

DECREE-LAW No 14 /2022
of 6 April
APPROVES THE LAND REGISTRATION CODE

The approval of this diploma that regulates the registration of the legal status of real estate assets is necessary in view of the importance of real estate legal commerce in the economic development of the country and taking into consideration that real estate investment depends on a safe and credible land registry system.

More than 17 years have passed since the approval of Law 1/2003, of 10 March, regarding ownership of immovable property, which in its preamble recognized the need to establish a legal framework, based on constitutional principles, which regulated the regime of ownership of immovable property, initiating a policy to resolve the lack of definition of ownership of public and private immovable property. The same diploma considered to be technically and legally indispensable the existence of a land registry that would serve as a basis for the future registration of property titles. Both by its objective and its material content, that legal diploma consecrates a general regime with the specific purpose of determining, after the independence of the State of Timor-Leste, the first ownership of the property right, one of the real rights among the several real rights of enjoyment (to which the guarantee rights are added) that can be exercised over immovable property.

On 7 July 2011, Decree Law No 27/ 2011, of the immediately preceding day, entered into force, continuing the objective of the aforementioned Law No 1/2003, specifically providing for the regularization of ownership of immovable property in cases where such ownership is not disputed, which are the overwhelming majority of cases, as acknowledged in the preamble of that law, a fact that was verified after the *cadastral* survey of more than 35,000 properties on that date. As stated in the referred Decree-Law, it is "with the purpose of giving this majority of cases without dispute the due legal recognition and regularizing the situation of the claimants in the cases without dispute inserted in the *Cadastre* database" that "it is intended to recognize the ownership right over real estate property, when such right is not contested". In order to operationalize that objective, Ministerial Diplomas no. 45/2016 and 46/2016, of 14 September, regulating, respectively, matters related to the cadastral survey and to the National Property *Cadastre*, having been simultaneously, in six annexes to the latter, approved all the necessary forms for the procedure of the cadastral survey in question, which survey culminates with the issuance of a Property Registration Certificate that contains the mention of the property's unique identification number (NUIP) and the name of the holder of the property right, thus determining the first holder of that right in rem.

However, the current legal regime continued to be ineffective in solving the problem of ownership rights over immovable property, especially with regard to the hierarchy of ownership titles that were issued over the same property over several decades and under different legal regimes (Portuguese Civil Code of 1867, Portuguese Civil Code of 1966, Indonesian Civil Code and Timorese Civil Code). The legal diplomas published after independence aimed at determining the holder of property rights for each property also proved to be insufficient.

Thus, Law No 13/2017, of 5 June, is approved and came into force 90 days after its publication, with two main objectives: clarifying the legal status of property and promoting the distribution of and access to land. This law is of central importance as it provides for the special regime for the definition of ownership of immovable property and alludes not only to the recognition but also to the attribution of the first property right, regulating, in line with the aforementioned Decree-Law No. 27/2011, the non-disputed cases and establishing criteria of hierarchy between holders of previous rights for the determination of the holder of the property right in disputed cases. It also provides for the creation of a Land and Property Commission with the mission of resolving disputed cases within the process of recognition and allocation of property rights.

Law No. 10/2011, of 14 September, approves the Civil Code and provides in Article 3 that the provisions of the new Civil Code will apply to rights over immovable property, but only after the recognition or assignment of the first titles of property rights thereto. Therefore, the legal framework regulating immovable property rights clearly discerns a regime aimed at determining the first holder of the ownership right of each immovable property, recognising and attributing this right and issuing, within the scope of a previous and necessary cadastral survey, a certificate of registration of ownership, and a second regime, regulated by the substantive law of the Civil Code, which is broader, aimed at regulating not only the ownership right but also all other in rem rights of enjoyment and guarantee. However, this latter regime may only apply after the determination of the first holder of the property right under that first regime

More than eight years have elapsed since the approval of the Civil Code, being that some property rights have already been transferred *intre vivos* and others by *mortis causa*.

It is thus urgent, on the one hand, to enable purchasers to publicise and fully exercise their fundamental right of ownership and, on the other hand, to enable the land registry services to transcribe that first property right and then proceed with the successive updates, thus guaranteeing security in the legal commerce of immovable property ownership.

It should be noted that, since the database of the cadastral services is an eminently technical database destined to the registration of the elements which compose the physical part of the property, its description, and that it only registers the name of the holder of the first property right, it is not, therefore, designed for its complete identification nor for the indication of the different causes of acquisition of the property right, nor even for the registration of the remaining rights in rem, whether of enjoyment or of guarantee, and while a database and computer system that allows it to be operated by the lawyer to whom the power to register and confirm, with security, the data relating to the property descriptions and all the legal facts subject to registration on these descriptions - the various and successive inscriptions and recordings to be made - has not been created, the system of registration forms to be approved under this code will be adopted as the support for land registration.

Given that land assumes, in Timor-Leste, an important social function, constitutionally recognized in Article 54(2) of the Constitution, recognizing also the duty to respect vulnerable groups, as provided in Article 5 of the aforementioned Law No. 13/2017, as well as the need to safeguard the common interests of local communities by protecting their shared housing

areas, agricultural sites, sacred places and natural resources necessary for their livelihoods. It is also recognised the duty to respect vulnerable groups, as provided in Article 5 of Law No 13/2017, as well as the need to safeguard the common interests of local communities by protecting their shared housing and agricultural areas, places of sacred worship and natural resources necessary for their livelihood, noting that the existence of real estate located in areas classified as community protection is recognised by law, as provided in Articles 23 to 27 of Law No 13/2017. In turn, Law No 6/2017, of 19 April, on the Bases of Spatial Planning, provides for the existence of certain restrictions on the right of ownership derived from the public utility that certain properties, or properties located in certain areas, are subject to, restrictions that must be registered in the form of encumbrances in the land register, we conclude that in Timor-Leste land registration not only serves the purpose of advertising the legal status of real estate with a view to securing the legal commerce of real estate, but also to protect such real estate against the pressure that the real estate market may exert on it. This is achieved by making any restrictions on the right of ownership subject to registration, as set out in Article 3(1)(q) of the Code approved by this decree-law, and by the obligation to mention in the description of the real estate property its possible location in such protected areas, as set out in Article 96(1)(i) of the same Code, as well as the need to specify the content of such restrictions on the right of ownership by means of registration.

For this reason, Article 1 of the code approved by the present diploma provides for the accessory function of protection, in accordance with the respective legal content, of these properties.

Taking into account the need to regularise and register in the land registry the property rights that have already been, and are still being, determined through the aforementioned special regime for the definition of ownership of immovable property, a legal provision is provided for in Article 44, on the successive treatment, of the Code, determining that this is the first registration of the right to be drawn up on each land description, extracted from the titles of property rights issued in the scope of that special legal regime. As it is found that the certificates issued in the meantime do not contain sufficient elements to record the property right in favour of the titleholder specified therein, lacking, for example, mention of marital status and, if married, the name of the spouse and the respective property regime, among other elements that must be entered in the registry, Article 62(2) also provides for a procedure to remedy these shortcomings resulting from the fact that the cadastral survey is eminently technical and not legal in nature. It is also provided that it is not necessary to indicate the taxable persons in the general requirements of these original registrations, as provided for in Article 108(4) of the CIRS.

Finally, a *vacatio legis* of one hundred and twenty days is foreseen in order to provide the registry and notary services and the services of the Directorate of Land and Property with a staff in the necessary number and with the training required for the practical implementation of the code approved by the present diploma.

Thus, pursuant to paragraphs b), e), k) and o) of Article 115.1 and d) of Article 116 of the Constitution of the Republic, the Government decrees the following to be valid as law:

Article 1

Approval of the Land Registry Code

The Building Registration Code, published in the annex hereto, which is an integral part of this diploma, is approved.

Article 2

Emoluments

The fee schedule for land registry acts is approved by a ministerial statute of the member of the Government responsible for the area of justice.

Article 3

Model forms

The models of the daybook, registration forms, real and personal entries, registration certificate and registration request shall be approved by a ministerial statute of the member of the Government responsible for the area of justice.

Article 4

Transitional provision

Until it is not possible to appoint registrars to fill all the necessary positions, registries will be prepared by public officers with a degree in law, recruited by public competition, under the terms of the General Career Regime of Public Administration.

Article 5

Entry into force

This statute enters into force 120 days after its publication.

Approved by the Council of Ministers on 12 January 2022.

The Prime Minister, _____
Taur Matan Ruak

The Minister of Justice, _____
Manuel Cárceres da Costa

Promulgated on 6.4.2022. To be published.

The President of the Republic, _____
Francisco Guterres Lú Olo

**ANNEX
(referred to in Article 1)
Land Registration Code**

**Title I
Nature and value of registration**

**Chapter I
Object and effects of registration**

**Section I
Purposes and facts subject to registration**

**Article 1
Purposes of registration**

1. The purpose of land registration is essentially to give publicity to the legal status of buildings, with a view to securing legal transactions in real estate.
2. The land registry shall also provide security for the legal transaction of real property rights which, under the terms of the law, may be exercised over real property located in community protection zones and shall have an added function of protecting such rights by automatically registering the encumbrances provided for by law.

