

# Visual Arts Act

2012 No 64 25 June

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Entry into force 1 January 2013.

Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Education, Science and Culture** or to the **Ministry of Education, Science and Culture** as responsible for the implementation of this Act.

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## Section I Objective and general administration

### ■ Article 1 *Objective*

- The objective of this Act is to lay down provisions regarding the organisation and arrangement of matters relating to the visual arts, and to promote and create favourable conditions for visual arts in Iceland.
- The Minister shall assume responsibility for the general administration of matters relating to the visual arts pursuant to this Act.

## Section II The National Gallery of Iceland

### ■ Article 2 *Role*

- The National Gallery of Iceland is in the ownership of the Icelandic state and is the designated central museum in the field of visual arts. The primary mission of the Gallery shall be to collect Icelandic visual art and to serve as a centre for the preservation of, research into, and documentation and communication of Icelandic visual art. The National Gallery of Iceland shall advise other galleries, promote cooperation between galleries and develop coordinated policies in the field of visual art.

### ■ Article 3 *Principal tasks*

- The National Gallery of Iceland shall seek to assemble an ambitious collection of Icelandic visual art and shall catalogue, study, preserve and communicate the contents of that collection both within and outside Iceland. The Gallery shall endeavour to promote Icelandic visual art and contribute to its advancement.
- Efforts shall be made to ensure that the collection faithfully reflects contemporary currents and trends in Icelandic and international visual art. The Gallery shall document its collection and shall facilitate the acquisition of knowledge about Icelandic visual art and its communication to the public and to experts for academic and research purposes. The Gallery shall undertake educational activities providing information about Icelandic and international visual art to schools, the media and the public.

### ■ Article 4 *Director*

- The Minister shall appoint the Director of the National Gallery of Iceland for a five-year term. The Director must have completed a degree from a higher education institution, and must possess sound knowledge of the Gallery’s field of activity.

The Director shall be responsible for the activities and financial operation of the Gallery and for setting its artistic direction. The Director shall employ other members of the Gallery's staff and act as its representative.

The appointment of the Director may be renewed for a second five-year term.

■ **Article 5** *Acquisitions committee*

The National Gallery of Iceland shall operate an acquisitions committee of three members appointed by the Minister for a three-year term. The committee shall be composed of the Director, one member nominated by the Association of Icelandic Visual Artists, and one member appointed without nomination. The Chair of the committee shall be appointed by the Minister from among its members.

The acquisitions committee shall decide on the acquisition of works of art. It may afford the Director discretion over up to 20 per cent of the funds made available each year for the acquisition of works of art, to be spent on acquiring Icelandic works.

The acquisitions committee shall discuss donations proposed to the National Gallery and evaluate whether they should be accepted. Donations must be accompanied by a letter of donation. Works of art received as donations may in no case be sold or disposed of in any other way by the Gallery except with the donor's consent.

Having obtained the opinion of the acquisitions committee, the National Gallery may sell works of art in order to raise funds to buy another work by the same artist considered a more desirable addition to the Gallery's collection.

■ **Article 6** *Loan of art works*

The National Gallery of Iceland may loan works of art to other museums or institutions, or for exhibition or research purposes, on a temporary basis. The creators of works shall always be entitled to the loan of their works for their personal exhibitions.

All loans of works of art must fulfil the conditions laid down by the Gallery for the lending of works.

■ **Article 7** *Rights management*

Any rights which under Icelandic copyright legislation accompany a work of art in the case of regular, unconditional transfer of ownership shall pass to the National Gallery of Iceland, subject to the limitations on the sale or other transfer of works stemming from the provisions of Articles 5 and 6.

The Gallery shall have the right to exhibit works of art publicly on its own behalf; the loan of works for other art exhibitions shall be governed by the provisions of Article 6. The Gallery shall also have the right to reproduction or other replication for internal use, such as for registration in the Gallery's database, for promotional purposes in relation to individual exhibitions, and for publication in exhibition catalogues. Any other type of replication or publication must be agreed with the relevant copyright owner as stipulated in the Copyright Act.

The originator of a work shall be entitled to be given access to it by the Gallery for purposes of reproduction and publication, although the Gallery shall in principle have priority rights to the publication of the work.

■ **Article 8** *Finances*

The running costs of the National Gallery of Iceland shall be borne by the Treasury as further stipulated in the annual Budget Act. The Gallery may also generate revenue through its activities and from grants and other contributions it receives.

