

Cultural Heritage Regulation 20...
(draft for submission)

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PREAMBLE

In exercise of the powers conferred under section 268 of the Cultural Heritage Act, 20..., the Department of Culture with the approval of the Prime Minister, hereby promulgates the Cultural Heritage Regulations, 20... for effective implementation of the provisions the Act.

CHAPTER 1 PRELIMINARY

Title

1. This Regulation is called the Cultural Heritage Regulations 20

Commencement

2. This Regulation comes into force on the.....Day of the....month of theof the Bhutanese Calendar corresponding to.....Day of the.....Month of 20....

Objective

3. The objective of this Regulation is to:
 - (1) establish an administrative and regulatory framework for the implementation of the Act;
 - (2) prescribe standards for the preparation of management plan and annual report on the state of protection;
 - (3) prescribe fees;
 - (4) impose fines; and
 - (5) generally give effect to the Cultural Heritage Act of Bhutan 20....

CHAPTER 2 AUTHORITIES UNDER THE ACT

Cultural Heritage Committee

4. The Cultural Heritage Committee established under section 10 of the Act comprise 7 members who may be civil servants or non-civil servants and must reflect the cultural diversity of Bhutan.

Two representatives from Drathsang.

5. A member of the Committee shall:
- (1) be a Bhutanese citizen as evidenced by the citizenship identity card;
 - (2) not be less than 30 years or more than 70 years of age;
 - (3) have practical or theoretical knowledge associated with history, culture or heritage of Bhutan;
 - (4) have knowledge or experience in cultural heritage management or protection; and
 - (5) have demonstrated their commitment towards protection of cultural heritage.
6. A person shall be disqualified to be a member of the Committee, if the person is:
- (1) of unsound mind;
 - (2) an un-discharged insolvent;
 - (3) terminated from Public Service;
 - (4) convicted for any criminal offence and sentenced to imprisonment; or
 - (5) in arrears of taxes or other dues to the Government.
7. The Department of Culture shall present a list of 7 nominees to the Prime Minister.
8. The Prime Minister shall within 2 weeks of the submission of the list under section 7 through a public notification formalize the appointment.
9. The Committee during its first meeting or whenever a vacancy occurs elect its Chairperson in accordance with the rules of procedure of the Committee.

Tenure

10. Each member of the Committee is appointed for a term of 3 years and is eligible for reappointment.

Resignation or Removal

11. A member may resign from the Committee upon submitting a written notice to the Prime Minister.
12. The Prime Minister shall, on the recommendation of the Department, remove a member from office, if the member:
 - (1) becomes disqualified under section 6;
 - (2) renounces his or her Bhutanese citizenship;
 - (3) misses three consecutive sessions without any justification; or
 - (4) is unable or unfit to discharge his or her functions under the Act or this Regulation.

Filling a Vacancy

13. When a vacancy arises in the membership, the Department shall submit a list of nominees to the Prime Minister within 10 working days after occurrence of such vacancy.

Member-Secretary

14. The Head of the Department shall be the member-secretary of the Committee.

CHAPTER 3 BUSINESS

Regular Meetings

15. A Committee shall meet at least once in 6 months or at shorter intervals as the business may warrant, at such place, date and time as may be specified by the Chairperson.

Special Meetings

16. The Chairperson may call a special meeting of the Committee, if:
 - (1) a written request is made by the Department; or
 - (2) the Chairperson, as the case may be, considers it necessary.

Notice Period

17. The member-secretary shall, upon confirmation of the meeting by the Chairperson, give a written notice of every meeting to the members at least 10 working days prior to the date of the meeting.

Provided that the Chairperson may waive such requirement in urgent matters.

Quorum

18. The quorum for transaction of business of the Committee shall be a simple majority of the total number of its members.

Presiding over meetings

19. The Chairperson of the Committee shall preside over all meetings of the Committee.
20. In the absence of the Chairperson from a meeting:
 - (1) a member nominated by the Chairperson is to preside; or
 - (2) if the Chairperson does not nominate a member, a member elected by the members present in the meeting shall preside.

Conduct of meetings

21. The Committee may allow members to take part in its meetings by using any technology that reasonably allows members to hear and take part in discussions as they happen.

22. A member who takes part in a meeting of the Committee under section 21 is deemed to be present at the meeting.
23. The member-secretary shall be responsible for the preparation and facilitation of the meetings of the Committee.

Voting

24. Any matter or question put to vote at a meeting of the Committee shall be determined by a simple majority of its members present in the meeting.
25. A member of the Committee, who has not voted in favor of a decision and who has in advance of the decision indicated disagreement with the proposed decision may require the dissent to be recorded in the minutes of the meeting.

Minutes of the meetings

26. The member-secretary shall at the commencement of every meeting inform the Committee of every action taken on the decisions of the previous meeting.
27. The member-secretary shall keep minutes of all the meetings.
28. The member-secretary shall, no later than 7 working days after a meeting, circulate to all members the draft minutes of the meeting for comments, if any.
29. All comments on the minutes of the meeting shall be sent to the member-secretary no later than 7 working days after the minutes have been circulated.
30. The Chairperson of the Committee shall, upon incorporation of the comments received under section 29, endorse the minutes of the meeting.

Sitting Fee

31. Pursuant to section 31 of the Act, the Chairperson of the Committee is entitled to a sitting fee of Ngultrum 50,000/- per meeting.
32. Pursuant to section 31 of the Act, a committee member is entitled to a sitting fee of Ngultrum 40,000/- per meeting.
33. A member of the Committee is entitled to travel and other allowances at par with the head of department in accordance with applicable rules of the government.
34. Sitting fees and travel and other allowance under sections 31 to 33 is to be paid out of the Cultural Heritage Fund.

Resource person in the meetings

35. The Chairperson of the Committee may invite resource person in relevant fields to its meetings by indicating the items on the agenda for which he or she may be admitted.

CHAPTER 4 CULTURAL LANDSCAPE

Development Activity

36. For the purpose of section 31 of the Act, an entity intending to undertake development activity shall submit a development application to the Dzongkhag or Dzongkhag Thromde Administration concerned for a development permit in the format prescribed in *form I*.
37. An entity while seeking consent of the local community under section 31 of the Act shall disclose the following information:
 - (1) profile of the developer;
 - (2) nature and scope of the development activity;
 - (3) impact of the development activity to the cultural element;
 - (4) purpose of the development activity;
 - (5) benefits to be provided to the community; and
 - (6) commencement date and end date of the development activity.
38. The consent of the community shall be free and informed consent obtained in the format prescribed in *form II* and in case of refusal to grant consent, a satisfactory justification shall be provided.
39. For the purpose of section 36 of the Act, a large-scale development activity includes:
 - (1) work which involves excavation of area exceeding 2000 sqm;
 - (2) Any sort of quarrying or mining activities irrespective of the proposed area of excavation;
 - (3) construction of dam, industrial factory, plant, bridge, housing colony, building, parks or any other development occupying area exceeding 0.5 acres;
or
 - (4) construction of road, power line, pipeline, canal, wall or other similar form of linear development exceeding 5 km.

Cultural landscape impact assessment document

40. Within a period of 1 month from the date of the receipt of an application, the Department shall either inform the entity of its decision on the cultural landscape clearance or instruct the entity to submit a cultural landscape impact assessment document for decision.

Provided that where the Department fails to act within the stipulated period, it shall be deemed that the Department has no objection to the development activity.

