



Portugal

## Specialised courts - Portugal

This page provides information on the organisation of specialised courts in Portugal.

### Courts of First Instance (Tribunais judiciais de 1.<sup>a</sup> instância)

The judicial courts are common courts for civil and criminal matters and they exercise jurisdiction in all matters that are not assigned to other courts. They are, as a rule, courts of general competence.

There may also be courts with specific competence (which deal with matters determined according to the applicable type of proceedings) and specialised courts which deal with specific matters (irrespective of the applicable form of the proceeding).

#### Courts having specialised competence:

##### Courts of Criminal Enquiry (Tribunais de Instrução Criminal)

The role of the Courts of Criminal Enquiry is to carry out criminal investigations, decide whether to proceed with the case and perform the judicial duties related to the enquiry.

##### Family and Youth Courts (Tribunais de Família e Menores)

The competence of the Family and Youth Courts includes the following:

- dealing with actions related to the civil status of persons: actions for separation of persons and property and for divorce, as well as all related actions, such as inventories and preliminary proceedings, actions for declarations of nullity or annulment of civil marriage and actions and enforcement proceedings relating to maintenance between spouses and between ex-spouses;
- dealing with actions related to filiation: granting adoption, regulating the exercise of parental responsibilities and hearing matters relating thereto, officially determining maternity and paternity, and hearing challenges to presumed paternity;
- dealing with actions relating to the protection of interests of at-risk minors: issue orders relating to minor children who are victims of maltreatment, abandonment or destitution or who are in situations that are likely to jeopardise their health, safety, education or morality, or to hear and decide on applications for the protection of minor children against the abusive exercise of authority within the family or within institutions in whose care they are placed.

##### Employment Tribunals (Tribunais de Trabalho)

In civil matters, it falls to the Employment Tribunals to deal with, for example:

- matters relating to subordinate employment relations and relations established with a view to entering into employment contracts;
- matters relating to work accidents and occupational illness;
- matters arising between institutions providing social security or family allowances and the beneficiaries thereof, where they relate to the rights, powers or legal, regulatory or statutory obligations of either party, without prejudice to the competence of the administrative and tax courts;
- civil matters relating to strikes.

##### Commercial Courts (Tribunais de Comércio)

The Commercial Courts are competent, in particular, to deal with:

- insolvency proceedings, if the debtor is a commercial undertaking or if the insolvent estate includes a company;
- actions for declaration of the non-existence, nullity and rescission of memoranda and articles of association;

- actions for the suspension or cancellation of company resolutions;
- declaratory actions in which the plea relates to industrial property, in any of the cases for which provision is made in the Industrial Property Code.

### **Maritime Courts (Tribunais Marítimos)**

The Maritime Courts are competent to deal with matters relating to:

- compensation due for damage caused or suffered by ships, boats and other floating vessels, or resulting from their maritime use under the general terms of the law;
- contracts for construction, repair, purchase and sale of ships, boats and other floating craft, provided they are intended for maritime use;
- contracts for transport by sea or combined or multi-modal transport contracts;
- contracts for insurance of ships, boats and other floating craft intended for maritime use, and their cargoes;
- mortgages and privileges in respect of ships or boats, in addition to any real guarantees with respect to floating craft and their cargoes;
- civil liability in relation to pollution of the sea and other waters under their jurisdiction.

### **Courts for the Application of Sentences (Tribunais de Execução de Penas)**

The Courts for the Application of Sentences are competent, in particular, to:

- grant conditional release (*liberdade condicional*) and decide to revoke it;
- review, extend and re-examine the security measure of internment of non-accountable persons (*inimputáveis*);
- grant probational release (*liberdade para prova*) and decide to revoke it;
- declare the end of a prison sentence, of a sentence with no fixed time frame in law (*pena relativamente indeterminada*) or of a security measure of internment.

### **Specialised Court for Intellectual Property (Tribunal de Competência Especializada para a Propriedade Intelectual)**

This Court sits in Lisbon and is competent to deal with actions concerning copyright and related rights, industrial property, Internet domains, companies and trading names; and appeals against decisions pronounced by the Instituto Nacional da Propriedade Industrial (National Industrial Property Institute), the Fundação para a Computação Científica Nacional (Foundation for National Scientific Analysis) and the Instituto dos Registos e do Notariado (Institute of Records and Notaries).

### **Courts having specific competence:**

Courts having specific competence deal with matters determined according to the applicable type of proceeding. These are not courts as such but rather divisions of the district courts into civil divisions (*varas cíveis*), criminal divisions (*varas criminais*), civil benches (*juízos cíveis*), criminal benches (*juízos criminais*), benches dealing with minor civil matters (*juízos de pequena instância cível*), benches dealing with minor criminal matters (*juízos de pequena instância criminal*) and enforcement courts (*juízos de execução*).

The *varas cíveis* are competent to deal with actions for a declaratory judgment with a value exceeding the competence of the Court of Appeal where the law provides for the intervention of the collective court.

The *varas criminais* are competent, *inter alia*, to deal with cases of a criminal nature falling under the competence of the collective court or the jury court.

The *juízos cíveis* are competent to deal with proceedings of a civil nature that do not fall within the jurisdiction of the *varas cíveis* or the *juízos de pequena instância cível*. The *juízos criminais* are competent, in particular, to deal with cases of a criminal nature not referred to the *varas criminais* or the *juízos de pequena instância criminal*.

The *juízos de pequena instância cível* are competent to deal with civil cases by summary process (*processo sumaríssimo*), and civil cases for which no provision is made in the Code of Civil Procedure, which are covered by a special procedure and in which the decision is not open to ordinary appeal. The *juízos de pequena instância criminal* are competent, in particular, to deal with cases to which one of the three summary processes (*processo sumário*, *abreviado* and *sumaríssimo*) applies.

As part of the enforcement procedure, the enforcement courts are competent to perform the tasks set out in the Code of Civil Procedure.

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