

考古遺址發掘資格條件審查辦法

The regulations for examination of qualification to excavate on archaeological sites

- 第一條 本辦法依文化資產保存法(以下簡稱本法)第五十一條第四項訂定之。
- Article 1 The Regulations are prescribed in accordance with the Article 51, Paragraph 4 of the Cultural Heritage Preservation Act (hereafter referred as the Act).
- 第二條 本辦法適用於中華民國領土之考古遺址發掘。
前項發掘，包括考古遺址發掘前之試掘、探勘，及基於學術研究、保護考古遺址等目的或其他經主管機關判斷應提送審議之考古發掘。
- Article 2 The Regulations shall apply to all excavations of archaeological sites in the national territory of Taiwan, R.O.C.
The excavations mentioned above include trial excavations, exploration, and excavations based on the needs of academic research and preservation of archaeological sites or other excavations determined by the competent authority that shall be submitted for review.
- 第三條 申請發掘考古遺址，應經審議會審議，並由主管機關核准。
前項審議，應就發掘者資格、發掘計畫書及考古遺址保護相關事項為之。
- Article 3 Applications for excavation of archaeological sites shall be reviewed by the review committee and approved by the competent authority.
The review committee shall review the qualification of the excavator, excavation plan and matters related to protection of archaeological sites.
- 第四條 依本法第五十一條第一項申請發掘考古遺址之考古學者專家，應具備下列資格之一：
一、取得考古學系、人類學系學士學位或修畢相關學位學程後，從事考古遺址發掘工作五年以上，並發表考古發掘報告二篇以上。

二、取得考古學系、人類學系碩士學位或修畢相關學位學程後，從事考古遺址發掘工作三年以上，並發表考古發掘報告一篇以上。

三、取得考古學系、人類學系博士學位或修畢相關學位學程後，從事考古遺址發掘工作一年以上。

前項所稱考古遺址發掘工作，指統籌辦理發掘現場相關工作及發掘結束後出土遺物之整理研究。

Article 4 Scholars or experts applying for excavation of archaeological sites pursuant to Article 51, Paragraph 1 of the Act shall have one of the following qualifications:

1. Has a Bachelor degree of Archaeology, Anthropology, or related degree program, and has engaged in the work of archaeological site excavation for at least 5 years after graduation, and has published at least 2 reports of archaeological site excavation.
2. Has a Master's degree of Archaeology, Anthropology, or related degree program, and has engaged in the work of archaeological site excavation for at least 3 years after graduation, and has published at least 1 report of archaeological site excavation.
3. Has a Ph.D. of Archaeology, Anthropology, or related degree program, and has engaged in the work of archaeological site excavation for at least 1 year after graduation.

The works of archaeological site excavation mentioned in the preceding paragraph means to coordinate and conduct the works of on-site excavations as well as analysis and research of the artifacts after the excavation.

第五條 依本法第五十一條第一項申請發掘考古遺址之學術或專業機構，應具備下列條件：

一、具有考古學專業。

- 二、聘僱有前條所定資格之學者專家二人以上。
- 三、具備出土遺物保管維護之設備、場所及人員。
- 四、具備出土遺物整理研究之場所。
- 五、具備符合安全及保護條件之文物典藏空間。

Article 5 Academic or professional institution applying for excavation of archaeological sites pursuant to Article 51, Paragraph 1 of the Act shall have the following prerequisite conditions:

1. A specialty in Archaeology.
2. Hires at least 2 scholars or experts that have the qualifications set in the preceding Article.
3. Has the equipment, places and personnel to manage and conserve the artifacts.
4. Has the space to perform analysis and research of the artifacts.
5. Has safe and protective storage room for the artifacts.

第六條 符合前二條資格條件之發掘者，應於發掘前填具申請書，並檢附下列文件，向主管機關提出：

- 一、發掘計畫書。
- 二、土地所有人、使用人或管理人之同意書。
- 三、符合前二條資格條件之證明文件。

由符合第四條之考古學者專家申請者，應另檢附符合前條條件之學術或專業機構同意提供出土遺物保管維護設備、場所及人員之合作證明文件。

Article 6 The excavator that meets the requirements set in the preceding two Articles shall submit an application form and the following documents to the competent authority before the excavation:

1. Excavation plan.

2. Consent of landowners, land users, or land managers.
3. Supporting documentations proving the excavator and institution meets the requirements set in the preceding two Articles.

