

**DECREE-LAW No. 9 /2022 of 24 February**  
**LEGAL REGIME OF BUILDING AND URBANIZATION**

The built fabric in Timor-Leste today largely expresses three distinct periods of administration, where, alongside the buildings from Portuguese, Indonesian or even more recent times built with the tacit or express consent of the administration, which are perfectly integrated and are today part of the urban structure of the city. There are hundreds, possibly thousands, of other constructions that, in an organic way, without any ratio or urban framing and with few habitable conditions, have filled the interiors of the blocks and form a chaotic and unhealthy edified shell that jeopardises the environmental and functional sustainability of the city. This reality is today one of the main planning problems, particularly in the city of Dili, and poses one of its greatest challenges: that of urban regeneration.

As a result, the legal regime for urbanisation and construction that is now approved leaves for an autonomous diploma to regulate the situation of these constructions prior to the approval of this diploma and thus basically aims to provide legal support for the set of procedures indispensable for prior control (licensing) and subsequent control (supervision) of new private construction and urbanisation works, based on the following aspects:

- The obligation to license and the nature of the urbanistic operations that require it;
- The terms for processing licensing applications (content of the application and project elements);
- The procedure for examining the licensing application (stages, consultations and reaching a decision);
- The scope of responsibility and qualification of the technicians responsible for the project and for the management of the works;
- The conditions regarding the execution of the works;
- The conclusion of the works and the verification of the conditions for their use;
- The nature and content of the supervision;
- The competent entities and bodies in prior and subsequent control;
- The rights and tools to support citizens (project support, the right to access urban planning information and rehousing).

Thus, the Government decrees, pursuant to Article 115(1)(o) and (p) of the Constitution of the Republic and Article 32 of Law No. 6/2017, of 19 April, establishing the Bases of Territorial Planning, to be valid as law, the following:

**CHAPTER I  
GENERAL PROVISIONS**

**Section I  
Object and Scope**

**Article 1  
Object**

This statute establishes the legal regime for licensing and supervision of urban planning operations, namely allotment operations, urbanisation works and construction and use of buildings.

**Article 2  
Scope**

Without prejudice to the determinations of the competent planning instruments, the legal regime provided for in the present statute applies to all urban planning operations to be carried out within the territory of Timor-Leste, regardless of the purpose for which they are intended.

**Section II  
Definitions**

**Article 3  
Definitions**

1. For the purposes of this statute, the following definitions shall apply:
  - a. "Urbanized area", the area characterized by a large concentration of buildings, endowed with infrastructures, equipment and public spaces, where an urban link is established between multiple functions allocated to the soils covered and which is delimited in a territorial planning instrument of municipal scope;
  - b. "Building" means the result of the construction, reconstruction, extension, alteration or conservation of a building intended for human use, as well as any other construction that incorporates the soil on a permanent basis
  - c. "Advanced stage of construction", the stage of construction in which the structural elements of the building (foundations, slabs and pillars) already exist
  - d. "Building permit" means the document proving the authorization to carry out the works; e) "Use permit" means the document proving the authorization to carry out the works

- e. "Use permit" means the document proving the execution of the works in accordance with the approved project and the existence of conditions for the building to be used for its intended purpose
- f. "Lot", the area of land destined for construction and with access to the public road;
- g. "Measures for safeguarding urban legality" means measures to remedy or prevent the effects of illegalities detected in an urban operation, namely their legalization, total or partial demolition, the carrying out of any necessary corrective works or the embargo of the work
- h. "Alteration or enlargement works" means works which result in the modification of the physical characteristics of an existing building or part thereof, namely the number of dwelling units, interior divisions or the nature and colour of the external cladding materials, as well as works intended to increase the floor area or implantation area, or the height or volume of an existing building
- i. "Conservation works" means works intended to maintain a building in the conditions existing at the date of its construction, reconstruction, extension or alteration, namely restoration, repair or cleaning works;
- j. "Construction works" means works for the creation of new buildings;
- k. "Demolition works" means works for the total or partial destruction of an existing building;
- l. "Demolition works" means works of total or partial destruction of an existing building; l) "Reconstruction works" means works by which the restitution of the previous physical characteristics of a building is promoted, prior to its demolition or total or partial destruction;
- m. "Urbanization works" means the works of creation and remodelling of infrastructures intended to directly serve urban spaces or buildings, namely streets and pavements, waste and rainwater sewage networks, water supply networks, fire prevention networks, electricity, gas and telecommunications networks, parks and green spaces and also other spaces and infrastructures for collective use;
- n. "Allotment operations" shall mean actions aimed at the constitution of one or more lots intended for urban construction and resulting from the division of one or more plots of land or from their reparable;
- o. "Urbanistic operations" shall mean physical operations of urbanisation, building and the use of buildings or of the soil provided that, in the latter case, for purposes other than exclusively agricultural, animal husbandry, forestry, mining or public water supply;

- p. "Urban perimeter" is the delimited perimeter comprising urban land, including partially urbanized or built-up land and, where expansion areas exist, land subject to programmable urbanization, which must form a whole cohesive territory with functional interdependence;
  - q. "Rural settlements" means settlements constituted as built-up areas, with an urban nexus, predominantly residential use and support to activities located in rural land, having infrastructures and proximity services, but for which the classification as urban land is not appropriate, namely in what concerns building rules, requirements and dimensioning of equipments and infrastructures, location and dimensioning of green or collective use spaces and conciliation or incompatibility of uses;
  - r. "Project", the general plan for construction, containing specific technical information for its materialization;
  - s. "Public way" means any street, avenue, square, square or alley of public access, including the respective pedestrian walks;
  - t. "Inspection" means the act designed to verify that the work carried out is in accordance with the approved projects, the necessary constructive aptitude of the building or subdivision and its suitability for the uses for which it is intended.
2. For the purposes of this Regulation, and with a view to standardizing urbanistic terminology in all documents relating to building and urbanization, the following definitions are also applied:
- a. "Elevation", the representation of the vertical plane of the façade (the outer vertical walls) of a building, using a given conversion scale;
  - b. "Alignment", the reference line that defines the exterior walls of buildings or the planes of fences, serving for demarcation of marginal planes, definition of distances from road axes or pedestrian walkways, from bordering or contiguous buildings and from the limits of the building
  - c. "Annex", a covered annex for the private use of dwellings and which is not incorporated into the main buildings, understood as a functional complement to the main building
  - d. "Building project", the document that defines the exterior and interior characteristics imposed by the specific function and purpose for which the building is intended and which corresponds to the architectural project, when submitted separately from the other specialty projects
  - e. "Gross floor area", the sum of all enclosed covered areas, measured outside the external walls, excluding the basement areas allocated exclusively for parking, the areas for technical installations and the areas of the basement when resulting from the inclination of the roofs