41. A cultural landscape impact assessment document shall be prepared in accordance with the instructions of the Department which amongst other include:
 - (1) assessment of impacts caused by the development activity on the existing cultural landscape;
 - (2) a site plan indicating the boundary of the area that the development activity occupies;
 - (3) drawings for the development activity, if applicable;
 - (4) monthly schedule of the development activity;
 - (5) statement of community opinion; and
 - (6) impact on intangible cultural heritage.
42. The Committee shall ensure that the cultural landscape impact assessment is conducted by independent experts registered with the Department.
43. The Department shall, for the purpose of section 42, maintain a list of cultural landscape impact assessment experts based on criteria determined by the Department.
44. An entity shall submit a cultural landscape impact assessment document within 3 months from the day of the receipt of the instruction under section 40.
45. If the entity fails to submit the cultural landscape impact assessment document within the stipulated time, the application shall be deemed to have lapsed.
46. The Department shall review the cultural landscape impact assessment report and inform the entity of its decision within 3 months from the date of receipt of the complete set of cultural landscape impact assessment document.
47. A submission of the cultural landscape impact assessment document does not exempt an entity from the responsibility to comply with requirements prescribed in other development regulations.

Security Deposit

48. Where a development activity requires the preparation of cultural landscape impact assessment, the applicant shall furnish a security deposit of a sum equivalent to 10% of the estimated cost of the development activity.

Provided that the government or local government are exempt from this provision.

49. Security deposit shall be paid in cash, cheque or demand draft being valid for the duration of the construction.

50. Security deposit shall be refunded within one year after the completion of the project.
51. Security deposit shall be forfeited either in whole or in part at the absolute discretion of the Committee for breach of any of the provisions of this Regulation or conditions of the development permit.

CHAPTER 5 REGISTRATION AND DESIGNATION OF CULTURAL HERITAGE

Registration and Designation of Cultural Heritage

52. For the purpose of registration or designation of Cultural Heritage, it must amongst others fulfill any of the following criteria:
- (1) bear witness to important historical events of Bhutan;
 - (2) demonstrate the course of Bhutan's history or spiritual development;
 - (3) associate with the life or achievement of a person or group of persons of importance in Bhutan's history;
 - (4) associate with a particular community for social, cultural or spiritual reasons;
 - (5) represent traditional social systems, lifestyle or livelihood of Bhutan;
 - (6) exhibit unique integrity of humanity with the natural environment;
 - (7) represent the uniqueness of style, techniques or innovations of a particular period;
 - (8) bear potential to educate, illustrate or provide further scientific investigation or analysis that will contribute to understanding Bhutan's history or cultural heritage.

Registration and Designation of Movable Cultural Property

53. The Department may call for registration of Movable Cultural Property under section 47 of the Act through a relevant Local Government office.
54. Pursuant to the call under section 53, an entity in control of the Movable Cultural Property shall, within 30 days of the call, submit a proposal for registration to the Dzongkhag or Dzongkhag Thromde Administration concerned.
55. The Dzongkhag or Dzongkhag Thromde Administration shall verify the proposal and forward it to the Department within 30 days of the receipt of the proposal for registration.
56. A proposal under section 54 must contain:
- (1) description of the Movable Cultural Property;
 - (2) size and dimension of the Movable Cultural Property;
 - (3) historical or cultural background of the Movable Cultural Property;
 - (4) photographs of the Movable Cultural Property; and
 - (5) name of owner.
57. For the purpose of reviewing the proposal under section 55, the Department shall send its officials to the locality for *in-situ* verification within 60 days from the date of receipt of the proposal or may requisition additional documents or information it

may consider necessary and forward the recommendation to the Committee for decision.

Registration and Designation of Intangible Cultural Heritage element

58. The Department may call for registration of Intangible Cultural Heritage element under section 59 of the Act through a relevant Local Government office and newspaper of general circulation in the country including mass media.
59. Pursuant to the call under section 58, the public office associated with the Intangible Cultural Heritage shall, within 30 days of the call, submit a proposal for registration to the head of the Department for review.
60. A proposal under section 59 must contain:
 - (1) description of the Intangible Cultural Heritage element;
 - (2) location where the Intangible Cultural Heritage is practiced;
 - (3) consent from practicing communities, groups or individuals, as may be applicable;
 - (4) details of bearers; and
 - (5) name of public office which submits the proposal.
61. The Department may, during the review of the proposal under section 59, requisition additional documents or information, it may consider necessary.
62. The Dzongkhag or Dzongkhag Thromde Administration shall, for the purpose of consultation under section 57 of the Act, identify stakeholders concerning the registration and designation of Intangible Cultural Heritage proposed by the Department.
63. The Department shall hold prior consultation with the stakeholders identified under section 62.
64. The Department shall review the proposal under section 59 and forward the recommendation to the Committee for decision within 45 days from the date of the submission of the proposal.
65. The Committee shall, on the recommendation of the Department, designate an Intangible Cultural Heritage element as Intangible Cultural Heritage of National Importance, if:
 - (1) it is already registered in the Intangible Cultural Heritage Register;
 - (2) it exhibits a special value of history, culture and science;
 - (3) it is still practiced, or has potential to be revived; and

- (4) its promotion at the national level is expected to contribute to the well-being of Bhutanese population, emotional, social or economic.

Conservation Zone

66. For the purpose of section 55 of the Act, the conservation zone is the plot on which a Registered or Designated Heritage Building is located, unless the Committee determines a specific boundary as a conservation zone for an individual Registered or Designated Heritage Building.
67. If an area is of cultural heritage value in association with the Registered or Designated Heritage Building, the conservation zone may include such land separated from the rest of the conservation zone, or a land the ownership of which is different from that of the Registered or Designated Heritage Building.

Notification of Registration

68. For the purpose of section 64 of the Act, when a movable cultural property or heritage site is registered, the Department shall immediately publish a notice of registration in a newspaper of general circulation in the country including mass media and in the case of heritage site immediately communicate such decision to the National Land Commission for record.
69. For the purpose of section 65 of the Act, when a conservation zone is defined or revised, the Department shall immediately notify in writing such decision to the Dzongkhag or Dzongkhag Thromde Administration, which in turn shall communicate the decision to the owner of the zone.
70. In addition to section 69, the Department shall publish the notice in a newspaper of general circulation in the country including mass media and also communicate such decision to the National Land Commission for record.
71. For the purpose of section 66 of the Act, when an intangible cultural heritage element is registered, the Department shall immediately notify in writing such decision to the public office which submitted the proposal for registration and the public office shall in turn communicate the decision to the bearer of the element.
72. In addition to section 71, the Department shall publish a notice of registration in a newspaper of general circulation in the country including mass media.

Notification of Designation

73. For the purpose of section 64 of the Act, when a movable cultural property or heritage site is designated, the Department shall publish a notice of designation in a newspaper of general circulation in the country including mass media and in the

case of heritage site immediately communicate such decision to the National Land Commission for record.

74. For the purpose of section 66 of the Act, when an intangible cultural heritage element is designated, the Department shall immediately notify in writing such decision to the public office which submitted the proposal for registration and the public office shall in turn communicate the decision to the bearer of the element.
75. In addition to section 74, the Department shall publish a notice of designation in a newspaper of general circulation in the country including mass media.

