

Executive Order on delegation of tasks and powers to the Heritage Agency of Denmark

Executive Order no. 1513 of 14/12/2006 (in force)

Legislation to which the regulation relates

[Consolidated Act No. 1088 of 29 August 2007](#)

[Consolidated Act No. 1505 of 14 December 2006](#)

Amendments to the regulation

Full text of the regulation

## Executive Order on delegation of tasks and powers to the Heritage Agency of Denmark

Pursuant to section 24 of the Listed Buildings and Preservation of Buildings and Urban Environments Act, cf. Consolidated Act no. 911 of 14 October 2001, as most recently amended by Act no. 538 of 8 June 2006, and section 29 t (3) and section 38 of the Museum Act, cf. Consolidated Act no. 1505 of 14 December 2006 the following is laid down:

### Part 1

#### *Tasks of the Heritage Agency of Denmark*

**1** – (1) Unless otherwise provided, the Listed Buildings and Preservation of Buildings and Urban Environments Act and the Museum Act are administered by the Heritage Agency of Denmark.

(2) As regards powers under the legislation mentioned in subsection (1), reference is made to Part 2.

**2** – (1) The Heritage Agency of Denmark shall prepare and draft general legal precepts and prepare individual cases, etc. to be submitted to the Minister for Culture.

(2) The Agency shall make decisions in individual cases within the framework of the powers vested in the Heritage Agency of Denmark by this Executive Order.

(3) The Heritage Agency of Denmark shall collect, process and disseminate information and contribute to explanatory activities within the legislative areas mentioned in section 1.

**3** – (1) The Heritage Agency of Denmark shall act as secretariat to the Historic Buildings Council and the Commission on Export of Cultural Assets.

**4** – (1) The Heritage Agency of Denmark shall exercise any powers that may be vested in the Ministry of Culture in accordance with easements, agreements, trust deeds, etc. and that have been prepared pursuant to the legislation mentioned in section 1 or which relate to such legislation.

5 – (1) The Heritage Agency of Denmark shall provide specialist consultancy and other assistance to the Minister for Culture and other central and local authorities within the specialist areas referred to the Agency.

6 – (1) The Heritage Agency of Denmark shall be responsible for guidance and information activities in relation to other central and local authorities, as well as private individuals, within the specialist areas referred to the Agency.

7 – (1) The Heritage Agency of Denmark shall assist the Minister for Culture in the handling of EU issues and international issues within the specialist areas referred to the Agency.

8 – (1) At the decision of the Minister for Culture, other tasks and powers may be delegated to the Heritage Agency of Denmark in connection with the administration of legislation within the Ministry's remit.

## Part 2

### *Administrative powers of the Heritage Agency of Denmark*

#### *The Listed Buildings and Preservation of Buildings and Urban Environments Act*

*(Consolidated Act no. 911 of 14 October 2001, as most recently amended by Act no. 538 of 8 June 2006)*

9 – (1) The following tasks and powers pursuant to the Listed Buildings and Preservation of Buildings and Urban Environments Act shall be undertaken by the Heritage Agency of Denmark:

- i) Deciding whether a building is to be listed; section 7, cf. section 3.
- ii) Requesting an entry to the title register stating that a building was erected before the year 1536; section 4 (2).
- iii) Issuing notification in connection with listing decisions, including stating a time limit for submission of comments, and giving public notification; section 6 (1), (2) and (4), section 7 (1) and (2), and section 24 (3), 2nd clause.
- iv) Requesting entry of listing to the title register, including cancellation or deletion of such an entry, or publication of the listing in the Danish Official Gazette (*Statstidende*); section 7 (3).
- v) Deciding that the scope of a listing is to be changed; section 8 (1).
- vi) Cancellation of a listing; section 8 (2).
- vii) Issuing notification in connection with decisions concerning change of scope of a listing or cancellation of a listing, including stating a time limit for submission of comments, and giving public notification; section 8 (3), cf. section 6 (1), (2) and (4), and section 7.
- viii) Permitting building work, installation of lighting, aerials, satellite dishes and similar, as well as signs on façades, including roof surfaces; section 6 (3) and section 10 (1), (2) and (4).
- ix) Permitting demolition of a listed building; section 11 (1).

