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## **8) Decree 50,517, of May 2<sup>nd</sup>, 1961 – regulate Law 91/35 (Federal Public Utility Declaration)**

Art. 1. The civil societies, associations and foundations established in the country that selflessly serve the collectivity, may be declared of public utility, upon request or “*ex officio*”, by decree of the President of the Republic.

Art. 2. The application for the declaration of public utility shall be addressed to the President of the Republic, through the Ministry of Justice and Internal Affairs, being proved by the applicant the following requirements:

- a) that it was constituted in the country;
  - b) that it has legal personality;
  - c) that has been in effective and continuous operation for the three preceding years, with the observance of its statutes;
  - d) that the positions of the board are not remunerated in any way, and that it does not distribute profits, subsidies or benefits to officers, supporters or associates, in any way and under any circumstances;
  - e) proven upon the presentation of detailed reports of the past three years prior to the presentation of the request, that it promotes education or performs activities of scientific research, culture, inclusive artistic and philanthropic, of general or indiscriminate nature, predominantly.
  - f) that its directors have track record and proven morality;
  - g) that it undertakes to publish annually the income and expenses statement of the preceding period, since provided with subsidy from the Union in this same period. (Text by Decree 60,931/67)
- Sole Paragraph. The lack of any of the documents listed in this article will imply the process filing.

Art. 3. Once the request is denied, it may not be renewed before two years from the date of publication of the denial order.

Sole Paragraph. Against the denial order of the request of the declaration of public utility a reconsideration request might be present within a period of 120 days, counted as of the publication.

Art. 4. The name and characteristics of the society, association or foundation declared of public utility shall be inscribed in a special book, which will also be used to register the delivery of the reports referred to in Article 5.

Art. 5. The authorities declared of public utility, except in case of force majeure duly proven, at the discretion of the competent authority, are required to submit until April 30<sup>th</sup> of each year, to the Ministry of Justice, detailed report of the services rendered to the collectivity in the previous year, duly accompanied by the income and expenditure statement referring to that period, even if it has not been funded. (Text by Decree 60,931/67)

Art. 6. The declaration of public utility will be revoked when the entity:

- a) fails to submit, during three consecutive years, the report referred to in the previous article;
- b) refuses to render a service listed in its statutory purposes; and

c) repays in any way board members, or grant profit, bonuses or benefits to directors, supporters or associates.

Art. 7. The revocation of the public utility shall be made through proceedings initiated "*ex-officio*" by the Public Ministry of Justice and Internal Affairs, or through representation documented.

Sole Paragraph. The request for reconsideration of the decree revoking the declaration of public utility will not hold a staying effect.

Art. 8. This Decree shall enter into force upon its publication, revoked all the provisions in contrary.