

SEOUL METROPOLITAN GOVERNMENT ENFORCEMENT RULE OF THE ORDINANCE ON THE PROTECTION OF CULTURAL ASSETS

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Rule is to prescribe matters delegated by the Seoul Metropolitan Government Ordinance on the Protection of Cultural Heritage and matters necessary for the enforcement thereof.

Article 2 (Definitions)

The definitions of terms used in this Rule shall be as follows:

1. "Designated cultural heritage" refers to designated cultural heritage of Seoul Metropolitan Government, designated pursuant to Article 8 (1) of Seoul Metropolitan Government Ordinance on the Protection of Cultural Heritage (hereinafter referred to as the "Ordinance");
2. "Tangible cultural heritage" refers to cultural heritage designated pursuant to Article 8 (1) 1 of the Ordinance;
3. "Intangible cultural heritage" refers to cultural heritage designated pursuant to Article 8 (1) 2 of the Ordinance;
4. "Monuments" refers to monuments designated pursuant to Article 8 (1) 3 of the Ordinance;
5. "Folklore resource" refers to folklore resource designated pursuant to Article 8 (1) 4 of the Ordinance;
6. "Cultural heritage resources" refers to cultural heritage resources designated pursuant to Article 9 of the Ordinance.

CHAPTER II FORMULATION AND IMPLEMENTATION OF POLICIES ON PROTECTION OF CULTURAL HERITAGE

Article 3 (Procedures for Formulation of Implementation Plan for Preservation of Cultural Heritage, etc.)

CHAPTER II FORMULATION AND IMPLEMENTATION OF POLICIES ON PROTECTION OF CULTURAL HERITAGE (1) The following shall be included in an implementation plan by year on the master plan for cultural heritage (hereinafter referred to as "implementation plan") under Article 3 of the Ordinance:

1. Direction for implementation of projects in the relevant year;
2. Policies on implementation of each important project;
3. A detailed plan for each important project; and
4. Other matters necessary for the preservation, management and utilization of cultural heritage.

(2) Where the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") formulates an implementation plan, he/she may hear opinions of commissioners of the Cultural Heritage Commission (hereinafter referred to as the "Commission") of the Seoul Metropolitan Government under Article 42 of the Ordinance, and owners, custodians and management organizations of cultural heritage.

(3) If necessary to formulate an implementation plan, the Mayor may request the head of each autonomous Gu (hereinafter referred to as "head of a Gu") to submit data on cultural heritage in the district under his/her jurisdiction.

(4) The Mayor shall submit an implementation plan of the relevant year and the results of the implementation of the implementation plan of the preceding year to the Administrator of the Cultural Heritage Administration of Korea by January 31 every year pursuant to Article 4 (2) of the Enforcement Decree of the Cultural Heritage Protection Act (hereinafter referred to as the "Enforcement Decree").

(5) The Mayor shall officially announce an implementation plan of the relevant year on the bulletin board and the Internet homepage of the Seoul Metropolitan Government by the end of February every year pursuant to Article 4 (3) of the Enforcement Decree.

CHAPTER III DEVELOPMENT OF INFRASTRUCTURE FOR PRESERVATION OF CULTURAL HERITAGE

Article 4 (Procedures for Basic Investigation of Cultural Heritage)

CHAPTER III DEVELOPMENT OF INFRASTRUCTURE FOR PRESERVATION OF CULTURAL HERITAGE(1) If the Mayor intends to conduct a basic investigation of cultural heritage under Article 5 (1) of the Ordinance, he/she shall prepare a plan for investigation including overall matters, such as investigators, subjects of investigation, the details of investigation, and submit such plan to the Administrator of the Cultural Heritage Administration before he/she starts the basic investigation.

(2) The Mayor shall prepare and submit a report of investigation including the following within 60 days from the date he/she completes a basic investigation of cultural heritage:

1. General matters of investigation, such as investigators, the details of investigation, methods of investigation;
2. The detailed current state of cultural heritage investigated; and
3. Matters concerning an owner or custodians, location, history, etc. of cultural heritage investigated.

(3) Notwithstanding paragraph (2), where a period for a basic investigation of cultural heritage exceeds one year, the Mayor shall prepare and submit an interim report including matters under the subparagraphs of paragraph (2) to the Administrator of the Cultural Heritage Administration of Korea whenever one year passes after the basic investigation is started.

Article 5 (Scope of Establishment of Cultural Heritage Information System and Operation thereof, etc.)

(1) The scope of the establishment of the cultural heritage information system under Article 6 (3) of the Ordinance shall be as follows:

1. The basic data for the current status including the name, location, owner, etc. of cultural heritage;
2. Data on the preservation, management and utilization of cultural heritage;
3. Cultural heritage investigation, discovery and research data;
4. Data helpful to understanding the relevant cultural heritage, such as photographs, drawings, videos; and
5. Other matters deemed necessary by the Mayor, which are data worth information about cultural heritage.

(2) The Mayor may establish data under the subparagraphs of paragraph (1) in the form of electronic information, book, etc., and provide citizens with details established for the efficient utilization of information about cultural heritage through the data center or the Internet homepage of the Seoul Metropolitan Government.

Article 6 (Preparation of Manuals to Deal with Fire)

(1) The scope of cultural heritage for which manuals to deal with fire should be prepared shall be as follows:

1. Wooden buildings among designated cultural heritage;
2. Wooden buildings in a designated cultural heritage site and wooden buildings in a protected area: Provided, That buildings the importance of which is minor, such as a restroom and rest facilities, shall be excluded; and
3. Wooden buildings in a world heritage site under Article 19 (1) of the Cultural Heritage Protection Act: Provided, That buildings the importance of which is minor, such as a restroom and rest facilities, shall be excluded.