**Article 2
Definitions**

For the purposes of the provisions of this Code

- a) "Presentation" is the act of submitting the registration request by the interested party to the land registry services, except in the case of unofficial registrations;
- b) "Rustic property" is a delimited part of the ground and the constructions existing therein that are not economically autonomous;
- c) "Urban property", the building incorporated in the soil, with the land that serves as its backyard and that does not have economic autonomy;
- d) "Mixed property", which is constituted by a rustic part and an urban part;
- e) "Qualification of the application", the verification by the registrar whether the application for registration submitted fulfils the necessary requirements to be drawn up in the terms in which it was requested;
- f) "Unofficial registration", the registration carried out by the land registry services following a legal determination.

Article 3
Facts subject to registration

1. The following legal facts are subject to registration:
 - a) Those related to the recognition, constitution, acquisition or modification of the right of ownership, usufruct, use and habitation, surface or easement over buildings;
 - b) Those which determine the constitution or modification of horizontal property
 - c) Which confirm annulable or resolvable agreements that have as their object the rights mentioned in paragraph a);
 - d) Mere possession;
 - e) The reparable of rural land and the reparable of urban land;
 - f) The promise of alienation or encumbrance, pre-emption agreements and testamentary dispositions of pre-emption, if they have been given real effect, as well as the assignment of the contractual position arising from such facts;
 - g) The assignment of assets to creditors;
 - h) Which imply the constitution, modification or termination of the priority of the registration of the mortgage and the consignment of income
 - i) determining the transfer of credits guaranteed by mortgage or consignment of income, when it involves transfer of guarantee;
 - j) Urban and rural leases for an initial term exceeding 10 years and their transfer and sublease;
 - k) Pledge;
 - l) Pledge and attachment of credits guaranteed by mortgage or consignment of income;
 - m) The constitution of the appanage of the surviving spouse and any amendments thereto
 - n) The encumbrance of any reduction of gifts subject to collation;
 - o) Concession in public domain assets and their transfer
 - p) The assignment of real property;

- q) Any other restrictions on the right of ownership, any other encumbrances or charges, and any other facts subject by law to registration;
 - r) Legal facts implying the extinction of registered rights, encumbrances or charges.
2. The provisions of paragraph a) of the preceding number shall not apply to the community of property resulting from the matrimonial regime.

Article 4

Actions, decisions, proceedings and measures subject to registration

The following shall also be registered:

- a) Actions having as their principal or accessory objective the recognition, constitution, modification or extinction of any of the rights referred to in paragraph 1 of the preceding article;
- b) The actions that have as their main or accessory objective, the reform, the declaration of nullity or the annulment of a registration or its cancellation;
- c) Proceedings for the purpose of decreeing seizure, attachment or any other measures affecting the free disposal of assets or credits secured by mortgage or consignment of income
- d) The orders decreed in the proceedings referred to in the preceding paragraph;
- e) The final decisions of the proceedings referred to in paragraphs a) and b), as soon as they are res judicata.

Section II

Effectiveness of Registration

Article 5

Effectiveness between parties

- 1. Facts subject to registration, even if not registered, may be invoked between the parties themselves or their heirs.
- 2. Without prejudice to the provisions of the preceding paragraph, the effectiveness of the constitution of a mortgage on immovable property shall depend on its registration, even between the parties themselves.

Article 6

Enforceability of third parties

- 1. As long as they have not been registered, facts subject to registration shall not be enforceable against third parties.

2. The provisions of the preceding subsection shall not apply to:
 - a. to the acquisition based on *usocapiao* of the rights referred to in Article 3(1)(a) Apparent easements.
 - b. Facts relating to undetermined property, as long as the property is not duly specified and determined.
3. The person obliged to promote registration, or his or her heirs, may not oppose the lack thereof to the interested parties.
4. Third parties, for the purpose of land registration, are those who have acquired from a common plaintiff, and in good faith, rights which are incompatible among themselves.

Article 7 **Priority of registration**

1. The right registered in the first place shall prevail over those registered subsequently on the same property, which shall be verified as follows:
 - a. in the order of the date of receipt of the application for registration; or
 - b. By the order of time of the respective submissions, when made within the same date.
2. A registration converted into definitive registration retains the priority it had as provisional.
3. A registration made as a result of an appeal against a rejected act that is eventually judged to be valid retains the priority corresponding to the filing of the rejected act.

Article 8 **Effects of registration**

Definitive registration shall constitute a presumption that the right exists and belongs to the registered holder under the precise terms in which the registration defines it.

Article 9 **Disputing registered facts**

Successful judicial challenge of registered facts shall automatically include a request for cancellation of the respective registration.

Section III
Compulsory registration

Article 10
Compulsory registration

1. Submission to land registration of all facts referred to in Article 3 is mandatory, except:
 - a) when they are to be provisionally registered by nature, in accordance with Article 106(1);
 - b) when it is a case of acquisition without determination of part or right.
2. The registration of the actions, decisions, proceedings and rights of execution referred to in Article 4 is also mandatory.
3. The registration of a protective order shall be excepted from the provisions of the preceding paragraph if the registration of the main action has already been requested.

Article 11
Subjects obliged to apply for registration

1. Individuals and corporate bodies, whether private or public, intervening as active parties of the facts subject to registration, shall be obliged to apply for registration.
2. The following shall also be required to apply for registration:
 - a) The courts, in relation to actions, decisions and other judicial measures;
 - b) The Public Prosecution Service, when, in inventory proceedings, any rights over real estate are awarded to an incapacitated person or an absentee in an uncertain part
 - c) Notaries and entities that certify the act or acknowledge signatures affixed to a private document subject to registration.
3. The obligation referred to in the preceding articles also exists with respect to any acts that imply alteration to the elements of the description.
4. The obligation to request registration shall be extinguished if the registration is promoted by a person with legitimacy to do so.

Article 12
Deadlines for applying for registration

1. Registration shall be requested within 30 days from the date on which the facts have been proved.
2. Without prejudice to legal provision to the contrary:

- a) The registration of actions and precautionary proceedings shall be promoted within the same 30-days period, as from the date the initial petition is filed, and a copy thereof shall be sent to the competent registry office;
- b) In the case of final judgements and provisional remedies, the 30 days' time limit shall be counted from the date of res judicata, and a copy of the decision shall be sent to the competent registry office.

Article 13

Compulsory Notifications

1. For the purposes of the provisions set out in the previous article, the services that execute the public deed or recognize the signatures affixed to private documents subject to registration, should send to the competent registry service, until the last working day of each month, a list of the acts performed in the previous month.
2. Court registries shall likewise proceed in the same manner with regard to actions, decisions and writs of prevention.
3. The list referred to in the preceding paragraphs shall identify the fact and its date, as well as the name and address of the active parties.

Article 14

Sanction for delay in the obligation to register

1. The promotion of the registration after the expiry of the legal deadline referred to in Article 12(1) shall determine, for those entities that are obliged to promote it but fail to do so, the payment of twice the fees charged for the registration of the said act.
2. The responsibility for increasing the emoluments provided for in the preceding paragraph lies with the entity that is obliged to promote registration and not with the entity responsible for payment of the emoluments.
3. The provisions of the preceding paragraph are not applicable to the courts and the Land and Property Commission, as well as the Public Prosecution Service, which shall be subject to the disciplinary sanctions provided by law, without prejudice to the duties of those entitled to carry out the registration, under the terms of this Code.

Article 15

Legitimation of Rights in Immovable Property

1. The facts resulting in the transfer of rights or the incurrance of charges on immovable property may not be certified without the property being definitively registered in favour of the person from whom the right is acquired or against whom the charge is incurred.

2. The following are an exception to the provisions of the preceding paragraph:
 - a) expropriation, execution sale, attachment, seizure and other measures affecting the free disposal of immovable property;
 - b) acts of transfer or encumbrance carried out by anyone who has acquired the property transferred or encumbered on the same day;
 - c) Cases of loss or destruction of records due to fire, flood or other calamity recognized as such by the member of the Government responsible for the area of justice.

Section IV

Termination of registration effects

Article 16

Transfer and extinction

The effects of registration shall be transferred by means of re-registration and shall be extinguished by expiry or cancellation.

Article 17

Expiry

1. Definitive registrations shall expire by operation of law or by expiry of the duration of the business.
2. Provisional registrations shall expire if they are not converted into definitive registrations or renewed within the respective term of validity, pursuant to article 107.
3. Provided the respective assumptions are met, the forfeiture shall be annotated to the registration as soon as it is verified, ex officio or at the request of the interested parties.

Article 18

Cancellation

Registries shall be cancelled based on the extinction of rights, encumbrances or charges defined therein, in execution of an administrative decision in the cases prescribed by law, or in execution of a final court decision.

