

French Law of 01.07.1901 about the associations

Updated Version 16th May 2009

Title I

Article 1:

An association is an agreement by which one or more persons bring together, in a permanent manner, their knowledge or their activities for a non-profit purpose. It is governed, as to its validity, by the general principles of law applicable to contracts and obligations.

Article 2:

Associations of persons may be freely formed without authorisation or prior declaration, but they may only obtain a legal identity if they conform to the provisions of Article 5.

Article 3:

Any association founded on a cause or with unlawful objectives, contrary to the law, morality, or which aims to interfere with the interests of national territory and the republican form of Government, is null and void.

Article 4:

Any member of an association not formed for a specific period may withdraw at any time, after payment of dues owed for the current year, notwithstanding any clause to the contrary.

Article 5¹:

Every association that wants to obtain legal qualification as set up by article 6 must be published by its founders.

The preliminary declaration shall be made at the department's prefecture or at the sous-prefecture of the district where the association has its registered office. It shall make known the title and the object of the association, the registered offices of its setting-up and the names, professions, residences and citizenships of those who, for any purpose, are responsible of its administration. One copy of the status is joined to the declaration. A receipt of the latter will be given within five days.

If the association has its registered office in a foreign country, then the declaration set up in the previous sub-article will be made to the prefecture of the department where the registered office of the main establishment is situated.

The association will be made public only by an article in the Official Journal.

The associations are obliged to make known, within three months, all the changes occurring in their administration as well as the modifications made to their status.

These modifications and changes can only be opposed by a third party from the day at which they have been declared.

The modifications and changes shall moreover be recorded in a special register which must be presented to the administrative or legal authorities every time they are asking for this.

Article 6²:

Every association which is regularly declared can, without any special authorisation, take someone to court, receive manual gifts as well as gifts of establishments of public utility, acquire against payment, possess and administrate, outside grants from the State, the regions, the departments, the communes and of their administrative establishments:

1° The subscriptions of its members, these sums cannot represent more than 16 euros;

1

Amended with Ordinance n°2005-856 of 28 July 2005, Art. 4 (enforced on 1st January 2006)

2

Amended with Ordinance n°2005-856 of 28 July 2005 Art. 2 (enforced on 1st January 2006)

2° The premise meant for the administration of the association and the meeting of its members;

3° The establishments strictly required for its aim.

The declared associations which exclusive aim is assistance, charity, scientific or medical research may accept the liberalities of living people or made by will within conditions fixed by decree at the State Council.

Article 7³:

In the case of nullity as foreseen by Article 3, the dissolution of the association is pronounced by the High Court, either at the request of any interested party, or by action of the public ministry. The latter may summon, for a fixed date and court, under the sanctions foreseen under Article 8, and order by provision and notwithstanding any remedy at law, the closing of the premises and the prohibition of any reunion of members of the association.

In the case of breach of the provisions of Article 5, the dissolution may be pronounced at the request of any interested party or by action of the public ministry.

Article 8⁴:

Will be punished with a fine set up by the 5° of the article 131-13 of the Penal Code for fines of 5th class for the first infringement, and, in the case of relapse, those who have contravened the dispositions of Article 5.

Will be punished with three years of imprisonment and with a fine of 45,000 Euros, the founders, directors or administrators of the association, which is maintained or illegally reconstituted after the judgement of dissolution.

Will be punished with the same sentence, all the people who have favoured the reunion of the members of the dissolved association by consenting to use the establishments, which they possess.

Article 9:

In the case of voluntary, statutory or court-ordered dissolution, the association's property will be distributed according to the articles of association or, lacking such statutory provisions, following the rules determined by the General Meeting.

Title II

Article 10⁵:

Associations may be State approved by decree from the Conseil d'Etat (Council of State) after a probationary period of operation of at least three years.

State-approval may be withdrawn in the same manner.

However, the probationary period of operation is not required if the association requesting that recognition has sufficient resources available to assure its financial stability for the period of three years.

Article 11⁶:

Associations may do all the acts of civil life that are not forbidden by their status, but they cannot possess or acquire other buildings than those necessary for their aim. However, they may acquire, against payment or for free, woods or forests. All the securities of an association must be placed in registered securities, for which are established the registered references slip foreseen by the Article 55 of the legislation n° 87-416 of 17th June 1987 about the savings or in guaranteed securities permitted

3

Amended by Law n°71-604 of 20 July 1971, Art. 2

4

Amended by Ordinance n°2000-916 of 19 September 2000, Art.3

5

Amended by Law n°87-571 du 23 juillet 1987 art. 17

6

Modifié par Ordonnance n°2005-856 du 28 juillet 2005 art. 2

by the Bank of France.