Notification of Annulment

76. Upon annulment of registration of Movable Cultural Property under section 73 of the Act, the Department shall remove the name of the Moveable Cultural Property from the *Gangchen Thram* and requisition the copy of the *Gangchen Thram* from the owner and it shall also publish a notice of annulment in a newspaper of general circulation in the country including mass media.
77. The owner shall return the copy of the *Gangchen Thram* within 10 days of the receipt of the directive issued by the Department.
78. Upon annulment of registration of a Registered or Designated Heritage Site under section 75 of the Act, the Department shall immediately publish a notice of annulment in a newspaper of general circulation in the country including mass media and immediately communicate such decision to the National Land Commission for record.
79. When the practice of an Intangible Cultural Heritage of National Importance is completely discontinued or there is sufficient evidence to consider that its representative feature is substantially modified or lost as determined by the public officer, the Department may recommend the annulment of its designation as Intangible Cultural Heritage of National Importance to the Committee along with written justification thereof.
80. The Department shall consult the widest possible group of stakeholders prior to making such recommendation under section 79.
81. The Committee shall consider the recommendation of the Department by carefully weighing the potential impact of such annulment.
82. The Department shall publish a notice of annulment of an Intangible Cultural Heritage under section 70 of the Act in a newspaper of general circulation in the country including mass media.

CHAPTER 6
OWNER, CARETAKER AND BEARER OF REGISTERED AND DESIGNATED
CULTURAL HERITAGE

Institutional entity

83. For the purpose of section 87 of the Act, an entity to be recognized as an institutional entity must:
- (1) be the owner or customary custodian of the Registered Movable Cultural Property and Registered or Designated Heritage Site; and
 - (2) possess considerable number of Registered Movable Cultural Property and Registered or Designated Heritage Site, as may be determined by the Committee.

Provided that such recognition must also be in the best interest of the protection of the Registered Movable Cultural Property or Registered or Designated Heritage Site, as may be considered necessary by the Committee.

84. The Committee shall, for the purpose of recognizing an institutional entity, issue a notification identifying an entity as an institutional entity.
85. The Department shall communicate the notification under section 84 to the Dzongkhag and Dzongkhag Thromde Administration.

Change of Ownership

86. For the purpose of transfer of ownership under section 86 of the Act, the owner shall submit an application furnishing the following information:
- (1) details of the Registered Movable Cultural Property or the Registered or Designated Heritage Site;
 - (2) details of the owner of the cultural heritage;
 - (3) evidence of the ownership of the cultural heritage;
 - (4) details of the proposed transferee;
 - (5) reason for the transfer; and
 - (6) such other information as the Department may consider appropriate.
87. A transfer in whole or part of a Registered Movable Cultural Property or a Registered or Designated Heritage Site to a third party without the prior approval of the Department is void.
88. The Department shall within 30 days of the receipt of an application under section 86 render its decision in the best interest of the protection of the cultural heritage and subject to section 94 of the Act.

89. The Department shall, upon receiving evidence of the completion of the transfer of ownership, issue a copy of *Gangchen Thram* to the new owner of the Registered Movable Cultural Property.

Registered or Designated Cultural Heritage without an Owner

90. For the purpose of section 90 of the Act, a Dzongkhag or Dzongkhag Thromde Administration shall, within 10 days from the date of its failure to identify the owner of a Registered Movable Cultural Property, Registered or Designated Heritage Site, report the matter to the Department.
91. The Department shall through a directive place such Registered Movable Cultural Property or Registered or Designated Heritage Site under the interim custody of the Dzongkhag or Dzongkhag Thromde Administration concerned.
92. For the purpose of section 90, the Department shall publish a notice in a newspaper of general circulation in the country including mass media informing the owner to furnish evidence of ownership within hundred and eight days from the date of publication of the notice.
93. If there are no claimants under section 92, the Department shall issue a directive appointing a relevant public office to be the custodian of the Registered Movable Cultural Property or appoint an appropriate entity to be the custodian of the Registered or Designated Heritage Site under section 91 of the Act.
94. The Department shall, in determining a suitable public office or an appropriate entity as custodian, ensure that the public office or the entity is best placed to fulfill the duties of the owner under the Act and this Regulation.
95. The public office or the appropriate entity under section 93 shall assume the responsibility stipulated under section 79 or 80 of the Act respectively.

CHAPTER 7
PROTECTION OF MOVABLE CULTURAL PROPERTIES

Transportation of Movable Cultural Property

96. For the purpose of section 93 of the Act, an entity intending to transport Registered Movable Cultural Property or movable cultural property which is more than 100 year since its creation outside the country shall first obtain a written approval of the Committee.

Provided that for the transport of other movable cultural property outside the country, the entity shall first obtain a written approval of the Department.

Provided further that where the Department cannot identify the cultural heritage value or age of such cultural property, it may refer the matter to the Committee for decision.

97. An entity intending to transport Registered Movable Cultural Property and movable cultural belonging to a private entity within the country shall first obtain approval of the Dzongkhag or Dzongkhag Thromde Administration.

Provided that the approval for transport of state and community owned movable cultural property shall be obtained from the Department.

98. For the purpose of section 96 or 97, the entity shall furnish the following:

- (1) description of the Movable Cultural Property;
- (2) information on the ownership;
- (3) a brief history of the cultural property indicating its age;
- (4) estimated value of the Movable Cultural Property;
- (5) purpose of transporting the Movable Cultural Property;
- (6) destination of the Movable Cultural Property; and
- (7) photograph of the Movable Cultural Property.

99. For the purpose of section 96 or 97, the Department, Dzongkhag or Dzongkhag Thromde Administration as the case may be, may direct the physical production of the Movable Cultural Property for examination or requisition further documentary evidence and information.

100. The Committee, Department, Dzongkhag or Dzongkhag Thromde Administration as the case may be shall, upon according approval, grant a transit permit for such Movable Cultural Property in the format prescribed in *form III*.

Damage to Registered Movable Cultural Properties

101. For the purpose of section 108 of the Act, Dzongkhag or Dzongkhag Thromde Administration, and the institutional entity shall submit a detailed report on the condition of the damaged registered Movable Cultural Property along with photographs as evidence, within 10 days of informing the Department.
102. For the purpose of section 101, the Dzongkhag or Dzongkhag Thromde Administration, and the institutional entity shall conduct in-situ verification of the damaged Registered Movable Cultural Property.
103. The Damage Report under section 101 shall be in the format prescribed in *form IV*.

Repair Work to Registered Movable Cultural Properties

104. When intending to perform any repair work on a Registered Movable Cultural Property, an owner or caretaker shall, for the purpose of approval, make an application to the Department in the format prescribed in *form V* identifying a heritage conservator and stating the treatment proposal.
105. The Department upon according approval under section 104 monitor the implementation of the repair works, or if it considers the Registered Movable Cultural Property to be invaluable, it may decide to implement the works itself and the applicant must bear the cost of materials used.
106. The Department shall, in order to assist an owner to identify and engage a heritage conservator, maintain a list of heritage conservator in accordance with criteria approved by the Department.
107. The Department may approve the repair work, if it determines that:
 - (1) such work is necessary for the protection of the Registered Movable Cultural Property; and
 - (2) the heritage conservator is among those certified by the Department to undertake the repair work.
108. For the purpose of section 104, the Department shall approve the identified heritage conservator to implement the repair works and study, document and investigate the repair works on the cultural property.
109. The appointed heritage conservator shall submit to the Department a report on the repair works on weekly basis, in accordance with the instructions of the Department.
110. A Dzongkhag or Dzongkhag Thromde Administration concerned shall approve a repair work:

- (1) where the Movable Cultural Property is less than 70 years;
- (2) on clay statues by recognized *Jimzo*; or
- (3) pertaining to wall painting less than 70 years.

Provided that the Dzongkhag or Dzongkhag Thromde Administration may not approve repair works involving offering of gold or gilding of gold on the face of statue, and such other cases where the Department may from time to time so determine.