CHAPTER II

DEFECTS IN REGISTRATION

Article 19

Non-existence

A registration is legally non-existent when the lack of signature of the registration is insuppressible.

Article 20

Nullity

A registration is null and void when:

- a) It is false or was drawn up based on a false title;
- b) It was drawn up based on a title that is insufficient to legally prove the fact recorded;
- c) It contains omissions or inaccuracies which result in uncertainty as to the subjects or the object of the legal relationship to which the registered fact refers;
- d) Has been drawn up without prior presentation or with violation of the principle of the successive tract.

Article 21

Rules of non-existence and nullity

1. Non-existent and void registrations shall not produce any effects.
2. Non-existence may be invoked by any person at any time, irrespective of a judicial declaration.
3. Nullity of registration may only be invoked after it has been declared by a final court decision.
4. A declaration of nullity of registration shall not affect rights acquired for valuable consideration by a third party in good faith where the registration of the corresponding facts precedes the registration of the nullity action.

Article 22

Incompetence

A registration signed by a person lacking functional competence or by an incompetent registrar shall be null and void, except where it can be confirmed under the terms of the following article.

Article 23

Confirmation

1. The registrations referred to in the previous article shall be checked with the respective documents to verify whether they could have been made.
2. If it is concluded that the registration could have been made, it shall be confirmed by the registry or officer that is competent, mentioning the date.
3. The confirmed registration shall have retroactive effect as from the date on which it was made with the defect of incompetence.
4. Where it is concluded that the registration could not have been affected, a process for cancellation of the registration shall be instituted of the court's own motion.

Article 24
Inexactness of registration

1. A registration is inaccurate when it is drawn up in disagreement with the title on which it is based, or is vitiated by deficiencies arising from that title which do not constitute grounds for nullity or lack of competence.
2. Inaccurate registrations shall be rectified in accordance with Articles 140 and following.

TITLE II
ORGANISATION OF THE REGISTER

CHAPTER I
RULES OF JURISDICTION

Article 25
Territorial jurisdiction

1. Unless otherwise provided for by law, the land registry offices of the municipality where the property is located and the land registry offices of the Special Administrative Region of Oe-Cusse Ambeno are competent for registering rights over immovable property for the properties located therein.
2. If the location of the property covers an area under the administrative jurisdiction of several departments, the registration will be made at the registration office where the largest area of the property is located.
3. The facts relating to two or more buildings located in the area of several registration offices shall be registered in each of them in the respective part.
4. In the case of concessions on communication routes, the competent service is that of the area corresponding to the point where the said route begins.

Article 26
Change in the competence of the registration office

1. The competence of the municipal land registry service is changed, as a result of the change in the situation of the property, if there is a change in the definition of the boundaries of the municipalities.
2. Registrations at the new registry service are made based on a document proving the change in the situation of the property, issued by the responsible entity.
3. When the registration of buildings located in an area that has already been dis-annexed from a registry service is requested, it can only be done in that service if the presentation precedes the dis-annexation.

Article 27
Change of administrative boundaries

1. In the event of a change in the administrative boundaries of the municipalities, the registrations shall be transferred to the registration service that becomes competent, based on a document proving such change issued by the entity in charge.
2. When the registration of buildings located in an area that has already been dis-annexed from a registry is requested, the registration can only be made in that registry if the presentation precedes the dis-annexation.

Article 28
Transfer of registrations

Registrations may only be made in the new registry office in relation to buildings registered in another registry office when the records are transferred, ex officio, or free certificates of the registrations in force are issued.

CHAPTER II
DOCUMENTARY AND ARCHIVE MEDIA

Section I
Journals and files

Article 29
Computer support

The land registry shall, whenever possible, be organized through the use of computerized means.

Article 30
Logbook

Each registry office keeps a journal, in computerised or documentary form, which is used to record, in order of the date and time of entry, the registration requests and respective documents.

Article 31
Registries

There shall be, in each registration office, registration forms, in computerised or documentary form, intended for descriptions, entries and annotations.

Article 32
Ordering of record sheets

Registration forms shall be ordered by municipality, within each municipality by administrative post and within each administrative post by the respective building identification number.

Section II
Real and Personal Files

Article 33
Real estate registry

1. For search purposes, there shall be a real file in each registration office.
2. The actual file is made up of entries indicating each building, ordered by municipality and administrative post and with the following indications:
 - a. Identification number of the building;
 - b. Situation of the property and its rural, urban or mixed nature;
 - c. If the property is urban, name of the street and police number.

Article 34
Personal file

1. For the purposes referred to in paragraph 1 of the preceding article, there shall also be a personal file in each registry office.
2. The personal file is composed by entries, which contain
 - a) The identification of the owners or possessors of the properties, ordered alphabetically, as well as their marital status and residence;
 - b) The identification numbers of the buildings and the locations where they are located.
3. When technical conditions allow, the entries shall exist only in electronic format and shall be filled in automatically, under the terms of a ministerial document approved by the member of the Government responsible for the area of justice.

Section III
Archive and access to data

Article 35
Archiving of documents

1. The documents that served as the basis for registration, as well as the proof of application, shall be filed in the order of their filing.
2. If the technical conditions allow for their filing in electronic format, the paper documents that served as the basis for the registration acts, as well as the certificates containing elements that cannot be collected through access to the respective databases, shall be returned to the interested parties.

3. By order of the head of the registry and notary services, the filing of documents on an electronic support may be determined.
4. The documents filed in an electronic medium referred to in the previous paragraph have the same probatory force as the originals.
5. The documents provided for in article 55 shall also be filed.

Article 36
Provisionally archived documents

Until technical conditions allow for their electronic filing, documents concerning rejected acts shall remain at the registry service where a hierarchical appeal or judicial review has been filed or while the time limit for their filing has not expired.

Article 37
Access to databases

1. Public services intervening in the process of regularization of immovable property shall have access to the respective databases as soon as the technical conditions exist for such.
2. Access to the information contained in the databases referred to in the preceding paragraph shall occur through computer connection between the services, in order to obtain information required for each one's own purposes.
3. The unofficial use of the information obtained shall not exceed the purposes referred to in the previous number.

CHAPTER III
CADASTRAL REFERENCES

Article 38
Harmonization of the register with the cadastre

1. Land registrations may not be opened or updated, in terms of location, area and confrontations, in contradiction with the corresponding cadastral record or with the application for its rectification or alteration.
2. For the purposes of the provisions of the previous paragraph, the interested parties must communicate to the cadastral services all the information that changes the location, area and boundaries of the property.
3. The area of each of the parcels must be certified by the cadastre.

4. The presentation and filing of the cadastre plan is mandatory for the execution of any act of registration that determines the opening of a description or its updating regarding the physical identification elements mentioned in paragraph 1.

Article 39 **Updating of Description with the Cadastre**

The area included in the registration description may always be the description of the property shall be updated on the basis of a document issued by the cadastral services showing the rectification of the description or through direct access to the necessary information.

Article 40 **Harmonization of the title with the land registry**

In titles concerning facts subject to registration, the identification of the buildings cannot be made in contradiction with the respective registry description.

Article 41 **Compulsory obligation of prior updating of cadastral information**

For the purposes of the provisions of the previous articles, the interested party must request, prior to the execution of any act, the updating or rectification of the cadastre and land registry data related to the physical situation of the property.

Article 42 **Cadastral changes**

1. When any change occurs in the cadastre, the respective central office shall communicate to the registration services, preferably by electronic means, all changes relating to the physical situation of the property.
2. The central cadastral service must also communicate the corresponding references of all properties that are subject to alteration.

Article 43 **Proof of Cadastral Status**

1. In order to perform registration acts on any property, prior proof of cadastral inscription must be provided.
2. The proof required in the previous number is made through direct access to the information contained in the database of the central cadastral service or by showing an updated document issued by that entity.
3. The proof required in the previous paragraphs is waived for cancellations of registrations.

**TITLE III
REGISTRATION PROCESS**

**CHAPTER I
PRESSURES**

**Section I
Prior registration and continuity of registrations**

**Article 44
Principle of successive tract**

1. The first registration of acquisition, in each record, shall relate to the property right already recognized by court decision or recognized and assigned within the scope of the special regime for determination of the first owner of immovable property regulated by Laws No. 1/2003, of March 10, published in the Official Gazette, Series I, No. 9, of July 30, 2003, and No. 13/2017, of June 5, and by Decree-Law No. 27/2011, of July 6.
2. The final registration of acquisition of rights or of charges by legal transaction shall depend on the prior registration of the assets in the name of the person who transfers or encumbers them.
3. In the case of existing registration of acquisition or recognition of a right or mere possession over the property, prior intervention of the respective holder shall be required before the new registration is definitively drawn up, unless the fact is a consequence of another previously registered fact.