They may receive gifts and bequests in the conditions foreseen by the Article 910 of the Civil Code.

Article 12⁷:

Title III

Article 13⁸:

A religious congregation may obtain legal recognition by decree rendered by decision from the Conseil d'Etat; the provisions relating to congregations previously authorised are applicable to them. Legal recognition may be granted to any new congregational establishment in virtue of a decree from the Conseil d'Etat.

The dissolution of the congregation or the suppression of any establishment may only be pronounced by decree from the Conseil d'Etat.

Article 14⁹:

Article 15¹⁰:

All religious congregations have a state of its revenues and expenditures; it draws up every year the financial account of the passed year and the inventory state of its personal and capital properties.

The complete list of its members, mentioning their family names as well as the name under which they are designated in the congregation, their citizenship, date and place of birth, their date of entry, must be at the registered office of the congregation.

The latter must present, without moving, at any requisition from the prefect to him or to his delegate the accounts, states and lists mentioned above.

Will be punished with the sentences mentioned in sub-article 2 of the Article 8 the representatives or directors of a congregation who has made untrue communications or refused to comply with the requisitions of the prefect in the cases foreseen by the present Article.

Article 16¹¹:

Article 17¹²:

Are null and void all acts inter vivos or legacies, at a valuable consideration or free of charge, accomplished either directly or by third party, or by any other indirect means, designed to permit associations legally or illegally formed to avoid the provisions of Articles 2, 6, 11, 14 and 16.

Article 18¹³:

Congregations existing at the time of the proclamation of this law, which have not been previously authorised or recognised, must, within three months, prove that they have taken the necessary steps

7

Repealed by Decree of 12 April 1939

8

Amended by Law n°42-505 of 8 April 1942

9

Repealed by Law of 3 September 1940

10

Modifié par Décret n°2004-1159 du 29 octobre 2004 art. 19 (en vigueur le 1er janvier 2005).

11

Repealed by Law n°42-505 of 8 April 1942

12

Amended by Law n°42-505 of 8 April 1942

13

Amended by Law of 17 July 1903

to conform with these stipulations.

Failing that proof, they are considered to be dissolved ipso jure. The same applies to congregations, which have been refused authorisation.

Liquidation of property held by them will be ordered by the court. At the request of the public ministry, the court will nominate a receiver to carry it out who will have during the entire duration of the liquidation all powers of an official receiver.

The court, which named the receiver is alone competent to hear, in civil matters, any action formed by the receiver or against him.

The receiver will carry out the sale of property following the forms prescribed for sale of goods for minors. The judgement ordering the liquidation will be made public in the form prescribed for legal notices.

Property and securities belonging to members of the congregation prior to their entry into the congregation, or which have come due since, either as direct or collateral intestacy, either by gift or legacy, will be returned to them.

Gifts and legacies made other than by direct transmission may be legally claimed, but it is for the beneficiaries to prove that they were not intermediaries as stipulated in Art. 17.

Property and securities acquired without charge, and which were not specifically made over by gift to a charitable association, may be claimed by the donor, his/her heirs or rightful claimants, or by the heirs or rightful claimants of the testator, without opposition for the time elapsed prior to the judgement pronouncing the liquidation.

If property and securities were given, or willed, not for the benefit of the Congregationalists, but to aid a charitable association, they may only be claimed if they are accompanied by the reason assigned to the gift.

Any action taken to recover or claim must be made to the liquidator within 6 months following the publication of the judgement, or risk foreclosure. Judgements rendered contradictory to the liquidator, and having acquired the authority of res judicata, are opposable by all persons concerned.

After a period of 6 months, the liquidator will sell, by court order, all property which has not been claimed or which has not been allotted to a charitable association.

The profit from the sale, as well as all transferable securities, will be deposited at the Deposit and Consignment office.

The care of any hospitalised poor will be, until the end of the liquidation, considered as the liquidation's preferred costs. If there is no contest or when all actions formed in the prescribed period have been judged, the net profit will be divided amongst the rightful claimants.

The ruling of the public administration concerned by Art. 20 of the present law will decide, on the surplus remaining after the deductions mentioned above have been made, the allocation, as capital or life annuity, which will be attributed to the dissolved congregation's members who are without means of support, or who justify having contributed to the acquisition of the securities distributed by the product of their personal labour.

Article 19¹⁴:

Article 20:

A decree from the Conseil d'Etat will determine the proper measures to assure the execution of the present law.

