

Cultural Heritage Preservation Act

Chapter 1 General Provisions

Article 13

The regulation related to the following matters involving **Indigenous peoples'** cultural heritage shall be stipulated by the central competent authority and the central indigenous people authority jointly:

1. Investigation, research, designation, registration, revocation, alteration, management, conservation, restoration, reuse and other matters prescribed in this Act.
2. Culture heritage that features ethno-cultural characteristics and cultural differences of indigenous peoples which cannot be classified under any category under Article 3.

Chapter 6 Natural Landscapes and Natural Monuments

Article 78

Natural landscape shall be categorized as natural reserves or geoparks, depending on their characteristics. Natural monuments include valuable and rare plants, minerals, and special topographic and **geological** phenomena.

Article 81

Natural landscapes and natural monuments shall be **classified** as national, municipal, county or city natural landscapes or natural monuments, depending on the level of their competent authorities, and shall be reviewed, designated and announced as such by their competent authorities. Where a natural landscape or natural monument is designated by the municipal, county or city government, it shall be reported to the central competent authority for recordation.

Owners of places deserving of the designations of natural landscapes or natural monuments may apply to the competent authorities for designation of the places as natural landscapes or natural monuments. The competent authorities shall review such applications according to the procedures stipulated by the law.

In the event that a natural landscape or natural monument is destroyed or its value diminishes or increases, the competent authority may revoke the original designation of the natural landscape or natural monument or reclassify it, and announce such

revocation or new classification. Where such revocation or reclassification is made by a municipal, county or city government, it shall be reported to the central competent authority for approval.

The regulations for designation criteria of natural landscapes or natural monuments or revocation of designations, the procedures for applying for designation of natural landscapes or natural monuments, and the procedures for reviewing such applications under the preceding three paragraphs, the conditions for granting assistances, and other compliance requirements shall be stipulated by the central competent authority.

Article 83

Article 28 shall apply mutatis mutandis **when handling improper management of natural landscapes or natural monuments leading to the risk of destruction or reduction in value.**

Article 84

Places undergoing the **review process** for designation as natural landscapes or natural monuments shall be deemed interim natural landscapes or natural monuments.

In the event of an emergency, the competent authority may announce a place deserving of the designation of a natural landscape or natural monument as interim natural landscape or natural monument, and notify its owner, user and manager of such announcement.

Article 20 shall apply mutatis mutandis to matters relating to the effectiveness of an interim natural landscape or natural monument designation, the review period, compensation and other required procedures.

Article 85

Natural monuments shall not be destroyed by picking, plucking, chopping, felling, excavating or any other means, and their ecological environments shall be conserved.

Nevertheless, **exceptions are granted for Indigenous peoples for traditional cultural and ritual needs, as well as for research institutions for purposes of research, display, or international exchange, provided that approval is obtained from the competent authority.**

Article 87

The competent authority shall be consulted before a regional plan or urban plan is established or amended for the locale where a natural landscape or natural monument is located.

No major construction project contemplated by any government **agencies** may obstruct the preservation or conservation of any natural landscape or natural monument. Before the commencement of such **projects**, investigation shall be made to ascertain whether any **sites** deserving of the designation of natural **landscapes** or natural **monuments** are located at the **sites** of the **projects**. If any potential natural **landscapes** or natural **monuments** are discovered, **they shall forthwith be reported to the competent authority for review with the procedures in accordance with Article 81.**

Chapter 9 Rewards

Article 98

The competent authorities may grant **rewards** or subsidies for the following conduct:

1. Donating **privately-owned historic sites**, historic buildings, commemorative buildings, archaeological sites or **the** land upon which they are erected, **as well as** natural landscapes, or natural monuments, to the government.
2. Donating private national treasures or significant antiquities to the government.
3. Discovering buildings under Article 33, potential archaeological sites under Article 57, ownerless articles deserving of the designation of antiquities under Article 76, or zones deserving of the designation of natural landscapes or natural monuments under paragraph 1 of Article 88, and immediately reporting the same to the competent authorities for handling.
4. Making achievements in conserving or teaching about cultural heritage.
5. Making significant contributions to promotion of cultural heritage preservation.
6. Voluntarily applying for designation of private antiquities, which then pass the review of the central competent authority and are designated national treasures or significant antiquities by the authorities in accordance with Article 68.

