

Presidency of the Republic
Office of the Chief of Staff
Legal Affairs Subsection

DECREE-LAW No. 25, OF NOVEMBER 1937,

establishes the guidelines for the protection of
national historical and artistic heritage.

The **President of the Republic of the United States of Brazil**, by virtue of the authority vested in him by Article 180 of the Constitution,

DECREES:

CHAPTER 1

NATIONAL HISTORICAL AND ARTISTIC HERITAGE

Article 1. National historical and artistic heritage shall comprise all movable and immovable property in the country, whose preservation is of public interest either because of its connection with memorable events in the history of Brazil or because of its exceptional archaeological, ethnographic, bibliographic or artistic value.

Paragraph 1. The property referred to in this Article shall only be regarded as an integral part of national historic and artistic heritage when the items concerned have been entered, separately or in groups, in one of the four registers referred to in Article 4 of this Law.

Paragraph 2. Both the natural monuments and sites, and landscapes worthy of preservation and protection by virtue of their outstanding qualities endowed by nature or human agency, shall be classified as the property referred to in this Article and shall also be registered.

Article 2. This Law shall apply to items belonging both to natural persons and legal entities under private law and domestic public law.

Article 3. The following works of foreign origin shall be excluded from national historical and artistic heritage:

- 1) belonging to diplomatic or consular missions accredited in the country;
- 2) decorating vehicles belonging to foreign companies operating in the country;

3) included among the items of property referred to in Article 10 of the introduction to the Civil Code and still subject to the personal law applicable to the owner;

4) belonging to companies dealing with historical or artistic objects;

5) brought into the country for commemorative, educational or trade exhibitions.

6) imported by foreign companies with the specific purpose of decoration of the respective institutions.

Sole Paragraph. The works mentioned in subitems 4 and 5 shall have a license issued by the National Historical and Artistic Heritage Department in order to be freely moved.

CHAPTER II

REGISTRATION

Article 4. The National Historical and Artistic Heritage Department shall keep four registers in which the works referred to in Article 1 of this Law shall be entered as follows:

1) The Archaeological, Ethnographic and Landscape Register shall contain entries concerning property classified as archaeological, ethnographic, Amerindian or folk art as well as those mentioned in Paragraph 2 of Article 1;

2) The Historical Register shall contain entries concerning property of historical interest and works of art of historical nature;

3) The Fine Arts Register shall contain entries concerning works classified as national or foreign works of high art;

4) The Applied Arts Register shall contain entries concerning works classified as national or foreign works of applied arts.

Paragraph 1. Each of the registers may consist of several volumes.

Paragraph 2. Property included in the categories listed in subitems 1, 2, 3 and 4 of this Article shall be defined and specified in the regulations for the enforcement of this Law.

Article 5. Property belonging to the Federal Government, States and Municipalities shall be registered by order of the Director of the National Historical and Artistic Heritage Department, on their own initiative. However, the body to which the property belongs or by which it is being held shall be notified of the registration act in order to be effective.

Article 6. The registration of property belonging to natural persons or legal entities under private Law shall be effected on a voluntary or on a compulsory basis.

Article 7. Registration shall be effected on a voluntary basis whenever the owner requests it and when, in the opinion of the Advisory Board of the National Historical and Artistic Heritage Department, the property meets the requirements for classification as an integral part of National Historical and Artistic Heritage or whenever the owner agrees in writing to a notice requiring the property to be entered in one of the registers.

Article 8. Compulsory registration shall be effected when the owner refuses to agree to registration of the property.

Article 9. Compulsory registration shall be effected in accordance with the following procedures:

1) The National Historical and Artistic Department shall, through its competent agency, notify the owner requesting agreement to the registration within fifteen days of receipt of the notice or, if they object, to state within the same period the reason for their objection;

2) if no objection is received within the established period, which may under no circumstances be extended, the Director of the National Historical and Artistic Department shall simply issue an order for the property to be entered in the appropriate register;

3) if objection is filed within the established period, the body that initiated the process of registration shall have access to it, within a further period of fifteen days which may under no circumstances be extended, in order to present arguments. The case shall then be referred, regardless of costs, to the Advisory Board of the National Historical and Artistic Heritage Department that shall make a decision within sixty days of its receipt. This decision shall not be appealed.

