

**Legislative Decree No. 18/97  
Of 10 November**

The Government proposes to give continuity to the process initiated with Legislative Decree 2/95, gradually gathering, modernizing and clarifying the norms principles today dispersed regarding homogeneous aspects and activity, procedure and organization of the Public Administration, until it is possible to gather in a single Administrative Code the fundamental of the Cape-Verdian administrative law.

Thus, under the legislative authorization granted by Article 2 a) of Law No. 23/V/97, of 27 May, and

In the use of the faculty conferred by subparagraph b) No. 2 of Article 216 of the Constitution. The Government decrees the following:

**Article 1  
Object**

1. This Legislative Decree establishes the general bases free of charge administrative proceedings.

2. For the purpose of this legislation the following definitions apply:

- a) Administrative proceeding, the succession of acts and formalities tending to the formation and manifestation of the will of the Public Administration or to its execution;
- b) Administrative process, the set of documents and other papers in which materialize the acts and formalities that integrate the administrative procedures.

**Article 2  
Ambit**

1. This Legislative Decree applies to:

- a) All the acts of the direct or indirect administration of the State, even in the ambit of the technical activity or of private management;
- b) The administrative acts planned by other organs of the State that, although not integrated into the Public Administration, develop materially administrative functions;
- c) To the acts practiced by public or private concessionaire entities, in the exercise of the powers of authority.

2. This Legislative Decree may, by Decree-Law, be ordered to apply plainly to the local governments and to the private institutions of public interest. The subsidiary legislation shall apply to them, henceforth.

## **CHAPTER I**

### **General Provisions**

#### **Article 3**

##### **Principles**

1. The administrative proceedings respects the general principles established in Chapters II and IV of Legislative Decree No. 2/95, of 20 Juno.
2. The administrative proceeding is free of charge, save for special disposition imposing the payment of fees or of expenses made by the Administration.
3. In the event of proven economic insufficiency, the Administration, at the request of the interested party, shall exempt the latter totally or partially, from the payment of fees or of the expenses referred to in No. 1.

#### **Article 4**

##### **The Right and the Capacity to Intervene**

1. All persons have the right to intervene personally in the administrative proceeding or to be represented or assisted in it.
2. Save for special provision, the capacity to intervene in the administrative proceeding has as its basis the measure of the capacity to exercise the rights according to civil law, which is also applicable to resolving the incapacity.

#### **Article 5**

##### **Legitimacy**

1. The titleholders of legally protected subjective rights or interests, as well as the non-political associations whose objective is the defense of those interests, have the legitimacy to initiate and intervene in the administrative proceeding, in the ambit of the decisions that were or can be taken in them.
2. Also considered endowed with legitimacy to protect the interests juridically recognized in favor of a plurality of citizens, are:
  - a) The citizens in general, relatively to relevant losses provoked by actions or omissions by the Administration in fundamental goods such as public health, housing, education, cultural patrimony, the environment, territorial organization and quality of life;
  - b) The residents in the circumscription in which is located some goods of the public domain affected by action or omission of the Administration.
3. The associations dedicated to the defense of such interests and organs of the local government of the respective areas also have legitimacy to defend the interests juridically recognized to the residents in a specific territorial circumscription.
4. Those that, without reservation, may have accepted an administrative act, expressly or tacitly, cannot complaint after the act is practiced.

## **Article 6**

### **Initiative**

1. The administrative proceeding is initiated ex-officio or at the request of the interested parties.

2. The ex-officio initiation of an administrative proceeding shall be communicated to the person whose rights or legally protected interests may be harmed by the acts to be practiced in the proceeding and capable, from the outset, of nominal identification, informing them of the entity that ordered the instituted the proceeding, from the date of its beginning, of the service where the same runs and of the respective object, save in the cases in which:

- a) The law dispenses with the communication;
- b) The communication may harm the secret or confidential nature of the matter, as such classified by law, or the opportune adoption of the providences to which the proceedings are destined.

## **Article 7**

### **Power of Audience of the Interested Parts**

In any state of the administrative proceedings the administrative organs may order a notification of the interested parties to, in the deadline established for them, pronounce on any issue.

## **Article 8**

### **Right of the Interested Parts to Information**

1. Whenever they so require, the interested parties under the terms of Article 5 have the right to be informed by the Administration, in a maximum of twenty days, on the course of the proceedings in which they are directly or indirectly interested, as well as the right to know the definitive resolutions that may be made regarding them.