The regulations for granting **rewards** and subsidies under the preceding paragraph shall be stipulated by the Ministry of Culture or the COA separately.

Chapter 10 Penalties

Article 103

Anyone committing any of the following offences shall be subject to imprisonment for a term of not less than six months but not exceeding five years, and may also be fined an amount ranging from NT\$500,000 to NT\$20,000,000.

1. Removing or demolishing a monument in violation of Article 36.
2. Destroying or damaging a monument, an interim historic monument, or its ancillary facilities in whole or in part.
3. Destroying or damaging an archaeological site or its relics or ruins in whole or in part.
4. Destroying, damaging or stealing national treasures, significant antiquities or general antiquities.
5. Shipping national treasures or significant antiquities out of the country in violation of Article 73, or failing to ship back the national treasures or significant antiquities within the time limits after they have been shipped overseas with approval.
6. Picking, plucking, chopping, felling, excavating, or destroying by any other means natural monuments or the surrounding ecological environments in violation of Article 85.
7. Altering or destroying the natural status of a natural reserve in violation of paragraph 1 of Article 86.

Attempts to commit any of the offences under the preceding paragraph shall be subject to penalty.

Article 106

Any person who commits any of the following offenses shall be subject to a fine of no less than NT\$300,000 and no more than NT\$2,000,000.

1. The owner, user or manager of a monument restores or reuses the monument in violation of Article 24 without following the plan approved by the competent authority.
2. The owner, user or manager of a monument fails to submit a plan for emergency restoration of the monument to the competent authority for approval within the time limit under Article 27, or fails to perform the restoration in accordance with the plan approved by the competent authority.
3. The owner, user or manager of a monument, natural landscape, or natural monument fails to make improvement within the time limit given by the competent

authority demanding improvements under Article 28 or 83.

4. Construction projects or other land development activities are conducted in violation of Paragraph 1 of Article 34, Paragraph 2 of Article 57, Article 77, or Paragraph 2 of Article 88.

5. Excavating archaeological sites, catalogued archaeological sites or possible archaeological sites in violation of Article 51, 52 or 59.

6. Reproducing a state owned antiquity without the permission of the custodian agency (institution) in violation of Paragraph 1 of Article 71.

7. Destroying or damaging a historic building or commemorative building in whole or in part, or its ancillary facilities.

Anyone who violates Subparagraphs 1, 2, or 4 to 6 of the preceding paragraph and fails to rectify the violation within the time limit given by the competent authority or as demanded by the competent authority may be penalized consecutively until such rectification is fulfilled. In the event of an emergency, the competent authority may take necessary measures, and recover the suspends from the violator. With respect to violations of Subparagraph 4, the competent authority may order the construction or land development work to be suspended, and have utility companies cut off the supply of water, electricity or other energies.

In the event of a violation of any subparagraph of Paragraph 1 with respect to a state owned historic monument, the competent authority may publicize the name of the management authority. The managing personnel shall be subjected to disciplinary punishment under administrative or judicial regulatory authority.

Article 104 shall apply mutatis mutandis to violations of Subparagraph 7, Paragraph 1 of Article 104.

Article 108

Any person who commits any of the following offenses shall be subject to a fine of no less than NT\$30,000 and no more than NT\$150,000.

1. Entering a natural reserve zone without the approval of the competent authority in violation of Paragraph 2 of Article 86.

2. Failing to file a report with the competent authority in accordance with Paragraph 1 of Article 88.

Chapter 11 Supplementary Provisions

Article 111

Any announced monuments, historic buildings, settlements, historical sites , cultural landscapes, traditional arts, folklore and relevant artifacts, and natural landscapes that have been announced before the promulgation of this Act as amended on July 12, 2016, and should be designated as commemorative buildings, groups of buildings, archaeological sites, historic sites, traditional performing arts, traditional craftsmanship, oral traditions and expressions, folklore, traditional knowledge and practices, natural monuments, or matters involving **Indigenous peoples'** cultural heritage under Article 13 of this Act shall be re-designated, reregistered and announced by the competent authorities within one year of the promulgation of the amendment to this Act.

Article 112

The enforcement rules of this Act shall be **determined** by the Ministry of Culture together with the COA.