Offering Registered Movable Cultural Properties into Ten as Zung or Mendrel

111. Where a Registered Movable Cultural Property is intended to be installed into a *ten* as *zung* or offer as *mendrel*, the owner or caretaker of the property shall submit a proposal to the Department.
112. The proposal shall contain:
 - (1) details of the Registered Movable Cultural Property evidenced by photographs;
 - (2) the exact reproduction of written information, if the registered Movable Cultural Property carries written information;
 - (3) details of ownership as evidenced by the *Gangchen Thram*;
 - (4) in case of *mendrel*, the recipient of the *mendrel*; and
 - (5) the description of the *ten* including information on the ownership of the *ten* and its location.
113. The Department may approve the proposal under section 104, if such offering does not:
 - (1) reduce the potential to educate, illustrate or provide further scientific investigation or analysis that will contribute to understanding of Bhutan's history or cultural heritage; or
 - (2) diminish the cultural heritage value.
114. An installation of Registered Movable Cultural Property as *zung* is to be witnessed by at least the head of the local government concerned, cultural officer and the owner of the *zung* and the *ten*.
115. Dzongkhag or Dzongkhag Thromde Administration concerned shall submit a written report to the Department within 5 working days of installation.
116. A report under section 115, must contain amongst others:
 - (1) date of the installation;

- (2) the exact reproduction of written information, if the registered Movable Cultural Property carries written information;
- (3) photographic evidence of the installation process;
- (4) list and signatures of witnesses present during the installation; and
- (5) any other relevant information.

Inspection of Registered Movable Cultural Properties

117. The authorized officers of the Department, Dzongkhag or Dzongkhag Thromde Administration may, at any reasonable time, enter premises where a Registered Movable Cultural Property is kept to survey, inspect and refer the *Gangchen Thram*.
118. The authorized officers of the Department, Dzongkhag or Dzongkhag Thromde Administration shall give not less than 48 hours advance written notice, except in the case of emergencies in which case no such notice shall be required.
119. The authorized officers of the Department, Dzongkhag or Dzongkhag Thromde Administration shall, within 10 days of the inspection, submit an inspection report to the Committee containing the following:
 - (1) the condition of the Registered Movable Cultural Property;
 - (2) changes or alterations effected, if any;
 - (3) photographs as evidence.

Recovered Movable Cultural Properties

120. The discovered or seized Registered Movable Cultural Property once verified under section 125 of the Act, shall be returned to the owner.
121. For the purpose of section 120, the Department shall publish the notice in a newspaper of general circulation in the country informing the owner to collect such property.
122. Where an owner of a discovered or seized Registered Movable Cultural Property does not appear within hundred and eight days from the date of publication of the notice, it shall be placed under the custody of a suitable public office appointed in accordance with section 93.

Archaeological Remains

123. For the purpose of section ... of the Act, in case of movable cultural property found during excavation of the land, the ownership of the registered remains shall be with the owner of the land.

Provided that if the land is a government land or government reserved forest land, the ownership will lie with the Department.

124. For the purpose of section ... of the Act, in case of Archaeological Site found during excavation of the land, such site will be acquired in accordance with section 249 of the Act.

CHAPTER 8
MANAGEMENT AND PROTECTION OF HERITAGE SITE

Management Plan

125. When a management plan for a Designated Heritage Building or Important Cultural Site is being prepared under section 132 of the Act, the Department shall take into consideration the need of the owners and the residents, as may be appropriate.
126. When a management plan for an Important Cultural Site is being prepared, the Department shall take into consideration the purpose of land-use in consultation with the relevant government institutions and agencies.
127. A Dzongkhag or Dzongkhag Thromde Administration shall, for the purpose of preparing the management plan, facilitate consultation with the owners and the residents or the relevant government institutions and agencies.
128. The management plan of a Designated Heritage Building shall include amongst others:
- (1) a site plan;
 - (2) detailed description of the Designated Heritage Building;
 - (3) its cultural heritage value;
 - (4) an action plan;
 - (5) monitoring strategy;
 - (6) risk mitigation plan; and
 - (7) such other information as the Department considers fit.
129. The management plan of an Important Cultural Site shall include amongst others:
- (1) a map;
 - (2) detailed description of the Important Cultural Site;
 - (3) its cultural heritage value;
 - (4) an action plan;
 - (5) monitoring strategy;
 - (6) risk mitigation plan; and
 - (7) such other information as the Department considers fit.
130. The Department shall circulate the management plan 30 days before a regular or special meeting of the Committee to all its members.
131. The Committee shall approve or defer the management plan with clear justifications.

Buffer Zone of Designated Heritage Site

132. For the purpose of section 137 of the Act, the Committee shall define a boundary of a buffer zone, where it determines that maintaining a suitable space around the Designated Heritage Building or the Important Cultural Site enhances the aesthetics or improves the protection of the Designated Heritage Building or the Important Cultural Site.
133. The demarcation of a buffer zone shall be clearly indicated on a map and the size of the zone is based on the following:
- (1) objectives for the creation of buffer zone;
 - (2) availability of land; and
 - (3) threats and opportunities.

Development control regulations of buffer zone

134. For the purpose of section 139 of the Act, development control regulations of a buffer zone shall be prepared and approved, in order to:
- (1) sustain cultural and natural environment that enhance cultural heritage values of the Designated Heritage Building or the Important Cultural Site;
 - (2) maintain perspectives from specific viewpoints; and
 - (3) enhance or create spatial continuity between the Designated Heritage Building or the Important Cultural Site and surrounding structures.
135. A development control regulation may include, amongst others:
- (1) a zoning map;
 - (2) maximum and minimum height of a building in each zone;
 - (3) colour scheme of the building exterior and roof;
 - (4) open space requirement;
 - (5) fire protection requirements;
 - (6) parking space requirements; and
 - (7) other relevant requirements.
136. A Dzongkhag or Dzongkhag Thromde shall, while preparing a development control regulation, take into consideration the purpose of land-use in consultation with the relevant government institutions and agencies.
137. A Dzongkhag or Dzongkhag Thromde shall, consult relevant public offices and stakeholders, in preparing a development control regulation.

138. A Dzongkhag or Dzongkhag Thromde shall incorporate the advice of the Department and the recommendation of the Committee, if any.
139. The Department shall publish the notice of a buffer zone and the approved development control regulation in a newspaper of general circulation in the country including mass media.
140. A development control regulation comes into force on the day of the publication of the notification under section 139.

Approval for Works on Registered and Designated Heritage Site

141. Where any works on a Registered or Designated Heritage Building or its conservation zone under section 144 or 145 of the Act needs to be implemented, the owner or caretaker of the building or zone shall submit an application in the format prescribed in *form I* to the Dzongkhag or Dzongkhag Thromde Administration.
142. Where any works on an Important Cultural Site under section 145 of the Act needs to be implemented, an individual owner or group of owners of the building or land shall submit an application in the format prescribed in *form I* to the Dzongkhag or Dzongkhag Thromde Administration.
143. Where any works on a Registered Archaeological Site under section 145 of the Act needs to be implemented, an owner or caretaker of the site shall submit an application in the format prescribed in *form I* to the Dzongkhag or Dzongkhag Thromde Administration.
144. Where an owner or caretaker of a Registered or Designated Heritage Site intends to undertake emergency protection measures under section 183 of the Act, an owner or caretaker shall submit an application in the format prescribed in *form I* to the Dzongkhag or Dzongkhag Thromde Administration.
145. A Dzongkhag or Dzongkhag Thromde Administration shall, upon completion of its review, forward the application to the Department in the month between July and September every year.
146. When the total number of applications received for Registered Heritage Buildings is more than three or Registered Archeological Sites is more than one in that year, the Dzongkhag or Dzongkhag Thromde Administration shall recommend the Registered Heritage Building or the Registered Archeological Sites to be given priority for approval in each category.
147. The Department shall inform the owner or caretaker of its decision through the Dzongkhag or Dzongkhag Thromde Administration in the month of December every year.

