

Federal Law on Archaeological, Artistic and Historical Monuments and Zones

Article 2

It is of public utility, the investigation, protection, conservation, restoration and recovery of archaeological, artistic and historical monuments and monument zones. The Ministry of Culture, the National Institute of Anthropology and History, the National Institute of Fine Arts and the other cultural institutes of the country, in coordination with state and municipal authorities and individuals, shall carry out permanent campaigns to promote knowledge and respect for archeological, historical and artistic monuments.

Article 3. Section II

The application of this Law corresponds to:

II. The Minister of Culture;

Article 27

The inalienable and imprescriptible, movable and immovable archaeological monuments are property of the Nation

Article 28

The archaeological monuments the movable and immovable goods are product of cultures prior to the establishment of the Hispanic in the national territory, as well as the human remains, of the flora and of the fauna, related to those cultures.

Article 28 BIS

For the purposes of this Law and its Regulations, the provisions on archaeological monuments and zones shall be applicable to the vestiges or fossil remains of organic beings that inhabited the national territory in ancient times and whose research, conservation, restoration, recovery or use are of paleontological interest, a circumstance that shall be stated in the respective declaration to be issued by the President of the Republic.

Article 29

Movable archaeological monuments may not be transported, exhibited or reproduced without the permission of the competent Institute. Whoever finds archaeological goods shall give notice to the nearest civil authority. The corresponding authority shall issue the official record of the notice, or delivery in its case, and shall inform the National Institute of Anthropology and History, within the following 24 hours, so that it may determine corresponding actions.

Article 33

Artistic monuments are those movable and immovable properties that have a relevant aesthetic value. In order to determine the relevant aesthetic value of any property, any of the following characteristics shall be considered: representativeness, insertion in a certain stylistic current, level of innovation, materials and techniques used and other similar features. In the case of immovable property, its significance in the urban context may also be considered. The works of living artists that have the nature of movable property may not be declared artistic monuments. The works of Mexican artists may be declared monuments, regardless of the place where they were produced.

In the case of foreign artists, only works produced in Mexican territory may be declared monuments. The declaration of monument may include all the work of an artist or only part of it. Likewise, works of authors whose identity is unknown may be declared artistic monuments or be included within the zones of artistic monuments. The mural work of relevant aesthetic value shall be conserved and restored by the State.

Article 35

Historic monuments are those properties linked to the history of the nation, from the establishment of the Hispanic culture in the country, under the terms of the respective declaration or by determination of the Law.

Article 36

By determination of this Law, historical monuments are:

I. Assets built in the XVI to the XIX centuries, intended to become temples and their annexes; archbishoprics, bishoprics and curial houses; seminaries, convents or any others dedicated to the administration, dissemination, teaching or practice of a religious cult; as well as education and teaching, to welfare or charitable purposes; to the public service and ornamentation and the use of the civil and military authorities. The furniture that is or has been found in these properties and the relevant private civil works made from the XVI to the XIX century.

II. Documents and files that belong or have belonged to the offices and archives of the Federation, from the federal entities or Municipalities and curial houses.

III. Original handwritten documents related to the history of Mexico and books, pamphlets and others printed in Mexico or abroad, during the sixteenth to nineteenth centuries that due to their rarity and importance for Mexican history, deserve to be preserved in the country.

IV. Scientific and technical collections may be included in this category, by means of the corresponding declaration.

Article 44

The National Institute of Anthropology and History is competent in the matter of monuments and zones of archaeological and historical monuments.

Article 45

The National Institute of Fine Arts and Literature is competent in the matter of monuments and zones of artistic monuments.

Article 46

In case of doubt about the competence of the Institutes to know a certain matter, the Minister of Culture shall decide to which one corresponds its handling. For competence purposes, the archaeological character of a property has priority over the historical character and this in turn, over the artistic character.

Article 49

Whoever performs any ownership transfer act or trade of a movable archaeological monument and whoever transports, exhibits or reproduces it without the corresponding permit and registration, shall be sentenced to three to ten years imprisonment and a fine of two thousand to three thousand days. Whoever orders, induces, directs, directs, organizes or finances the acts

described in this article, shall be subject to an increase of up to one half of the above-mentioned penalties.

Article 50

Whoever illegally possesses an archaeological monument or a movable historic monument and found in or coming from a property referred to in Section I of Article 36, shall be sentenced to three to nine years' imprisonment and a fine of two thousand to three thousand days.

Article 51

Whoever takes possession of an archaeological, historical or artistic movable monument without the consent of the individual who may dispose of it in accordance with the law, shall be sentenced to three to ten years' imprisonment and a fine of two thousand to three thousand days' imprisonment.

Article 53

Whoever by any means intends to remove or take out of the country an archaeological, artistic or historical monument, without the permission of the competent Institute, shall be sentenced to five to twelve years in prison and a fine of three thousand to five thousand days' imprisonment. Whoever orders, induces, directs, directs, organizes or finances the conducts described in the preceding paragraph, shall be subject to an increase of up to one half of the aforementioned penalties.

Article 53 BIS

Whoever introduces into national territory, removes from the country or transfers ownership of cultural property, in violation of the legal provisions adopted in the country of origin thereof, shall be sentenced to three to twelve years' imprisonment and a fine of two thousand to four thousand days of the general minimum wage in force in the Federal District. The assets in question shall be seized and shall remain at the disposal of the authorities of the country of origin.