- x) Refusing permission for demolition and deciding upon the potential acquisition of the property against compensation, provided that such acquisition does not require approval by the relevant authorities, and agreement has been reached on the State acquiring the property and the conditions hereof, section 11 (1) and section 12.
- xi) Collecting information for assessment of a demolition application and determining whether consideration of the demolition application should be refused; section 11 (2).
- xii) Issuing notification in connection with demolition decisions, including stating a time limit for submission of comments, and giving public notification; section 11 (4), cf. section 6 (1), (2) and (4), and section 7.
- xiii) Laying down special preservation provisions; section 15.
- xiv) Providing support for building work on listed buildings; section 16 (1) (i).
- xv) Providing support for expert assistance and project design, as well as preparation of plans for restoration and future use of buildings recommended for listing by the Historic Buildings Council; section 16 (1) (ii).
- xvi) Providing support for preserving furniture and fittings in listed buildings where such furniture and fixtures are not comprised by the listing pursuant to section 3 of the Act, as well as furniture and fixtures in buildings worthy of preservation, provided that such furniture and fixtures are of significance in an overall cultural heritage perspective, or have a special connection with the relevant building; section 16 (1) (iii).
- xvii) Providing support for national and local associations and similar with building-cultural objectives; section 16 (1) (iv).
- xviii) Providing support for institutions and similar whose objectives are to preserve traditional building crafts and inform and guide on building-cultural issues, etc.; section 16 (1) (v).
- xix) Providing support for building work on buildings worthy of preservation; section 19 and section 16 (1) (vi).
- xx) Providing support for local preservation councils or similar which may provide support for buildings worthy of preservation; sections 17 and 19 and section 16 (1) (vii).
- xxi) Determining the type of support, including the conditions for support; section 16 (2).
- xxii) For special listing and preservation tasks, purchasing, administering, restoring and selling real property, acquiring limited rights to such property, and receiving and managing gifts and bequests, including cash amounts; section 16 (3).
- xxiii) Deciding whether a building is worthy of preservation; section 19.
- xxiv) In special cases deciding that the owner of a building worthy of preservation must not demolish or convert the building or in any other way alter the appearance of the building without the consent of the local council; section 19 a (2).
- xxv) Revoking a decision that a building is worthy of preservation; section 19 b.
- xxvi) Issuing notification in connection with decisions concerning whether a building is worthy of preservation, including stating a time limit for submission of comments, and giving public notification of and requesting entry to the title

- register of the designation, including requesting cancellation or deletion of such an entry or publication of the designation in the Danish Official Gazette (*Statstidende*); section 19 (2), section 6 (1), (2) and (4), and section 7.
- xxvii) Collecting information and preparing registrations, section 20 (1).
  - xxviii) Preparing summarised lists of interests in connection with listing; section 20 (2).
  - xxix) In cooperation with local councils, conducting surveys of and registering the preservation values of buildings and urban environments for use in local authorities' preservation planning; section 20 (3).
  - xxx) Preparing an inventory of listed buildings every four years; section 20 (4).
  - xxxi) Preparing guidelines for the consideration in municipal planning of the interests mentioned in section 1 of the Act; section 21 (1).
  - xxxii) Preparing proposals for preservation provisions which can be incorporated in municipal planning; section 21 (2).
  - xxxiii) Submitting proposals for listing, cf. section 3, proposals for changes to the scope of a listing, cf. section 8 (1), applications for demolition of a listed building, cf. section 11, and applications for building work, cf. section 6 (3) and section 10, to the Historic Buildings Council; section 23 (1), (2) and (4).
  - xxxiv) Consulting the Historic Buildings Council on cancellation of listings, cf. section 8 (2), on applications for support for preserving furniture and fittings, cf. section 16 (1) (iii), and on questions of principle concerning the administration of section 16; section 23 (3) and (5).
  - xxxv) Consenting to the division of listed buildings into freehold-occupied flats; section 27 (1).
  - xxxvi) Gaining access to public and private buildings in order to collect information for use in decisions pursuant to the Act, and authorising such access; section 32.
  - xxxvii) Monitor compliance with the Act and the regulations laid down pursuant to the Act, as well as decisions to list buildings and special preservation provisions; section 32 a (1).
  - xxxviii) Ensuring that orders and injunctions pursuant to the Act are observed, and monitoring compliance with conditions specified in permits; section 32 a (2).
  - xxxix) Receiving information from local councils on unlawful circumstances; section 32 a (3).
  - xl) Handling cases concerning rectification of ascertained unlawful circumstances; section 32 a (4).
  - xli) Issuing orders to rectify unlawful circumstances and deciding whether to bring the case before the courts; section 33 (2).
  - xl ii) Taking the necessary steps to rectify unlawful circumstances; section 33 (3).
  - xl iii) Issuing orders to repair defects presenting a hazard to the maintenance of the building, and arranging for the works in question to be performed at the expense of the owner; section 33 (4).
  - xl iv) Requesting entry to the title register and cancellation of orders to rectify unlawful circumstances; section 33 (5).
  - xl v) In special cases deciding to compulsorily take over real estate; section 33 a.
  - xl vi) Undertaking functions in connection with compulsory acquisition of listed buildings; section 33 a (3).