148. The Department may, if such work is necessary for the protection or sustainable use of the building or site, grant approval.
149. For the purpose of section 153 of the Act, a Dzongkhag or Dzongkhag Thromde Administration shall have the authority to approve the following works on a Registered Heritage Building or its conservation zone:
- (1) replacement of decayed roofing structure such as rafter, *hechu*, *dhingri* without change in the form of existing roof;
 - (2) construction or renovation of drains and retaining wall using traditional construction technique;
 - (3) renovation of boundary wall using traditional construction technique;
 - (4) renovation of building or structure in the conservation zone other than heritage building without change in the existing form and using traditional construction technique; or
 - (5) construction of new building or structure in the conservation zone as follows:
 - (a) the size of building or structure does not exceed 65 sq ft in area;
 - (b) the height of building or structure is less than 10 feet;
 - (c) the building or structure is located more than 20 feet away from the Registered Heritage Building; and
 - (d) the building or structure doesn't obscure the front view of the Registered Heritage Building nor a view of the Registered Heritage Building from main access route.

Waiver for works of care, maintenance and minor repair

150. For the purpose of section 147 of the Act, works of care and maintenance, minor repair of deterioration over time, or work that doesn't impair the cultural heritage value include:
- (1) cleaning and installation of movable fittings;
 - (2) replacement of roofing materials such as CGI sheet or *shinglep* without change in the form and the type of materials of the existing roof;
 - (3) re-plastering or white-washing on external walls that have no paintings with same type and color;
 - (4) repair of plaster on internal walls, that has no wall paintings;
 - (5) repainting on timber components, the nature of painting should be similar to the original painting;
 - (6) replacement of window glass;
 - (7) installation of temporary reinforcements or supports;
 - (8) pavement of yard, path or steps using traditional materials; or
 - (9) planting, gardening and landscaping that doesn't affect cultural elements or natural features.

151. Requirement to seek approval under this Regulation is waived for the works under section 150.

Annual Report on state of protection

152. For the purpose of section 154 of the Act, a Dzongkhag or Dzongkhag Thromde Administration shall submit to the Department an annual report outlining the state of protection of all Designated Heritage Sites in the month of November every year.

153. Annual report under section 152 shall include the following information:

- (1) general description of state of protection of all the Designated Heritage Buildings including conservation zone, Important Cultural Sites and Registered Archaeological Site;
- (2) detailed descriptions of current state of each Designated Heritage Building including conservation zone, Important Cultural Sites and Registered Archeological Sites identified in the list;
- (3) valuation of the works applied by the owner or caretaker under section 148 of the Act; and
- (4) photograph of each Designated Heritage Building including conservation zone and Important Cultural Sites and Registered Archeological Site identified in the list.

Project Plan for Designated Heritage Site and Registered Archaeological Site

154. The Department shall notify the Dzongkhag or Dzongkhag Thromde Administration of its decision for which Designated Heritage Sites and Registered Archaeological Sites protection work shall be implemented in the month of March every year.

155. The Department shall prepare a project plan of protection work for each Designated Heritage Building and its conservation zone under section 156 of the Act and circulate the plan to the Dzongkhag or Dzongkhag Thromde Administration in the month of November every year.

156. For the purpose of section 154 of the Act, a Dzongkhag or Dzongkhag Thromde Administration shall submit to the Department a project plan for protection works for each Important Cultural Site in the month of November every year.

157. The Department shall notify the Dzongkhag or Dzongkhag Thromde Administration of its decision on the project plan of protection work under section 145 no later than the month of December every year.

Execution of Work on Registered and Designated Heritage Site

158. An owner of a Registered or Designated Heritage Building shall appoint a heritage architect certified by the Department to carry out documentation on the Registered or Designated Heritage Building, of which cost shall be borne by the owner.
159. The heritage architect shall, as instructed by the Department, submit a documentation report of Registered or Designated Heritage Building under section 161 of the Act, which amongst others include:
- (1) a set of surveyed drawings including a site plan, floor plans of each floor and cross-section at least in one direction; and
 - (2) Photographs of:
 - (a) overview showing geographical setting and surrounding buildings;
 - (b) facades in four direction;
 - (c) close up details of *rabsals*, windows and doors;
 - (d) interior perspectives from four directions of each room; and
 - (e) close-up details of interior timber components such as *namdha-gosum*, *kachen* and *zhu*.
160. A work progress report for a Registered Heritage Building or a Registered Archaeological Site under section 168 of the Act shall be submitted every six months in accordance with the instructions of the Department.
161. A work progress report for a Designated Heritage Building or an Important Cultural Site under section 168 of the Act shall be submitted every three months in accordance with the instructions of the Department.
162. A work progress report shall be prepared in the format prescribed in *form X* and accompanied by:
- (1) work schedule for the next six months; and
 - (2) financial schedule for the protection work, if revised.

Risk Mitigation Measures for Registered and Designated Heritage Site

163. A Dzongkhag or Dzongkhag Thromde Administration shall submit to the Department a project plan of risk mitigation measures for Registered and Designated Heritage Sites under section 176 of the Act aimed at reducing risk, impact or effect of a disaster on the Registered and Designated Heritage Site in the month of September every year.
164. The Department shall notify the Dzongkhag or Dzongkhag Thromde Administration of its decision on the project plan of risk mitigation measures under section 152 no later than the month of December every year.

165. The Department of Culture shall ensure that the project plan of risk mitigation measures is available for inspection by members of the public.

Emergency Protection for Registered and Designated Heritage Site

166. For the purpose of section 184 of the Act, a report on emergency protection measures undertaken shall be prepared in accordance with the format prescribed in *form VI* and submitted to the Department within 2 months after completion of the emergency protection measures.

Rental or Lease for Registered and Designated Heritage Site

167. If an owner of a Registered or Designated Heritage Site intends to lease the building or land in the heritage site to an entity, the owner shall obtain prior approval from the Department.
168. An application for lease shall include lease period and terms of condition on care and management of the building or land during the lease period.
169. The Department may approve the lease of the building or land, if it determines that the building or site could be better protected by such lease and such approval shall not derogate from the prohibition and restriction related to building or land use under any other laws.
170. An owner may rent the building or land in a Registered or Designated Heritage Site for a fixed period agreed upon between the owner and the Department, if it determines that the building or site could be better protected by such rent.
171. Management of the building or land shall be implemented in accordance with the condition of lease.

