

## Matters of matrimonial property regimes - Portugal

Article 64(1) (a) - the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) and with appeals against decisions on such applications in accordance with Article 49(2)

Article 64(1) (b) - the procedures to contest the decision given on appeal referred to in Article 50

Article 65 (1) - the list of the other authorities and legal professionals referred to in Article 3(2)

**Article 64(1) (a) - the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) and with appeals against decisions on such applications in accordance with Article 49(2)**

The courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44 (1) are as follows:

- the family and minors division (*juízo de família e menores*); or, if there isn't one:
- the local civil division (*juízo local cível*), if one exists; or
- the general division (*juízo de competência genérica*) of the district court (*tribunal de comarca*) with jurisdiction.

In accordance with Article 49(2), appeals against decisions on such applications are heard by the courts of appeal (*Tribunais da Relação*).

**Article 64(1) (b) - the procedures to contest the decision given on appeal referred to in Article 50**

For the purposes of Article 50, 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 65 (1) - the list of the other authorities and legal professionals referred to in Article 3(2)**

- The courts, specifically the family and minors divisions, local civil divisions, general divisions, the courts of appeal and the Supreme Court of Justice;
- Civil registry offices\*.

\* Decree-Law No 271/2001 of 13 October 2010 (<http://data.dre.pt/eli/dec-lei/271/2001/10/13/p/dre/pt/html>), as last amended by Decree-Law No 122/2013 of 26 August 2013, gives civil registry offices competence in proceedings relating to the designation of the family home, legal separation, conversion of a legal separation into a divorce, and divorce, provided that, in all of the cases referred to above, there is agreement/mutual consent between the parties (see Article 16 of the Decree-Law, which gives civil registry offices powers equivalent to courts for that purpose).

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