(2) The following shall be included in manuals to deal with fire under Article 7 (3) of the Ordinance:

1. Fire prevention activities;
2. How to report when a fire breaks out; and
3. How to deal with fire when a fire breaks out, such as relocation, dispersion, evacuation, etc. of cultural heritage.

CHAPTER IV DESIGNATION OF CULTURAL HERITAGE

Article 7 (Criteria for Designation of Designated Cultural Heritage)

CHAPTER IV DESIGNATION OF CULTURAL HERITAGECriteria for designation of designated cultural heritage under Article 8 of the Ordinance shall be as specified in attached Table 1.

Article 8 (Procedures for Designation of Designated Cultural Heritage)

(1) Where an owner of cultural heritage or a third party intends to apply for designation of cultural heritage, he/she shall prepare and submit an application for designation of cultural heritage in Form 1 to the Mayor.

(2) If the Mayor intends to designate designated cultural heritage, he/she shall request three experts or more, such as members of a subcommittee or expert members in the relevant field of the Commission, to investigate and examine the relevant cultural heritage.

(3) A person who is requested pursuant to paragraph (2) shall investigate and examine the relevant cultural heritage, and prepare and submit a report of investigation to the Mayor.

(4) Where the Mayor deems that the relevant cultural heritage is worth designation as designated cultural heritage as a result of the examination of a report of investigation under paragraph (3), he/she shall make a previous announcement of matters to be deliberated in the Official Gazette of the Seoul Metropolitan Government for at least 30 days before deliberation by the Commission.

(5) The Mayor shall determine whether to designate cultural heritage as designated cultural heritage following deliberation by the Commission within six months from the date a previous announcement ends in consideration of a report of investigation under paragraph (3) and the results of the previous announcement under paragraph (4).

Article 9 (Criteria and Procedures for Recognition of Holders or Honorary Holders of Intangible Cultural Heritage)

(1) Where the Mayor recognizes a holder (including a holder group; hereinafter the same shall apply) or honorary holder of intangible cultural heritage under the provisions of Article 8 (2) through (4) of the Ordinance, he/she shall comply with the following criteria:

1. A holder: A person who masters and preserves art or craft of intangible cultural heritage in its original form and can reproduce it in its original form;
2. A holder group: A group which preserves art or craft of intangible cultural heritage in its original form and can reproduce it in its original form (limited to cases where an individual is unable to reproduce the relevant intangible cultural heritage because of the nature of the art or craft thereof, or a number of persons deserve to be recognized as a holder); and
3. An honorary holder: A person who has difficulty in normally conducting education to instruct the art or craft of intangible cultural heritage due to his/her physical or mental disability, etc. among holders of intangible cultural heritage.

(2) The provisions of Article 8 (2) through (5) shall apply mutatis mutandis to the procedure for recognition of a holder or honorary holder of intangible cultural heritage under the provisions of Article 8 (2) through (4) of the Ordinance.

Article 10 (Criteria and Procedures for Designation of Cultural Heritage Resources)

(1) Cultural heritage resources shall be designated as a whole, without classifying them by types under Article 8 (1) of the Ordinance, and criteria stipulated in attached Table 1 shall apply mutatis mutandis thereto.

(2) Article 8 shall apply mutatis mutandis to the procedure for designation of cultural heritage resources.

Article 11 (Criteria and Procedures for Designation of Protected Objects or Protected Areas)

(1) Criteria for designation of a protected object or protected area under Article 10 of the Ordinance shall be as specified in attached Table 2.

(2) Where the Mayor deems it necessary due to artificial or natural conditions or other special circumstances, he/she may relax or tighten criteria for designation of a protected object or protected area referred to in paragraph (1) following deliberation by the Commission.

(3) Article 8 shall apply mutatis mutandis to the procedure for designation of a protected object or protected area.

Article 12 (Announcement of Designation, Recognition, Cancellation, etc.)

Where the Mayor designates or recognizes cultural heritage pursuant to Article 11 of the Ordinance or cancels the designation or recognition thereof pursuant to Article 14 of the Ordinance, he/she shall announce the following in the Official Gazette of the Seoul Metropolitan Government:

1. The classification, designation number, name, quantity, location or storing place of designated cultural heritage and cultural heritage resources (hereinafter referred to as "designated cultural heritage, etc.");
2. The name, quantity and location of a protected object or protected area of designated cultural heritage, etc.;
3. The name and address of an owner or possessor of designated cultural heritage, etc. and its protected object or protected area;
4. The name, gender, the date of birth, address or the date of death of a holder or honorary holder of intangible cultural heritage (in cases of a holder group, its name, location, the date of the establishment thereof, and the name, gender, the date of birth and address of its representative);
5. Reasons for designation, recognition or cancellation.

Article 13 (Data Relating to Designation)

(1) The following shall be included in an application for designation which should be submitted for designation of designated cultural heritage, etc. or its protected object or protected area:

1. The classification, name, quantity, location or storing place of designated cultural heritage, etc.;
2. The name and address of an owner, holder, possessor or custodian of designated cultural heritage, etc. (in cases of a holder group of intangible cultural heritage, the name and the date of the establishment thereof, and the name and address of its representative);
3. The name and address of an owner, possessor or custodian of the location or storing place of designated cultural heritage, etc. (where it is necessary to designate a protected area or protected object, its area or quantity and the name and address of an

owner, possessor or custodian)

4. The author, the history and a legend of designated cultural heritage, etc.;

5. An explanation about the current situation;

6. The materials, quality, structure, form, size and shape of designated cultural heritage, etc. (in cases of intangible cultural heritage, the details and features thereof)

7. Photographs, drawings, sound recordings and records of designated cultural heritage, etc.;

8. Matters concerning restrictions or prohibition necessary for the protection and management of designated cultural heritage, etc.; and

9. Other matters necessary for designation.

(2) Where a person applies for designation of intangible cultural heritage or for recognition of a holder or honorary holder of intangible cultural heritage, he/she shall include the following in such application in addition to matters under the subparagraphs of paragraph (1): Provided, That in cases of an application for recognition of an honorary holder, a curriculum vitae under subparagraph 1 shall not be included:

1. A curriculum vitae of a holder (in cases of a holder group, referring to its representative; hereafter the same shall apply in this Article);

2. Two copies of photograph (a business card-sized photograph showing upper body off the hat taken within the last six months) of a holder or honorary holder.