**Article 45
Waiver of Registration**

1. The registration in the name of the owners of assets or rights forming part of undivided inheritance shall not be required.
2. Registration in favour of the universal heir or legatee is also dispensed with whenever the registration of facts concerning the inherited estate is involved.

**Section II
Legitimacy and Representation**

**Article 46
General rule of legitimacy**

All active or passive parties to the respective legal relationship and, in general, all persons who have an interest therein or are obliged to promote it, have legitimacy to request registration.

Article 47
Contitutorship of Rights

1. The joint tenant or any of the heirs may request, in favour of all the holders, the registration of the acquisition of assets and rights forming part of an undivided estate.
2. Any joint proprietor or joint owners may request, in favour of any of the other holders, the registration of the acquisition of their respective assets or rights.

Article 48
Request for Annotations to Descriptions

1. Except in the case of facts contained in an authentic document, endorsements of descriptions can only be requested
 - a. The owner or possessor definitively registered or with his intervention;
 - b. By any interested registered party or with its intervention, if there is no registered owner or possessor
 - c. By any registered interested party who has requested judicial notification of the registered owner or possessor, if the latter does not object within 30 days of the date of notification.
2. The intervention referred to in subparagraphs a) and b) of the preceding paragraph shall be considered valid as long as the interested parties have intervened in the respective deeds or proceedings.
3. The opposition referred to in subparagraph c) of paragraph 1 above shall be annotated to the description upon presentation of the application of the registered owner or possessor.

Article 49
Voluntary Representation

1. Registration may be requested by a proxy with power of attorney granting special powers for the act.
2. Those who have powers of attorney to intervene in the respective title do not need a power of attorney to request the registration.
3. Representation always implies:
 - a) Its subsistence until the registration is made;
 - b) The joint and several liability of the representative in the payment of the respective charges.

Article 50
Representation of incapacitated persons

1. In the case of absentees, the judicially declared incapacitated or incapacitated by psychic anomaly, as well as minors, the legitimacy to request registration shall lie with the respective legal representatives.
2. In judicial inventory, the registration of real estate awarded to the persons referred to in the preceding paragraph falls to the Public Prosecution Service.
3. In respect of gifts that produce effects independently of acceptance, the responsibility for requesting registration lies with the donor.

CHAPTER II
APPLICATION FOR REGISTRATION

Section I
Procedures for application

Article 51
Principle of the right of appeal

Registration shall be carried out through the intermediary request of whoever has legitimacy, without prejudice to the provisions of Article 11 and other cases of officiousness provided for by law.

Article 52
Forms of request

The application for registration may be made;

- a. In person
- b. By electronic means, when the technical conditions allow it.

Article 53
Application for registration in person

1. The application for registration may be made in person and in writing, on a form of an approved model.
2. The form referred to in the preceding paragraph is not required for requests for unofficial rectification of registration as provided for by law.

Article 54
Application for registration by electronic means

The application for registration by electronic means is regulated by Ministerial order of the member of the Government responsible for the area of justice.

Section II
Elements of the application for registration

Article 55
Information and documents accompanying the application

1. The application for registration shall contain:
 - a) The identification of the applicant and, if not the same, the identification of the interested party in whose favour the registration is requested;
 - b) The indication of the facts and the buildings to which it refers;
 - c) The list of documents that support it, indicating the elements that allow identifying them, such as date, file reference and issuing entity;
 - d) The signature of the person presenting the document.
2. In the situations referred to in article 47, the application for registration shall also contain the identification of all co-owners, sharecroppers or heirs or joint owners.
3. The application for registration shall be accompanied by
 - a) Certificate or cadastral certificate, or judicial sentence;
 - b) Public deed or other documents that prove the fact subject to registration;
 - c) Identity card or other identification document allowed by law.

Section III
Verification of identity, quality or status and powers for the act

Article 56
Verification of identity

The verification of the identity of the applicant shall be made by showing:

- a) the identity card; or
- b) The passport, whether or not the bearers reside in Timor-Leste.

Section 57
Verification of quality, status and powers for the act

Where the quality, status or sufficiency of powers for the act of the applicant are not included in the title of the registration application, they shall be verified by one of the following means:

- a) By attaching the corresponding authentic or authenticated document proving those facts;

- b) By notarization of the document expressly mentioning its verification.

CHAPTER III
DOCUMENTS AND DECLARATIONS FOR REGISTRATION

Section I
General Provisions

Article 58
Documentary proof

1. Only facts contained in documents legally certifying them may be recorded.
2. Filed documents shall be used for re-registration whenever they are referenced and re-registered in the journal by the number and date of their submission.
3. Documents written in a foreign language shall only be accepted provided that they are translated into one of the official languages of Timor-Leste.
4. Documents filed with the Public Administration services, certified by the public authority and within the validity term may be used for the purposes of registration, and such documents shall be referred to in the application.
5. For the purposes of the provisions of the previous number, the applicant is obliged to reimburse the registry service for the amount of the expenses incurred in obtaining those documents.

Article 59
Compulsory references

1. Notarial, procedural or other acts containing facts subject to registration shall contain the following elements:
 - a) The identity of the parties, in accordance with Article 108, paragraph 1, d);
 - b) The identification number of the building;
 - c) The indication of the previous registration referred to in Article 15(1);
 - d) A warning that the legal representative of the incapacitated person or person who is absent in an unknown place, who constitutes the extrajudicial act, must request the registration of the rights over the awarded property.
3. Proof of the elements contained in the registration may be made by means of a certificate or computer consultation, which shall be mentioned in the text of the act.
4. The certificate of the acts referred to in paragraph 1 above, issued for registration purposes, shall contain all the elements provided for therein.

Article 60
Additional declarations

1. Supplementary declarations of securities are permitted:
 - a) To complete the identification of the subjects, without prejudice to the requirements of proof of civil status;
 - b) To clarify divergences between the elements that compose it, when contradictory to each other or to the description, due to a subsequent alteration, accompanied by the respective cadastral document that proves the correct data.
2. Errors regarding identification elements of the property resulting from the titles may be rectified by a document issued by the central cadastral service containing the duly rectified data.

Article 61
Form of Registration Statements

1. Declarations for registration, whether principal or complementary, shall be made in writing, in the appropriate space of the respective requisition or in a separate document.
2. The declarations mentioned in the previous number shall be signed and contain the number, date, and issuer entity of the respective identity card or equivalent identification document of the signatory.

Section II
Criteria for registration and cancellation of registrations in special cases

Subsection I
Special cases

Article 62
First registration of acquisition of the property right 1.

1. In each property description, the first record of acquisition of the property right shall be drawn up by transcription of the operative part of the court decision or of the title deed issued as a result of the special regime provided for in Decree Law n. 27/2011, of July 6, and Law n. 13/2017, of June 5.
2. The missing information necessary to complete the general and special requirements of the acquisition registration, in case it cannot be obtained by the registry office unofficially from other public bodies, shall be provided to the land registry office, by means of sufficient documentary evidence, by the holder of the property right or his legitimate representatives or by his heirs, if applicable.

Article 63
Attachment

1. Provisional record of attachment shall be made based on the certificate proving that it has been judicially ordered.
2. The registration referred to in the preceding paragraph shall be converted into definitive registration on the basis of the certificate of attachment showing that the attachment has been carried out.

Article 64
Acquisition by Judicial Sale

The provisional registry of acquisition through judicial sale in enforcement proceedings is done ex officio based on a certificate of the adjudication deed, containing the identification of the buyer, the property, the payment of the price and the date of the sale.

Article 65
Acquisition of Assets of an Undivided Estate

The registration of the joint acquisition, without determining a part or right, of assets that are part of an undivided estate is based on a document proving proof of qualification and a statement identifying the assets.

Article 66
Legal and Judicial Mortgage

The registration of a legal or judicial mortgage shall be carried out based on a certificate of the title from which the guarantee originates.

Article 67
Allocation of Real Estate

Registration of allocation of real estate shall be based on a declaration of the registered owner or possessor.

Article 68
Actions and precautionary proceedings

Provisional registration of actions and precautionary proceedings shall be based on a certificate of content of the pleading or its duplicate, provided that it is accompanied by proof of its presentation to the court.

Article 69
Court decisions

The registration of court decisions shall be carried out on the basis of:

- a) a certificate of the judgment; or
- b) a communication from the court, together with a copy thereof.

Article 70

Contract for person to be appointed

1. The appointment of a third party in a contract for a person to be appointed shall be registered on the basis of:
 - a) Instrument of ratification;
 - b) Declaration of the original contracting party stating that it has been validly communicated to the other contracting party.
2. The signatures on the statement referred to in sub-paragraph b) of the preceding number shall be recognised in person, except if made in the presence of an official of the service competent for registration at the time of the request.
3. The recognition foreseen in the previous number can also be dispensed when the registration is promoted by the declarant through the internet, using electronic means that allow the identity of the interested party to be determined, under the terms to be defined by a ministerial statute of the member of the Government responsible for the area of justice.