■ **Article 9** *Authorisation to charge fees*

The National Gallery of Iceland may charge entry fees. The Gallery may furthermore charge fees for services rendered, such as loans of works of art, the photographic reproduction thereof, the use of photographs, various specially compiled lists and extracts from computer

files, specialist documentation services, and copying of all types of archive material, in order to recover the costs therefor. The Gallery shall issue tariffs for the abovementioned services.

### **Section III Visual Arts Council and the Visual Arts Fund**

#### **■ Article 10** *Appointment of the Visual Arts Council*

- The Minister shall appoint a Visual Arts Council of five members for a three-year term. Two members shall be nominated by the Association of Icelandic Visual Artists, one by the Art Theoretical Society of Iceland, and one by the National Gallery of Iceland. One member, who shall serve as Chair, shall be appointed by the Minister without nomination while the Vice-chair shall be selected from among the other members of the Council. Alternate members shall be appointed in the same manner.
- The same person may not be appointed as principal member of the Visual Arts Council for more than two consecutive terms.

#### **■ Article 11** *Role and activities of the Visual Arts Council*

- The Visual Arts Council shall advise the Minister and other public authorities on matters relating to the visual arts. The tasks undertaken by the Council in order to fulfil its role shall include:
  - a. issuing opinions on matters referred to it by the Minister;
  - b. submitting a proposal to the Minister on the policy and main priorities to be followed by the Visual Arts Fund in each three-year period;
  - c. deciding on the annual award of grants from the Visual Arts Fund;
  - d. facilitating the promotion of Icelandic visual artists and their creations in Iceland and abroad;
  - e. strengthening the participation of Icelandic visual artists and organisations in international cooperation;
  - f. performing other tasks falling under its mandate or entrusted to it by the Minister.
- The Minister may instruct the Visual Arts Council to either operate its own offices or sign contracts with competent third parties for the execution of tasks for its benefit and for the general administration of the work of the Council and of the Visual Arts Fund.

#### **■ Article 12** *Visual Arts Fund*

- The Althing shall in the annual Budget Act decide on an appropriation for the Visual Arts Fund with a view to supporting Icelandic visual art financially and funding other tasks falling under the mandate and activities of the Visual Arts Council pursuant to Article 11.
- The Visual Arts Council shall award grants from the Visual Arts Fund. The Minister shall lay down rules for the Visual Arts Fund relating to the publication of notices and the processing and disposition of applications. To aid in the evaluation of applications, the Council may seek expert opinions.
- Operating costs of the Visual Arts Council shall be borne by the Visual Arts Fund. The Council shall be responsible for the operational and financial administration of the Visual Arts Fund.

### **Section IV Works of art in public buildings and in public spaces**

#### **■ Article 13** *Public buildings*

- Public buildings, including their surroundings, and other public spaces shall be furnished with works of art to enhance their aesthetic quality. As a general rule, such works of art shall be an integral part of the overall intended structure of the building and its surroundings. Public buildings include:
  - a. buildings the construction of which is funded in part or in whole by the Treasury, as provided for in the Public Projects Procedures Act, No 84/2001;

- b. buildings constructed on behalf of government organisations which operate on an independent budget and therefore are not dependent on the Althing's direct decisions on appropriations for construction activities;
- c. buildings constructed for the central government under private finance initiative contracts;
- d. construction projects involving the extensive renovation of existing buildings; such projects shall be treated in the same way as new constructions;
- e. buildings rented by the central government for a period of at least 10 years.

Buildings which are the property of municipalities and municipal bodies may also qualify as public buildings, provided that they are under the control of the municipality concerned in ways corresponding to the description in the first paragraph above. However, for the purpose of this Act, public buildings do not include provisional constructions, storehouses, and other structures or buildings where access is significantly limited by the location.

■ **Article 14** *Provision for works of art in new buildings*

At least 1 per cent of the total construction cost of each new public building shall be set aside for works of art to be placed in the building and in its surroundings. For this purpose, 'works of art' refers to all types of fixed or movable artistic objects, such as internal and external wall ornaments, sculptures, paintings, tapestries and other artistic embellishments. A work of art can also be an actual structural component, in whole or in part, and an integral part of a building or its surroundings.

■ **Article 15** *Preliminary work*

In addition to the elements listed in Chapters I and II of the Public Projects Procedures Act, the report on the preliminary study and the planning phase implemented pursuant to those chapters shall include an estimate of the cost of the planned artworks. That cost shall be included in the total cost projection which forms the basis of decisions on appropriations for the project in the annual Budget Act.

■ **Article 16** *Advisory procedure*

For decisions regarding artwork in new public buildings covered by the provisions of this Act, the architect and the project's construction committee shall seek the professional advice of the board of the Public Buildings Art Fund, which shall nominate one representative to manage the consultation and advisory procedure. The final decision on the choice of works of art shall be made by the construction committee and/or the procuring entity after receiving the professional advice of the board of the Fund. The cost of obtaining the advice and of selecting the work of art shall be kept within the limits set by the appropriations for the project in the annual Budget Act.