Article 10. The registration of the property referred to in Article 6 of this Law shall be deemed provisional or definitive, depending on whether the procedure is initiated by notification or concluded with the entry of the mentioned property in the appropriate register.

Sole Paragraph. For all purposes, except for the provisions of Article 13 of this Law, provisional registration shall be deemed equivalent to definitive registration.

CHAPTER III

THE EFFECTS OF REGISTRATION

Article 11. Registered property belonging the Federal Government, States or Municipalities, being inalienable by nature, may be transferred only among the aforementioned entities.

Sole Paragraph. Following transfer of property, the party entering into possession shall report the transaction immediately to the National Historical and Artistic Heritage Department.

Article 12. Inalienability of the registered historical and artistic works owned by natural persons or legal entities under private Law shall be restricted in accordance with the provisions of this Law.

Article 13. The definitive registration of privately owned property shall, at the competent agency of the National Historical and Artistic Heritage Department's initiative, be entered for all due purposes in the register kept by the registrars of deeds, along with the property's records.

Paragraph 1. In the event of transfer of ownership of the property referred to in this Article, the new owner shall register the transfer within thirty days, subject to a fine equal to ten percent of the value of the property even in the case of transfers by court order or *causa mortis*.

Paragraph 2. In the event of a change in the location of such property, the owner shall, within the same period and subject to the same fine, enter the property in the register of the place to which it has been moved.

Paragraph 3. Any transfer shall be notified by the transferee and any change of location shall be notified by the owner to the National Historical and Artistic Heritage Department, within the same period and subject to the same fine.

Article 14. Registered property shall not be removed, except from a short period, from the country without transfer of ownership and for cultural exchange or purposes, at the discretion of the Advisory Board of the National Historical and Artistic Department.

Article 15. Any attempt to export registered property abroad under circumstances other than those provided for in the preceding Article shall be punishable by confiscation of the property by the Federal Government or by the State in which it is located.

Paragraph 1. If the owner is found responsible, they shall incur a fine equal to fifty per cent of the value of the property, which shall be withheld, by way of surety, until such fine is paid.

Paragraph 2. Should there be recidivism, the fine shall be doubled.

Paragraph 3. In addition to incurring the fine referred to in the previous Paragraphs, any person attempting to export registered property shall be subject to the penalties provided for in the Penal Code for the crime of smuggling.

Article 16. The owner shall report the loss or theft of any item of registered property to the National Historical and Artistic Heritage Department within five days. Failure to do so shall be punishable by a fine equal to ten per cent of the value of the property.

Article 17. Under no circumstances may registered property be destroyed, demolished or disfigured nor may they be repaired, painted or restored, without the special prior authorization of the National Historical and Artistic Heritage Department. Such violations shall be punishable by a fine equal to fifty percent over the value of the damage caused.

Sole Paragraph. In the case of property belonging to the Federal Government, States or Municipalities, the authority responsible for the violation of the provision of this Article shall itself incur the fine.

Article 18. Without prior authorization of the National Historical and Artistic Heritage Department, no construction that impedes or impairs the view of the registered property may be built nor any advertisements or billboards posted in its vicinity. Otherwise, such construction or object shall be subject to destruction or removal in addition to a fine of fifty percent over the value of the same object.

Article 19. Any owner of the registered property unable to undertake necessary preservation and repair works due to lack of funds shall notify the National Historical and Artistic Heritage Department of the need of such works. Failure to do so shall be punishable by a fine equal to twice the amount of the assessment of the damages.

Paragraph 1. Upon receipt of the notification and having verified that the works are necessary, the Director of the National Historical and Artistic Department shall have them carried out at the expense of the Federal Government, within a time limit of six months to initiate the works or take steps to have the property expropriated.