Subsection II

Cancellations

Article 71

Cancellation of mortgages

1. Cancellation of the mortgage registration shall be based on a document containing the consent of the creditor.
2. The document referred to in the preceding paragraph shall bear a signature certified in person, unless the signature is made in the presence of the competent registry official at the time of the request.

Article 72

Cancellation of mortgage to guarantee periodical pensions

The mortgage to guarantee periodical pensions is cancelled in face of the death certificate of the respective holder and any of the following documents

- a) Receipts for the payment of pensions due in the five years prior to the death of the pensioner;
- b) Declaration, signed by the certified heirs of the pensioner, that no pension is owed;

- c) Certificate, issued by the court of residence of the debtors, proving that no process for the collection of pensions has been distributed in the last 10 years, if the pensioner died more than 5 years ago.

Article 73

Cancellation of registration of attachment, seizure and other precautionary measures

1. The cancellation of records of attachment, seizure and other protective measures, in cases where the action is no longer pending, shall be carried out on the basis of a certificate issued by the competent court evidencing this circumstance and the respective cause.
2. The provisions of the preceding paragraph shall also apply to tax enforcement proceedings with regard to the extinction or non-existence of the debt to the competent tax authority.
3. In cases of adjudication or judicial sale in enforcement proceedings of seized or attached assets, the cancellations referred to in the preceding subsection may only be effected after the adjudication or sale has been registered.

Article 74

Cancellation of provisional registrations

1. The cancellation of provisional registries by nature of voluntary mortgage shall be carried out based on a written statement of the respective holder.
2. The signature of the declarant shall be certified in person, except if it is done in front of a registry official at the time of the request.
3. In case there are registries dependent on the registries referred to in paragraph 1 above, the consent of the respective holders, made in a declaration of identical formality, shall also be required.
4. Cancellation of the provisional registration of action and writ of mandamus shall be made based on a certificate of the final and unappealable decision that:
 - a) acquits the defendant of the claim or proceedings
 - b) Ruling it extinct; or
 - c) Declared discontinued.
5. The cancellation referred to in the preceding paragraph may also be made based on a communication made by the court, accompanied by a copy of the decision and indication of the respective res judicata.

CHAPTER IV PRESENTATION

Article 75 Registration of appearance

1. Without prejudice to the provisions of the following paragraphs, documents presented for registration shall be recorded in the register in the order, date and time of the requests.
2. Registration of documents by electronic means shall be regulated by a ministerial statute of the member of the Government responsible for the area of justice.
3. For each event subject to registration, a different entry shall be made in the journal according to the order of its entry into the registry.
4. For the purposes of registration in the journal, annexation or disannexation endorsements necessary for opening new descriptions shall be considered as a single fact.
5. After submission, a note of the corresponding serial number and date shall be made on the requisition and on each of the documents presented.
6. Before registration, the facts to be registered as a result of the application shall be automatically mentioned on the requisition form.

Article 76 Elements of presentation

1. The filing record shall contain the following information:
 - a) The order number, the date, the time of filing and the mode of filing;
 - b) The name of the submitter, when it is an official entity that makes the registration request;
 - c) The fact that is intended to be registered;
 - d) The numbers of the descriptions of the buildings to which the fact refers, the nature and the municipality and administrative post of its location;
 - e) The type of documents presented and their number.
2. The indications for the registration in the journal shall result from the application for registration.

Article 77
Joint submissions

1. Where several documents relating to the same property are presented together for registration, the presentations shall be recorded in the log in the order of the seniority of the facts sought to be recorded, regardless of the order indicated in the request.
2. Where the facts to be recorded have the same date, entry in the journal shall be made as follows:
 - a) In the order of their respective dependency; or
 - b) Under the same serial number, when they are independent of each other.

Article 78
Proof of filing

1. A proof of filing document shall be issued for each registration application.
2. The proof of filing shall contain the following information:
 - a) The identification of the interested party;
 - b) The order number, date and, if done electronically, the time of the presentation;
 - c) The fact, the documents and the amounts delivered, as well as the urgency request, if applicable.
3. The proof referred to in the previous paragraph shall be issued in electronic form, if possible, and returned to the interested party, in accordance with paragraph 2 of article 35.

Article 79
Rejection of a submission

1. Filing shall only be rejected when:
 - a) the documents do not concern land registration acts;
 - b) The name and residence of the interested party have not been indicated in the application for registration and such information cannot be gathered from the documents presented or by any suitable means, namely by communication with the interested party;
 - c) The request is not made in an approved model or if the necessary elements are missing and it is not possible to supply them by any idoneous means, namely by communicating with the interested party;
 - d) The amounts due for the act of registration are not paid;
 - e) It is possible to verify at the time of presentation that the fact contained in the document has already been registered.
2. The provisions of sub-paragraph b) of the preceding paragraph shall not apply to cases of rectification of registration or presentation by an official entity.

3. Rejection shall be grounded in an order to be notified to the interested party, for the purposes of impugnation, under the terms of the provisions of Articles 166 and 172 et seq.
4. The provisions relating to refusal shall apply, mutatis mutandis, to rejection.

Article 80 **Closure of the journal**

1. Except in the cases mentioned in this Code, filings may only be made within the legal opening hours of the registration office to the public.
2. The journal shall be closed after the last filing of the day has been recorded.
3. Where there have been no filings, a record shall be made of that circumstance, mentioning, in all cases, the date on which the last entry was made on each day.
4. Where technical conditions do not permit the use of a computerised logbook, the record that there have been no entries shall be duly initialled and any erasures, overwritten words or interlinearities shall be expressly noted by the registrar or assistant registrar on the line following the last entry for that day.

CHAPTER V **QUALIFICATION OF THE APPLICATION FOR REGISTRATION**

Article 81 **Principle of legality**

1. It is incumbent upon the registrar to assess the feasibility of the registration application, which shall be appraised based on
 - a) Applicable legal provisions;
 - b) Documents presented; and
 - c) Previous registrations.
2. The registrar must especially verify:
 - a) Identity of the property;
 - b) Legitimacy of the interested parties;
 - c) Formal regularity of the titles; and
 - d) Validity of the acts contained therein.

Article 82 **Refusal of registration**

1. Registration shall be refused when:
 - a) it is manifest that the fact is not titled in the documents presented;

- b) It is verified that the fact in the document is already registered or is not subject to registration;
 - c) The fact is manifestly null and void;
 - d) For any reason whatsoever, the fact cannot be registered as definitive or provisional by nature;
 - e) The registration office is territorially incompetent.
2. A registration may not be refused when it is supported by a final judicial decision and has been notified to the Public Prosecutor's Office, except if it is manifestly in disharmony with the legal situation of the property resulting from previous registrations.
3. In the case of refusal, the refused act shall be mentioned on the record after the number, date, and hour of the respective presentation, with a summary indication of the refused act.
4. Orders of refusal shall be issued in the order of their registration in the journal and shall be notified in writing to the interested parties.

Article 83

Assessment of Taxes

No act subject to assessment of taxes may be registered unless the rights of the tax administration have been paid or secured.

Article 84

Conversion

Without prejudice to the provisions of the following Article, the registry office may convert an application as follows:

- a) Where there is any divergence between the application for registration and the documents presented that does not result in a contradiction between them, the registration shall be made on the basis of the qualification allowed by the documents;
- b) When different acts of registration of facts or facts that must be registered only once are requested and presented, the registration shall be made by mentioning the number of the first presentation, the others being considered as included therein;
- c) When a single registration act is requested and presented including facts of which different registrations must be drawn up, the service competent for the registration shall make the necessary presentations, and the respective registrations shall be made.

Article 85
Compilation of missing items

1. The registration shall not be refused when the documents presented are not complete if:
 - a) the issue of said documents can be made by the entities or services of the Public Administration;
 - b) The information contained therein can be obtained through direct access to the database of those services; or
 - c) These documents can be requested directly from these entities or services.
2. The competent Registry Office shall be reimbursed by the interested party for the expenses resulting from the payments due to the entities mentioned in the previous number.
3. Failure to present a title constituting a ground for refusal under the terms of paragraph a) of Article 82, no. 1, may be remedied, under the terms provided for in the preceding paragraphs, provided that the fact subject to registration was registered on a date prior to the date of presentation.
4. If registration is refused because the fact was certified after the date of filing, a new filing must be made.
5. In cases where the property has not been duly identified in the application, the registry service shall:
 - a) Communicate this fact to the interested party, by any suitable means, so that he/she may, within five days, state in writing whether he/she wishes a new presentation to be made;
 - b) Request the interested party, if necessary, to confirm the identification of the property subject of registration.
6. The declaration provided for in the previous number is equivalent to renunciation of contestation, and the new presentation must be made immediately after the last personal presentation of the day on which the order of refusal was made.

Article 86
Withdrawals

1. A registration application may be withdrawn by means of a written statement signed by the applicant after its filing and before the registration is carried out.
2. In the case of facts subject to compulsory registration, withdrawal shall only be possible when
 - a) there is a deficiency justifying refusal; or
 - b) A document proving that the fact has been extinguished is presented.