2. The information to be provided includes the indication of the service where the proceeding is to be found, the acts and diligences practiced, the deficiencies to be overcome by the interested parties, the decisions adopted and any other relevant elements solicited.

3. The interested parties have the right to consult the case-file that does not contain classified documents or documents that reveal commercial or industrial secrets, secrets relative to the literary, artistic or scientific property or non-public personal data under the terms of the law.

4. The interested parties have the right to, upon payment of the amounts that become due, to request and obtain a certificate, reproduction or authenticated declaration of documents that are included in the case-file to which they may have access.

5. The competent functionaries are obligated to issue to the interested parties that request them, independently of dispatch and within ten days, a certificate, reproduction or authenticated declaration of unclassified documents they have knowledge of, according to the request, all or some of the following elements:

- a) Date the applications, petitions, complaints, appeals or similar documents are presented;
- b) Contents of these documents and the pretensions formulated in them;
- c) The course they may have had or the situation they are in;
- d) Resolution made in their regard or the lack of resolution.

6. The duty established in No. 5 does not encompass classified documents or documents that reveal commercial or industrial secrets, secret relative to literary, artistic or scientific property, as well as non-public personal data.

7. The rights recognized in the preceding numbers of this Article are extensive to any other persons that, in some form, have legitimate interest in the knowledge of the elements they are interested in, recognized by dispatch of the highest person responsible for the service, emitted in a written application, documented with the proof documents of the legitimate interest invoked.

8. The certificates, reproductions or declarations emitted and the elements obtained by consultation to the case-files under the terms of this Article cannot be utilized to commit crimes, specifically against the honor and reputations of persons. They cannot, likewise, be utilized to illegitimately condition or exercise pressure on the Administration with a view to a favorable decision of the pretensions of the interested parties they pertain to, especially by way of mass communication or other forms of publication, under the penalties of the crime of coercion against a public employee if other graver crimes do not result from the law.

## **Article 9**

### **Liberated Administration**

- 1. All persons have the right of access to the administrative archives and records, save for those that refer to matters of internal or external security, the national defense, criminal investigation and to the intimacy of persons and matters classified as State secrets.
- 2. Access to the administrative archives and records is regulated by appropriate legislation.

## **Article 10**

### **Deadlines**

- 1. In the absence of special provision or the fixation by the Administration in the cases it is responsible for, the deadline for the acts to be practiced by the Administrative organs, as well as for the interested parties to require or practice any acts, promote diligences, pronounce themselves, respond to or exercise other powers in the administrative proceeding, is ten days.
- 2. When no deadline is especially established, the deadline for the notification of the administrative acts is five days.
- 3. The administrative proceeding must be concluded within ninety days, save if another ensues from the law or is imposed by circumstances.

4. The non-observance of the deadlines established must be justified by the responsible organ or agent before the immediate hierarchic superior or before the competent collegial organ, within the five days that follow the term of the same deadlines.

5. In counting the deadline, the following rules are applicable:

- a)* The deadline begins to run independently of any formalities;
- b)* The date in which the event takes place from which the deadline begins to run is not included in the count;
- c)* The deadline is suspended on Saturdays, Sundays and Holidays, save if it is a legally established ninety day deadline;
- d)* The date of the deadline is transferred to the first following workday, when it falls on a day in which the service where the act must be practiced is not open to the public or does not operate during the normal hours.

6. The deadlines whose counting begin with the notification start running, in the cases in which it is dispensed with, on the day following that in which the act is practiced, in the presence of the interested party or of the day in which the intervention of the interested party occurs, as the case may be.

7. If the interested parties reside or are outside the island where the service for which the proceedings are running is located, if the deadlines fixed in the law do not already attend to this circumstance, the proceedings shall only be initiated only after the expiration of the extension of:

- a)* Eight days if the interested parties reside or are in another island of the country;
- b)* Fifteen days if they reside in a foreign country.

## **CHAPTER II**

### **Of the March of the Proceedings**

### **SECTION I**

#### **Of the Beginning of Proceeding**

#### **Article 11**

##### **Initial Requirement**

1. Save in the cases in which the law admits a verbal request, the initial application by the interested parties, should be formulated in writing and contain:

- a)* The designation of the administration organ it is directed to;
- b)* The identification of the requester by indication of the name, civil status, profession and residence, or, in the case of a collective person, the kind, the type, the denomination and the main office as well as the representation organ and the identification of the title holder(s);

- c) The identification of the kind, the number and the validity period of the identification document;
- d) The exposé of the facts in which the request is based and, when possible to the requester, the respective legal fundaments;
- e) The indication of the request in clear and precise terms;
- f) The date and the signature of the requester, or of someone else in its behest, if the same does not know how or cannot sign;
- g) The postal address, telephone, telex, fax or electronic address, through which the requester may be contacted;
- h) The indication of the documents that accompany the request.