The applicant, in compliance with Article 4 of the Regulations, shall provide the proof of cooperation of the academic or professional institutions that meet the requirements set in the preceding Article, stating that it agrees to provide equipment, places, and personnel to manage and conserve the artifacts.

第七條 前條第一項第一款發掘計畫書之內容，應包括下列事項：

- 一、發掘者、具有第四條資格之一之發掘主持人基本資料。如屬營建工程或其他開發行為所涉發掘計畫者，並應載明發掘需求者之基本資料。
- 二、發掘現場常駐考古人員。
- 三、發掘考古遺址之基本資料。
- 四、發掘目的。
- 五、發掘期限。
- 六、人力、經費來源及配置。
- 七、預計發掘位置及面積規劃。
- 八、發掘工作事項、程序及方法。
- 九、連續性發掘，各年度進行之狀況。
- 十、發掘之申請紀錄。
- 十一、出土遺物之保管維護計畫。
- 十二、發掘者近三年發掘案件執行情形。
- 十三、如有外國人與國內學術或專業機構合作者，應檢附雙方合作意向書。

本辦法所稱發掘需求者，指包括對發掘區域內土地有所有權或進行開發之考古遺址發掘出資者。

Article 7 The excavation plan set in Article 6, Paragraph 1, Subparagraph 1 of the Regulations shall include the following:

1. General information of the excavators and the principal excavator that have the qualification set in Article 4 of the Regulations. If such excavation is related to a construction project or any other development activities, the general information of an excavation requester is also required
2. Resident personnel at the archaeological site.
3. General information of the archaeological site.
4. Purposes of excavation.
5. Period of excavation.
6. Personnel, source and allocation of funding.
7. Expected excavation location and planned area.
8. Excavation matters, procedure and method.
9. Consecutive excavations and its yearly progress.
10. Record of excavation application of the archaeological site.
11. Manage and conserve plan of artifacts.
12. The excavator's excavation execution status during the last three years.
13. The letter of intent if there are any foreigners cooperating with domestic academic or professional institutions.

The excavation requester set in the Regulations includes those who have ownership of the land in the excavation area or developer that sponsors the excavation of archaeological sites.

第八條 前條第一項第二款發掘現場常駐考古人員，應具備下列資格之一：

一、累積五年以上考古遺址發掘相關工作實務經驗。

二、具有考古學系、人類學系學士學位或修畢相關學位學程，累積三年以上考古遺址發掘相關工作實務經驗。

三、具有考古學系、人類學系碩士以上學位或修畢相關學位學程。

前項所稱考古遺址發掘相關工作，包含發掘現場之測量、挖掘、記錄、整理、發掘結束後出土遺物之整理或研究等工作。

Article 8 The resident personnel at the archaeological site set in Article 7, Paragraph 1, Subparagraph 2 of the Regulations shall have one of the following qualifications:

1. Have at least five years of practical work experience related to archaeological site excavation.
2. Have a Bachelor degree of Archaeology, Anthropology, or related degree program, and have at least three years of practical work experience related to archaeological site excavation after graduation.
3. Have a Master's degree of Archaeology, Anthropology, or related degree program.

The above mentioned practical work experience related to archaeological site excavation, includes the works of on-site measuring, excavating, recording, sorting and cataloging, as well as analysis or research of the artifacts after the excavation.

第九條 第七條發掘計畫書應於發掘前提出，如因搶救考古遺址之緊急需要，並經主管機關同意者，得由發掘者先行發掘，並於開始發掘後一個月內補提申請。前項所稱緊急需要，包括因天然災害、公共安全或其他事故所生之緊急狀況。

Article 9 The excavation plan set in Article 7 of the Regulations shall be submitted before excavation; however, if there is an urgent need to conduct rescue excavation of

the archaeological site and it is approved by the competent authority, the excavator may excavate first, and later submit the application within one month after the start of excavation.

The above mentioned urgent need includes emergency situations due to natural disasters, public safety or other accidents.