**TITLE IV
ACTS OF REGISTRATION**

**CHAPTER I
GENERAL PROVISIONS**

**Article 87
Deadline and order of registration**

1. Registration shall be affected within a maximum period of fifteen days and in the order of the date of filing in the Journal Book.
2. For each record, entries shall be made in the order of the date of filing in the Journal Book.
3. When the record in the Journal Book of the facts contained in the application for registration does not correspond to the order of their respective dependency, the records shall be made:
 - a) follow the order of the said dependency; and
 - b) mention in the extract the amendment is made.

**Article 88
Competence**

1. The registrar is the competent entity for drawing up and signing registration acts, without prejudice to the provisions of the following paragraph.
2. The registrar may designate an employee of the service to assist him only in the execution of the registration.

**Article 89
Form and wording**

1. Land registration shall consist of:
 - a) The description of the property to which it refers
 - b) The registration of the facts constituting the rights, encumbrances and charges over the property; and
 - c) The respective endorsements.
2. Descriptions, entries and endorsements shall be made by extract, based on the respective titles, and executed, whenever possible, in computerised form.
3. If the technical conditions do not permit the registration to be made in computerised form, it may be typed or handwritten in black legible characters, with permanence guaranteed.

4. In relation to the records made under the terms of the previous numbers, the words amended, erased, interlined or crossed out, under penalty of being considered as not written or eliminated, without prejudice to the provisions of the Code of Civil Procedure on this matter.

Article 90

Date

The date of registration shall correspond to the date of filing of the registration request or, if not dependent on the request, the date on which the registration is made.

Article 91

Signature

1. Registers shall be signed:
 - a) by the registers;
 - b) By his legal substitute, when in office; or
 - c) By whoever is duly authorized, under the terms of Article 4 of the diploma that approves the present Code.
2. Registrations made in computerised form shall be validated by the registrar or his legal substitute, mentioning the respective quality, through the introduction of a reserved access code.
3. After the validation referred to in the preceding paragraph, a daily copy of the acts registered in an electronic support shall be extracted to constitute a security archive.

Article 92

Suppression of Absence of Signature

1. Registrations that have not been signed shall be checked against the respective documents to verify whether or not they could be carried out.
2. Where the documents presented for registration are not filed and the proof may not be obtained ex officio, through direct access to the information contained in the database of the competent services, free certificates shall be requested from the respective services.
3. If the proof obtained under the terms of the previous number is not sufficient, the interested party shall be requested to join the necessary documents within 30 days.
4. If it is concluded that it could be done, the registration shall be signed and a record of the correction of the irregularity shall be made, mentioning the date.
5. If it is concluded that the registration could not be made, it is recorded that the fault cannot be remedied and the registration is deemed to be legally non-existent.

6. This fact must be notified to the respective holder for the purposes of contestation.

CHAPTER II DESCRIPTIONS AND ENDORSEMENTS

Section I Descriptions

Article 93 Purpose

1. The purpose of the description is the physical, economic and fiscal identification of buildings.
2. A separate description of each property shall be made.
3. Following the description of the property, the inscriptions or the corresponding reference quotas shall be entered.
4. The entries or reference marks must mention that the information is no longer in force when:
 - a) Registrations relating to a particular description are cancelled or expire;
 - b) the effects of the previous registration are transferred by making a new registration.

Article 94 Opening of descriptions

1. The information collected and registered in the respective database, within the scope of the cadastral survey, provides the information that makes up the description of the property, without prejudice to its completion, when necessary.
2. The attribution of the description number is sequential, within each administrative post and in the order of its presentation, always depending on an inscription, definitive or provisional, or an endorsement.

Article 95 Subordinate descriptions

In the case of constitution of horizontal property, besides the generic description of the building, a different description will be made for each autonomous fraction.

Article 96 General Descriptions of Buildings

1. The extract of the description of the building should contain:
 - a) The serial number of the property description;

- b) The date of the submission that originated the opening of the description;
 - c) The unique identification number of the property;
 - d) The rural, urban or mixed nature of the property;
 - e) The confrontations and, if any, the street name and police number;
 - f) The number of the map of the location of the building;
 - g) The name of the property, if any, and its location, by reference to the place, administrative post and municipality;
 - h) The summary composition and area of the building;
 - i) Indication, if determined, of the situation of the building in an area that enjoys special protection determined by law, namely an area of community protection.
2. When the registration is carried out in computerised form, and as soon as the technical conditions permit, the property description may contain the cadastral plan and its date, dispensing, in such a case, with the mention of the confrontations referred to in paragraph e) of the preceding paragraph.
3. In the generic description of a building under the regime of horizontal property, the series of letters corresponding to the autonomous units should be mentioned.
4. In the description of a building resulting from annexation or detachment of others, the numbers of the respective descriptions shall be mentioned.

Article 97

Particulars of subordinate descriptions

The description of each autonomous fraction should contain:

- a) The number of the generic description of the building, followed by the letter or letters of the autonomous fraction, in alphabetical order;
- b) The summary composition;
- c) The mention of the purpose for which it is destined, if it appears in the title.

Article 98

Property in the public domain

The following must be observed in the description of real estate subject to concessions in public domain property:

- a) Where the concession concerns delimited parcels of land, they shall be described in accordance with Article 96 with the necessary adaptations;
- b) When the concession concerns communication routes, a single description will be made at the competent registry service, with the individualization elements contained in the respective title.

Article 99

Buildings constituted from one or more buildings or plots of land

1. A new description shall be issued when the registration concerns a building constituted by:
 - a) One or more parcels of one or more buildings;
 - b) Two or more buildings;
 - c) buildings and parcels of one or more other buildings.
2. The existing inscriptions over the description from which a parcel has been disconnected shall be mentioned in the form for the new description.
3. The provisions of the previous item also apply to descriptions that are totally or partially annexed.

Article 100

Duplicate descriptions

1. Where duplicate descriptions are found, the following shall be carried out:
 - a) transcribe all existing entries in the other datasheets onto one of the datasheets; and
 - b) Annotate the sheets referred to in the final part of the previous sub-paragraph with a mention of their cancellation, indicating the description that is being maintained.
2. In the descriptions that are retained, the duplication verified shall also be recorded, with an indication of the numbers of the unused descriptions.

Article 101

Destruction of descriptions

1. Descriptions may not be cancelled; however, their cancellation must be annotated in relation to:
 - a) The descriptions of autonomous fractions, when there is demolition of the building and cancellation or forfeiture of the registration of constitution or alteration of horizontal property
 - b) The descriptions of fully annexed buildings
 - c) The descriptions of buildings whose area is totally divided into plots of land destined for construction
 - d) The descriptions of the buildings of each owner subject to land consolidation
 - e) Descriptions without registrations in force.
2. The annotation of the cancellation of any description shall mention the respective cause.

Section II
Endorsements to descriptions

Article 102
Amendment of the description

1. The elements of descriptions may be altered, completed or rectified by endorsement.
2. Alterations resulting from endorsements shall not prejudice the rights of those who did not intervene in them, provided that they are defined in previous registrations.

Article 103
General requirements

The endorsements to the description should contain the following elements:

- a) The private serial number;
- b) The number and date of the corresponding filing or, if not dependent on it, the date on which they are made;
- c) Mention of the elements of the description that have been altered, completed or rectified;
- d) The nature and date of the principal document, except when the endorsement is unofficial and depends on another act of registration.

Article 104
Unofficial updating of descriptions

1. The elements of the descriptions must be automatically updated when the alteration can be proven by one of the following means:
 - a) access to the database of the competent entity;
 - b) Document issued by the competent entity; or
 - c) Document drawn up with the intervention of a person with legitimacy to request the update.
2. By decision of the entity in full charge of the registry service, when technical conditions are met and there is harmonization in the information contained in the competent databases, the elements of the description may be automatically updated.

CHAPTER III
REGISTRATIONS AND THEIR ENDORSEMENTS

Section I
Registration

Article 105
Purpose of Registration

1. The purpose of registration is to define the legal status of buildings, by extracting the facts relating thereto.
2. Enrolments may only be made with reference to generic or subordinate descriptions.
3. The entry of any fact relating to more than one description shall be made on the record of each description.

Article 106
Provisionality by nature

1. The following entries shall be made provisionally by nature:
 - a) of the actions and proceedings referred to in Article 4;
 - b) Of the constitution of horizontal property, before the construction of the building is concluded;
 - c) Of legal facts concerning autonomous fractions, before the definitive registration of the constitution of horizontal property, resulting from the lack of conclusion of the construction of the building;
 - d) A juristic act that can be annulled due to lack of consent of a third party or judicial authorization, before the annulment is cured or the right to contest expires
 - e) A juristic act, entered into by a manager or attorney-in-fact without sufficient powers, before ratification;
 - f) Of acquisition by judicial sale, before the adjudication deed is passed;
 - g) Acquisition by apportionment in inventory, before the sentence is final and conclusive;
 - h) Judicial mortgage, before the sentence has become final and unappealable;
 - i) of mortgage referred to in Article 635 of the Civil Code, before the final and unappealable decision granting the petition;
 - j) attachment, garnishment or seizure in bankruptcy or insolvency proceedings, after the diligence has been ordered, but before it is carried out;
 - k) sequestration or other precautionary measures, before the respective order has become final and unappealable;
 - l) a declaration of insolvency before the final and unappealable judgment.