- f. "Building area", the sum of all covered floor areas measured by its perimeter, related to the divisions or compartments of the building in its different floors, including vestibules, circulations, sanitary installations, storage and other similar compartments, wall cupboards, external covered spaces, porches and sheds, also including balconies and uncovered terraces
- g. "Impermeable area", the sum of the implantation area of buildings of any type and the areas of ground paved with impermeable materials or that propitiate the same effect, namely in streets, car parks and patios
- h. "Implantation area", the soil area occupied by a building, measured in plan, including the main building, basements, porches or sheds and annexed constructions, whatever their purpose, but excluding balconies and overhanging balconies
- i. "Useful floor area", the sum of the areas of all rooms or compartments, including vestibules, internal circulations, sanitary installations, storage rooms, other compartments of similar function and wall cupboards, measured by the internal perimeter of the walls;
- j. "Streets", the layout and distribution of streets in a subdivision or neighbourhood;
- k. "Elevation", the height defined by the usable floors, measured from the point of average elevation of the ground on the alignment of the main façade up to the intersection with the plane of the roof, including recessed storeys;
- l. "Dominant height", the predominant height in buildings that are typologically homogeneous, measured along a street or block, excluding buildings in ruins or without habitable or usable conditions;
- m. "Elevated body", all the elements of the building outside the dominant alignment of the building façades, namely overhangs, stairs and balconies, closed or not;
- n. "Ground floor" means the height or height height quota of the floor level of the main entrance of the building;
- o. "Terraced building", the building integrated in a group of three or more buildings, with only two free elevations, the main and the rear, with the exception of high-rise buildings, which have three free elevations;
- p. "Terraced building", the building leaning against another building, with which it forms a set, having only three elevations completely free;
- q. "Detached building", the building with all elevations free, not leaning against any other building;

- r. "Gable", the lateral wall of a building, which connects the front and rear façade planes;
- s. "Half-way gable", the gable at the limit of the lot or parcel of land;
- t. "Main entrance of the building", the entrance situated in the façade bordering the main street
- u. "Esconso", the space formed between a roof and the matting slab (or last slab) that forms a pyramidal volume of appreciably triangular section;
- v. "*Estrutura da fachada*" means the defined matrix of the overall composition of the façade of which its resistant structure, openings and other protruding and re-entrant elements or infrastructure of permanent character are an integral part;
- w. "*Frente Urbana*", the surface, in vertical projection, defined by the set of building façades adjoining a given public road and between two successive public roads that run along it;
- x. "Multi-family or collective dwelling" means a building intended to house more than one family unit (y) "Single-family dwelling" means a building intended to accommodate only one living unit, regardless of the number of floors, and in which there are circulations common to several dwelling units and between the respective doors and the public street;
- y. "Single-family dwelling", the building intended to house only one family unit, regardless of the number of floors;
- z. "Gross construction ratio", the quotient between the gross construction area and the land area;
  - aa. "Construction index", the quotient between the construction area and the land area
  - bb. "Impermeability index", the quotient between the sum of the impermeable areas and the area of the land
  - cc. "Implantation index", the quotient between the implantation area and the area of the plot;
  - dd. "Balustrade", the vertical plane, usually in brick or concrete masonry, located in the crown of the building and that protects the flat or inclined roof, either for safety reasons, in case of access to the roof, or for concealing the rain drainage system (rain gutter);
  - ee. "Reparcelling" means the restructuring, by reconfiguring the boundaries of parcels, of land previously divided into distinct and contiguous parcels

- ff. "Solid waste disposal system", the set of infrastructures intended for the disposal and storage of urban solid waste, commonly known as domestic rubbish;
- gg. "Slope" means the line of intersection of two slopes along which water flows;
- hh. "Fence" means any physical element delimiting the parcel of land, which may be constituted by nets, hedges, wires, grids, walls or others, and also mixed solutions, composed by walls and other elements, namely columns, view covers, nets and gates, whether or not bordering the public domain; walls may not exceed a maximum height of 2.5 meters, except in those special situations established by law.

## **CHAPTER II PRIOR CHECKING**

### **Section I Licensing**

#### **Article 4 Approval and licensing**

1. The carrying out of urban development operations depends on the prior approval of the project and respective license, under the terms and with the exceptions established in this statute.
2. The following are subject to licensing:
  - a) Building construction works, irrespective of the purpose for which they are intended;
  - b) Works of reconstruction, enlargement, alteration or demolition of buildings;
  - c) Urbanization works and land remodeling works
  - d) Allotment operations;
  - e) The use and change of use of buildings
  - f) Other urbanistic operations that are not exempt from obtaining a license under the terms of this statute or other applicable legislation, namely those defined in territorial planning instruments.
3. Licences that violate the provisions of territorial planning instruments of municipal and sectorial scope in force are null and void.

#### **Article 5 Attributions and powers**

1. The approval of construction projects, the licensing of urbanistic operations and the decision to apply measures to protect urban legality are the responsibility of the ministry with attributions in the area of urban licensing.

2. The services of the ministry with powers in the area of urban licensing, in accordance with the respective organic law, shall be responsible for performing all instrumental administrative procedures necessary for compliance with the provisions of the preceding paragraph.
3. The ministry with powers in the area of urban licensing may establish agreements and technical cooperation contracts with public or private entities, duly recognised and accredited, to provide technical assistance within the scope of building and land development licensing and supervision.
4. The competencies and forms of delegation and sub-delegation are set out in a normative diploma, without prejudice to those defined in this statute.

## **Section II**

### **Works exempt from permit requirement**

#### **Article 6**

##### **Works of small urban relevance**

1. Unless expressly provided otherwise, the following works considered to be of small urban relevance are exempt from obtaining a license;
  - a) Works of mere conservation and maintenance of buildings;
  - b) Works to alter inside buildings or parts thereof, provided that they do not imply modifications in the use for which they are intended, in the structure, in the height and in the shape of the façades and the roofs;
  - c) Works for reconstruction and preservation of building facades, provided that these are not classified buildings or those in the process of being classified and are not located in protection areas of classified buildings;
  - d) The works that, due to their lesser urban impact, may be considered as such in the competent territorial planning instrument.
2. Without prejudice to the provisions of territorial planning instruments, construction works on buildings located outside urban areas or in rural settlements that are intended exclusively for single-family dwellings and buildings intended for collective and social functions that are erected in accordance with the traditional typologies, construction systems and materials of the region are also exempt from obtaining a permit.
3. The exemption from obtaining a licence does not exempt compliance with the legislation in force in urban planning matters, including those relating to the legitimacy to carry out the urban operation and the urban planning norms and rules



established in the applicable normative and territorial planning instruments for the purposes of obtaining the use permit.

4. Territorial planning instruments may establish or define the criteria, typologies, construction systems and materials relating to traditional construction applicable in each region.

#### **Article 7**

##### **Works promoted by the Public Administration**

1. No license shall be required for construction work promoted or carried out by any agency of the direct or indirect administration of the State.
2. Works by individuals whose projects are promoted by the State services within the scope of support programmes for the creation and improvement of housing for socially disadvantaged families also do not require a licence.
3. The exemption from obtaining a license referred to in the previous number does not exempt the completion of formalities and presentation of documents necessary for the execution of the work, as provided for in this statute, for the purposes of obtaining the usage license.
4. Without prejudice to the provisions of the preceding paragraphs and unless expressly provided otherwise, construction projects initiated by public entities require the prior opinion of the ministries responsible for urban administration and land planning and are subject to compliance with the urban planning rules established in the territorial planning instruments in force.

#### **Section III**

##### **Prior information**

#### **Article 8**

##### **Prior information request**

1. Any interested party may request, on a prior basis, information from the ministry responsible for urban licensing on the viability of carrying out a certain construction or urban operation and respective legal or regulatory conditions, namely regarding infrastructures, administrative easements and public utility restrictions, urbanistic indexes, tops, distances and other constraints applicable to the application.
2. When the application concerns an allotment operation or a construction, extension or alteration work in an area not covered by a municipal territorial plan or an allotment operation, the interested party may request that the prior information includes the following specific aspects:

- a) The construction index, the implantation area and the limits defined for the fence walls;
  - b) The conditions for an adequate framing with the surroundings;
  - c) The buildings' program of use, including the gross construction area to be allocated to the various uses and the number of dwelling units and other units of use;
  - d) The existing local infrastructures and connection to the general infrastructures and any need for reinforcement or alteration;
  - e) Estimate of applicable taxes.
- 3. The interested party attaches to the application for prior information the document proving the legal status of the property for which urbanistic information is required, namely a certificate issued by the competent services of the Ministry of Justice identifying the rights over the property.
  - 4. When the interested party is not the holder of rights over the property, its claim must be duly justified, and all documents relating to the request, justification and content of the prior information must be notified to the holder or holders of rights over the property.
  - 5. If the previous information is unfavourable, the terms under which it may be revised in order to comply with the applicable urban planning rules or how any existing infrastructural or functional insufficiencies can be resolved, whenever possible, are indicated.
  - 6. Favourable prior information binds the competent entities in the decision on a licensing application, when the latter is presented within one year of notification and complies with the exact terms of the information provided.
  - 7. Prior information stipulated in territorial plans of municipal and sectoral scope in force shall be null and void, without prejudice to any civil liability which may arise from their issue.
  - 8. In the situations provided for in paragraphs 1 and 2, the prior information must include the opinion of the ministry with responsibilities for land use planning.

### **CHAPTER III**

#### **GUARANTEES FOR PRIVATE PARTIES**

##### **Article 9**

##### **Right to information**

1. Any interested party has the right to be informed by the competent services of the ministry with attributions in the area of urban licensing of:
  - a) The progress of the processes directly concerning him or her, including the administrative decisions taken thereon;
  - b) The territorial planning instruments in force, administrative easements and restrictions, as well as other normative frameworks and general conditioning factors that may be applicable to the use, transformation and occupation of land in a given area.
2. The information referred to in the preceding paragraph, when requested in writing, shall be provided within 30 days of the date of the request.
3. For the purpose of providing information, the competent services of the Ministry with powers in the area of urban licensing shall maintain a regular service area for applicants, planners and technicians responsible for the works.

## **CHAPTER IV APPROVAL PROCEDURE**

### **Section I Initial application and preliminary draft**

#### **Article 10 Initial application**

1. Approval of the urban operation project is requested through an application addressed to the Director-General responsible for the area of urban licensing, as provided for in a specific statute.
2. The application provided for in the previous paragraph is accompanied by the following documents:
  - a) Document proving the legal status of the land where the urbanistic operation is to be carried out, namely a certificate with the recognition of titled rights issued by the competent services of the Ministry of Justice;
  - b) When the recognition of ownership and the attributed right is the result of a judicial decision, a certified copy of the final sentence;
  - c) When the holder of the land is someone other than the owner, a document proving the legitimacy of the applicant, namely through a lease, usufruct or surface contract or other contract that confers the possibility to carry out the urbanistic operation;

- d) Official cadastre plan issued by the competent services of the Ministry of Justice, indicating the dimensions of the land, area and confrontations in accordance with the respective document of the legal status of the land;
  - e) Preliminary project, including drawings, descriptive and justificatory memory and estimate of the cost of the work;
  - f) Other documents that are necessary for the different types of urbanistic operations.
3. Subject to the provisions of sub-paragraph a) of the preceding paragraph, the ministry with powers in the area of urban licensing may also request, when justified, additional information on the legal status of the property.
4. The processing of the licensing application depends on verification of the legitimacy of the applicant to carry out the urban planning operation, namely with respect to the use and transformation of the property in question.

#### **Article 11** **Simplified initial application**

1. There is a simplified regime for the licensing of constructions of minor complexity in which, cumulatively:
- a) The estimated total cost of the work is less than US\$ 25,000;
  - b) The building does not include external infrastructure;
  - c) The building does not have more than one floor;
  - d) The activity to be installed does not have a manifest environmental impact
  - e) The activity to be installed does not constitute any risk for the safety of people and goods
  - f) The construction area does not exceed 100 m<sup>2</sup>.
2. The simplified system referred to in the preceding paragraph shall be regulated by a joint ministerial instrument issued by the members of the Government responsible for urban licensing and territorial planning.

**Article 12**  
**Authorized technicians**

1. Only technicians with recognized higher education in the areas of architecture or engineering may sign the preliminary draft and specialty projects, under the terms to be regulated by ministerial order, except in the case of construction provided for in the previous article.
2. The technical authors present, along with the projects they sign, a statement of responsibility where they confirm compliance with urban planning regulations and other applicable legislation, any non-compliance corresponding to the provision of false statements.
3. Technical authors of the projects or responsible for the technical management of the works are subject to registration with the services of the ministry with attributions in the area of urban licensing, within the scope of which the documents proving their academic qualifications and professional experience are presented.

**Article 13**  
**Appraisal of the preliminary draft**

1. Appraisal of the preliminary draft architecture shall focus on its conformity with territorial planning instruments, construction and urbanisation regulations, preventive measures, administrative easements and restrictions of public utility, also analysing the operation from the viewpoint of urbanistic, functional and infrastructural integration, integration into the landscape and any other applicable legal and regulatory norms.
2. The competent services of the Ministry responsible for urban licensing shall identify, within 30 days from the date of submission, possible insufficiencies in the instruction, nonconformities with the urban planning rules established in the applicable normative and territorial planning instruments and the lack of technical elements or elements deemed necessary for understanding the architectural project and analysing the urban operation, and shall notify the applicant to correct such deficiencies.
3. The notification referred to in the preceding paragraph shall allow sufficient time for the presentation of the missing elements, which may not exceed 30 days, and the period for consideration of the preliminary draft shall be interrupted until the initial application is duly completed.
4. The competent services of the ministry with attributions in the area of urban licensing shall decide on the preliminary draft architecture within a maximum period of 90 days from the date of receipt of the application, identifying the specialty projects required and any conditionalities or technical parameters that must be taken into consideration in the preparation of those projects.

5. The requirements for the instruction and the list of specialty projects required are set out in a separate statute, according to the type of urban operation and its dimension.

#### **Article 14**

##### **Request for execution in phases**

1. The applicant may request, prior to approval of the preliminary draft, the execution of the construction work in phases, presenting with the request written and drawn elements of the architecture relating to the entire intervention, necessary and sufficient for its global analysis, and identifying the areas or parts of the construction included in each phase and the respective sequence, as well as the dates on which the applicant proposes, after the initial license, to apply for the license relating to each subsequent phase.
2. The phases must be, from a functional, constructive and urban integration point of view, completely autonomous and susceptible of deserving independent licenses for use.
3. The specialty projects may be presented in phases, and construction permits will be issued after the approval of each phase.
4. The phasing authorisation expires if the licensing of any of the phases has not been requested within 90 days after the date indicated by the applicant for the purpose.
5. The expiry of the phasing does not affect previous phases that have been licensed, for which a license for use may be issued under the terms defined in this statute.

#### **Article 15**

##### **Opinions and consultations**

1. Within the scope of the licensing procedure, the ministry with powers over urban licensing shall promote consultation with public or private entities which are required to issue opinions or authorisations under the terms of the law.
2. The opinions referred to in the preceding paragraph shall be based on the law and, if unfavourable to the licensing application, shall be binding.
3. Except as otherwise provided by law, the competent entities shall issue their opinion or authorisation within a maximum period of 30 days from the date of receipt of the respective application.
4. The list of entities that must issue an opinion within the scope of licensing urban planning operations shall be published in the Official Gazette and kept up to date, taking into consideration, in particular, the respective typology, the urban planning easements and restrictions and the legal and urban planning constraints applicable to them.

5. Without prejudice to the provisions of the preceding paragraph, urbanisation operations that are located within a zone are always subject to an opinion from the entities with the respective jurisdiction:
  - a) In areas environmentally protected by law or by territorial planning instrument, namely natural parks, ecological reserves and environmental and ecological protection zones;
  - b) In areas of protection of classified cultural heritage or in the process of classification;
  - c) On soils with greater agricultural aptitude protected by law or by a territorial planning instrument;
  - d) In the coastal lowlands, as delimited by law or by a territorial planning instrument, or, when this does not exist, 50 meters inland from the coastline at high tide;
  - e) In special environmental and ecological protection areas threatened by floods;
  - f) In areas of water domain, as delimited by territorial planning instruments, or, in their absence, considering a distance of 10 meters from the edge of the waterline or, where this is not defined, the watercourse line;
  - g) In reserve areas within the scope of the installation or expansion of equipment or in canal spaces intended for the installation or expansion of infrastructures, whenever there is a legal provision for this or in a planning instrument
  - h) In areas subject to preventive measures established by law;
  - i) In areas for which sectoral plans, municipal plans or land use plans have been decided and are being prepared, when they are directly binding on private individuals.
6. In the situations provided for in Articles 7 and 8, in Article 9(1)(b), in Articles 10 and 13 and in the preceding paragraphs, the prior opinion of the competent services on land planning shall always be mandatory.

## **Article 16**

### **Outcome of preliminary draft report**

1. In case the preliminary draft project is approved, the applicant shall request the approval of the specialty projects required for the execution of the construction work, under the terms set out in this statute, within six months counting from the date of notification of the decision.
2. In the event of failure to comply with the time limits defined in the preceding paragraph, the licensing process shall lapse and be automatically closed.

3. If the preliminary project is not approved due to deficiencies that are not remedied or due to unfavourable binding opinions or based on the grounds for rejection set forth in this statute, a decision of rejection shall be issued and there shall be no place for the subsequent presentation of the specialty projects.

**Section II**  
**Speciality projects for the execution of the work**

**Article 17**  
**Elements of the execution project**

1. Whenever the urban operation foresees the execution of works, the presentation of the following specialty projects is considered, according to the type of the urban operation and the infrastructures therein foreseen:
  - a. Implementation architecture;
  - b. Stability, namely earth retaining walls, foundations and structures;
  - c. Water supply infrastructure network
  - d. Network for draining residual, pluvial and domestic water;
  - e. Road infrastructure network;
  - f. Gas and irrigation networks, where provided;
  - g. Fire safety in collective housing buildings or special urbanistic operations;
  - h. Fire network in public infrastructures and spaces for collective use;
  - i. Other installations such as heating, ventilation and air conditioning (HVAC) or video surveillance circuit (CCTV), when planned or necessary;
  - j. Construction site plan, including the occupation of public ways, traffic restrictions and location of the entrance and exit of vehicles and main equipment, namely cranes, concreting plants and generator groups, indicating the safety and hygiene measures to be considered in the construction work
  - k. Demolition project, if any;
  - l. Other specific projects, in case their installation or execution at the work site is foreseen, namely lifts, acoustic and thermal.



2. The possibility of simplification provided for in article 11 shall apply, under the same terms, to the presentation of specialty projects.
3. In the case of allotments, the project shall always include, in addition to the global urban design and the infrastructure projects, all the conditioning, indicators and parameters of edificability applicable to the constituted lots.

## **Article 18**

### **Elements of the project for the execution of works in public space**

1. Projects for urbanisation works for spaces or infrastructures included in the public domain must have the development of an execution project, which includes
  - a) The general geometry and dimensioning parts of the work;
  - b) Presentation of the detail drawings and construction details;
  - c) Work and finishing maps;
  - d) Descriptive elements of the equipment and devices to be installed;
  - e) The general and special technical conditions for carrying out the work;
  - f) All other information necessary for full knowledge of the nature and configuration of the urban operation, the construction systems and materials used and the method of carrying out all of the work to be carried out.
2. For the purposes of the preceding paragraph, a ministerial instrument issued by the minister responsible for urban administration shall define the general and special technical conditions for carrying out the works, as well as the criteria of quality and functionality for the materials, equipment and devices to be installed in the spaces and infrastructures of the public domain, taking into account the best level of service intended and the minimisation of operating and maintenance costs.

## **Article 19**

### **Project support**

1. The competent services of the ministry with attributions in the area of urban licensing shall provide special technical support to the most socio-economically disadvantaged families, by supplying model projects or in the preparation or modification of projects for owner-occupied single family homes, the eligibility conditions of the beneficiaries and the terms of such support being defined in a ministerial statute.
2. After conclusion and inspection of the building by the competent services of the Ministry responsible for urban licensing, a building legality certificate is issued, which,

for land registry purposes or for the authorization of definitive connection to the public infrastructure networks, produces the same effects as the utilization license title.

3. The projects prepared within the scope of this support are exempt from obtaining a license.

### **Section III Licensing decision**

#### **Article 20 Final licensing decision**

The competence for the final licensing decision rests with the Director-General of the service responsible for urban administration, which may be delegated under the terms set forth in a separate statute.

#### **Article 21 Granting of the licensing application**

1. Granting of the licensing application depends upon approval of the specialty projects for execution of the work or, where there is no work, approval of the preliminary architectural project.
2. The applicant shall be notified of the decision granting the licensing application, expressly mentioning.
  - a) The factual and legal grounds on which the decision is based;
  - b) The deadline for requesting the issuance of the title and license, in case the license is for construction;
  - c) The guarantee to be provided, under the terms of Article 24;
  - d) The technical responsibility, under the terms of Article 26(6);
  - e) The fees to be paid, under the terms of Article 29.
3. The issuance of the construction license shall be requested within one year after notification of approval of the licensing application.
4. The granting of a license for urban planning operations that do not include construction works constitutes the title of license for the respective operation, without prejudice to the fact that the order granting the license contains all the elements that characterise the urban planning operation.

#### **Article 22 Rejection of the application**

1. The application for a licence shall be rejected:

- a) there is a declaration of public utility for the purpose of expropriation covering the building or area subject of the licensing application;
  - b) The urban operation is not in accordance with legally binding spatial planning instruments;
  - c) The urban operation is located in a place proven to pose a risk to the safety of people and property;
  - d) It has been subject to a negative opinion or refusal of approval or authorisation by any entity whose decision is binding under the terms of the law;
  - e) It negatively affects the archaeological, landscape, cultural, natural or built heritage;
  - f) Does not comply with administrative easements or restrictions of public utility, preventive measures or any other applicable legal or regulatory norms.
2. In the case of allotment operations, the application for licensing shall be refused when the operation is located outside an urbanised or developable area, as established by the applicable territorial planning instruments.
  3. The licensing application is refused if there are no streets or water supply and sanitation infrastructures required and dimensioned for the urban operation or if the projected work constitutes an unacceptable overload for the existing infrastructures.
  4. The licensing application may be rejected when the work is susceptible of demonstrably affecting the aesthetics of the settlements, its adequate insertion in the urban environment or the beauty of the landscape, namely as a result of nonconformity with the prevailing slopes, the scale of the site and the surrounding built volumetry.
  5. The applicant shall be notified of the decision to reject the licensing application, with express mention:
    - a) The factual and legal grounds on which the decision is based;
    - b) The period for the lodging of a complaint, appeal or review.
    - c) An application by a private individual who does not obtain a response from the competent services of the Administration within 120 days shall be considered to have been rejected.
  6. The tacit rejection provided for in the previous number is susceptible to administrative or judicial impugnation under the general terms of law and shall not relieve the competent organs from complying with their duty to decide.
  7. The tacit rejection provided for in the previous number is susceptible to administrative or judicial impugnation under the general terms of law and shall not relieve the competent organs from complying with their duty to decide.

### **Article 23**

#### **Re-examination of licensing applications due to insufficient**

1. Without prejudice to the legal means for contesting a permit, should the rejection decision be based on paragraph 3 of the preceding article, the applicant may request that the licensing application be reviewed, assuming that the urbanisation works and the creation, remodelling or enlargement of the infrastructures necessary to overcome the reasons for rejection will be carried out.
2. The application for re-application for re-approval shall be accompanied by the plans for the execution of the complementary urbanisation and infrastructure works that the applicant proposes to carry out, the licensing shall be conditional upon approval of those plans, as well as the provision of a bond for the amount of the budget estimated for the execution of those works, to be submitted under the terms set out in paragraph 2 of the following Article.
3. Prior to submitting the request for reappraisal, the applicant may submit a request for prior information under the terms laid down in Article 8, with the specific purpose of identifying and characterising the urbanisation works and the creation, remodelling or enlargement of the infrastructures considered necessary to make his or her application viable.

## **CHAPTER V**

### **GUARANTEES, EXECUTION OF THE WORK AND BUILDING PERMIT**

#### **Section I**

#### **Guarantee**

### **Article 24**

#### **Guarantee**

1. Once the approval procedure is concluded and before the construction license is issued, the applicant shall present the bond intended to guarantee the good and regular execution of the works and any damage caused to public infrastructures during the course of the work, with the exception of works estimated not to exceed US\$ 100,000.
2. The deposit referred to in the preceding paragraph is provided in favour of the ministry with attributions in the area of urban administration through an autonomous bank guarantee on first request, cash deposit, insurance or cheque, bond or any other means of guarantee approved by ministerial decree of the minister with attributions in the area of urban administration.
3. The amount of the bond corresponds to 5% of the construction cost estimated in the construction project and should be included in the building permit.

4. For the purposes of the provisions of the previous number, the average construction cost shall be approved by a ministerial statute of the minister with competence in the area of urban administration.
5. The term of validity of the bond corresponds to the term of the construction permit plus 30 days.

## **Section II**

### **Execution of the work**

#### **Article 25**

##### **Execution time**

1. The deadline for completion of the construction work is established according to the schedule proposed by the applicant and set out in the construction license.
2. The deadline set in accordance with the previous paragraph starts to count from the date of issuance of the construction permit.
3. The minister responsible for urban licensing may refuse the proposed deadline and request the applicant to reduce it when, based on a technical and reasoned opinion issued by the services, it is considered that the proposed deadline is disproportionate to the nature and size of the urban operation and that major impacts on the functioning of the urban system exist or persist unjustifiably, namely in terms of noise production or traffic restrictions.
4. When it is not possible to conclude the construction permit within the period established in the building permit, the time limit may be extended one time only for a period not exceeding half of the initially established period, by means of a justified request by the applicant.

## **Section III**

### **Licensing, Construction and Constructor's Duties**

#### **Article 26**

##### **Permit to carry out the urban operation**

1. The competent departments shall submit the final licensing decision to the Director-General responsible for urban administration after assessing the projects and the licensing application.
2. The director-general responsible for urban administration shall issue the permit within 20 days from the date of the application for the issuance of the construction permit, when the urban operation includes construction works, or from the date of approval of the licensing application, when the urban operation does not include construction works.

3. The title deed is a condition for the licensing to be effective, represents the authorisation to carry out the urban operation and its obtaining depends on the payment of administrative and urban planning fees under the terms of Article 29.
4. When the urban operation includes the execution of works, the title shall refer to the construction permit.
5. The building permit is a sufficient document for authorisation of provisional connection and supply of water and electricity for the works during the respective execution period.
6. For the purpose of issuing the construction permit, the applicant shall appoint the person in charge of the technical management of the work, who must have technical qualifications equivalent or superior to those required for the signature of the preliminary architectural project or the stability project of the urbanistic operation in question.
7. With the title of the license, the applicant shall be given a copy of the approved project, duly signed and stamped by the officials responsible by the General Directorate competent for the licensing of buildings and, where appropriate, kept and conserved at the site of the work.
8. The terms of the building and urbanisation works construction permit and its specifications are defined in a ministerial statute issued by the minister with competence in the area of urban administration.

#### **Article 27** **Publicity for the building permit**

1. Within 10 days after issuance of the construction permit, the holder shall post a notice at the site of the construction work, in a format to be defined by a ministerial statute of the minister with competence in the area of urban administration, which shall be clearly visible from the outside and remain in place until the construction work is completed.
2. The notice must contain the following data:
  - a) Construction permit and its number;
  - b) Identification of the urban operation;
  - c) Identification of the owner of the work;
  - d) The builder or company responsible for the execution of the work;
  - e) Responsible for the technical direction of the work; f) Date when the work began;
  - f) Time limit for the execution of the work.
3. The competent services of the Ministry with responsibilities in the area of urban licensing shall publicize the construction permits issued in appropriate locations visible to the public.

**Article 28**  
**Documents to be kept at the construction site**

- 1) The following documents must be kept and maintained at the construction site, duly signed and ordered by date:
  - a) Duplicate of the approved project;
  - b) Title of the work construction license;
  - c) Attendance report of the technicians, including the construction supervisor;
  - d) Technical work notebook or any other elements that the competent services of the Ministry responsible for urban administration have determined, commonly known as the work book;
  - e) Evidence of any request for change of the licence, if any.
3. No alteration to the construction work as defined in the original project may be initiated without the issuance of the respective addendum to the construction permit, in accordance with the previously approved alterations.

**Article 29**  
**Licence Fees**

1. Administrative and urbanistic taxes shall be payable for the issuing of licenses for urbanistic operations identified in Article 4.2.
2. The regime of administrative charges and urbanistic taxes referred to in the preceding paragraph shall be established in a separate statute of the Government.

**Article 30**  
**Expiry**

1. The building permit shall expire:
  - a) Within one year from the date of notification of the final licensing decision, if the issuance of the construction permit title is not applied for;
  - b) Within 90 days from the date of issuance of the construction permit title, if the works are not initiated without a justified reason recognized by the competent services of the Ministry with attributions in the area of urban licensing;
  - c) When the works are interrupted for more than 30 days without a justified reason recognized by the competent services of the Ministry in charge of urban licensing;
  - d) When the works have not been completed within the period provided for in the license without a justified reason recognised by the competent services of the Ministry in charge of urban licensing.

2. Without prejudice to the possibility of further review of the application and of the respective revalidation of the construction licence, the expiry of the construction licence shall cause the work to be halted and the licensing process to be officially closed.

### **Article 31**

#### **Re-examination of the licensing application**

1. In the review of the application referred to in the previous article, the applicant may request the use of all elements contained in the licensing procedure 6. For the purposes of issuing the construction license, the applicant shall appoint the person in charge of the technical management of the work, who must have technical qualifications equivalent or superior to those required for the signature of the preliminary architectural project or the stability project of the urbanistic operation in question.
2. With the title of the license, the applicant shall receive a copy of the approved project, duly signed and stamped by the officials responsible by the General Directorate competent for the licensing of buildings and, when applicable, kept and conserved at the site of the work.
3. The terms of the building and urbanisation works construction permit and its specifications are defined in a ministerial statute issued by the minister with competence in the area of urban administration.

### **Article 31**

#### **Re-examination of the licensing application**

1. In the re-examination of the application referred to in the preceding article, the applicant may request that all elements included in the previous licensing procedure, including those of the project, that remain valid under the terms of the law, be used.
2. Urban planning fees for the request for re-appreciation of the application are not due if the request occurs within one year after the expiration date:
  - a) 30% of the calculation value is due if the application is submitted after one year and until it reaches five years after the expiry date;
  - b) The full amount of the applicable fee is due if the application is filed more than five years after the expiry date.

### **Article 32**

#### **Expiration of the Allotment Permit**

1. In addition to the provisions of article 30(1)(d), when applied to urbanisation works, the allotment permit shall also expire if it is not registered in the land registry within three years counting from the date of issue.



2. In the case of an allotment permit expiring when it includes urbanisation works and the latter are at an advanced stage of construction, the provisions of paragraph 2 of the previous article shall be complied with in the re-appreciation of the application.

## **Section IV Completion of the work**

### **Article 33 Cleaning the area and repairing damage**

1. Once the work is concluded, the owner of the same is obliged to remove the construction site and clean the area of intervention, removing any materials, rubble and other debris that may exist.
2. The person carrying out the work is also obliged to repair any damage that has been caused to public infrastructure or other buildings.
3. Failure to comply in full with the obligations referred to in the preceding paragraphs shall be grounds for refusal to issue a utilisation permit and may lead to the execution of works by the services of the competent ministry, through activation of the guarantee provided for in article 29 in the amount required for execution of the substitute works.

### **Article 34 Term of guarantee for the works**

1. The guarantee period for the works is five years counted from the date of issuance of the usage license.
2. The guarantee referred to in the preceding paragraph is intended to protect the rights of users and the State in general against any construction defects occurring during the guarantee period.
3. Construction defects must be reported within one year of the defect becoming known and within five years of the building being handed over.
4. Contractors are responsible for repairing construction defects that occur during the warranty period.

## **CHAPTER VI MONITORING AND LICENSE TO USE**

### **Article 35 Scope of Supervision**

1. The carrying out of works or any urbanistic operations is subject to administrative supervision, regardless of its previous licensing or authorization.

2. The purpose of the administrative supervision is to verify the legality of the works and to ensure the conformity of the urban operations with the approved projects, the licenses issued and the applicable legal and regulatory provisions, as well as to prevent the dangers that may result from their realisation for the health and safety of persons.

### **Article 36**

#### **Competence**

1. Without prejudice to the competencies conferred by law to other public entities, the services of the ministry with attributions in the area of urban licensing are responsible for the administrative supervision provided for in this statute.
2. The ministry with attributions in the area of urban licensing may contract or establish technical cooperation agreements with other public or private entities, duly recognized and qualified to carry out works supervision, to carry out inspections as well as the surveys provided for in this statute.

### **Article 37**

#### **Inspections**

1. The officials of the services of the Ministry with attributions in the area of urban licensing who are responsible for inspection may carry out inspections at the places where works subject to inspection are being executed without requiring prior notification.
2. The inspections referred to in the preceding paragraph shall not permit entry into the home of any person without that person's consent.
3. Where, for the purpose of carrying out any inspection of works subject to supervision, it is necessary to enter the home of any person, a court order must first be obtained under the terms of the law.
4. The times for mandatory inspections, particularly in works that are to be integrated into the public domain, shall be defined by ministerial decree of the ministry with attributions in the area of urban licensing.

### **Article 38**

#### **Application for inspection and license of use**

1. Once a construction work has been concluded, the interested party requires an inspection and the issuance of a license for use, regardless of its purpose.
2. The inspection provided for in the preceding paragraph is intended to verify the concordance between the work carried out and the approved project, the condition and operation of the spaces and infrastructures that have been built, the conformity

of the intended use with the applicable legal and regulatory norms, and the suitability of the building or space for its purpose.