2.No more than one request can be formulated in each application, save when dealing with alternative or subsidiary requests.

3. When the law allows verbal formulation of the application, a term shall be prepared to this effect, which should contain the mention referred to in subparagraphs a) to e), g) and h) of No. 1 and be signed, after being dated, by the requester and by the agent that receives the request.

4. The applications may also be formulated with the contents referred to in Nos. 1, 2 and 3, as the case may be, by telex, fax or electronic mail, if the service has adequate receiving equipment. In the event of doubt, the latter may confirm by other means, the authenticity of the application and the identity of the requester.

5. For the more frequent types of requests, the optional application models approved by the competent administrative organs to evaluate requests may be optionally used and the service should make them available at no charge.

6. The services should dispose of printed application supports to be provided to the users, by payment of the cost due, inscribed in them.

## **Article 12**

### **Deficiency of the Initial Request**

1. If the initial application does not satisfy the provisions of Article 11, the requester shall be asked to overcome the existing deficiencies.

2. Without prejudice to the provisions of No. 1, the organs and administrative agents should overcome the deficiencies in the applications ex-officio, so as to keep the interested parties from suffering losses by reason of simple formal irregularities or mere imperfection in the formulation of their requests.

3. The unidentified applications, those whose requests are unintelligible and as well, those formulated under the terms of No. 4, Article 11, are provisionally disapproved if the authenticity of the application and the identity of its author are not confirmed: Also provisionally disapproved are the contain language that is offensive to the honor of the persons, the institutions of the State and the organs of Public Administration.

4. When the user, due to a forgiving error and within the established deadline, addresses the application to an incompetent organ, the following shall apply:

- a) If the competent organ belongs to the government department or to the same collective person, the application shall be remitted to it, and the private person shall be notified, but the deadlines established by the Administration only begin to count from the date the application was recorded in the services of the competent organ;
- b) If the competent is part of another government organ or another collective person, the application shall be returned to its author, accompanied with an indication of the government department or collective person to whom it should be addressed, and a new deadline will begin to run in this case, identical to the one established, beginning on the date of notification of the return.

5. In the event of an inexcusable error, the application addressed to the incompetent organ shall not be reviewed, and the interested party is so notified within a period that should not exceed forty-eight hours.

6. A complaint or an appeal may be filed with regard to the qualification of the error.

### **Article 13** **Filing the Application**

1. The applications must be filed in the services of the organs to which they are addressed, save for the provisions of the numbers that follow.

2. The applications addressed to the central organs may be filed in the local decentralized services of the same government service, when the applicants reside in the area of competence of the latter.

3. When the applications are addressed to the organs that do not dispose of services in the area of residence of the interested parties, the application may be filed in the corresponding postal service, under terms to be regulated.

4. The applications can also be filed in the competent services of the diplomatic or consular representations located in the country of residence of the interested party or in which the interested party is located.

5. The applications presented under the terms of No2. 2 to 4 are remitted to the competent organs by registered mail and within three days after they are received, with the indication of the date in which the same took place, in which case the deadlines for the Administration count from the date of reception of the registration in the services of the competent organ.

6. Save for provisions to the contrary, the applications addressed to the administrative organs may be remitted by mail, with return receipt request and, if the service disposes of adequate equipment, by fax or electronic mail, as long as, in the latter cases, the original of the application is remitted by registered mail, in the first workday that follows.

**Article 14**  
**Record of the Filing of the Application**

Regardless of the means by which it is made, the filing of the application shall always be the object of a record.

**Article 15**  
**Receipt of Delivery**

The interest parties may demand a receipt as proof of the delivery of the applications filed, which may be issued in duplicate or photocopy of the application that the requester filed to that end.

**Article 16**  
**Prejudicial Issues**

1. As soon as the necessary elements are determined, the administrative organ must take notice of any issue that could harm the normal development of the proceeding or impede making a decision regarding its object and, namely, of the following issues:

- a)* The incompetence of the administrative organ;
- b)* The impediment of the head of the organ or agent of the Administration or the suspicion raised against it;
- c)* The expiration of the right it is proposed to exercise;
- d)* The illegitimacy of the requesters;
- e)* The extemporariness of the request.