Article 21:

Arts. 291, 292 and 293 of the Penal Code have been repealed, as well as the clauses of Art. 294 of the same code relating to associations; Art. 20 of the 5-8 July 1820 Ordinance; the law of 10 April 1834; Art. 13 of the decree of 28 July 1848; Art. 7 of the law of 33 June 1881; the law of 14 March 1872; sub-article 2, Art. 2 of the law of 24 May 1825; the decree of 31 January 1852 and, generally, all provisions contrary to the present law. There is no future waiver to the laws specifically relating to professional unions, commercial companies or to mutual aid companies.

Article 21 bis¹⁵:

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Repealed by Law [n°92-1336 of 16 December 1992](#)

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Created by Law n°2009-536 of 14 May 2009 - art. 1

The present law applies to overseas territories defined by art. 74 of the Constitution and to New Caledonia under the condition of the following regulations:

I.- For the application of the present law in the Mayotte territory:

1° At art.5, the references to the department's prefecture and to the sous-prefecture of the district are replaced by the reference to the prefecture;

2° At art.6, the words: "the regions, the departments" are replaced by the words: "the collective";

3° At art.7, the reference to the High Court is replaced by the reference to the Court of First Instance.

II.- For the application of the present law in Saint Barthélemy, Saint Martin and Saint Pierre and Miquelon:

1° At art.5, the references to the department's prefecture and the sous-prefecture of the district are replaced by the reference to the office of the representative of the State;

2° At art.6, the words: "the regions, the departments" are replaced by the words: "the collective";

3° At art.15, the reference to the prefect is replaced by the reference to the representative of the state.

III.- For the application of the present law on the islands Wallis and Futuna:

1° At art.5, the references to the department's prefecture and the sous-prefecture of the district are replaced by the reference to the office of the supreme administrator;

2° At art.6: a) The words: "the regions, the departments, the communes" are replaced by the words: "the islands Wallis and Futuna, the territorial areas"; b) After the words: "16 euros" there are inserted the words: "or an equivalent amount of the local currency";

3° At art.7, the reference to the High Court is replaced by the reference to the Court of First Instance;

4° At art.8, after the words: "45 000 euros" there are inserted the words: "or with an equivalent amount of the local currency";

5° At art.11, the words: "for which are established the registered references slip foreseen by the Article 55 of the legislation n° 87-416 of 17th June 1987 about the savings" are eliminated;

6° At art.15, the reference to prefect is replaced by the reference to the supreme administrator;

7° At art.18, the reference to the Deposit and Consignment Office is replaced by the reference to the treasury.

IV.- For the application of the present law in French Polynesia:

1° At art.5: a) The reference to the department's prefecture is replaced by the reference to the government department of the High Commissioner of the Republic; b) The reference to the sous-prefecture of the district is replaced by the reference to the office of the governor of the administrative subdivision;

2° At art.6: a) The words: "the regions, the departments" are replaced by the words: "French Polynesia"; b) After the words: "16 euros" there are inserted the words: "or an equivalent amount of the local currency";

3° At art.7, the reference to the High Court is replaced by the reference to the Court of First Instance;

4° At art.8, after the words: "45 000 euros" there are inserted the words: "or with an equivalent amount of the local currency";

5° At art.11, the words: "for which are established the registered references slip foreseen by the Article 55 of the legislation n° 87-416 of 17th June 1987 about the savings" are eliminated;

6° At art.15, the reference to the prefect is replaced by the reference to the High Commissioner of the Republic;

V.- For the application of the present law in New Caledonia:

1° At art.5: a) The reference to the department's prefecture is replaced by the reference to the office of the High Commissioner of the Republic; b) The reference to the sous-prefecture of the district is replaced by the reference to the office of the Commissioner delegated by the Republic of the province;

2° At art.6: a) The words: "the regions, the departments" are replaced by the words: "New Caledonia and its provinces"; b) After the words: "16 euros" there are inserted the words: "or an equivalent amount of the local currency";

3° At art.7, the reference to the High Court is replaced by the reference to the Court of First Instance;

4° At art.8, after the words: "45 000 euros" there are inserted the words: "or with an equivalent amount of the local currency";

5° At art.11, the words: "for which are established the registered references slip foreseen by the Article 55 of the legislation n° 87-416 of 17th June 1987 about the savings" are eliminated;

6° At art.15, the reference to the prefect is replaced by the reference to the High Commissioner of the Republic;

Title IV: Of Foreign Associations

Article 22 -35¹⁶: