

**LAW No. 3/2021  
of 2 March**

**AUTHORIZES THE GOVERNMENT TO PROCEED WITH  
AMENDING THE CODE OF CIVIL PROCEDURE**

The present law authorizes the Government to amend the Civil Procedure Code, with a view to giving greater flexibility, within the reorganization phase of the case, to the moment of preparation for the discussion and trial hearing. The Government is authorized to make two main changes to the Civil Procedure Code: (i) on the one hand, the provision, in addition to the specification and the questionnaire, of alternative preparatory schemes, always aimed at identifying the core aspects of the litigation, so as to focus the discussion and trial hearing on the essentials and to avoid dispersing the procedural work (of the court and the parties) on marginal and superfluous issues; (ii) on the other hand, make the selection of the trial preparation scheme most suited to the specific characteristics of the litigation dependent on a judge's order (not subject to appeal), even admitting the possibility of dispensing with this sub-phase of the procedural order in simpler cases.

With these changes, the judge, without being exempted from making a judgment on the most appropriate scheme for preparing the final trial hearing, is not obliged, with absolute rigidity, to prepare the specification and questionnaire.

Thus, the National Parliament enacts, pursuant to Article 96(1)(b) of the Constitution of the Republic, to be valid as law, the following:

**Article 1  
Object**

Authorization is granted to the Government to amend the regime for the reorganization phase of civil proceedings contained in Articles 385 to 388 of the Code of Civil Procedure, approved by Decree-Law No. 1/2006, of February 21.

**Article 2  
Direction**

The authorized legislative amendment should be configured so as to give greater flexibility, within the civil procedure reorganization phase, to the moment of preparation for the discussion and trial hearing, giving the court the power to choose the procedural scheme most appropriate to the characteristics and circumstances of the specific litigation.

**Article 3  
Extension**

The authorized legislative intervention will regulate the following aspects:

- a) Provision of alternative schemes for preparing the final hearing for discussion and trial, namely the preparation of a specification and questionnaire, a preliminary hearing, an invitation to summarize the pleadings, and an order setting out the essential questions of fact and law for the instruction and trial;

- b) Granting the court the power, to be exercised by unappealable order, to determine the preparation scheme to be adopted according to the criterion of its adequacy to the specific characteristics of the litigation, including the possibility of dispensing with this subphase of procedural reorganization;
- c) Adaptation of the text of all Civil Procedure Code rules that presuppose the prior organization of a specification and questionnaire to the new regime of the reorganization phase, to be approved in the use of the present legislative authorization;
- d) Provision, in transitional law, for the immediate application of the new system to pending cases.

#### **Article 4**

##### **Duration**

The legislative authorization granted by this law lasts for 180 days from the date it comes into effect.

#### **Article 5**

##### **Entry into force**

The present law shall enter into force on the day following its publication.

Approved on February 1st, 2021.

The Speaker of the National Parliament,

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**Aniceto Longuinhos Guterres Lopes**

Promulgated on February 24, 2021.

Be it published.

The President of the Republic,

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**Francisco Guterres Lú Olo**