2. Besides those provided for in the preceding paragraph, the following shall also be provisional in nature:
 - a) The entries of attachment, declaration of insolvency and seizure, where there is a record of acquisition or recognition of ownership or mere possession in favour of a person other than the distraintees, the insolvent or the defendant;
 - b) Registrations dependent upon any provisional registration or which are incompatible therewith;
 - c) Entries that, in a complaint against the reform of documentary media, are alleged to have been omitted;
 - d) entries of rights the titles of which have been lost or destroyed by reason of calamity, fire or floods, in accordance with Article 15(2)(c);
 - e) entries made while a hierarchical appeal or legal challenge against the refusal of registration is pending or while the time limit for such appeal has not yet expired.

Article 107

Duration of provisional registrations

1. Unless otherwise provided by law, the term of validity of provisional registrations shall be six months.
2. The registrations referred to in paragraphs b), c) and d) of subsection 1 and in paragraph c) of subsection 2 of the previous article shall remain in force for a period of five years, renewable for periods of the same duration, at the request of those interested, to be made within the last 15 days of the term in progress, upon presentation of a document attesting the subsistence of the reason for the provisional registration, issued no later than 30 days prior to the expiry of said term.
3. The registrations referred to in subparagraph a), paragraph 2, of the previous Article shall remain in force for a period of one year, except as provided for in Article 139, paragraph 5, and shall expire if the declaratory action is not filed and registered within 30 days from the notification of the declaration provided for in paragraph 4 of the same Article.
4. The registrations referred to in subparagraph (b) of paragraph 2 of the preceding Article shall remain in force for the duration of the registration on which they depend or with which they conflict, unless they expire for another reason.
5. The registrations referred to in subparagraphs a) and g) to l) of paragraph 1 of the preceding Article shall not be subject to any statute of limitation.
6. In the cases provided for in the preceding paragraph, the conversion of the registration into definitive registration shall determine the ex officio conversion of dependent

registrations and the lapse of incompatible registrations, unless the requalification of the dependent or incompatible registration is otherwise.

7. Without prejudice to the provisions of Article 174, the registrations referred to in paragraph 2(d) of no. 2 above shall remain in force while any hierarchical appeal or judicial review is pending or while the time limit for the filing of such appeal is in force.
8. In the cases provided for in paragraph 3 above, the cancellation or lapse of the provisional registration shall determine the ex officio conversion of the incompatible registration, unless otherwise resulting from the re-qualification of that registration.
9. The registrations referred to in paragraph 1(c) of the preceding article shall be automatically converted as long as the constitution of the horizontal property is definitively registered.

Article 108 **General requirements**

1. The extract from the registration shall contain:
 - a) the number, date and time of filing;
 - b) a statement that the registration is provisional in nature, where appropriate, with an indication of the applicable paragraph and subparagraph of Article 106;
 - c) The fact that it is inscribed;
 - d) The identification of the subjects of the fact registered, by mentioning the full name, tax identification number if it exists, civil status and residence of natural persons, and the mentioning of the name of the spouse and the property regime of the marriage, if the subjects are married, or, if single, the indication of whether they are of age or under age;
 - e) The name or business name, commercial registration number, tax identification number and headquarters of the legal persons;
 - f) The number of the extended registration, in the case of an extension registration.
2. When the registered fact falls upon several properties, this circumstance shall be mentioned.
3. The taxpayers shall be indicated, in each entry, as follows;
 - a) by the full name of natural persons; or
 - b) By name or corporate name, registration number, registered office and tax identification number of legal persons.
4. Registrations of the ownership right made as a result of the special regime for determining ownership of immovable property do not require the mention of the taxable person.

5. Where the persons to be registered cannot be identified in the manner provided for in this article, the circumstances enabling their identity to be determined shall be mentioned.

Article 109
Conventions and associated clauses

1. The following conventions or ancillary clauses must be included in the extract of the registrations:
 - a) The covenants of reservation of ownership and retroactive sale stipulated in the alienation contract;
 - b) The trustee clauses of the person to be nominated, of the power to dispose of donated assets or of their reversion and, in general, other suspensive or resolute clauses that condition the effects of acts of disposal or encumbrance;
 - c) clauses excluding the beneficiary of donated or left assets from liability for debts;
 - d) The indivisible co-ownership agreement, when stipulated in the deed of constitution or acquisition.

Article 110
Special Requirements

The extract from the registration shall also contain the following special indications:

- a) In the case of acquisition, the cause;
- b) In the case of usufruct, use, habitation and surface rights, the content of the rights and the obligations of the holders of these rights and, in the part regulated by the title, the cause and duration, when determined;
- c) In the case of servitude, the burden imposed, the duration, when temporary, and the cause;
- d) In the case of land transformation operations, identification of the title and the conditions of the operation;
- e) In the case of a promise to alienate or encumber goods, the term of the promise, if fixed;
- f) In the case of a pre-emption pact or testamentary disposition, the contract or will to which it relates, the duration of the pre-emption and the other conditions specified in the deed regarding the services of the parties;

- g) In the case of a court decision, the operative part, the date and the mention that it was *res judicata*;
- h) In the case of an action or proceeding, the request and its value;
- i) In the case of apanage of the surviving spouse, the fixed monthly instalments or, if there are none, the form in which the maintenance shall be provided;
- j) In the transfer of property to creditors, the obligations of the transferees specified in the deed, the cause and the global amount of the credits, as well as the term and price agreed for the sale, if they have been fixed;
- k) In the case of seizure, attachment or apprehension of assets without bankruptcy or insolvency proceedings, the identification of the proceedings, the date of these facts and the amount seized or the amount for which the attachment is requested, and also, where the registration is provisional in accordance with Article 106(2)(a), the name, status and residence of the holder of the registration;
- l) In the case of inventories, the dates of the diligence and order;
- m) In the case of other acts or precautionary measures, their contents and the date of the legal transaction or of the respective order;
- n) In the case of a declaration of insolvency, the date on which the judgement was pronounced and the date of the respective *res judicata*, and also, where the registration is provisional in accordance with Article 106(2)(a), the name, state and residence of the registered proprietor;
- o) In the case of assignment of income, the duration or, if indefinite, the amount for whose payment the assignment was made and the amount to be deducted each year, if a fixed amount has been stipulated;
- p) In the case of the constitution of a horizontal proprietorship, the relative value of each fraction, expressed in percentage or *permiem*, and the existence of regulations, in case they are included in the constitutive title, and, in the case of an alteration to the constitutive title, the description of the alteration;
- q) On the allocation of the property, the value represented by the building in favour of the competent authority;
- r) In the case of any restriction, encumbrance or charge, its content;
- s) In the case of a concession, the content of the right, in the part specially regulated in the title, and the term of the concession;

Article 111
Special requirements for the registration of mortgages

1. The extract from the mortgage registration shall contain the following special particulars:
 - a) The basis of the mortgage, the credit, its accessories and the maximum amount insured;
 - b) In the case of a factory mortgage, reference to the inventory listing the machinery and furniture used in the industrial operation, when covered by the guarantee.
2. The legal interest rate, if the documents presented for the registration of the mortgage show that the capital earns interest, but do not indicate the agreed rate.

Article 112
Recording of facts subject to registration which have been jointly established with other facts

The registration of acquisition or mere possession accompanied by the constitution of another fact subject to registration or by the extinction of a registered fact shall determine the ex officio registration of those facts.

Article 113
Registration of Limited Property 1

1. A property in respect of which there exists or should be compulsory registration of usufruct or use and habitation is registered as a freehold acquisition.
2. Registration of ownership limited by the rights referred to in the preceding paragraph, outside the circumstances mentioned therein, shall contain a mention of the limitations applicable to such ownership.
3. If full ownership is registered based on the separate acquisition of ownership and the right of usufruct, even if by different titles, the registration of that right shall be cancelled ex officio.

Article 114
Unity of Registration

A single registration shall be made in the following cases:

- a) When the owners or possessors request in the same application the registration of acquisition or possession of the respective shares, even if by different titles;
- b) When the owner or possessor has acquired the right in undivided quotas, even if by different titles.

Section II
Additions to Registration

Article 115
Amendment of Registrations

1. The registration may be completed, updated or restricted by means of an endorsement.
2. Unless otherwise provided, an act extending the object or rights and encumbrances or charges defined in the registration may only be registered by means of a new registration.
3. The revocation of the usufruct or use and habitation shall be recorded in the property registration made pursuant to Article 113.2, without prejudice to the ex officio cancellation of the respective registration, if any.
4. The endorsements shall be inserted in each of the entries made under the terms of Article 105.3.

