

1985 Bill 14

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 14

FOREIGN CULTURAL PROPERTY IMMUNITY ACT

MR. ZIP

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 14
Mr. Zip

BILL 14

1985

FOREIGN CULTURAL PROPERTY IMMUNITY ACT

(Assented to _____, 1985)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definition

1 In this Act, "cultural property" means property belonging to any one or more of the following categories:

- (a) collections and specimens of fauna, flora, minerals and objects of palaeontological interest;
- (b) property relating to history, including the history of science and technology and military and social history, to national leaders, academics and scientists and to events of national importance;
- (c) products of archaeological excavations or of archaeological discoveries;
- (d) elements of artistic or historical monuments or archaeological sites that have been dismantled or dismembered;
- (e) antiquities, including inscriptions, coins and engraved seals;
- (f) objects of ethnological interest;
- (g) property of artistic interest, including:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material;
 - (ii) works of statuary art and sculpture in any material;
 - (iii) engravings, prints and lithographs;
 - (iv) artistic assemblages and montages in any material;
- (h) manuscripts, books, documents and publications of special interest;
- (i) postage, revenue and similar stamps;
- (j) archives, including sound, photographic and cinematographic archives;
- (k) articles of furniture and musical instruments.

Immunity from
seizure of foreign
cultural property

2(1) When any cultural property emanating from a foreign country is brought into Alberta pursuant to an agreement between the owner or custodian of the cultural property and the Government of Alberta or any cultural, educational or research institution for the purpose of the temporary exhibition or display of the cultural property or the temporary use of the cultural property for research purposes by the Government of Alberta or the institution, no proceedings shall be taken in any court and no judgment, decree or order shall be enforced in Alberta for the purpose of, or having the effect of, depriving the Government of Alberta or the institution or any carrier engaged in transporting the cultural property into, within or out of Alberta of the custody or control of the cultural property if, before the cultural property is brought into Alberta,

(a) the Lieutenant Governor in Council, by order, determines that the cultural property is of significance, and

(b) the order is published in The Alberta Gazette.

(2) Where the Lieutenant in Governor in Council rescinds an order made under subsection (1), subsection (1) ceases to apply with respect to the cultural property referred to in the order.

(3) Subsection (1) does not preclude any judicial action for or in aid of the enforcement

(a) of any of the terms of an agreement referred to in subsection (1), or

(b) of the obligation of a carrier under any contract for the transportation of the cultural property in the fulfilment of any obligation assumed by the Government of Alberta or the cultural, educational or research institution pursuant to an agreement referred to in subsection (1).

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*