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## National justice systems

### Portugal

This section provides you with an overview of the court system in Portugal.

#### Courts – General principles

Articles 202 *et seq.* of the Portuguese Constitution define the principles underlying the administration of justice and the workings of the courts in Portugal. The courts are sovereign bodies with competence to administer justice in the name of the people. They are responsible for safeguarding citizens' legally-protected rights and interests, prohibiting breaches of the democratic rule of law and settling public or private disputes.

The courts are independent and subject only to the law. Their rulings are binding on all public and private entities and prevail over the decisions of all other authorities.

Court hearings are held in public, save when, in order to safeguard personal dignity or public morals, or to ensure its own proper operation, the court in question decides otherwise by way of a written order setting out the grounds for its decision.

#### Organisation of justice – the judicial system

Under Articles 209 *et seq.* of its Constitution, Portugal has two separate sets of courts – the civil courts and the administrative courts. Provision is also made for other courts – the Constitutional Court (*Tribunal Constitucional*), the Court of Auditors (*Tribunal de Contas*), courts of arbitration (*tribunais arbitrais*) and justices of the peace (*juílgados de paz*).

In the civil sphere, the ordinary courts with civil and criminal jurisdiction are the judicial courts, which are organised in three instances. In descending order of hierarchical rank and territorial scope, these are: the Supreme Court (*Supremo Tribunal de Justiça*, with jurisdiction over the whole country), the courts of appeal (*tribunais da relação*, one per judicial district and two in the Porto judicial district) and the district courts (*tribunais de comarca*, at first instance).

The first instance judicial courts fall into three categories, depending on the subject-matter of the action and the amount at stake: courts with general jurisdiction, courts with specialised jurisdiction (criminal cases, family matters, minors, labour law, trade, maritime affairs and the enforcement of sentences) or specific jurisdiction (civil, criminal or mixed divisions; civil or criminal benches; civil or criminal benches dealing with minor matters).

The administrative courts include the first instance administrative and tax courts, the central administrative courts (North and South) and the Supreme Administrative Court (*Supremo Tribunal Administrativo*, covering the whole country).

Conflicts of jurisdiction between courts are resolved by a *Tribunal de Conflitos*, regulated by law.

#### Types of courts – short description

In the Portuguese judicial system, the following categories of courts exist:

The Constitutional Court, whose main task is to assess the constitutionality or legality of law and rules, as well as the constitutionality of a failure to legislate;

The Court of Auditors, which is the highest body with the authority to scrutinise the legality of public expenditure, and to review the accounts that the law stipulates must be submitted to it;

The judicial courts, which have general jurisdiction in civil and criminal matters and also exercise jurisdiction in all matters not assigned to other courts. They include the Supreme Court of Justice, the second instance judicial courts (as a rule, the courts of appeal) and the first instance judicial courts (as a rule, the district courts).

The administrative and tax courts, whose role is to settle disputes arising out of administrative and tax relations. They include the Supreme Administrative Court, the central administrative courts, the circuit administrative courts and the tax courts.

The justices of the peace, which are courts with special characteristics and with competence in civil proceedings where the value of the claim does not exceed €15 000.

During states of war, courts martial (*tribunais militares*) may also be created.

#### Useful links

[Constitutional Court](#)

[Court of Auditors](#)

[Supreme Court of Justice](#)

[Lisbon Appeal Court](#)

[Porto Appeal Court](#)

[Coimbra Appeal Court](#)

[Guimarães Appeal Court](#)

[Supreme Administrative Court](#)

[Central Administrative Court, South](#)

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