第十條 考古遺址之發掘者，應依發掘計畫書內容，確保發掘品質及出土遺物之安全維護。

考古遺址之發掘，應於發掘結束一年內，將出土遺物造具清冊及原始發掘紀錄影本報主管機關；並於發掘結束三年內，完成發掘報告，公開發表，並報主管機關備查。

前項期限，得視需要，報經主管機關核准後延長。

考古遺址發掘之出土遺物清冊，應載明下列事項：

- 一、發掘者、發掘主持人之姓名、所屬機構名稱、地址。如屬營建工程或其他開發行為所涉發掘計畫者，並應載明發掘需求者之姓名或名稱、地址。
- 二、發掘考古遺址名稱。
- 三、發掘範圍，並附地圖。
- 四、發掘之起迄時間。
- 五、出土遺物總說明，包括年代、所屬文化及類別。
- 六、出土遺物清單，包括類別、遺物名稱、單位、數量、重量、重要遺物分級建議及備註。
- 七、保管之必要限制或注意事項。
- 八、其他相關事項。

Article 10 The excavator shall excavate the archaeological site according to the excavation plan to ensure the quality of excavation and the safety of the unearthed artifacts.

The excavator shall catalogue the artifacts and submit the inventory and the photocopy of the original excavation records to the competent authority within one year after the end of the excavation; the excavator shall finish the excavation report, publish to the public and report to the competent authority for future reference within three years after the end of the excavation.

The period mentioned in the above paragraph can be extended after reporting to the competent authority and obtaining approval therefrom.

An artifacts inventory shall include the following matters:

1. Name of the excavators and the principal excavator, and the name and address of the institution they work for. If such excavation is related to a construction project or any other development activities, the name and address of such excavation requester is also required.
2. Name of the archaeological site.
3. Excavation area with map.
4. Period of the excavation.
5. Statement of artifacts including the date, culture and category.
6. Artifacts inventory including the category, name, unit, quantity, weight, significant artifacts grading recommendations and notes.
7. Restrictions or notes on storage.
8. Others.

第十一條 考古遺址發掘有重大發現時，發掘者應即報主管機關處理。

Article 11 If any significant discovery is made during the excavation, the excavator shall report to the competent authority immediately.

第十二條 外國人依本法第五十二條但書規定，與國內學術或專業機構合作者，應由本國人擔任主持人。

前項主持人應檢附雙方合作意向書，向中央主管機關申請許可。

前項申請涉及發掘直轄市定、縣(市)定考古遺址者，應先依第三條規定送主管機關辦理。

發掘之出土遺物等原始資料應妥善維護，並不得攜出國境。但有攜至國外進行實驗分析之必要，經中央主管機關核准者，不在此限。

Article 12 If there are any foreigners cooperating with domestic academic or professional institutions pursuant to the proviso of Article 52 of the Act, the principal excavator shall be a citizen of the Republic of China.

The principal excavator shall submit the letter of intent to the central competent authority and apply for permission.

If the above application involves the excavation of archaeological site designated by the municipality, county or city government, it shall be submitted to the competent authority pursuant to Article 3 of the Regulations.

The artifacts and the raw data shall be conserved and stay in the R.O.C.; however, this does not apply to artifacts in need of experimental analysis with the approval of the central competent authority.

第十三條 主管機關得對考古遺址之發掘，進行檢查及監督；如發現有下列情形之一，得令其停止：

- 一、屆滿發掘期限而未獲准延長者。
- 二、逾越發掘範圍者。
- 三、違反發掘程序或方法者。
- 四、其他經主管機關認定有必要者。

Article 13 The competent authority may inspect and supervise the excavation of archaeological site; and stop the excavation if any of the following situations happens:

1. The excavation has expired without extending approval.
2. The excavation goes beyond the approved excavation area.
3. The excavation does not follow the planned excavation procedure or method.
4. With other situations that the competent authority deems necessary.

第十四條 疑似考古遺址及列冊考古遺址之發掘，準用本辦法規定。

Article 14 The Regulations shall apply mutatis mutandis to the excavation of possible archaeological sites and catalogued archaeological sites.

第十五條 本辦法自發布日施行。

Article 15 The Regulations shall be effective from the date of promulgation.