*The Museum Act*

*(Consolidated Act no. 1505 of 14 December 2006)*

**10** – (1) The following tasks and powers pursuant to the Museum Act shall be undertaken by the Heritage Agency of Denmark:

- i) Receiving work plans from the museums owned by the state; section 10, 2nd clause.
- ii) Demanding that museums subsidised by the state, to the extent that it is possible, be separated, administratively and financially, from other institutions if the museums subsidised by the state wish to maintain subsidies pursuant to sections 15 and 16 of the Act; section 14 (1) (i).
- iii) Approving the area of responsibility of a museum subsidised by the state and changes thereto; section 14 (1) (ii).
- iv) Approving the statutes of a museum subsidised by the state if the Ministry of Culture is the main contributor of funds; section 14 (1) (iii).
- v) Receiving work plans from the museums subsidised by the state; section 14 (1) (viii), 2nd clause.
- vi) Permitting that a museum subsidised by the state disposes of objects in its collection; section 14 (1) (ix).
- vii) Receiving the budgets, accounts and reports of the museums subsidised by the state; section 14 (1) (xiv).
- viii) Deviating from the provision in section 14 (1) (vii), 1st clause, where special circumstances apply; section 14 (4).
- ix) Calculating and allocating operational subsidies for museums subsidised by the state; section 14 a, section 15 (1), section 15 a (1) and 2, and section 16.
- x) Granting subsidies for joint tasks, acquisitions and other activities of the museums subsidised by the state; section 16 (2).
- xi) Granting subsidies for the development of the museum field; section 16 (3).
- xii) Granting operational subsidies for the conservation centres, etc. which were previously financed by the counties; section 16 a (1).
- xiii) If a museum subsidised by the state discontinues its activities, deciding on the future of the museum's collections after negotiation with the main contributor of funds; section 17 (1).
- xiv) Approving provisions in the statutes of a museum subsidised by the state that are contrary to section 17 (1) of the Act; section 17 (2).
- xv) Granting subsidies to local Museum Councils; section 18 (3).
- xvi) Through cooperation with the planning authorities, working to preserve significant values worthy of preservation for posterity; section 23 (1).
- xvii) Inform the planning authorities of the presence of significant assets worthy of preservation that are of importance to planning; section 23 (4).
- xviii) Granting subsidies to local Cultural Environment Councils; section 23a (3).
- xix) Receiving statements from museums with opinions as to whether construction work, agriculture and forestry activities on land involve a risk of damaging significant ancient relics or monuments, to be used in a statement to the client or the person at whose expense the construction work, agriculture and forestry

