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Succession

Portugal



Portugal

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The courts with jurisdiction to decide on applications for a declaration of enforceability pursuant to Article 45(1) are the Local General Divisions (*Juízos de Competência Genérica*) or the Local Civil Divisions (*Juízos Locais Cíveis*), if they exist, of the relevant District Court of First Instance (*Tribunal de Comarca (1ª Instância)*).

Appeals against these decisions pursuant to Article 50(2) will be heard by the Courts of Appeal (*Tribunais da Relação*).

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

For the purposes of Article 51, a decision given on appeal can only be contested by bringing an appeal on a point of law (*Recurso de revista*) before the Supreme Court of Justice (*Supremo Tribunal de Justiça*).

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

The authorities with the power to issue the European Certificate of Succession are registrars (*conservadores*), namely those who have competence in the area of simplified hereditary succession procedures, as provided for in Articles 210A to 210R of the Civil Registry Code (*Código do Registo Civil*), as last amended.

The list of registry offices (*conservatórias*) able to issue the European Certificate of Succession is available at: http://www.irn.mj.pt/IRN/sections/irn/a_registral/servicos-externos-docs/contactos/balcao-das-herancas-e-locais

Article 78 (d) - the redress procedures referred to in Article 72

For the purposes of Article 72, appeals against decisions taken by registrars are heard by the Local General Divisions or the Local Civil Divisions, if they exist, of the District Court of First Instance in the relevant registry office's area of jurisdiction.

Within 15 days following the notification of the decision, the applicant must present to the registry office a statement of appeal addressed to the judge of the court, together with the documents he/she wishes to submit (Articles 286 and 288 of the Civil Registry Code (*Código do Registo Civil*), as last amended.

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

For the purposes of Article 3(2), aside from the courts, notaries also have competence in matters of succession and exercise judicial functions.

Notaries are empowered to draw up all the documents for and terms of inventory proceedings and to issue inheritance certificates to beneficiaries following a person's death, in accordance with the new legal framework on inventory proceedings, approved by Law No 23/2013 of 5 March 2013, as last amended, and brought into effect by Implementing Order No 278/2013 of 26 August 2013, as last amended, with the exception of cases where the parties are referred to the usual legal channels.

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