, when followed by the author's name, indicates that the author was a pupil of the master. These terms may only be applied to a work produced during the author's lifetime or within 50 years of his death.

Heading 14 : *Material(s) and technique(s)* : Great care should be taken when completing this heading; indicate the materials used and specify the technique employed (e.g. oil painting, woodcut, charcoal or pencil drawing, low wax casting, nitrate films, etc.).

- Heading 15 : *Value of the antiquity or relic in the country of exportation:*  
Indicate the actual values or, failing that, an estimated value on the basis of reasonable criteria, in the national or reference currency (in this case, indicate the currency).
- Heading 16 : *Legal status and use* : Specify whether the antiquity or relic presented at export
- (a) has been sold, loaned, exchanged or other;
  - (b) is being exported for an exhibition, appraisal, research, repair or any other use; and
  - (c) is being exported in accordance with any other law or convention.
- Heading 17 : *Attached documents/Specific methods of identification:*  
Tick the relevant heading.
- Heading 18 : *Supplementary pages* : Indicate the number of supplementary pages used, if any.
- Heading 19 : *For copy (1) : Application* : Must be completed by the applicant requesting the exportation or his representative, who undertakes to provide accurate information in the application and the attached supporting documents.
- For copies (2), (3) and (4) : Endorsement by the Customs export office* : to be completed by the Customs export office. This means the office where the export declaration is presented and the export formalities are completed.
- Heading 20 : *Signature and stamp of issuing authority* : To be completed by the competent authority, specifying the place and date on the four copies of the authorization.
- Heading 21 : *Endorsement by the Customs export office* : For copies 3 and 4 only. To be completed by the Customs export office, bearing the date. Customs export office means the last Customs office prior to the exit of the antiquities or relics from the country.