Paragraph 2. In the event of failure to comply with any of the measures referred to in the preceding Paragraph, the owner may apply for cancellation of registration. (Refer to No. 6292, of 1975)

Paragraph 3. When it has been established that registered property is urgently in need of preservation or repair, the National Historical and Artistic Heritage Department may plan or execute the work on its own initiative and at the expense of the Federal Government, without waiting for the notification by the owner referred to in this Article.

Article 20. Registered property shall be subject to permanent supervision by the National Historical and Artistic Heritage Department, which may inspect the property whenever it considers

suitable. Owners or custodians of the property who seek to hinder the inspection shall incur a fine of one hundred thousand réis, or double that amount in case of recidivism.

Article 21. Crimes against the property referred to in Article 1 of this Law shall be regarded as crimes against National Heritage.

CHAPTER IV

RIGHT OF PREEMPTION

Article 22. (Revoked by Law No. 13105, of 2015) (In Effect)

Paragraph 1. (Revoked by Law No. 13105, of 2015) (In Effect)

Paragraph 2. (Revoked by Law No. 13105, of 2015) (In Effect)

Paragraph 3. (Revoked by Law No. 13105, of 2015) (In Effect)

Paragraph 4. (Revoked by Law No. 13105, of 2015) (In Effect)

Paragraph 5. (Revoked by Law No. 13105, of 2015) (In Effect)

Paragraph 6. (Revoked by Law No. 13105, of 2015) (In Effect)

CHAPTER V

GENERAL PROVISIONS

Article 23. The Executive Branch shall make arrangements for the signing of agreements between the Federal Government and the States, aiming to improve coordination and development of activities related to the protection of National Historical and Artistic Heritage and standardization of supplementary state legislation regarding the same matter.

Article 24. In addition to the National History Museum and the National Museum of Fine Arts, the Federal Government shall maintain as many other national museums as may be necessary for the preservation and display of national and artistic works in its possession. It shall furthermore take steps to promote the establishment of State and Municipal museums with similar objectives.

Article 25. The National Historical and Artistic Heritage Department shall seek to reach agreement with church authorities, scientific, historical or artistic institutions, natural persons and legal entities with a view to obtaining their cooperation on behalf of National Historical and Artistic Heritage.

Article 26. Dealers of antiques, works of art of any kind, manuscripts and old and rare books shall be registered on a special basis with the National Historical and Artistic Heritage Department.

Furthermore, they shall provide that department with comprehensive lists of the historical and artistic property in their possession every six months.

Article 27. Auctioneers intending to sell items of the kind referred to in the preceding Article shall submit a list of the items to the competent agency of National Historical and Artistic Heritage Department. Failing to do so shall incur a fine of fifty percent of the value of the sold item.

Article 28. No item similar to those referred to in Article 26 of this Law may be offered for sale by dealers or auctioneers, unless it has been previously authenticated by the National Historical and Artistic Heritage Department or by an expert approved by that Department. Violations shall be punishable by a fine equal to fifty percent of the value assigned to the item.

Sole Paragraph. The aforementioned item shall be authenticated upon payment of a valuation fee equal to five percent of the item's value, if it is less than or equal to one thousand réis, plus five thousand réis per exceeding thousand réis or fraction.

Article 29. The holder of a right of preemption shall have a special benefit over the value of the public sale of the registered property in connection with the payment of fines imposed for violations of this Law.

Sole Paragraph. Only those values entered in the appropriate register prior to the registration of the property by National Historical and Artistic Heritage Department shall have priority over the value referred to in this Article.

Article 30. Any legislation contrary to the provisions of this Law is hereby revoked.

Rio de Janeiro, November 30, 1937, the 116th Anniversary of the Independence and the 49th Anniversary of the Republic.

GETULIO VARGAS

Gustavo Capanema.

This text does not replace the one published in the Official Gazette of December 6, 1937.