3. In the event of a change of use of the building where works are being carried out, the interested party will request an inspection and the issuance of a usage permit.
4. The inspection provided for in the preceding paragraph is intended to verify the suitability and adequacy of the building for the intended use and its compliance with the applicable legal and regulatory norms.
5. The application for the inspection and for the use permit is accompanied by the following elements:
  - a) Term of responsibility signed by the person responsible for the technical direction of the work declaring that the work was carried out in accordance with the approved project and the conditions of the construction license;
  - b) Final screens corresponding to the projects as effectively executed, also signed by the authors;
  - c) Work book containing the annotations of the works, in terms of implantation, structures, roughcasts, infrastructure networks and finishes, supervisory comments and other relevant events occurred during the course of the work or any other elements that the competent services of the Ministry with attributions in the area of urban licensing have determined, duly signed by the technician responsible for the technical direction of the work;
  - d) In the case of urbanization works related to spaces and infrastructures that integrate the public domain, all technical documentation, manuals and guarantees, namely concerning the materials, furniture, equipment, devices and accessories used;
  - e) Request for the release of the guarantee or financial guarantees provided.
6. The date of the inspection shall be communicated to the applicant at the time the application is submitted.
7. The inspection will take place within 30 days from the date of submission of the application.
8. Allotment operations without urbanisation works do not require an inspection.

**Article 39**  
**Commission for the Inspections**

1. The inspection is conducted by a committee composed of an odd number of members, which includes, at least two technicians from the Ministry with attributions in the area of urban licensing, at least one of which must have academic training to sign projects corresponding to the work being inspected.
2. The committee referred to in the previous subsection shall also include, with voting rights, a technician from the ministry with attributions in the area of territorial planning.
3. Whenever necessary, the competent services of the ministry with powers in the area of urban licensing may involve technical specialists in the inspection, namely in the areas of hygiene, safety or environmental protection, as consultants without the right to vote.
4. The applicant of the inspection and utilisation licence, the authors of the project and the person responsible for the technical management of the work will take part in the inspection, without the right to vote, and must be summoned at least 15 days prior to the date on which the inspection is to take place.
5. In the case of urbanisation works with infrastructures and spaces that must be part of the public domain, the committee must include representatives of the entities or services responsible for their management.
6. The absence of the representatives referred to in the previous paragraph does not prejudice the carrying out of the inspection when the respective entities or services have been notified for that purpose at least 15 days in advance.

**Article 40**  
**Report of inspection**

1. The act of inspection must conclude with a favourable or unfavourable opinion, the decision of the opinion being formed by the unanimous vote of the members of the inspection commission.
2. When the vote of any of the members of the inspection commission is unfavourable, the respective justifications in fact and in law must be stated, even if the conclusion is favourable.
3. The unfavourable opinion in the report of the inspection must contain the factual and legal grounds on which it is based, the conditions and supplementary or corrective works that are deemed necessary and the deadline for carrying them out.
4. The report of the inspection shall be accompanied by the opinion of the inspection committee and then signed by all participants to be submitted for analysis and

decision by the competent head of the ministry with attributions in the area of urban licensing.

5. In case of an unfavourable opinion, the competent officer under the terms of the preceding number shall notify the applicant of the content of the record and order compliance with the respective conclusions within the defined deadline.

#### **Article 41**

##### **Inspection of special urbanistic operations**

1. Works related to special urban operations are subject to an inspection, conducted under the terms of the previous article, for the purposes of obtaining the license to use, which must, however, have the presence of a representative of the ministry responsible for the activity in question.
2. The inspection must confirm the existence of the hygiene and safety conditions necessary for opening the establishment or facilities to the public.
3. The absence of the representative of the ministry responsible for the activity in question shall not impede the carrying out of the inspection when the ministry has been given at least 15 days' notice to that effect.
4. The opening and operation of establishments subject to sectorial licensing shall take place under the terms of the respective regulatory legislation, without prejudice to the need to carry out the inspection, with a favourable conclusion, provided for in this article.
5. Whenever non-conformities are detected with the project approved within the scope of this inspection in violation of the conditions established in the construction license, they shall be immediately reported to the competent services of the ministry with attributions in the area of urban licensing, so that the appropriate administrative procedures may be adopted.

#### **Article 42**

##### **Obtaining a license to use**

1. Without prejudice to the provisions of special law, obtaining a license to use depends on a favourable order by the head of the competent body, which can only be issued after an inspection has been made and an opinion has been issued by the respective commission.
2. The utilisation permit and respective land registry are necessary conditions for the transfer of titled buildings or lots.
3. With the issuing of the utilisation permit the infrastructures and spaces of the urbanisation that, in accordance with the urbanisation project, must be integrated into

the public domain, without prejudice to the guarantee to which the contractor is obliged under the terms of article 34.

4. The building permit itself does not permit the exercise of activities subject to sectorial licensing under the terms of the law.

### **Article 43**

#### **Title of utilisation permit**

1. The title of utilisation permit is issued within 30 days counting from the date of the decision that confirms the favourable decision of the inspection report, and the title must clearly mention the purpose for which the urban operation is intended.
2. When the urban operation is intended for different purposes, the utilisation permit must discriminate the parts, areas or fractions intended for each of the said purposes.
3. The utilization permit is the document required to proceed with the definitive connection of the buildings or land division to the public infrastructure networks.
4. The allotment utilisation permit shall be issued after granting of the licensing application when there are no urbanisation works or spaces to be built and integrated in the public domain or, when such spaces exist, after these works and spaces have been received and approved by the competent services of the Ministry responsible for urban licensing.
5. The terms of the allotment use permit are equivalent to the terms of the urbanistic regulation of the land use plan for the purposes of disciplining the building process in the allotted lots and shall remain in force for a period of 20 years, which may last if and while the zone is not covered by effective municipal territorial planning instruments.
6. The terms of the title and the use permit for buildings and allotments and their specifications shall be defined in a ministerial statute issued by the Minister with competence in the area of urban administration, and the transfer to third parties of the buildings or allotments covered by the use permit shall depend on prior land registration.

### **Article 44**

#### **Complaints and hierarchical appeals**

All administrative acts carried out under the terms of the present statute, and without prejudice to the special time limits provided for herein, are susceptible to hierarchical complaint and appeal under the terms of the administrative procedure rules in effect.

## **CHAPTER VII SANCTIONS**

### **Article 45 Infractions Infractions**

1. Non-compliance with the provisions of this law and complementary legislation constitutes an infraction punishable under the terms of the following articles.
2. Negligence and attempts shall always be punishable.
3. The sanctions shall be set between a maximum and a minimum, and their application shall be graduated in accordance with the seriousness of the infraction, the territorial, urban planning or environmental impact, namely considering the size of the buildings, the danger to the safety of the works or constructions, the damage resulting therefrom to the State or third parties, the degree of fault of the offender and the existence of recidivism.
4. Recidivism is considered to exist whenever, within 24 months from the date of application of a penalty, the offender commits an offence of the same type.