CHAPTER 9
SAFEGUARDING OF INTANGIBLE CULTURAL HERITAGE

172. For the purpose of section 189 of the Act, the concerned public office shall develop a safeguarding plan every five years along with specification of year-wise activities.
173. Safeguarding plan may comprise one or several safeguarding measures referred to in section 190 of the Act as may be appropriate.
174. The public office concerned shall submit to the Department the safeguarding plan within 3 month after the registration of an Intangible Cultural Heritage element is publicly notified.
175. The safeguarding plan includes:
- (1) the analysis of the current status of vitality of the concerned intangible cultural heritage element;
 - (2) expected goal and benchmark; and
 - (3) description of proposed activities and justification thereof.
176. For the purpose of section 191 of the Act, the public office concerned shall consult the widest possible members of the community of bearers of the concerned intangible cultural heritage element and obtain their consent prior to finalizing the safeguarding plan.
177. Implementation of the safeguarding plan must involve the participation of the widest possible members of the community of bearers of the concerned intangible cultural heritage element.
178. Cost of executing the safeguarding plan is to be met from the annual budget of the public office concerned.
179. The public office concerned shall submit to the Department an annual status report on the execution of the safeguarding plan every December.
180. An annual execution report should include status of the execution of the safeguarding plan and its impact as per the stipulated goal and benchmark.
181. At the end of the five-year, the concerned public office shall develop a new five-year safeguarding plan along with the assessment of the impact of the previous five-year safeguarding plan.
182. The Department shall prepare a consolidated report every year on the status of execution of safeguarding plans by public offices and submit it to Committee by 31 May of every year.

183. The Committee shall review the progress and effectiveness of the safeguarding plans every year and provide recommendation as may be appropriate.

Safeguarding of Intangible Cultural Heritage of National Importance

184. For the purpose of section 193 of the Act, when a Registered Cultural Heritage Element is designated as Intangible Cultural Heritage of National Importance, the public office who initially proposed to register the intangible cultural heritage element shall continue to undertake its responsibility for safeguarding in a manner stipulated in section 174 to 181.

185. For the purpose of Section 194 of the Act, public offices other than the public office which proposed registration of the intangible cultural heritage element shall contribute to the safeguarding of the Designated Intangible Cultural Heritage by integrating one or several safeguarding measures referred to under section 190 of the Act in a recurrent manner as part of their regular work.

186. Cost of executing safeguarding plan and measures of a Designated Intangible Cultural Heritage is to be met from the annual budget of the public offices.

187. Public offices under section 185 shall submit to the Department an annual execution report of the safeguarding measures undertaken in support of the Designated Intangible Cultural Heritage by 31 May of every year.

Special Project

188. For the purpose of section 195 of the Act, a special project may comprise one or several of safeguarding measures referred to in Section 190 of the Act as considered appropriate, to be executed in a time-bound manner of no more than 12 months with the aim to bring focused intervention and intensify the impact of the safeguarding of a Designated Intangible Cultural Heritage.

189. Public offices, while developing and executing special projects, shall consult and involve the bearers of a concerned Intangible Cultural Heritage of National Importance in the similar manner stipulated in sections 176, 177 and 178 of this Regulations.

190. Public offices intending to execute a special project shall submit to the Department an execution plan by December of every year and is eligible for the Funds.

191. Execution plan for a special project shall contain the following information:

- (1) name of the Designated Intangible Cultural Heritage element
 - (2) background and justification of the proposed special project;
 - (3) proposed beneficiaries;
 - (4) proposed activities and timeframe;
 - (5) expected output and success indicators;
 - (6) public office and its respective role;
 - (7) evidence of consent of the community of the concerned bearers; and
 - (8) detailed costing if applying for the Funds.
192. For the purpose of section 197 of the Act, a bearer of an Intangible Cultural Heritage of National Importance may address his or her request to initiate a special project to the public office responsible for the registration of the concerned intangible cultural heritage element and develop jointly such a special project.
193. For the purpose of section 198 of the Act, the Department shall identify those public offices which it considers appropriate to take responsibility in executing safeguarding measures or special projects and consult them for their possible collaboration prior to making recommendation to the Committee.
194. The public office executing a special project shall submit to the Department an execution report within 2 month after the completion of the activities undertaken along with their evidences; analysis of the project impact; and detailed financial report with proof of expenditures in case the public office has benefited from the Funds.

Urgent Safeguarding Measures

195. If a public office under section 189 or 193 of the Act, determines that a Registered or Designated Intangible Cultural Heritage element under its responsibility is at imminent risk of total or partial discontinuity, it shall report the matter to the Department along with the proposed urgent safeguarding plan and may apply for Funds.
196. Urgent safeguarding plan shall include the following elements:
- (1) state of viability of the concerned intangible cultural heritage element;
 - (2) nature of threat;
 - (3) proposed beneficiaries;
 - (4) proposed action plan, justification and timeframe;
 - (5) expected output and measurable benchmarks;
 - (6) executing agency and its role;
 - (7) evidence of consent of the community of concerned intangible cultural heritage bearers; and
 - (8) detailed costing, if applying for Funds.

197. For the purpose of section 201 of the Act, a bearer of a Registered Intangible Cultural Heritage element may address his or her request to initiate an urgent safeguarding plan to the public office and develop jointly such an urgent safeguarding plan.
198. Public office applying for the Funds should submit a proposal for urgent safeguarding plan to the Department by December of every year during which an urgent safeguarding plan is intended to be launched.
199. The Committee may approve the funding request for an urgent safeguarding plan, if:
 - (1) the concerned intangible cultural heritage is registered;
 - (2) sufficient data is provided to believe that its practices and continuation are facing difficulties;
 - (3) its loss or discontinuation is likely to adversely affect the well-being of the Bhutanese population; and
 - (4) concerned community of bearers are willing to revitalize and continue the practice.
200. A public office executing an urgent safeguarding plan shall submit to the Department a report on the status of execution of urgent safeguarding measures annually or as may be directed by the Department.
201. A public office executing an urgent safeguarding plan shall submit to the Department an execution report upon the completion of the initially planned urgent safeguarding measures with the details on activities undertaken, analysis of the impact of the project on the status of viability of the concerned intangible cultural heritage element; and detailed financial report with proof of expenditures in case the public office has benefited from the Funds.
202. The Committee may advise the public office to terminate or continue the urgent safeguarding plan depending on the status of viability of the concerned intangible cultural heritage element.

CHAPTER 10 INCENTIVES

Financial Assistance for Registered and Designated Cultural Heritage

203. An owner of a Registered Movable Cultural Heritage intending to apply for financial assistance to undertake repair works under section 211 of the Act shall submit an application in the format prescribed in *form VII* along with the application under section 97 to the Department for onward submission to the Ministry of Home and Cultural Affairs.
204. An owner of a Registered Heritage Building or its conservation zone or a Registered Archaeological Site intending to apply for financial assistance to undertake works under section 212 of the Act shall submit an application in the format prescribed in *form VII* along with the application under section 131 or 133 to the Dzongkhag or Dzongkhag Thromde Administration.
205. An owner of a Designated Heritage Building and its conservation zone or individual owner or the group of owners of building or land in an Important Cultural Site intending to apply for financial assistance to undertake works under section 214 of the Act shall submit an application in the format prescribed in *form VII* along with the application under section 131 or 132 to the Department for onward submission to the Ministry of Home and Cultural Affairs.
206. An owner or caretaker of a Registered or Designated Heritage Site intending to apply for financial assistance to undertake emergency protection measures under section 218 of the Act shall submit an application in the format prescribed in *form VII* along with the application under section 134 to the Dzongkhag or Dzongkhag Thromde Administration.
207. A public office intending to apply for financial assistance to execute urgent safeguarding plan for a Registered or Designated Intangible Cultural Heritage under section 222 of the Act shall submit an application in the format prescribed in *form VII* to the Committee.