2. If the decision of the prejudicial issue is of the competence of another administrative organ or of the courts, the competent organ for the final decision should suspend the administrative proceeding until the organ or tribunal competent for the prejudicial issue pronounces itself, save if the immediate non-resolution of the issue would result in grave losses.

3. In the cases of No. 2, the suspension ceases:

- a)* When, if the decision depends on the prejudicial issue of the interested party's request, the same does not file it with the competent administrative organ or court within 2<sup>o</sup> days following the notification of the suspension or when the case instituted to get to know the prejudicial issue is halted, by fault of the interested party, for more than 20 days;
- b)* When, for supervening circumstances, the lack of immediate resolution of the issue causes grave damages.

4. If, in the cases of No. 2, the suspension is not declared or the same ceases, the competent administrative organ for the final decision on the proceeding shall take notice of the prejudicial issues, but the respective decision shall not produce any effect outside the proceedings in which it is proffered.



## **Article 17**

### **Provisional Measures**

1. In any phase of the proceedings the competent for the final decision may, ex-officio or at the request of the interested party, order, modify or revoke fundamentally, provisional temporary measures that prove to be adequate, if there is a just concern that, without such measures, grave lesions or difficult to repair lesions to the public interests in question.
2. The decision that establishes or alters any provisional measure must also establish the period of its validity.
3. The hierarchic appeal of the act that decides on provisional measures does not suspend the efficacy of the act, save when the competent organ so determines.
4. Save for special provisions, the provisional measures expire:
  - a) As soon as a definitive decision is proffered on the proceedings;
  - b) As soon as the deadline previously attributed to it or the prorogation thereto have expired;
  - c) If the deadline established by law for the final decision on the proceedings, expires;
  - d) If, should no deadline has been established, the final decision is not preferred within six months following the institution of the proceedings.

## **Article 18**

### **Other Writs Presented by the Interested Party**

With the due adaptations, the provisions of this Section are applicable to the exposés, complaints, petitions, appeals, answers and other similar writs filed by the interested parties.

## **SECTION II**

### **Of the Inscription**

## **Article 19**

### **Concept and Ambit**

1. The documenting phase is the phase of the administrative proceeding destined to collect and determine proofs and to the realization of other diligences tending to form the will of the competent organ for the final decision on the proceedings.
2. The administrative organs may proceed to the diligences it considers convenient for the documenting of the administrative proceedings.

## **Article 20**

### **Directing and Documenting**

1. The direction of the documenting is the responsibility of the competent organ for the

decision, save for the provisions of the organic legislations of the services or in special precepts.

2. The organ competent for the decision may delegate the competence to direct the documenting to subordinates, except in the cases in which the law imposes its personal direction.

3. The organ competent to direct the documenting may charge his/her subordinate with the realization of specific documenting diligences. It may also solicit them from other services of the central or local administration, when it cannot realize them itself.

4. In the collegial organs, the delegation foreseen in No. 2 may be conferred upon members of the organ or to agents dependent of it.

## **Article 21**

### **Proof**

1. The competent organ should seek to investigate all the facts the knowledge of which may be convenient for the just and swift final decision of the proceedings and can, to that end, resort to all the means of proof admitted by law.

2. The following require neither proof nor allegation:

a) The public and notorious facts;

b) The facts the competent organ has knowledge of by virtue of the exercise of his/her functions and that are indicated in the proceedings

3. Without prejudice to the provisions of No. 1, it behooves the interested parties to prove the facts they may have alleged and, to that end, they may add documents and expert opinions or require diligences of useful proof to clarify the facts of interest in the decision, supporting the inherent expenses, save for the provisions in No. 3 of Article 3.

4. The organ that directs the documenting may determine to the interested parties the rendering of information, the presentation of documents or things, the subjection to inspection and the collaboration in other means of proof, notifying them to do so in writing or verbally, within the deadline and conditions established.

5. If the interested party does not reside in the municipality where the documenting organ is located, the rendering of information may take place through the organ or service located in the municipality of its residence, determined by the documenting organ, save if the interested party prefers to appear in person, before the documenting organ.

6. It is legitimate to refuse what is determined under the terms of No. 4 when compliance with those determinations:

a) Involve the violation of a professional secret;

b) Implies the clarification of facts whose revelation is prohibited or dispensed by law;

c) To import the revelation of punishable facts, practiced by the interested

parties themselves or by the spouse of those united in fact, ascendant, descendent, brother, or kin in the same degrees;

- d) It is susceptible of causing moral or material damage to the interested party itself or to some of the persons referred to in subparagraph c).