Article 14 (Certificate of Designation of Tangible Cultural Heritage, etc.)

(1) The following shall be mentioned in a certificate of designation of tangible cultural heritage, a monument, folklore resources or cultural heritage resources pursuant to Article 12 (1) of the Ordinance:

1. The name and quantity;

2. The designation number and the date of designation;

3. In cases of a building, its structure and form;

4. In cases of an object other than a building, its size, shape, material and other features;

5. The location or storing place; and

6. The name and address of an owner.

(2) A certificate of designation pursuant to paragraph (1) shall be in accordance with Form 2.

(3) When matters referred to in the subparagraphs of paragraph (1) are mentioned, where there are details in the quantity referred to in subparagraph 1 of the same paragraph, such details and matters referred to in subparagraphs 3 and 4 shall be mentioned in an appendix to a certificate of designation in Form 3. In such cases, an appendix to a certificate of designation shall be deemed a part of the relevant certificate of designation, and a seal shall be affixed between an appendix and the back of the certificate of designation.

(4) When a certificate of designation referred to in paragraph (1) is destroyed or damaged, an owner of the relevant cultural heritage shall be reissued a certificate of designation.

(5) Where the Mayor issues or reissues a certificate of designation of tangible cultural heritage, a monument, folklore resources or cultural heritage resources, he/she shall enter the details thereof in the book of issuance of certificates of designation in Form 4.

(6) The Mayor shall prepare the book of issuance of certificates of designation referred to in paragraph (5) by electronic method except cases where there is a particular reason.

Article 15 (Certificate of Recognition of Holder or Honorary Holder of Intangible Cultural Heritage, etc.)

(1) A certificate of recognition of a holder or honorary holder of intangible cultural heritage pursuant to Article 12 (2) of the Ordinance shall be in accordance with Form 5, a certificate of recognition of a holder group shall be in accordance with Form 6, and an identification card of a holder or honorary holder shall be in accordance with Form 7.

(2) Where a certificate of recognition or identification card referred to in paragraph (1) is destroyed or damaged, the relevant holder or honorary holder shall be reissued a certificate of recognition or identification card.

(3) Where the Mayor issues or reissues a certificate of recognition of a holder or honorary holder or a certificate of recognition of a holder group of intangible cultural heritage, he/she shall enter the details thereof in the book of issuance of certificates of recognition in Form 8, and where he/she issues or reissues an identification card of a holder or honorary holder, he/she shall enter the details thereof in the book of issuance of identification cards in Form 9.

Article 16 (Procedures for Cancellation of Designation of Designated Cultural Heritage, etc.)

Article 8 shall apply mutatis mutandis to any of the following cases:

1. The cancellation of designation of designated cultural heritage, etc. pursuant to Article 14 (1) of the Ordinance;

2. The cancellation of recognition of a holder of intangible cultural heritage pursuant to Article 14 (2) of the Ordinance;

3. The cancellation of designation of intangible cultural heritage pursuant to Article 14 (3) of the Ordinance;

4. The cancellation of designation and the adjustment of the scope of designation a protected object or protected area pursuant to Article 14 (4) of the Ordinance.

Article 17 (Provisional Designation)

Where the Mayor provisionally designates cultural heritage as designated cultural heritage pursuant to Article 15 of the Ordinance, he/she shall classify such cultural heritage into tangible cultural heritage, a monument, folklore resources or cultural heritage resources.

CHAPTER V MANAGEMENT AND PROTECTION OF CULTURAL HERITAGE

Article 18 (Designation of Management Organizations)

CHAPTER V MANAGEMENT AND PROTECTION OF CULTURAL HERITAGE(1) Where the Mayor designates an autonomous Gu for designated cultural heritage, etc. or a corporation or organization appropriate to manage the relevant designated cultural heritage, etc. (hereinafter referred to as "management organization") pursuant to Article 18 of the Ordinance, he/she shall issue a certificate of designation of a management organization in Form 10.

(2) Where the Mayor issues a certificate of designation of a management organization pursuant to paragraph (1), he/she shall enter the details thereof in the book of issuance of certificates of designation of management organizations in Form 11 and manage such book.

(3) A management organization which is issued a certificate of designation of a management organization pursuant to paragraph (1) shall return such certificate of designation within ten days when the period of designation expires or designation is cancelled.

Article 19 (Books)

(1) The Mayor shall prepare and keep records on the preservation and management of and changes in designated cultural heritage, etc. under Article 27 of the Ordinance in accordance with the following classification:

1. Tangible cultural heritage, monuments, folklore resources, cultural heritage resources: Form 12;
2. Intangible cultural heritage: Form 13.

(2) Where the Mayor prepares a record pursuant to paragraph (1), he/she shall attach data pursuant to the following classification to the book of designated cultural heritage, etc.:

1. Tangible cultural heritage, monuments, folklore resources, cultural heritage resources: Photographs, a surveyed map, cadastral map and plot plan of the relevant designated cultural heritage, etc, and its protected object and protected area;
2. Intangible cultural heritage: Sound recordings, pictures, music, transcripts and photographs of a holder.

(3) Index for each designation number and the all-inclusive table shall be attached to the book of designated cultural heritage, etc.

(4) Paragraph (1) shall apply mutatis mutandis to provisionally designated cultural heritage under Article 15 of the Ordinance.