Charging Fees

208. An owner or bearer under section 223 of the Act, intending to collect fees from visitors to enhance the sustenance of the Cultural Heritage shall submit an application to the Dzongkhag or Dzongkhag Thromde Administration.
209. The application under section 208 contain amongst others:
- (1) name of the Registered or Designated Cultural Heritage;
 - (2) description of the Registered or Designated Cultural Heritage;
 - (3) name of owner or bearer;

- (4) proposed amount of fees;
 - (5) bank account details;
 - (6) measures to protect the Registered or Designated Cultural Heritage from destruction;
 - (7) safety measures for visitors; and
 - (8) written approval issued by office-in-charge of institutional entity, where applicable.
210. The Dzongkhag or Dzongkhag Thromde Administration shall ensure that the application is complete and forward it to the Department for approval.
211. The Department shall dispose the application under section 210 within 30 days of its receipt.
212. The Department may accord approval under section 211 subject to conditions, it may consider fit and issue a permit for collecting fees which is valid for 3 years and may be renewed from time to time.
213. Thirty percent of the fees collected shall be set aside for the sustenance of the Registered or Designated Cultural Heritage.
214. The permit under section 212 is not a substitute for a trade license issued by the Department of Trade.
215. The Department of Trade shall not issue trade license without the permit under section 212.
216. An owner or bearer shall maintain books of accounts with the detailed breakdown on earnings from the fees and spending for the sustenance of the Registered or Designated Cultural Heritage.
217. An owner shall submit its year-end financial report to the Department during the month of March every year.

CHAPTER 11
UTILIZATION OF CULTURAL HERITAGE

Use of Building or Land in Registered and Designated Heritage Site

218. When an owner or caretaker intends to change the use of building or land on the Registered or Designated Heritage Site, the owner shall submit an application to the Department through the Dzongkhag or Dzongkhag Thromde Administration.
219. The application for change of use of building or land on the Registered or Designated Heritage Site shall include the following:
- (1) description of the current use;
 - (2) description of the proposed use;
 - (3) reason for the change in use; and
 - (4) impact on the heritage site by the proposed change of use.
220. The Department may approve the change of use of Registered or Designated Heritage Site, if such change:
- (1) improves protection of the building or site;
 - (2) is a better solution to keep the Registered or Designated Heritage Site alive, or to maintain the surrounding environment;
 - (3) does not impact the structure of the building adversely;
 - (4) does not impair cultural heritage value of the Registered or Designated Heritage Site; or
 - (5) does not derogate the owner's responsibility to comply with procedures under any other laws.

Survey, Documentation and Exhibition of Registered or Designated Cultural Heritage

221. An entity intending to carry out photography or filming of Registered Movable Cultural Property or the interior of Registered or Designated Heritage Building under section 234 of the Act shall submit a proposal to the Committee that includes:
- (1) description of the Cultural Heritage;
 - (2) details of the applicant;
 - (3) purpose of the photography or filming and intended use of the outcomes;
 - (4) detailed proposal of the photography or filming;
 - (5) timeline of the photography or filming;
 - (6) location where the activities will take place;
 - (7) evidence of the consent of the owner; and
 - (8) declaration that all conditions of the approval will be complied with.

222. An entity intending to conduct a survey, research or documentation, or organize an exhibition of Registered Movable Cultural Property or Registered or Designated Heritage Site under section 235 of the Act shall submit a proposal to the Department that includes:

- (1) description of the Cultural Heritage;
- (2) details of the applicant;
- (3) purpose of the survey, research, documentation or exhibition and intended use of the outcomes;
- (4) detailed proposal of the survey, research, documentation or exhibition;
- (5) timeline of the survey, research, documentation or exhibition;
- (6) details of the person-in-charge who is responsible for the custody of the Registered Movable Cultural Properties during the transportation and exhibition, in case the exhibition requires transportation;
- (7) location where the activities will take place;
- (8) evidence of the consent of the owner;
- (9) declaration that all conditions of the approval will be complied with; and
- (10) insurance certificate of all the Registered Movable Cultural Properties in case of exhibition to be held outside the country.

223. A foreign entity intending to carry out survey, research, documentation, photography or filming or organizing an exhibition of a Registered or Designated Intangible Cultural Heritage under section 238 of the Act shall submit a proposal to the Department that includes:

- (1) description of the Intangible Cultural Heritage;
- (2) details of the applicant and crew;
- (3) notarized copy of passport of the applicant and crew;
- (4) purpose of the photography, filming, survey, research, documentation or exhibition and intended use of the outcomes;
- (5) detailed proposal of the photography, filming, survey, research, documentation or exhibition;
- (6) timeline of the photography, filming, survey, research, documentation or exhibition;
- (7) location where the activities will take place;
- (8) evidence of the consent of the bearer; and
- (9) declaration that all conditions of the approval will be complied with.

224. An entity shall submit a report of the survey, research, documentation, photography, filming or exhibition of the Registered or Designated Cultural Heritage under section 221, 222 or 223 to the Department in the manner and period specified in the approval.

Security Deposit and fees

225. In case of exhibition of Registered Movable Cultural Property is proposed to be held outside the country, the applicant shall furnish a security deposit of an amount equal to 100% of the valued amount of the Registered Movable Cultural Property to the Department.

Provided that the Government is exempt from furnishing such security deposit.

226. The amount of security deposit shall be paid in cash, cheque or demand draft being valid for a period as determined by the Department.

227. The security deposit shall be refunded upon the return of the Registered Movable Cultural Property to the country.

228. The security deposit shall be forfeited either in whole or in part at the absolute discretion of the Committee for breach of any conditions imposed in the permit.

229. An application under section 221, 222 or 223 is to be accompanied by a processing fee of Ngultrum 1 000/-.

CHAPTER 12 ACQUISITION AND PURCHASE

Acquisition

230. The Committee may, after serving 30 days' notice, acquire a Registered Movable Cultural Property or a part of the building of a Registered or Designated Heritage Site which was removed from the building under section 250 of the Act, if it is of the opinion that property is at the risk of losing its cultural heritage value under the present ownership.
231. The Committee may, after serving 30 days' notice, acquire a Registered or Designated Heritage Site under section 249 of the Act, if it is of the opinion that the site is at the risk of losing its cultural heritage value under the present ownership.
232. The Committee shall during the notice period give adequate opportunity to the owner to show cause against the proposed acquisition.
233. The Committee shall, based on the fair market value, determine the value of the Registered Movable Cultural Property or a part of the building of a Registered or Designated Heritage Site which was removed from the building.
234. A determination under section 233 shall be final and binding on the owner.
235. An acquisition of a Registered or Designated Heritage Site shall be done in accordance with the procedures established under the Land Rules and Regulations of the Kingdom of Bhutan 2007.
236. For the purpose of section 235, the Committee shall request the Land Acquisition and Allotment Committee to initiate the acquisition.

Purchase

237. For the purpose of section 251 of the Act, the Department on behalf of the Committee shall negotiate a purchase agreement with the owner of the movable cultural property or heritage site.
238. The Department shall, upon completion of the negotiation, submit the outcome to the Committee for approval.
239. The Committee may recommend any changes to the purchase agreement at the time of approval.
240. The Department shall, upon the approval under section 238, execute the purchase agreement with the owner on behalf of the Committee.

CHAPTER 13 CULTURAL HERITAGE FUND

Financial Management

241. The accounts of the Fund under section 15 of the Act will be administered through a bank registered in Bhutan and approved by the Committee.
242. The Fund shall not pay monies out of its account except in pursuance of activities specified in section 21 of the Act.
243. The Fund shall not transfer monies to non-official accounts except for making legitimate and documented payments.

Financial Powers

244. The Chairperson of the Committee is the approving authority for all expenditures within the Committee approved budget.
245. The Chairperson may delegate his or her financial powers to the head of the Department through a written order clearly specifying the:
- (1) nature of power delegated; and
 - (2) monetary ceiling.