- activities are to be carried out, including whether it would be necessary to carry out an archaeological investigation; section 25 (2).
- xx) Approving the museums' budgets for major preliminary investigations; section 26 (2).
  - xxi) Approving the museums' accounts for major preliminary investigations carried out; section 26 (2).
  - xxii) In special cases granting subsidies for major preliminary investigations; section 26 (2), 3rd clause.
  - xxiii) Defraying expenses for preliminary investigations under the circumstances mentioned in the Act; section 26 (2).
  - xxiv) Receiving notification of ancient relics or monuments found during construction work, agriculture and forestry activities; section 27 (2).
  - xxv) Deciding that objects found which are not treasure trove shall be handed in to the relevant museum owned or subsidised by the state; section 27 (2), 3rd clause.
  - xxvi) Deciding whether work can continue or whether it is to be suspended until an archaeological investigation has taken place, or until the question of acquisition pursuant to section 27 (8) of the Act has been settled; section 27 (3).
  - xxvii) Approving the museums' budgets for archaeological investigations; section 27 (4).
  - xxviii) Approving the museums' accounts for archaeological investigations carried out; section 27 (4).
  - xxix) Defraying expenses for archaeological investigations under the circumstances mentioned in the Act; section 27 (5).
  - xxx) In special cases granting subsidies for archaeological investigations conducted pursuant to section 27 (3) of the Act, cf. subsection (4); section 27 (6).
  - xxxi) Defraying expenses for compensation for losses incurred by landowners during an investigation, or until the issue of acquisition pursuant to section 27 (8) of the Act has been finally settled; section 27 (7).
  - xxxii) Acquiring the ancient relic or monument and any surrounding land; section 27 (8).
  - xxxiii) Gaining access to publicly and privately owned places where construction work, agriculture and forestry activities are being carried out in order to collect information for use in decisions pursuant to the Act, and authorising such access; section 27 (1) and (9).
  - xxxiv) Receiving notification of finds of ancient relics or monuments, including shipwrecks, cargo and parts of such wrecks, which must be assumed lost more than 100 years ago; section 28 (1).
  - xxxv) Deciding on archaeological investigation of objects belonging to the state; section 28 (3).
  - xxxvi) Disregarding the age criterion in section 28 (1) of the Act under special circumstances in connection with archaeological investigations pursuant to section 28 (3) of the Act; section 28 (4).
  - xxxvii) Receiving objects handed in and distributing such objects belonging to the state among relevant museums, as well as paying out any rewards; section 28 (5).
  - xxxviii) Receiving notification of finds of ancient relics or monuments on the deep seabed; section 28 a (1), (2) and (3).

- xxxix) Permitting changes to the condition of underwater heritage belonging to the Danish state, Danish citizens or legal persons resident in Denmark; section 28 a (1) and (4).
- xl) Receiving objects handed in that belong to the state; section 28 a (1) and (5).
- xli) Deciding that ancient relics or monuments, including shipwrecks, cargo or parts of such wrecks, which have been lost less than 100 years ago, shall be covered by section 28 a (1) of the Act; section 28 a (6).
- xlii) Receiving notification of objects of natural history in connection with construction work, agriculture and forestry activities and requesting handing-in of objects found which are not fossil trove; section 29 (1).
- xliii) Deciding whether the work can continue or whether it is to be suspended until an investigation has taken place; section 29 (2).
- xliv) Defraying the costs for an investigation; section 29 (2).
- xlv) Defraying the expenses for compensation for private landowners during an investigation; section 29 (3), cf. section 27 (7).
- xlvi) Gaining access to publicly and privately owned places where construction work, agriculture and forestry activities are being carried out in order to collect information for use in decisions pursuant to the Act, and authorising such access; section 29 (1) and (4).
- xlvii) Notifying the owner of the existence of an ancient relic or monument on a property and deciding to extend the protection thereof to the property line; section 29 e (3)
- xlviii) Stating which ancient relics or monuments are located on a property and the area they occupy; section 29 e (4).
- xliv) Having a notice made of the existence of an ancient relic or monument on a property; section 29 e (3) and (5).
  - l) Determining that wrecks of ships or other vessels lost less than 100 years ago shall be subject to section 29 g (2) of the Act; section 29 g (3).
  - li) Demanding that the person responsible for construction work or an activity on the seabed conduct a marine archaeological preliminary investigation; section 29 g (4).
  - lii) Receiving notification of finds of ancient relics or monuments or wrecks to which section 29 g (1) and (2) of the Act apply; section 29 h (1).
  - liii) Deciding within four weeks of notification pursuant to section 29 h (1) of the Act whether the work shall continue, or whether it shall be suspended until a marine archaeological investigation has been conducted, including determining conditions for resuming the work; section 29 h (2).
  - liv) Permitting archaeological investigations of ancient relics or monuments comprised by section 29 e (1), 1st clause, of the Act; section 29 j (1).
  - lv) Granting other exemptions than those mentioned under (liv) from section 29 e (1), 1st clause, of the Act; section 29 j (1).
  - lvi) Granting exemptions from the provisions in section 29 e (1), 2nd clause, of the Act; section 29 j (1).
  - lvii) Stipulating any conditions attached to the granting of exemptions from section 29 e (1) of the Act, including that an archaeological investigation be conducted at the applicant's expense; section 29 j (1).