Article 20 (Application for Permission)

A person who intends to obtain permission from the Mayor on an act falling under any of the subparagraphs of Article 20 of the Ordinance shall submit an application for permission, including the classification, designation number, name, quantity and location, etc. of the relevant designated cultural heritage, etc., pursuant to the following classification to the Mayor:

1. A person who intends to obtain permission to capture animals, gather plants or carry minerals out pursuant to subparagraph 1 of Article 20 of the Ordinance: Form 14;
2. A person who intends to obtain permission to make a rubbing of, photoprint, or take pictures of designated cultural heritage, etc. pursuant to subparagraph 2 of Article 20 of the Ordinance: Form 15;
3. A person who intends to obtain permission to change the present conditions, etc. of designated cultural heritage, etc. or its protected object or protected area pursuant to subparagraph 3 of Article 20 of the Ordinance: Form 16; and
4. A person who intends to apply for change of permitted matters pursuant to Article 20 of the Ordinance: Form 17.

Article 21 (Scope of Insignificant Acts)

"Insignificant acts prescribed by rule" in the proviso to subparagraph 3 of Article 20 of the Ordinance refers to an act falling under any of the following:

1. Straightening a tilted stereobate and stairway of a building;
2. Repairing part of a wall without a mural liable to fall apart or part already fallen apart to its original state;
3. Papering a sliding door or repairing a door partially broken;
4. Spreading mud on the ceiling from which mud was fallen apart due to water leak, etc.;
5. Repairing partial breakage of the floor;
6. Repairing a stone marker, notice board, warning board, etc.;
7. Straightening roof tiles loosened for leakage protection;
8. Repairing a restroom in its original form;
9. Straightening a row of roof tiles on the wall or collapsed part to its original state;
10. Repairing the washed away part of a plaza;
11. Turfing or mowing grass;
12. Leveling earth on a masonry retaining wall;

13. Maintaining and repairing an existing access road;
14. Dredging an existing drainageway;
15. Removing scrub for the management of remains, such as a castle and building site;
16. Repairing an electrical structure and fire-fighting equipment;
17. Repairing an antitheft alarm system;
18. Repairing a protective fence;
19. Other acts determined by the Mayor.

Article 22 (Report on Appointment of Custodian, etc.)

(1) A person who intends to report because a reason falling under any of the provisions of subparagraphs 1 through 8 of Article 24 of the Ordinance arises regarding designated cultural heritage, etc. shall submit a report pursuant to the following classification to the Mayor within 15 days from the date such reason arises:

1. A report on the appointment or dismissal of a custodian of designated cultural heritage, etc. under subparagraph 1 of Article 24 of the Ordinance: Form 18;
2. A report on the change of an owner of designated cultural heritage, etc. under subparagraph 2 of Article 24 of the Ordinance: Form 19;
3. A report on the change of the name or address of an owner, holder or custodian of designated cultural heritage, etc. under the provisions of subparagraphs 3 through 5 of Article 24 of the Ordinance, the location of designated cultural heritage, or a storing place: Form 20;
4. A report on the destruction, loss, robbery of or damage to designated cultural heritage, etc. under subparagraph 6 of Article 24 of the Ordinance: Form 21;
5. A report on reentry of designated cultural heritage, etc. under subparagraph 7 of Article 24 of the Ordinance; Form 22; and
6. A report on the commencement and completion of changing the present conditions of designated cultural heritage, etc. under subparagraph 8 of Article 24 of the Ordinance.

(2) Where a reason to report under subparagraph 9 of Article 24 of the Ordinance arises regarding designated cultural heritage, etc., a person who intends to report shall submit a report pursuant to the following classification to the Mayor through the head of a Gu one month before the scheduled date of carrying out in cases of carrying out, or within 15 days from the date of reentry in cases of reentry:

1. A report on carrying designated cultural heritage, etc. out of Seoul Metropolitan City; Form 24;
2. A report on reentry of designated cultural heritage: Form 25.

Article 23 (Instruction)

The Mayor may have a holder of intangible cultural heritage examine craft or art (hereinafter referred to as "craft or art") of a person who has received instruction on the relevant intangible cultural heritage for not less than three years and issue a certificate of completion of instruction on intangible cultural heritage in Form 26 to a person whose craft or art is deemed to have reached a reasonable level pursuant to Article 25 (2) of the Ordinance.

Article 24 (Reasons for Exception to Conducting Instruction)

Reasons that a holder of intangible cultural heritage need not conduct instruction pursuant to the proviso to Article 25 (2) of the Ordinance shall be as follows:

1. Where it is impossible for him/her to provide instruction due to his/her illness or other accident;
2. Where he/she is to study or be trained in an overseas university or research institution for not less than one year.

Article 25 (Granting Subsidies to Holders, etc. of Intangible Cultural Heritage)

(1) The Mayor shall determine criteria, such as items and subjects, for granting subsidies for instruction to holders, etc. of intangible cultural heritage, awarding instruction scholarships and granting special subsidies to honorary holders under the provisions of Article 25 (3) through (5) of the Ordinance, following deliberation by the Commission.

(2) The Mayor shall grant special subsidies to honorary holders under paragraph (1) in consideration of the level of their contribution to the dissemination and development of the relevant cultural heritage, their level of living, etc.

Article 26 (Assistants in Instruction)

(1) A holder of intangible cultural heritage may recommend a person who intends to be an assistant in instruction on intangible cultural heritage to the Mayor in order to have such person assist him/her in his/her instruction: Provided, That where a holder of intangible cultural heritage is unable to recommend an assistant in instruction due to his/her death or the cancellation of recognition, the Mayor may request a member or expert member of a subcommittee in the relevant field of the Commission to recommend such assistant.