Gifts and Bequest

246. The Chairperson of the Committee shall obtain expert valuation of the monetary value of an asset, if gifts and bequest are made in assets other than money.
247. The Committee may sell a non-monetary asset of the Fund and cause the proceeds to be credited to the Fund's bank account.

Fiscal Year

248. The financial year of the Fund shall coincide with the fiscal year of the Government.

Auditing

249. The Royal Audit Authority of Bhutan shall audit the books of accounts of the Fund.
250. The Committee shall engage the services of a qualified external auditor to carry out independent audit of the accounts of the Fund and where applicable, the recipients of disbursement on a regular basis.

251. The annual cost of auditing under section 250 shall be included in the Fund's annual budget.

CHAPTER 14 PENALTIES

252. An entity not submitting details of the Movable Cultural Property as specified in section 49 of the Act, is liable to a fine of one day's daily minimum national wage rate for every day of the continuance of the infringement.
253. An entity transporting Movable Cultural Property without a transit permit under section 96 or 97 shall be liable to a fine of daily minimum national wage rate up to a maximum of four hundred days or the seizure of the property or both.
254. An owner of a Registered Movable Cultural Property or a Registered or Designated Heritage Site, who transfers ownership without the prior approval of the Department under section 86 of the Act, is liable to a fine of daily minimum national wage rate up to a maximum of one hundred and twenty days.
255. An owner of a Registered Movable Cultural Property, who does not return the copy of *Gangchen Thram* to the Department under section 77, such owner is liable to a fine of one day's daily minimum national wage rate for every day of the continuance of the infringement.
256. Where an owner or caretaker does not heed to the written instructions issued by the Department under section 110 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of one hundred and twenty days.
257. Where an owner or caretaker conducts repair works on a Registered Movable Cultural Property without the prior approval of the Department under section 111 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of two hundred and forty days.
258. Where an owner installs a Registered Movable Cultural Property as *zung* without the approval of the Department under section 116 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of one hundred and sixty days.
259. Where an owner or caretaker of the Registered or Designated Heritage Site does not inform the Dzongkhag or Dzongkhag Thromde Administration within 10 days from the day where the owner or caretaker discovers destruction or damage under section 181 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of forty days.
260. Where an owner or bearer collects fees from the visitors without obtaining the permit for collection under section 224 of the Act, such owner or bearer is liable to a fine of daily minimum national wage rate up to a maximum of one hundred and sixty days.

261. Where an owner or bearer of a Registered or Designated Cultural Heritage does not reserve the percentage of fees for the sustenance of the Registered or Designated Cultural Heritage in accordance with section 213, such entity is liable to a fine of daily minimum national wage rate up to a maximum of eighty days or cancellation of the collection permit or both.
262. An entity that photographs or films Registered Movable Cultural Property or the interior of Registered or Designated Heritage Building without the approval of the Committee under section 233 or 234 of the Act or uses such photograph or film for purpose other than those specified in the approval, is liable to a fine of daily minimum national wage rate up to a maximum of one thousand and two hundred days.
263. An entity that conducts a survey, research or documentation, or organizes an exhibition of Registered Movable Cultural Property or Registered or Designated Heritage Site without the prior approval of the Department under section 235 of the Act, is liable to a fine of daily minimum national wage rate up to a maximum of one thousand and two hundred days.
264. A foreign entity which carries out survey, research, documentation, photography or filming or organize an exhibition of a Registered or Designated Intangible Cultural Heritage without the prior approval of the Department under section 238 of the Act or uses such results for the purpose other than those specified in the approval, is liable to a fine of daily minimum national wage rate up to a maximum of one thousand and six hundred days.
265. An entity which does not submit a report of the survey, research, documentation, photography, filming or exhibition to the Department under section 239 of the Act, is liable to a fine of daily minimum national wage rate up to a maximum of one hundred and twenty days.
266. Where an owner or caretaker or institutional entity, as the case may be, fails to report to the Dzongkhag or Dzongkhag Thromde Administration of a damage to a Registered Movable Cultural Property or secure the property including its broken parts against further damages and loss under section 107 of the Act, such owner or caretaker or institutional entity is liable to a fine of daily minimum national wage rate up to a maximum of four hundred days.
267. An entity in charge of civil or agricultural operation or other work which violates provisions under section 129 of the Act is liable to a fine of daily minimum national wage rate up to a maximum of two hundred and forty days.
268. An entity which executes works including demolition, alteration, extension or renovation of a Registered or Designated Heritage Building without the approval of

the Department under section 144 of the Act, is liable to a fine of daily minimum national wage rate up to a maximum of four hundred days.

269. An entity which executes works including development activity, or demolition, alteration, extension or renovation of existing building in the Important Cultural Site, Registered Archaeological Site, or the conservation zone of Registered or Designated Heritage Building, without the approval of the Department under section 145 of the Act, is liable to a fine of daily minimum national wage rate up to a maximum of three hundred days.
270. An owner or caretaker of a Registered or Designated Heritage Building or its conservation zone which executes works in contravention to instructions issued under section 151 or 156 of the Act, is liable to a fine of daily minimum national wage rate up to a maximum of four hundred days.
271. Where an owner or caretaker commences work in violation of section 162 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of two hundred and forty days.
272. Where an owner or caretaker does not prevent materials removed from a Registered or Designated Heritage Building from loss, weathering or deterioration in violation of section 164 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of four hundred days.
273. Where an individual owner or a group of owners of building or land in the Important Cultural Site executes work in contravention to the instructions issued under section 151 or 159 of the Act, such owner or group of owners are liable to a fine of daily minimum national wage rate up to a maximum of four hundred days.
274. Where an owner of a Registered Archaeological Site, or where appropriate, Dzongkhag or Dzongkhag Thromde Administration on behalf of an owner executes work in contravention to the instructions issued under section 151 or 159 of the Act, such owner or Dzongkhag or Dzongkhag Thromde Administration is liable to a fine of daily minimum national wage rate up to a maximum of two hundred and forty days.
275. Where an owner or caretaker of the Registered or Designated Heritage Site fails to execute emergency protection measures to prevent further destruction or damage under section 183 of the Act, such owner or caretaker is liable to a fine of daily minimum national wage rate up to a maximum of four hundred days.
276. Where an entity does not comply with the instructions of the Heritage Conservation Order under section 244 of the Act, such entity is liable to a fine of eight day's daily minimum national wage rate for every day of the continuance of the infringement.

277. Where an entity does not comply with the Interim Protection Order under section 253 of the Act, such entity is liable to a fine of eight day's daily minimum national wage rate for every day of the continuance of the infringement.

CHAPTER 15 MISCELLANEOUS

Authority of Interpretation and Amendment

278. The Committee shall have the authority on the interpretation of this Regulation.
279. The Cultural Heritage Committee shall, subject to the approval of the Prime Minister, have the power to amend the provisions of this Regulation.

Forms

280. The Department is authorized to amend the forms under this Regulation to obtain relevant information.

Authoritative text

281. The Dzongkha text shall be the authoritative text, if there is any difference in meaning between the Dzongkha and the English text.

Definition

282. In this Regulation, unless the context clearly requires otherwise:

“**Act**” means the Cultural Heritage Act 20...;

“**Chairperson**” means the chairperson of the Cultural Heritage Committee;

“**Committee**” means the Cultural Heritage Committee;

“**Department**” means the Department of Culture;

“**Fund**” means the Cultural Heritage Fund;

“**Linear project**” includes a road, a power line, a channel, or a pipe or conduit to transmit water, sewage, or power;

“**Road**” has the same meaning as in the Road Act of the Kingdom of Bhutan 2004;