- lviii) Granting exemptions from the provisions of section 29 f of the Act; section 29 j (1).
- lix) Permitting archaeological investigations of historic shipwrecks and ancient relics or monuments on the seabed, cf. section 29 g (1) and (2) of the Act; section 29 j (1).
- lx) Granting other exemptions than those mentioned under (lix) from section 29 g (1) and (2) of the Act; section 29 j (1).
- lxi) Ensuring observance of Part 8 a of the Act and the regulations issued pursuant to that Part; section 29 o (1).
- lxii) Deciding that such supervision be performed by another authority in special cases; section 29 o (2) as regards section 29 a, and sections 29 e to 29 h.
- lxiii) Ensuring that orders and injunctions pursuant to Part 8 a of the Act are observed, and monitoring compliance with conditions specified in permits; section 29 o (3).
- lxiv) Seeking to make legal any unlawful circumstances, unless they are immaterial; section 29 o (4).
- lxv) Having an order to make legal any unlawful circumstances registered in the Land Register in respect of the property concerned at the owner's expense and having the order cancelled from the Land Register when the matter has been rectified; section 29 p (2).
- lxvi) If a court order to rectify unlawful circumstances is not complied with within the set time limit, and the collection of default fines cannot be assumed to result in compliance with the court order, taking the necessary steps to rectify the matter at the expense of the person so obliged; section 29 p (3).
- lxvii) If unlawful circumstances present a risk to the maintenance of the state of walls of stone and earth and the like and of ancient relics or monuments that are protected pursuant to Part 8 a of the Act, and an order to rectify the matter is not complied with within the time limit, having the necessary work carried out immediately at the expense of the person so obliged; section 29 p (4).
- lxviii) Arranging for ancient relics or monuments to be repaired; section 29 q (1).
- lxix) Ordering the owner or user to restore the former condition of an ancient relic or monument and taking the measures that are necessary to prevent new damage; section 29 q (2), 1st clause.
- lxx) Having work carried out at the expense of the owners or the users; section 29 q (2), 2nd clause, and section 29 q (3).
- lxxi) Gaining access to publicly and privately owned areas in order to collect information for use in decisions pursuant to the Act, and authorising such access; section 29 r, as regards section 29 a and sections 29 e to 29 h.
- lxxii) Appealing decisions made by public authorities to the Nature Protection Board of Appeal; section 29 u (1) (iii) as regards section 29 a and section 18 of the Protection of Nature Act.
- lxxiii) Deciding on the deposit of a new treasure trove find where agreement cannot be reached between the National Museum of Denmark and another museum; section 30 (5).
- lxxiv) After negotiation with the Minister for Science, Technology and Innovation, deciding on the deposit of a new fossil trove find where agreement cannot be

- reached between the Danish Museum of Natural History and another museum; section 31 (5).
- lxxv) Obtaining further material from recipients of subsidies for use in connection with a closer review of the accounts by Rigsrevisionen (the National Auditors); section 35.
- lxxvi) Deciding on subsidies if the recipient does not fulfil the conditions for the subsidies; section 37.
- lxxvii) Keeping a Central Register of Cultural History and a Central Register of Art, and making the registers available to the public and to relevant authorities; section 39.

*The Act on the Church Buildings and Cemeteries of the Danish National Evangelical Lutheran Church*

*(Act no. 454 of 11 June 1992, as most recently amended by Act no. 562 of 24 June 2005)*

**11** – (1) The following tasks and powers pursuant to the Act on the Church Buildings and Cemeteries of the Danish National Evangelical Lutheran Church shall be undertaken by the Heritage Agency of Denmark:

- i) Appointing experts; section 21 (2).

**Part 3**

*Appeals, etc.*

**12** – (1) Decisions made by the Heritage Agency of Denmark pursuant to this Executive Order may be appealed to the Minister for Culture, cf. subsections (2)-(4), however.

(2) Decisions made by the Heritage Agency of Denmark pursuant to section 10 (liii), (lv), (lx) and (lxix) of this Executive Order may be appealed to the Nature Protection Board of Appeal, which has the final administrative authority, cf. section 82 of the Protection of Nature Act.