(2) If a holder of intangible cultural heritage intends to recommend assistants in his/her instruction pursuant to paragraph (1), he/she shall recommend at least double the number of assistants in his/her instruction the Mayor intends to select, from among those who have received a certificate of completion of instruction on intangible cultural heritage pursuant to Article 23. In such

cases, recommendation shall be made in Form 27 and the following documents shall be attached thereto:

1. Curriculum vitae of persons eligible for recommendation (including three copies of photograph);
2. A written pledge in Form 28.

(3) The Mayor may select assistants in instruction on intangible cultural heritage from among those recommended pursuant to paragraph (1).

(4) If the Mayor intends to select assistants in instruction on intangible cultural heritage, he/she shall appoint at least three experts, including members or expert members of a subcommittee in the relevant field of the Commission, in order to have them examine the craft or art of those recommended pursuant to paragraph (1).

(5) If the Mayor selects assistants in instruction on intangible cultural heritage, he/she shall issue a certificate of assistant in instruction in Form 29.

(6) If an assistant in instruction loses a certificate referred to in paragraph (5) or it is worn out, he/she may be reissued a certificate of assistant in instruction.

(7) Where the Mayor issues a certificate of assistant in instruction on intangible cultural heritage pursuant to paragraph (5) or reissues such certificate pursuant to paragraph (6), he/she shall enter the details thereof in the book of the issuance of certificates of assistant in instruction on intangible cultural heritage in Form 30.

(8) The Mayor shall prepare and manage the book of the issuance of certificates of assistant in instruction on intangible cultural heritage under paragraph (7) by electronic method: Provided, That where there is a particular reason, this shall not apply.

(9) The Mayor may provide expenses incurred in assisting in instruction to assistants in instruction on intangible cultural heritage within the budgetary limits.

Article 27 (Instruction Scholarship Students)

(1) The Mayor shall determine items by field of intangible cultural heritage for which he/she may award of a scholarship to those who receive instruction pursuant to Article 25 (4) of the Ordinance, following deliberation by the Commission.

(2) The Mayor may select instruction scholarship students on the recommendation of a holder of intangible cultural heritage from among those who receive instruction on intangible cultural heritage falling under items by field under paragraph (1).

(3) Where a holder of intangible cultural heritage recommends instruction scholarship students pursuant to paragraph (2), he/she shall submit to the Mayor a letter of recommendation of instruction scholarship students of intangible cultural heritage in Form 31 along with documents referred to in the subparagraphs of Article 26 (2).

(4) Criteria for selecting instruction scholarship students of intangible cultural heritage shall be as follows:

1. A person who is receiving instruction from a holder of intangible cultural heritage for not less than six months and has a talent for the craft or art of the relevant intangible cultural heritage;
2. A person who has been engaged in the field related to intangible cultural heritage for not less than one year and intends to inherit the craft or art of the relevant intangible cultural heritage.

(5) The age limit to be selected as instruction scholarship students for intangible cultural heritage shall be as specified in attached Table 3.

(6) The period of instruction for an instruction scholarship student shall be five years: Provided, That this shall not apply in cases where an instruction scholarship student is issued a certificate of completion of instruction on intangible cultural heritage referred to in Article 23.

(7) Where a person who is selected as an instruction scholarship student pursuant to paragraph (2) falls under any of the following, a holder of intangible cultural heritage shall report it to the Mayor without delay:

1. Where he/she is unable to receive instruction on intangible cultural heritage due to his/her physical or mental disability or for other reasons;
2. Where his/her performance of receiving instruction is substandard.

(8) Where an instruction scholarship student falls under any of the subparagraphs of paragraph (7), the Mayor shall suspend to award a scholarship.

Article 28 (Notice of Performance of Repairs, etc. and Compensation for Loss)

(1) If the Mayor intends to take measures referred to in the subparagraphs of Article 26 (1) of the Ordinance at the expense of the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") pursuant to Article 26 (2) of the Ordinance, he/she shall inform an owner or custodian of the classification, designation number, name, quantity of designated cultural heritage, etc., and the details or time of the commencement of repairs or measures, and other necessary matters.

(2) A person who intends to receive compensation for loss pursuant to Article 30 of the Ordinance shall submit an application in which the classification, designation number, name, quantity, location or storing place of designated cultural heritage, etc. and the reasons therefor are stated to the Mayor along with evidential documents.

(3) If the Mayor receives an application pursuant to paragraph (2), he/she shall investigate the fact and compensate an applicant for the loss if he/she confirms that the cause of loss is not because of a reason attributable to an owner, holder or custodian or management organization of intangible cultural heritage, etc.

Article 29 (Entrustment of Regular Investigations, etc.)

The Mayor shall entrust an institution or organization falling under any of the following with regular investigations and reinvestigations of designated cultural heritage, etc. pursuant to Article 28 (7) of the Ordinance.

1. A corporation or organization established for the purpose of investigation, research, education, repair or academic activities related to designated cultural heritage, etc.;
2. A museum under Articles 10, 12 or 14 of the Museum and Art Gallery Support Act.

CHAPTER VI DISCLOSURE OF CULTURAL HERITAGE AND ADMISSION FEES

Article 30 (Announcement of Restrictions on Disclosure, etc.)

CHAPTER VI DISCLOSURE OF CULTURAL HERITAGE AND ADMISSION FEES(1) If the Mayor restricts the disclosure of designated cultural heritage, etc. pursuant to Article 34 (3) of the Ordinance, he/she shall announce the following in the Official Gazette of the Seoul Metropolitan Government:

1. The classification, designation number, name and location of the relevant designated cultural heritage, etc.;
2. The location of an area where the relevant designated cultural heritage is located;
3. A period during which and an area in which the disclosure of designated cultural heritage, etc. is restricted;
4. A reason for restrictions on disclosure; and
5. Details of sanctions at the time of violation of restrictions on disclosure.

(2) The head of a Gu notified of measures for restrictions on disclosure pursuant to Article 34 (3) of the Ordinance shall notify an owner, custodian or management organization of the relevant designated cultural heritage, etc. of restrictions on disclosure, and install a notice board in which matters referred to in the subparagraphs of paragraph (1) are mentioned around designated cultural heritage, etc. the disclosure of which is restricted.

