

DECREE-LAW NR. 234/88
of July 5

The implementation of the Madeira Free Trade Zone is based on the creation of instruments which, in a dynamic and swift perspective, allow that zone to be in a privileged position in international markets and have competitive conditions in comparison with other similar centers.

This need is particularly felt in the incorporation and operation of entities that wish to operate within the institutional framework of the Free Trade Zone, since these formalities are carried out in other centres in a more efficient and less bureaucratic manner. It is therefore, important, to create a special registration and notary's services to meet the specificness of this situation.

In these circumstances, it is necessary to begin by fulfilling the expectations created for a private commercial registry for the Madeira Free Trade Zone. The latter shall include the undertaking of the activities carried out by the commercial registries, including intermediary services for the National Registry of Companies (RNPC), without prejudice, in any case, to the essential institutional ties, by reason of legal certainty and safety.

Simultaneously, a private notary shall be created, with obvious advantages to such purposes, organized in such a manner as to be able to satisfy the foreseeable demand of countries where the English language is predominant.

The Regional Government of Madeira was consulted:

Under the terms of paragraph a) of nr. 1 of article 201 of the Constitution, the Government hereby decrees the following:

Article 1

- 1- Within the Ministry of Justice is dependence, the private notary and registration services of the Madeira Free Trade Zone are hereby created.
- 2- The services foreseen in the preceding number include:
 - a) A commercial registry office;
 - b) A notarial office.

Article 2

- 1- The services of the commercial registry shall be the responsibility of a private registry office, hereinafter referred as CRC, with powers to perform all acts performed by commercial registries regarding entities which operate exclusively within the institutional framework of the Madeira Free Trade Zone.
- 2- The CRC shall also be responsible for the register the instruments of fiduciary management trusts, where the fiduciary trustees are the entities referred to in the previous paragraph.

- 3- The registrations foreseen in nr. 1, existing in other registry offices and which are in force at the date this law becomes effective, will be transferred to the CRC, on its own initiative or at the request of the interested parties.

Article 3

- 1- Notarial services shall be the responsibility of a private notarial office.
- 2- The notarial services shall be responsible for the execution of all notarial acts relating to the entities referred in nr. 1 of the preceding article.

Article 4

- 1- The identification cards of companies or similar entities must expressly state that the respective holder is authorised only to operate within the institutional framework of the Madeira Free Trade Zone.
- 2- The procedure for issuance of companies name certificates and identity cards shall be initiated directly by the CRC through the appropriate computerized services.
- 3- Once the competent mechanism of the National Registry of Companies has been actioned foreseen, the CRC shall issue a provisional identification card, containing the specification in nr. 1.
- 4- * Companies licensed to operate within the legal framework of Madeira's Free Trade Zone enjoy the possibility to use entire or parts of foreign words and denominations when choosing the Company's name.

**(Added by Decree-Law Nr. 225/95 of September 8)*

Article 5 *

- 1- The private notarial office and commercial registry office of the Madeira free trade zone shall operate under the responsibility, respectively, of a notary and a registrar.
- 2- Changes in the personnel of the private notarial and commercial registry office, and the appointment of the notary and registrar and officers, will be subject to the regime foreseen, respectively, for the change in personnel and appointment of the external services of commercial registries and notarial services.

**(Wording established by Decree-Law n.º 50/95, of March 16)*

Article 6

The personnel foreseen in the previous article has the right to a more favorable participation in the fees equivalent to employees of the same level of a registry and notary office of 1st class in the Autonomous Region of Madeira.

Article 7

The establishment and operation of the services as well as the expenses with allocated personnel are the State's responsibility.

Article 8

The acts foreseen in this diploma are exempt from any fee or charge.

Article 9

The legislation regulating registration and notarial services is subsidiarily applicable to the services foreseen in the present diploma.

Discussed and approved by the Council of Ministers in June 9th, 1988. *Eurico Silva Teixeira de Melo - Lino Dias Miguel - Miguel José Ribeiro Cadilhe - Joaquim Fernando Nogueira - Joaquim Martins Ferreira do Amaral.*

Promulgated on June 22, 1988.

The President of the Republic, MÁRIO SOARES.

The Prime Minister, *Aníbal António Cavaco Silva.*