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CHAPTER 39

PRESERVATION OF SITES AND ARTIFACTS

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PRESERVATION OF SITES AND ARTIFACTS

To provide for the preservation of sites and objects of historical, ethnological or artistic interest.

PART 1 – INTERPRETATION

1. Interpretation
In this Act, "Minister" means the Minister responsible for culture.

PART 2 – CLASSIFICATION

2. Classification of sites
(1) The Minister may, after consultation with the Board of Management of the Port Vila Cultural Centre, classify any site of historical, ethnological or artistic interest which is in the possession of any person or body corporate domiciled in Vanuatu.

(2) Any artifact of local manufacture which is fixed to the soil on a classified site shall be considered to be immovable and shall in consequence be classified by virtue of classification of such site.

3. Minister to inform owner of site which it is proposed to classify
(1) The Minister shall inform in writing the owner of any site which it is proposed to classify. The said owner shall submit to the Minister any representations that he may wish to make within a period not exceeding 3 months.

(2) Failure to reply within the said period shall be taken as indicating the consent of the owner to the proposed conditions of classification.

4. Classified site not to be modified or to undergo deterioration
Every person or body corporate in possession of a classified site shall be bound to prevent such site being modified or undergoing any deterioration and shall inform the Minister of any change that is likely to take place in the condition or the ownership of such site:

Provided that such change shall in no circumstances invalidate the classification of such sites.

5. Minister may award subvention
The Minister may if requested by any person or body corporate owning or in possession of a classified site award a subvention of such amount as the Minister considers necessary to assist such person or body corporate to comply with the provisions of section 4.

PART 3 – SALE OF SITES OR OBJECTS

6. Right of pre-emption
(1) The Minister shall have a right of pre-emption on every sale of any site or object manufactured by the indigenous people of Vanuatu which is of historical, ethnological or artistic interest and which possesses a special value either as a result of any ceremonial use that has been made of it or the fact that it is more than 10 years old.

(2) Any intended sale of such site or artifact shall be notified to the Minister by the parties thereto or by one of them.

(3) The intention to exercise the right of pre-emption shall be expressed by the Minister, after consultation with the Board of Management of the Port Vila Cultural Centre, within a period not exceeding 14 clear days from the date upon which notification is received.

(4) If no such intention has been clearly expressed within the said period the Minister shall be deemed not to exercise his right of pre-emption.

PART 4 – EXPORTATION OF OBJECTS

7. Restriction on export of objects

No object complying with the definition contained in section 6 shall be exported from Vanuatu:

Provided that the Minister may authorise the export of such objects, after consulting the Board of Management of the Port Vila Cultural Centre, in either of the following circumstances:

(a) if they are destined for a body of genuine cultural nature; or

(b) if the exporter is able to certify in writing that the object is his personal property and will not be sold.

8. Retention of objects for benefit of Port Vila Cultural Centre

(1) The Minister may retain for the benefit of the Port Vila Cultural Centre any article manufactured by the indigenous people of Vanuatu of historical, ethnological or artistic interest, permission to export which has been applied for.

(2) If this right is exercised the exporter shall be paid fair compensation which shall either be fixed by agreement or failing this after evaluation has been made by one or more experts appointed by the Minister for such purpose.

PART 5 – PENALTIES

9. Penalties

(1) Any person who commits an offence against the provisions of Parts 2 and 3 of this Act shall be liable upon conviction to a fine not exceeding VT 20,000.

(2) Any person who commits an offence against the provisions of Part 4 of this Act shall be liable upon conviction to a fine not exceeding VT 200,000, or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

10. Confiscation of objects

The Court having jurisdiction may order confiscation for the benefit of the Port Vila Cultural Centre of any object involved in an offence against the provisions of this Act.

PART 6 – GENERAL PROVISIONS

11. Regulations

The Minister may by Order make regulations for the better carrying out of the provisions of this Act.

12. Enforcement

District Commissioners, the Commissioner of Police and the Director of Customs are severally responsible for the enforcement of this Act.