(3) If the Mayor cancels restrictions on the disclosure of designated cultural heritage, etc. pursuant to Article 34 (4) of the Ordinance, he/she shall announce the following in the Official Gazette of the Seoul Metropolitan Government:

1. The classification, designation number, name and location of the relevant designated cultural heritage, etc.;
2. An area in which restrictions on disclosure is cancelled; and
3. A reason for the cancellation of restrictions on disclosure.

(4) The head of a Gu notified of the cancellation of restrictions on disclosure pursuant to Article 34 (4) of the Ordinance shall remove a notice board under paragraph (2).

Article 31 (Permission to Have Access to Area in which Disclosure is Restricted)

(1) Where a person who intends to have access to an area in which disclosure is restricted pursuant to Article 34 (5) of the Ordinance falls under any of the following, the Mayor may permit him/her to have access to the area:

1. Where it is necessary for repair and management of designated cultural heritage, etc.;
2. Where it is necessary for a scientific investigation for the protection and preservation of designated cultural heritage, etc.;
3. Where the Mayor deems it necessary for the preservation and utilization of the relevant designated cultural heritage, etc.

(2) A person who intends to obtain permission under paragraph (1) shall submit an application for permission to have access to an area in which the disclosure of designated cultural heritage, etc. is restricted (including an application in electronic form) in Form 32 along with documents (including electronic documents) that may demonstrate a reason falling under any of the subparagraphs of paragraph (1), such as a project plan or research plan, to the Mayor through the head of a Gu.

Article 32 (Reasons for Exception to Disclosure of Craft or Art)

Reasons by which a holder of intangible cultural heritage may choose not to disclose his/her possessed craft or art pursuant to Article 36 (1) of the Ordinance shall be as follows:

1. Where it is impossible for him/her to disclose his/her craft or art due to his/her illness or other accident;
2. Where he/she is to study or be trained in an overseas university or research institution for not less than one year.

Article 33 (Methods for Disclosure of Craft or Art)

Where a holder of intangible cultural heritage discloses his/her craft or art pursuant to Article 36 (2) of the Ordinance, he/she shall perform his/her art or craft intended for citizens in a public space.

Article 34 (Providing Expenses Incurred in Disclosure of Craft or Art)

(1) Where the Mayor provides all or some of expenses incurred in the disclosure of craft or art within the budgetary limits pursuant to Article 36 (3) of the Ordinance, he/she may provide expenses differently in consideration of the character and features of each item of intangible cultural heritage.

(2) A person who intends to be provided with expenses incurred in the disclosure of craft or art pursuant to Article 36 (3) of the Ordinance shall submit a plan for a public event before he/she conducts the public event, and report the results of such public event to the Mayor within 30 days from the date he/she completes the event.

CHAPTER VII OPERATION OF CULTURAL HERITAGE OWNED BY SEOUL GOVERNMENT

Article 35 (Holidays for Cultural Heritage Owned by the Seoul Government)

CHAPTER VII OPERATION OF CULTURAL HERITAGE OWNED BY SEOUL GOVERNMENT(1) One day in each week shall be a holiday for the efficient management of cultural heritage and cultural heritage-related facilities owned by the Seoul Government (hereinafter referred to as "cultural heritage owned by the Seoul Government").

(2) The Mayor shall determine holidays in consideration of the conditions of each cultural heritage owned by the Seoul Government.

<Amended by Ordinance No. 3969, May 22, 2014>

Article 36 (Opening or Using Hours of Cultural Heritage Owned by the Seoul Government)

Opening or using hours of cultural heritage owned by the Seoul Government shall be as follows: Provided, That this shall not apply in cases where the Mayor reduces or extends opening or using hours of cultural heritage because he/she deems it necessary:

1. Summertime (March through October): 09:00 - 18:00;
2. Wintertime (November through February): 09:00 - 17:00.

Article 37 (Restrictions on Viewing or Use of Cultural Heritage Owned by the Seoul Government)

Where a visitor or user falls under any of the following, the Mayor may restrict the viewing or use of cultural heritage owned by the Seoul Government:

1. Where a visitor or user does damage to cultural heritage owned by the Seoul Government or other facilities, etc.;
2. A political rally or religious event;
3. Conducting business intended for visitors without prior approval from the Mayor.

Articles 38 through 40 Deleted. <by Ordinance No. 3969, May 22, 2014>

Article 41 (Permission to Use Cultural Heritage Owned by the Seoul Government and Collection of Rental Fees)

(1) A person who intends to obtain permission to take pictures pursuant to Article 39 of the Ordinance shall submit an application for taking pictures in Form 33 to the Mayor along with necessary documents not later than five days prior to taking pictures.

(2) When the Mayor intends to grant permission on an application under paragraph (1), he/she shall send an applicant a written permission to take pictures in Form 34 in which the details and conditions of permission are stated.

(3) A person who intends to obtain permission to use a place pursuant to Article 39 of the Ordinance shall submit an application for permission to use a place in Form 35 to the Mayor along with necessary documents not later than 20 days prior to the use thereof.

(4) When the Mayor intends to grant permission on an application under paragraph (3), he/she shall send an applicant a written permission to use a place in Form 36 in which the details and conditions of permission are stated.

(5) A person who obtains permission to take pictures pursuant to paragraph (2) or permission to use a place pursuant to paragraph (4) shall pay a rental fee specified in attached Table 5 by the day before the date of use.

(6) The Mayor shall not refund a rental fee on unuse after the date of use: Provided, That this shall not apply in cases where an applicant has not used cultural heritage owned by the Seoul Government without a reason imputable to him/her.