(3) Decisions made by the Heritage Agency of Denmark pursuant to section 10 (xxxi) and (xlv) of this Executive Order may be appealed to the appraisal commission, which has the final administrative authority, cf. section 27 (7) and 29 (3) of the Museum Act.

(4) Decisions made by the Heritage Agency of Denmark pursuant to section 9 (ii)-(iv), (vii)-(xliv) and (xlvi), section 10 (i)-(ii), (v), (vii), (x)-(xi), (xv)-(xix), (xxi)-(xxii), (xxiv), (xxviii), (xxx), (xxxiii)-(xxxiv), (xxxviii), (xl), (xlii), (xlvi)-(lii), (liv), (lvi)-(lix), (lxi)-(lxviii), (lxx)-(lxxii), (lxxv) and (lxxvii), and section 11 (i), of this Executive Order cannot be appealed to the Minister or any other administrative authority.

(5) The time limit for appealing decisions made by the Heritage Agency of Denmark pursuant to section 9 (i), (v)-(vi) and (xlv), and section 10 (iii)-(iv), (vi), (viii)-(ix), (xii)-(xiv), (xx), (xxiii), (xxv)-(xxvii), (xxix), (xxxii), (xxxv)-(xxxvii), (xxix), (xli), (xliii)-(xliv), (lxxiii)-(lxxiv) and (lxxvi) to the Ministry of Culture shall be four weeks from the day that the relevant person was notified of the decision. The time limit for appealing decisions made by the Heritage Agency of Denmark pursuant to section 10 (liii), (lv), (lx), and (lxix), to the Nature Protection Board of Appeal shall be four weeks from the day that the relevant person was notified of the decision. The time limit for appealing decisions made by the Heritage Agency of Denmark pursuant to section 10 (xxxi) and

(xlv), to the appraisal commission shall be four weeks from the day that the relevant person was notified of the decision. If the decision is published, however, the time limit for appeals shall always be calculated from publication date. If the time limit for appeals expires on a Saturday or public holiday, the time limit shall be extended to the following weekday.

**13** – (1) Appeals of the decisions made by the Heritage Agency of Denmark pursuant to this Executive Order shall be filed in writing to the Agency, which shall forward the appeal to the Minister for Culture, the Nature Protection Board of Appeal or the appraisal commission together with the appealed decision and the material on which the assessment of the case was based.

(2) Unless otherwise stated in the decision, a permit may not be exercised before the time limit for appeals has expired.

(3) Following the notification of a decision by the Heritage Agency of Denmark not to list a building, cf. section 9 (i), building work and similar, except for ordinary maintenance, shall not be performed within four weeks, except by permission from the Heritage Agency of Denmark.

(4) Following the notification of a decision by the Heritage Agency of Denmark to cancel the listing of a building, cf. section 9 (vi), building work and similar, except for ordinary maintenance, shall not be performed within four weeks, except by permission from the Heritage Agency of Denmark.

(5) Appeals in due time shall delay the decision concerned, unless the appellate authority decides otherwise.

**14** – (1) The Minister for Culture may decide that a decision that lies within the remit of the Heritage Agency of Denmark, cf. this Executive Order, shall be taken by the Minister.

(2) The Minister for Culture may instruct the director of the Heritage Agency of Denmark in the exercise of the tasks and powers delegated to the Heritage Agency of Denmark.

#### Part 4

##### *Entry into force, etc.*

**15** – (1) This Executive Order shall enter into force on 1 January 2007.

(2) At the same time, Executive Order no. 1028 of 21 October 2004 on delegation of tasks and powers to the Heritage Agency of Denmark shall be repealed.

(3) The provision of section 10 (ix) as regards subsidies under section 15 a (1) and (2), and section 10 (xii) as regards subsidies under section 16 a (1), shall only apply from 1 January 2007 to 31 December 2010, however.

(4) The provisions of section 12 (4) shall apply to decisions made by the Heritage Agency of Denmark on 1 January 2007 or later. Appeals of decisions made prior to this date shall be considered in accordance with the provisions of Executive Order no. 1028 of 21 November 2004.

*Ministry of Culture, 14 December 2006*

Brian Mikkelsen

/Malene Sthyr