7. Non-compliance by the interested parts of the notification foreseen in No. 4 is freely interpreted for the purpose of proof, according to the circumstances of the case, and the administrative organ should not dispense with seeking to investigate the facts or of proffering a decision. However, when the information, documents or acts solicited from the interested party are necessary to the evaluation of the request made by it, the proceedings shall not be move forward, and the interested party is notified accordingly.

8. If there is a just concern that producing any proof of interest to the decision will become impossible or difficult to materialize, the competent organ may, ex-officio or at the fundamented request of the interested parties, proceed to the collection beforehand and even before the documenting of the proceedings:

## **Article 22**

### **Expert Analysis**

1. The exams, inspections, evaluations and other similar diligences may be carried out by one or more experts with the necessary specialized knowledge to the investigations that constitute the respective object, and they may also be solicited directly to public services that, by their competence, are apt for the respective realization.

2. At least ten days before the beginning of the diligence, the interested parties shall be notified of the decision that ordered it, of the respective object, of the date, time and location in which they shall take place and of the expert or experts designated to it by the Administration, save if it applies to secret or confidential matter.

3. When the Administration designates experts, the interested parties may indicate their own in equal numbers.

4. The documenting organ and the interested parties may formulate written questionnaires that the experts should respond to or determine to the latter, in writing, to pronounce themselves expressly on certain points, and the documenting organ can exclude the questionnaires or points indicated by the interested parties whose object contains secret or confidential matter.

5. The experts are subject to guarantees of impartiality established in Legislative Decree 2/95, of 20 June.

6. The manner in which the experts are appointed and their remuneration are established by regulamentary legislation.

## **Article 23**

### **Expert Opinions**

1. The expert opinions may be mandatory or optional, depending on whether or not they are expressly required by law, and they are mandatory or non-binding, depending on whether or not the respective conclusions have or do not have to be followed by the organs competent to make the decision.

2. Save for provisions expressly to the contrary, the expert opinions referred to in the law are mandatory and non-binding.
3. The expert opinions must always be fundamented in fact and in law and conclude express and clearly on all the issues indicated in the consultation.
4. In the absence of a special provision, the expert opinions shall be emitted in 20 days, except when the competent documenting organ establishes, fundamentally, a different deadline. The deadline to emit the expert opinion starts only counting from the moment in which the consulting entity is placed in the situation to emit it.
5. When a mandatory expert opinion is not emitted within the deadline foreseen in No. 4, the proceeding may proceed and may be decided without the expert opinion, save for express legal provision to the contrary.

#### **Article 24** **Interested Audiences**

1. At the end of the documenting process, the interested parties have the right to be heard, save for the legally determined cases of inexistence of exemption of an audience, under the terms of Article 40 of Legislative Decree 2/95, of 20 June.
2. It behooves the documenting organs, in each case, to decide if the audience is to be written or verbal.
3. Realization of the audience of the interested parties suspends the counting of the Administration deadlines in the administrative proceedings.

#### **Article 25** **Written Audience**

1. When the option is for a written audience, the documenting organ shall notify the interested parties to, within a period not shorter than eight days, state what they have say, simultaneously supplying them with the elements necessary to inform them of all the relevant aspects for the decision in matter of fact and of law and indicating to them the location and the times in which the case-files can be consulted.
2. In the response, the interested parties can pronounce themselves on issues that constitute object of the proceedings, as well as how to request complementary diligences and add to the documents.

#### **Article 26** **Verbal Audience**

1. When the option is for the verbal audience, the documenting organ shall order the convocation of the interested parties with an advance notice of at least five days.
2. During the verbal audience, the aspects relevant to the decision in matters of fact and of law can be evaluated.
3. A no-show by the interested party does not constitute motive for postponement of the audience, save if justification for the no-show is presented up to the moment established

for the realization of the audience.

4. Minutes shall be made for the audience, which shall indicate the extract of the allegations made by the interested parties, and the same may add any written or documented allegations, during the diligence or subsequently.

### **Article 27**

#### **Complementary Diligences**

After the audiences of the interested parties, the complementary diligences deemed convenient may be carried out ex-officio or at the request of the interested parties, at the end of which the documenting organ shall declare the preparatory phase of the decision concluded or, if it is competent, it shall take the final decision.