(7) Notwithstanding paragraph (5), where an applicant falls under any of the following, the Mayor may exempt him/her from a rental fee:

1. An event or taking pictures for the discovery, preservation and transmission of traditional culture and art managed or supported by the State or a local government;
2. An event or taking pictures for the purpose of public relations of the government administration or the government administration and education of traditional culture;
3. Events, such as conferences and exhibitions held by the government, an international organization or public institution under Article 4 of the Act on the Management of Public Institutions;
4. Events intended for children and juveniles, such as writing, painting or drawing pictures and calligraphy, which have obtained prior permission from the Mayor and events for public interest; and
5. An event acknowledged by the Mayor for public relations of the relevant cultural heritage owned by the Seoul Government.

Article 42 (Cancellation of Permission to Use Cultural Heritage Owned by the Seoul Government)

(1) A person who obtains permission to use cultural heritage owned by the Seoul Government pursuant to Article 41 shall consult about the following with the Mayor or the head of a cultural heritage management agency in advance:

1. Matters concerning the responsibility of erection, removal and safety management of structures;
2. Matters concerning carrying goods and equipment into and out of cultural heritage and the access of vehicles for event; and
3. Other matters necessary for the preservation and management of cultural heritage.

(2) Where a person who has obtained permission falls under any of the following, the Mayor or the head of a cultural heritage management agency may suspend to use or cancel permission to use cultural heritage pursuant to paragraph (1):

1. Where he/she changes or violates the details of application, the conditions of permission or matters to be observed;
2. Where he/she uses cultural heritage for the purpose other than the details of permission;
3. Where he/she is unable to hold an event within a permitted period due to his/her circumstances; and
4. Where it is necessary for the preservation and management of cultural heritage.

(3) Where the Mayor or the head of a cultural heritage management agency suspends to use or cancels permission to use cultural heritage pursuant to paragraph (2), he/she may postpone the use thereof by prior consultation: Provided, That this shall not apply in cases where the suspension or cancellation of the use thereof is for reasons under paragraph (2) 1 and 2.

Article 43 (Provisions Applicable Mutatis Mutandis to Collection of Rental Fees)

Except as provided by this Rule, matters necessary for the collection of rental fees shall follow the examples of collecting local taxes. <Amended by Ordinance No. 3969, May 22, 2014>

Article 44 (Application for Entrustment of Operation of Cultural Heritage Owned by the Seoul Government)

A person who intends to be entrusted with the operation of cultural heritage owned by the Seoul Government pursuant to Article 41 (1) of the Ordinance shall submit an application for entrustment of operation in Form 37 to the Mayor.

Article 45 (Extension of Period for Entrustment of Operation of Cultural Heritage Owned by the Seoul Government, etc.)

When a trustee intends to obtain permission to extend the period for entrustment of the operation of cultural heritage, he/she shall submit an application for extension of the period for entrustment of operation in Form 38 to the Mayor along with the performance of operation, etc. not later than 60 days prior to the expiration date of the period for entrustment of operation.

Article 46 (Regulations for Operation)

The Mayor shall separately determine other matters necessary for the operation of cultural heritage owned by the Seoul Government, including matters not provided by this Rule.

CHAPTER VIII CULTURAL HERITAGE COMMISSION

Article 47 (Subcommittees)

CHAPTER VIII CULTURAL HERITAGE COMMISSION(1) The following subcommittees shall be established in the Commission to take partial charge of each field of cultural heritage, and investigate and deliberate on matters referred to in the subparagraphs of Article 42 (1) of the Ordinance:

1. The Architectural Cultural Heritage Subcommittee;
2. The Movable Cultural Heritage Subcommittee;
3. The Intangible Cultural Heritage Subcommittee;
4. The Monument Subcommittee; and
5. The Stone Marker Subcommittee.

(2) The Architectural Cultural Heritage Subcommittee shall take partial charge of the following:

1. Matters concerning structures among tangible cultural heritage referred to in Article 8 (1) 1 of the Ordinance;
2. Matters concerning structures among monuments referred to in Article 8 (1) 3 of the Ordinance;
3. Matters concerning houses among folklore resources referred to in Article 8 (1) 4 of the Ordinance and structures among cultural heritage resources referred to in Article 9 of the Ordinance; and
4. Matters concerning technology, such as installations, electricity, machinery, etc.

(3) The Movable Cultural Heritage Subcommittee shall take partial charge of the following:

1. Matters concerning tangible cultural heritage (excluding structures) referred to in Article 8 (1) 1 of the Ordinance;
2. Matters concerning folklore resources (excluding houses) referred to in Article 8 (1) 4 of the Ordinance; and
3. Matters concerning classical books, books, documents, pictures, sculptures, handicrafts, etc. among cultural heritage resources referred to in Article 9 of the Ordinance;

(4) The Intangible Cultural Heritage Subcommittee shall take partial charge of matters concerning intangible cultural heritage referred to in Article 8 (1) 2 of the Ordinance.

(5) The Monument Subcommittee shall take partial charge of the following:

1. Matters concerning monuments (excluding structures) referred to in Article 8 (1) 3 of the Ordinance;
2. Matters concerning cultural heritage resources (excluding structures, classical books, books, documents, pictures, sculptures, handicrafts, etc.);
3. Matters concerning affairs of the museum; and
4. In cases of construction work the project area of which is not more than 2,000 square meters referred to in Article 51 (1) of the Ordinance, matters concerning deliberation on a preservation order pursuant to the result of a surface survey.

(6) The Stone Marker Subcommittee shall take partial charge of matters concerning the erection and maintenance of stone markers.