■ **Article 17** *Public Buildings Art Fund*

The Althing shall annually decide on appropriations for the Public Buildings Art Fund toward the cost of acquiring works of art for public buildings completed before 1 January 1999 and for their surroundings and other external spaces administered by central or local authorities, as well as for acquiring works of art for buildings rented by the central government for a period of at least 10 years.

The board of the Public Buildings Art Fund shall be responsible for the award of grants from the Fund for the acquisition of works of art for existing and rented buildings. The board shall assess case-by-case whether the nature of the planned works of art is such that the involvement of the building's architect in the selection of those works is required.

Where a building, its surroundings or a public space is managed by a local authority, the latter shall add a contribution of its own to the funding provided by the Public Buildings Art Fund.

■ **Article 18** *Board of the Public Buildings Art Fund*

The Minister shall appoint a board of five members for the Public Buildings Art Fund for a three-year term. Two members shall be nominated by the Association of Icelandic Visual

Artists, one by the Association of Icelandic Architects, and one by the Public Projects Cooperation Committee. One member, who shall serve as Chair, shall be appointed by the Minister without nomination while the Vice-chair shall be selected from among the other members of the board. Alternate members shall be appointed in the same manner.

The same person may not be appointed as principal member of the Public Buildings Art Fund for more than two consecutive terms.

The role of the board shall be to advise on the acquisition of works of art for new buildings covered by this Act, as provided in Article 16, manage the available funds, and award grants from the Public Buildings Art Fund toward the cost of acquiring works of art for public buildings completed before 1 January 1999, as provided in Article 17. The board of the Public Buildings Art Fund may take the initiative to commission and install works of art.

The Minister may instruct the board of the Public Buildings Art Fund to either operate its own offices or sign contracts with competent third parties for the execution of tasks for its benefit with regard to the general administration of the activities of the board and of the Public Buildings Art Fund, as provided in Article 17.

The board's operating costs shall be borne by the Public Buildings Art Fund. The board shall be responsible for the operational and financial administration of the Public Buildings Art Fund.

#### ■ **Article 19** *Competitions*

Major projects in the field of artwork in public buildings shall in principle be made the subject of a public competition, as dictated by the customs and rules applicable at each time, regardless of whether the artwork is intended for new buildings or buildings completed before 1 January 1999. Such competitions shall be open to the participation of foreign artists, provided that their countries afford similar rights to Icelandic artists.

The board of the Public Buildings Art Fund may award grants from the Fund toward the cost of preparing an application for a contribution to acquire works of art pursuant to Article 17, including the cost of participating in the competition.

#### ■ **Article 20** *Management of works of art*

Works of art for which contributions have been made pursuant to this Act shall be considered public property. Works for which a grant from the Public Buildings Art Fund has been awarded shall be accessible to the public.

Works of art may not be removed permanently from a building or its surroundings except with the approval of the board of the Public Buildings Art Fund. Moreover, the approval of the board is required for the sale of works of art for which contributions have been made. In the case of the sale of a work of art, the repayment of any contribution made pursuant to this Act shall be made the subject of negotiations.

All works of art for which a grant is awarded from the Public Buildings Art Fund pursuant to this Act shall be clearly labelled and a list of such works shall be maintained.

### **Section V** *Miscellaneous provisions*

#### ■ **Article 21** *Procedure*

Decisions on the award of grants pursuant to Articles 12 and 17 shall be final at the administrative level and are not subject to appeal to the Minister.

#### ■ **Article 22** *Issuing of Regulations*

The Minister may issue a Regulation<sup>(1)</sup> containing further provisions on the implementation of this Act as a whole, or of individual sections thereof, after consulting with the Association of Local Authorities in Iceland for any project at the local level.

<sup>(1)</sup>Regulation No 171/2014. Regulation No 552/2014.

#### ■ **Article 23** *Entry into force*

This Act shall enter into force on 1 January 2013. ...

■ **Transitional provision** The Minister may use the period until 1 January 2013 to prepare the ground for the entry into force of this Act, including by inviting nominations and appointing the members of the acquisitions committee of the National Gallery of Iceland, pursuant to Article 5, the Visual Arts Council, pursuant to Article 10, and the board of the Public Buildings Art Fund, pursuant to Article 18.

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*Disclaimer: This is an English translation. The original Icelandic text, as published in the Law Gazette (Stjórnartíðindi) is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.*