### **Article 28**

#### **Report**

1. Upon conclusion of the preparatory phase of the decision, the documenting organ, if it is not competent to make the final decision, shall elaborate a report containing:

- a)* Indication of the interested party's request;
- b)* Summary of the proceeding's contents;
- c)* Proposed decision, synthesizing the reasons of fact and of law that justify it.

2. The report and the case-file shall be remitted to the competent organ for a final decision within forty-eight hours.

### **Article 29**

#### **Final Decision**

1. Once the report is received, the competent organ shall make the final decision, and the administrative proceeding is extinguished.

2. The final decision, if it agrees with the report of the documenting organ, may be limited to remitting to the fundamentals and conclusions of the same; if the contrary, it shall have to contain the fundamentals of the sense of the decision and the essential reasons of disagreement with the report from the documenting organ.

3. In the express final decision, the competent organ should resolve all the pertinent issues raised during the proceedings and that were not decided at a prior moment.

4. The tacit deferment and non-deferment are regulated in Articles 41 and 42 of Legislative Decree 2/95, of 20 June.

### **Article 30**

#### **Other Causes of Extinction**

1. The administrative proceeding extinguishes also by desistence, renunciation, desertion, impossibility or supervening uselessness and by non-payment of the fees and expenses.

2. Save in the cases foreseen in the law and without prejudice to the continuation of the proceedings, if the Administration decides that the public interest so requires, the interested parties may, by written application, desist from the proceedings or from some of the requests formulated therein, as well as to renounce to their legally protected rights and interests.

3. Save if there is public interest in the decision of the proceedings the same shall be declared deserted if, for reason that can be imputed to the interested party, it is stopped for more than six months. The desertion does not extinguish the right that the user was trying to safeguard.

4. The administrative proceeding is extinguished when the organ competent to make the decision verifies and declares that the purpose it was destined for or the object of the decision became impossible or useless.

5. The administrative proceeding extinguishes for non-timely payment of any fees or expenses from which the law makes the realization of the processual acts depend on, save for the provisions of No. 3 of Article 3 or if the interested parties pay double the amount in default, in the ten days following the term of the deadline established for its payment.

### **Article 31 Notifications**

1. The duty to notify and the exemption from the notification are regulated by Article 39 of Legislative Decree 2/95, of 20 June.

2. The notification should contain:

- a) The integral text of the administrative act, including the respective fundament;
- b) The identification of the administrative proceeding, including the identification of its author and its date;
- c) The organ competent to review the impugnation of the act and the deadline to that end, in the event that it is not susceptible of contentious appeal.

3. When the administrative act translates into mere agreement with a previous expert opinion or information, the same should also be totally communicated to the interested party.

4. The integral text of the administrative act or of the expert opinion or information can be substituted by the summary indication of its content and object, when the act is totally deferred to pretense formulated by the interested part or pertains to the practice of processual diligences.

5. The notifications may be made, namely:

- a) By mail, as long as there a mail distribution service in the location of residence or main office of the entity to be notified;
- b) In person, if this form does not harm the celerity of the proceeding or if

notification by mail is inevitable;

- c) By telegram, telephone, fax or electronic mail, if the urgency of the case recommends such means and the entities to be notified dispose of proper equipment for the reception;
- d) By notice posted in the customary places or by announcement to be published in the Official Bulletin or in two of the most widely read newspapers in the municipality of residence or main office of the entity to be notified, if the interested party are in parts unknown or are in such numbers that another form of notification becomes inconvenient;
- e) By any official writ, as long as the entity to be notified remains with perfect knowledge of the respective act.

6. Whenever the notification is made under the terms of subparagraph c) of No. 5, the same shall be confirmed by mail or by in-person notification, as the case may be, in the immediately following workday, without prejudice of the notification being considered made on the date of the first communication.

7. In the cases in which the interested party is represented in the administrative proceedings by a representative with powers of representation, the notification should be made to the latter.

### **CHAPTER III**

#### **Final Provisions**

#### **Article 32**

##### **Revocations**

Articles 476 to 486, 486 to 490 and 492 to 494 of the Public Service Statute, as well as all the legislation contrary to the provisions of this Legislative Decree, are hereby revoked.

#### **Article 33**

##### **Effective Date**

This Legislative Decree goes into effect on 1 January 1998.

Viewed and approved in Council of Ministers *Carlos Veiga - José António Mendes dos Reis*.

Promulgated on 10 November 1997.

Publish it.

The President of the Republic, ANTÓNIO MANUEL MASCARENHAS GOMES MONTEIRO.

Referenced on 10 November 1997. The Prime Minister, *Carlos Veiga*.