Article 48 (Composition and Operation of Subcommittees)

- (1) Each subcommittee shall be composed of members of the Commission, and the Mayor shall determine the number of members and the assignment of members for each subcommittee.
- (2) Each subcommittee shall elect its chairperson from among its members.
- (3) Where the chairperson of a subcommittee is unable to perform his/her duties due to unavoidable circumstances, the eldest member of the relevant subcommittee shall perform duties of the chairperson on his/her behalf.
- (4) The chairperson of a subcommittee shall preside over and represent the subcommittee.
- (5) Matters decided by each subcommittee shall be deemed decided by the Commission: Provided, That this shall not apply to matters related to the Commission at large.

Article 49 (Joint Subcommittees)

- (1) The chairperson of each subcommittee shall convene a meeting of joint subcommittees under Article 42 (3) of the Ordinance, or it shall be held at the request of the Mayor.
- (2) The chairperson of joint subcommittees shall be elected by such joint subcommittees from among its members.
- (3) A meeting of joint subcommittees shall be held when a majority of the incumbent members attend the meeting and shall pass a resolution with the consent of a majority of the members present.
- (4) Matters decided by a meeting of joint subcommittees shall be deemed decided by the Commission: Provided, That this shall not apply to matters related to the Commission at large.

Article 50 (Establishment of Lower-Tier Subcommittees)

A lower-tier subcommittee composed of commissioners and expert members of the Cultural Heritage Commission may be established for the efficient and professional investigation of and deliberation on matters allotted to each subcommittee or the joint subcommittees.

Article 51 (Exclusion, Challenge, Evasion of Members)

- (1) Where a commissioner of the Commission, or a member of a subcommittee, joint subcommittees or a low-tier subcommittee (hereinafter referred to as the "Commission, etc.") falls under any of the following, he/she shall be excluded from investigation or deliberation:
 1. Where a commissioner or member, or his/her spouse is the party concerned, or a joint holder of any right or co-obligor to a matter subject to investigation or deliberation (hereinafter referred to as "matter subject to investigation or deliberation") at the relevant Commission, etc.;
 2. Where a commissioner or member has relationship with the person concerned to a matter subject to investigation or deliberation;
 3. Where a commissioner or member or a corporation to which he/she belongs is or was involved in a matter as an agent of the person concerned to the matter subject to investigation or deliberation;
 4. Where a commissioner or member performs services concerning a matter subject to investigation or deliberation, or is directly involved in the matter by other method; and
 5. Where a commissioner or member is deemed to have direct interests in the person concerned to a matter subject to investigation or deliberation.
- (2) Where there is a reason that the person concerned to a matter subject to investigation or deliberation cannot expect a commissioner or member to make a fair deliberation or decision, he/she may apply for challenge against the relevant commissioner or member.
- (3) Where a commissioner or member falls under paragraph (1) or (2), he/she may evade from deliberation or decision on such matter of his/her own accord.

Article 52 (Relevant Experts)

- (1) Relevant experts pursuant to Article 47 (3) of the Ordinance shall be appointed by the Mayor from among experts on cultural heritage, and each subcommittee may have necessary experts so that it may collect materials, investigate and research cultural heritage, and formulate a plan thereon.
- (2) A relevant expert referred to in paragraph (1) shall be deemed dismissed naturally if he/she completes a task given by the Mayor.

Article 53 (Executive Secretary and Clerk)

- (1) One executive secretary and one clerk shall be assigned to conduct administrative affairs of the Commission, subcommittees and joint subcommittees.
- (2) The Director of History & Cultural Heritage Division shall serve as executive secretary and the officer in charge of cultural heritage shall serve as clerk. <Amended by Ordinance No. 3873, Sep. 28, 2012>

CHAPTER IX SUPPLEMENTARY PROVISIONS

Article 54 (Report on Succession to Cultural Heritage Repair and Maintenance Business)

CHAPTER IX SUPPLEMENTARY PROVISIONS Where a person intends to report the fact of succession to cultural heritage repair and maintenance business under Article 58 (2) of the Ordinance, he/she shall report such succession pursuant to Article 13 of the Enforcement Rule of the Act on Cultural Heritage Maintenance, etc.

Article 55 (Evaluation of Repair of Cultural Heritage)

The provisions of Articles 25 through 28 of the Enforcement Rule of the Act on Cultural Heritage Maintenance, etc. shall apply to matters concerning criteria, procedures and methods for evaluation under Article 66 of the Ordinance.

Article 56 (Subsidies)

(1) A person who intends to receive a subsidy pursuant to Article 31 of the Ordinance shall submit an application in which the following are stated to the Mayor:

1. The classification, designation number, name, quantity, location or storing place of designated cultural heritage, etc.;
2. The name and address of an owner, holder or custodian of, or the name of a management organization of designated cultural heritage, etc.;
3. Reasons why a subsidy is required;
4. A plan for repair, management, protection, support or preparing records, and photographs thereof;
5. Necessary expenses and financial resources thereof.

(2) Where the Mayor supervises any repairs of designated cultural heritage, etc, or other construction work pursuant to Article 31 (2) of the Ordinance, he/she may designate a supervisor from among public officials under his/her jurisdiction.

Article 57 (Identification Cards of Investigators)

An identification card of a public official who conducts an investigation pursuant to Article 29 (1) of the Ordinance shall be in accordance with Form 39.

Article 58 (Submission of Results of Conduct of Entrusted Affairs, etc.)

Where the head of a Gu conducts affairs pursuant to Article 70 of the Ordinance, he/she shall submit drawings, etc. to the Mayor within seven days from the date he/she conducts affairs.

ADDENDA

Article 1 (Enforcement Date)

this Rule shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Permission to Use Cultural Heritage Owned by the Seoul Government and Collection of Rental Fees)

The former provisions shall apply to a person who submits an application for permission to use cultural heritage owned by the Seoul Government pursuant to the former Article 37 (1) in order to use such cultural heritage at the time this Rule enter into force.

ADDENDUM <Ordinance No. 3873, Sep. 28, 2012>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDUM <Ordinance No. 3969, May 22, 2014>

This Ordinance shall enter into force on the date of its promulgation.