



Portugal

## Ordinary courts - Portugal

In this section, you can find information on the organisation of the ordinary courts in Portugal.

### Organisation of the ordinary courts

Apart from the Constitutional Court, which is specifically competent to administer justice on legal-constitutional issues, the following categories of courts exist in Portugal:

- a) The Supreme Court of Justice and the judicial courts of first and second instance;
- b) The Supreme Administrative Court and the other administrative and fiscal courts;
- c) The Court of Auditors.

Maritime, Arbitration and Magistrates Courts are also possible.

The cases and formations in which the above-mentioned courts may constitute, separately or jointly, a conflict court [*Tribunal dos Conflitos* - court dealing with conflicts of jurisdiction] are laid down by law.

Without prejudice to the provisions regarding courts martial [*tribunais militares*], which may be created during states of war, courts with exclusive competence to rule on certain categories of crimes are prohibited.

### Judicial courts

#### Supreme Court of Justice

The Supreme Court of Justice is the highest body in the hierarchy of the judicial courts, without prejudice to the competence of the Constitutional Court. It comprises civil, criminal and social sections.

It has its seat in Lisbon and jurisdiction over the entire Portuguese territory.

The Supreme Court of Justice operates under the direction of a President (Presiding Judge), as a full bench of the Court (made up of all the judges comprising the sections), in specialised sections and in sections.

Save in the case of legally enshrined exceptions, the Supreme Court of Justice only deals with matters of law.

#### Courts of appeal

The courts of appeal [*tribunais da relação*] are, as a rule, courts of second instance.

At the present time courts of appeal sit in Lisbon, Porto, Coimbra, Évora and Guimarães. They operate under the direction of a President [Presiding Judge], as a full bench or by sections.

The courts of appeal comprise civil, criminal and social sections.

#### Courts of first instance

The judicial courts of first instance are normally the district courts [*tribunais de comarca*].

As a rule, the area of competence of the judicial courts is the district, although courts may exist which have competence over one or more districts or areas specifically defined by law.

The judicial courts have general jurisdiction in civil and criminal matters and also exercise jurisdiction in all matters not assigned to other courts.

In the first instance, there may be courts with specific competence (dealing with specific matters determined according to the applicable type of proceeding) and courts specialised in ruling on specific matters (irrespective of the applicable type of proceeding).

The judicial courts may be divided into benches (with generic, specialised or specific competence), or into divisions having specific competence, when this is justified by the volume and complexity of the service.

One or more judges sit in each court, bench or division.

### **Administrative and tax courts**

The administrative and tax courts have competence to rule on actions and appeals relating to the settlement of disputes arising from legal relations in administrative and tax matters.

#### **Supreme Administrative Court**

The Supreme Administrative Court is the highest body in the hierarchy of the administrative and tax courts, without prejudice to the competence of the Constitutional Court.

It has its seat in Lisbon and jurisdiction over the entire Portuguese territory.

The Supreme Administrative Court comprises a section for administrative disputes and a section for tax disputes. Its main competence is to rule on appeals against judgments by the central administrative courts.

The Supreme Administrative Court operates under the direction of a President (Presiding Judge), assisted by three Vice-Presidents.

Depending on the subject-matter, the court functions as a full bench, as a full bench for each section or by sections. Only the full bench or bench for each section examine points of law.

#### **Central administrative courts**

The central administrative courts are, as a rule, courts of second instance. There are at the moment two central administrative courts (North and South).

Their main function is to rule on appeals against decisions by district administrative courts [*tribunais de círculo*] and tax courts.

Each central administrative court comprises a section for administrative disputes and a section for tax disputes.

The central administrative courts operate under the direction of a President (Presiding Judge), assisted by three Vice-Presidents.

The central administrative courts examine facts and points of law.

#### **District administrative courts and tax courts**

These are courts of first instance, the main function of which is to rule on disputes on administrative and tax matters. They may function autonomously, under the title of district administrative court and tax court [*tribunal tributário*], or they may function jointly, under the title of administrative and tax court [*tribunal administrativo e fiscal*].

They operate under the direction of a President, appointed by the Superior Council of Tax and Administrative Courts [*Conselho Superior dos Tribunais Administrativos e Fiscais*] for a five-year term.

As a rule, they are constituted by a single judge but legislation does provide in certain cases for these courts to sit in a different formation.

#### **Justices of the Peace [*Julgados de Paz*]**

Justices of the Peace are extra-judicial courts, which have their own modus operandi and organisation, their own mediation service and the competence to hear and rule on actions lying within the jurisdiction of judicial courts of first instance.

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