### **Article 46 Typification of administrative penalties**

1. The performance of any works or constructions without prior authorisation and respective building permit, in violation of the provisions set out in Article 4, in paragraphs 1 and 2 of Article 10, and in Articles 11 and 12, constitutes an infraction punishable by the payment of a fine of US\$ 100 to US\$ 15,000.
2. The false statements made by the authors of the projects, in violation of the provisions of Article 10, paragraph 4, constitutes an infringement punishable by the payment of a fine of US\$ 250 to US\$ 15,000.
3. False statements made by the person in charge of the technical direction of the work in the book of works constitute an infraction punishable by the payment of a fine in the amount of US\$ 250 to US\$ 15,000.
4. The performance of any works or constructions in disagreement with the respective previously approved project or with the conditions established in the construction license, in violation of the provisions set out in Article 26, constitutes an infraction punishable by the payment of a fine of US\$ 250 to US\$ 10,000.
5. The occupation of buildings or any other premises without a utilisation permit or in disagreement with the respective use established in the utilisation permit, in violation of the provisions of Articles 42 and 43, constitutes an infraction punishable by a fine in the amount of US\$ 250 to US\$ 10,000.

6. The carrying out of any other urbanistic operations in violation of the provisions of Articles 4 and 10 et seq. constitutes an infraction punishable by the payment of a fine in the amount of US\$ 250 to US\$ 10,000.
7. The failure to remove rubble and other debris resulting from the works or the failure to repair damage, in violation of the provisions of Article 33, constitutes an infraction punishable by the payment of a fine in the amount of US\$ 250 to US\$ 5,000.
8. The failure to complete any works within the time limits set for that purpose, in violation of the provisions of Article 25, constitutes an infraction punishable by the payment of a fine in the amount of US\$ 250 to US\$ 5,000.
9. The failure to post or the posting in a manner not visible from outside the place of works of the notice advertising the construction permit, in violation of the provisions of Article 27, constitutes an infraction punishable by the payment of a fine in the amount of US\$ 250 to US\$ 2,000.
10. The absence of the work book or of any other mandatory documents at the place where the works are carried out, in violation of the provisions of Article 28, constitutes an offence punishable by the payment of a fine in the amount of US\$ 250 to US\$ 2,000.
11. The violation of the technical norms of the construction sector and of the hygiene and safety rules that may be approved by law or regulation constitutes an infraction punishable with the payment of a fine in the amount of US\$ 250 to US\$ 15,000.
12. Where the administrative offences provided for in the previous paragraphs have been committed by legal persons, the fines shall vary between US\$ 1,000 and US\$ 100,000.
13. In cases of proven economic insufficiency, the minister with attributions in the area of urban licensing, always subject to the possibility of delegation of powers, may determine the reduction of the fine to be paid by natural persons or even the exemption of its payment.
14. The application of the fines provided for in this article is subject to judicial appeal under the general terms of law.

#### **Article 47**

#### **Destination of Fines**

The proceeds from the application of the fines provided for in this statute shall revert to the State.



**Article 48**  
**Ancillary penalties**

1. In addition to the provisions of Article 50, the following accessory sanctions may also be applied, when justified by the seriousness of the infraction
2. The seizure of objects belonging to the offender that have been used as instruments in the commission of the infraction;
3. The sealing of the work site and of the respective equipment;
4. Prohibition to exercise the profession or activities related to the infraction committed, for a maximum period of one year.

**Article 49**  
**Processing of Administrative Offences**

The entity responsible for inspection and supervision of building activities is in charge of processing the administrative offences provided for in the present statute.  
The application of the corresponding fines is the responsibility of the Government member responsible for the area of public works.

**CHAPTER VIII**  
**MEASURES FOR SAFEGUARDING URBAN LEGALITY**

**Article 50**  
**Embargo**

Construction works carried out without the necessary construction license, as well as those which are carried out in disagreement with the approved project, in violation of the applicable legal and regulatory norms, are subject to legality protection measures to be determined in a separate statute.

**CHAPTER IX**  
**FINAL PROVISIONS**

**Article 51**  
**Special Administrative Region of the Oe-Cusse and Local Government**

1. In the Special Administrative Region of Oe-Cusse Ambeno, the competencies conferred upon the organs and services of the Central Administration in the present statute shall be exercised by the organs of the Special Administrative Region of Oe-Cusse Ambeno.
2. The competences attributed in the present diploma to the organs and services of the Central Administration shall be transitorily exercised by them until the

representative organs of Local Government are installed, as provided for in Law No 23/2021, of 10 November, which approves the Law on Local Government and Administrative Decentralization.

## **Article 52**

### **Municipal Authorities and Municipal Administrations**

1. The Municipal Authorities and Municipal Administrations may receive and forward to the competent organs and services of the Central Administration the requests for prior information and for the granting of authorizations and licenses foreseen in the present law, as well as the notifications and other communications arising from the respective procedures destined for private parties, under the terms to be approved by joint ministerial statute of the members of the Government responsible for the areas of planning and planning, public works and local government and for administrative decentralization.
2. The organs and services of the Central Administration may delegate the exercise of competences provided for in this Decree-Law to the organs and services of the Municipal Authorities and Municipal Administrations through the signing of interorganic contracts for the delegation of competences, under the terms of article 19 of Decree-Law No 3/2016, of 16 March, as amended, which approves the Statute of Municipal Authorities, Municipal Administrations and the Interministerial Technical Group for Administrative Decentralization.

## **Article 53**

### **Buildings under Prior Law**

1. Buildings that have been constructed under previous law shall not be affected by supervening legislation, nor shall the conclusion or alteration of constructions in progress, provided that they benefit from the general conditions of functionality, aesthetics, safety and healthiness of the original building and that the nonconformity of the latter with the applicable urban planning rules is not aggravated.
2. The legal regime applicable to the buildings provided for in the previous number shall be the object of a separate statute.

## **Article 54**

### **Calculation of time limits**

Deadlines expressed in days in the present statute are counted in business days.

## **Article 55**

### **Complementary legislation**

Legislation complementary to this statute shall be approved within 180 days.

**Article 56**  
**Revocation rule**

Article 5 of Decree-Law no. 27/2010, of 22 December, which establishes the Legal System for Certification and Registration of Civil Construction and Civil Technical Consulting Companies, amended by Decree-Law no. 17/2021, of 22 September, is hereby revoked.

**Article 57**  
**Transitional rule of interpretation**

References in the present diploma to land registry shall be understood as referring to cadastral registration until the implementation of the former.

**Article 58**  
**Entry into force**

This decree-law shall enter into force 120 days after the date of its publication.

Approved by the Council of Ministers on 22 December 2021.

The Prime Minister,

\_\_\_\_\_  
Taur Matan Ruak

The Deputy Prime Minister and Minister for Planning and Territorial Administration,

\_\_\_\_\_  
José Maria dos Reis

The Minister of Public Works,

\_\_\_\_\_  
Salvador dos Reis Pires

Promulgated on 22.02.2022.

To be published.

The President of the Republic,

\_\_\_\_\_  
Francisco Guterres Lú Olo

end -----