Article 116
Special endorsements

1. The following shall be recorded by annotation with the respective registrations:
 - a) Pledge, seizure, arraignment, pledge and other acts or measures on credits guaranteed by mortgage or consignment of income;
 - b) the transfer and usufruct of the credits referred to in the preceding subparagraph;
 - c) the assignment of a mortgage or of the priority of its registration;
 - d) the agreement of indivisibility of joint ownership, where it is not required to be included in the entries pursuant to Article 109(d);
 - e) The transfer, usufruct and seizure of the right of the holders of the registration of assets integrated in undivided estate and the declaration of insolvency affecting this right, as well as any protective measures affecting the free disposal of this right;
 - f) The assignment of the contractual position arising from a promise of alienation or encumbrance of real estate or a preference pact with real effect;
 - g) The transfer of real estate as a result of the transfer of assets from one corporate body to another or of the transfer of a commercial establishment;
 - h) Transfer of usufruct;

- i) Judicial assignment of income from real estate subject to registration of attachment;
 - j) The transfer of registered concessions;
 - k) Conversion of provisional into definitive concessions and of gratuitous into onerous ones;
 - l) The transfer and sublease of registered leases.
2. They are registered under the same terms:
- a) The orders decreed in the registered protective proceedings;
 - b) The conversion of seizure into attachment;
 - c) The final decision of registered actions;
 - d) The conversion into definitive, in whole or in part, of provisional registrations
 - e) Renewal of registrations;
 - f) The appointment of a third party, or the non-appointment thereof, in a contract for person to be appointed;
 - g) The total or partial cancellation of registrations.
3. Particulars of facts referred to in paragraph (1) that must be so recorded when registered by registration may be provisionally drawn up by nature.
4. The conversion into definitive of the registration of an action, where a decision has been passed adjudging that a registered fact has been modified or extinguished, shall determine the corresponding unofficial record of alteration or cancellation.
5. The provisions of the preceding number shall also apply to cases where a registration is declared void or annulled.
6. The registration of acquisition, in execution proceedings, of pledged assets determines the unofficial record of cancellation of the registrations of rights that have been judicially ordered to be cancelled.

Article 117

General requirements

1. The endorsement shall contain the following elements:
- a) The number, date and time of the filing or, if not dependent upon it, the date on which it is made;
 - b) The number of the registration to which it refers
 - c) Mention of the fact being registered and the suspensive or resolute clauses that condition the effects of acts of disposal or encumbrance
 - d) The subjects of the fact registered.

2. The provisions of Article 108 shall apply to the mention and identification of the parties, with the necessary adaptations.

Article 118
Special requirements

1. The endorsements referred to in Article 116(1) must satisfy, in so far as applicable, the requirements laid down in Article 110.
2. The endorsement for conversion of a provisional registration into a definitive registration shall only contain that wording, unless it involves a change of registration.
3. A cancellation entry shall contain only that wording but shall, in the case of a partial entry, specify its content.

TITLE V
DISCLOSURE AND PROOF OF REGISTRATION

CHAPTER I
PUBLICITY

Article 119
Public nature of registration

Any person may request certificates of the registration acts and documents filed, as well as obtain verbal or written information about their content, upon payment of the respective fees, if applicable.

Article 120
Certificates and uncertified copies

1. Certificates shall, whenever possible, take the form of copies issued by computerised means, on which a mention shall be made of their certification.
2. Uncertified computer copies may be issued, with the value of information, of registries, dispatches and of any documents.

Article 121
Searches

For the purposes of the provisions of the previous articles, only the employees of the registry services may search the records and documents, according to the indications given by the interested parties.

**CHAPTER II
PROTECTION OF PERSONAL DATA**

**Article 122
Purpose of databases**

1. The purpose of land registry databases is to organise and keep up-to-date information about the legal status of buildings, with a view to securing legal transactions, under the terms and for the purposes provided for by law.
2. The information referred to in the preceding paragraph may not be used for any other purpose incompatible with that mentioned therein.

**Article 123
Entity responsible for processing the databases**

1. The head of the Registry and Notary Office shall be responsible for the processing of the databases, under the terms and for the purposes defined by law, without prejudice to the responsibility attributed to the registrars by law.
2. The entity mentioned in the preceding paragraph shall be responsible for ensuring the right of information and access to the data by the respective owners, as well as for ensuring the legality of the consultation or communication of the information.

**Article 124
Collected data**

1. The following personal data regarding the subjects of the registration shall be collected for automated processing:
 - a) Name and tax identification number if any;
 - b) Marital status, mentioning majority or minority, when single;
 - c) Name of spouse and property regime;
 - d) Habitual residence or professional domicile.
2. The data referred to in paragraphs a) and d) of the previous number and the number of the identification document shall be collected in relation to the interested parties of the registration applications.
3. Any other data regarding the legal status of the property shall also be collected.

**Article 125
Modes of Collection**

1. Personal data contained in the databases shall be collected from the application for registration and the documents presented.
2. The models for registration application shall comply with the law defining the protection of personal data.

Article 126
Communication of data

1. Data concerning the legal situation of any building in the databases may be communicated to any person who makes such a request, under the terms of this Code.
2. The personal data referred to in Article 124(1) may also be communicated to State services and other legal persons governed by public law for the pursuit of their respective legal and statutory attributions.
3. The entities mentioned in the previous number may be authorised to consult the databases, always in compliance with the information security norms and when technical conditions so permit.
4. The consultation referred to in the previous number depends on the signing of a protocol with the General Directorate of Registry and Notary Services, which clearly defines its limits in relation to the competencies defined by law.
5. The information may be disclosed for scientific research or statistical purposes, provided that the persons to whom it relates cannot be identified.
6. The communication of data is subject to the payment of any applicable charges, under the terms of the table to be approved in a legal diploma.

Article 127
Direct access to data

1. The following may directly access the data referred to in paragraphs 1 and 2 of the previous Article:
 - a) The judicial and prosecutorial magistrates, within the scope of their functions;
 - b) The entities with legal competence to guarantee internal security and prevent sabotage, terrorism, espionage and the practice of acts which, due to their nature, may alter or destroy the constitutionally established rule of law, within the scope of the performance of their functions.
2. The conditions for direct access by the entities referred to in the preceding paragraph shall be defined by an order of the Head of Registry and Notary Public Services.
3. Entities authorized to directly access data shall be obliged to adopt the necessary measures for the strict observance of the security rules established by law.
4. Judges and public prosecutors may be replaced by officials appointed by them.

Article 128
Right to information

1. Everyone has the right to be informed about the personal data concerning him or her and their purpose, and about the identity and address of the person responsible for the database.
2. Any inaccuracy shall be updated and corrected under the terms and in the manner prescribed in this Code and in other laws or regulations.

Article 129
Security of information

1. Databases shall be given the security guarantees necessary to prevent consultation, modification, suppression, addition or communication of data by anyone who is not legally authorised to do so.
2. For the purpose of checking the admissibility of the consultation, searches carried out by entities having access to the database shall be registered electronically, and an updated list of persons authorised to access the databases shall be kept.

Article 130
Confidentiality

1. Communication or disclosure of personal data recorded in the database may only take place under the terms laid down in this Code.
2. Registrars, as well as persons who, in the course of their duties, have knowledge of personal data recorded in the land registry databases, shall be bound by professional secrecy, under the terms of the law.

TITLE III
MEANS OF EVIDENCE

Article 131
Certificates

1. Registration shall be proved by means of certificates.
2. Registration certificates shall be valid for one year and may be revalidated for periods of the same duration if the information contained therein remains current.
3. Certificates may be made available in electronic form, under the terms to be defined by a ministerial statute of the member of the Government responsible for the area of justice.

4. Certificates made available under the terms of the previous number shall, for all legal effects and before any public authority or private entity, be considered proof under the same terms as the corresponding paper version.
5. For all legal effects and before any public authority or private entity, the availability of the information contained in the certificate on the Internet site shall also be proof, under the terms of the law.
6. For each registration process a free certificate of registration shall be delivered or sent to the applicant.
7. Whenever doubts arise about the legal situation of the property, confirmation of the maintenance of the information contained in the certificate may be requested, even within the legal period of validity.

Article 132 **Jurisdiction for issuing**

1. Certificates and uncertified copies of registries may be issued and confirmed by the registry office that made the registration, without prejudice to the fact that the confirmation may be made by any registry office, provided that the technical conditions allow it.
2. As long as the technical conditions do not allow for their issue by any registry service, the certificates of documents or orders will be sent by the registry service of the area where the property is located.
3. Negative certificates of registration must be confirmed by the registry service in the area where the property is located.
4. The registrar or any employee of the registry service designated by the registrar is competent to issue the documents referred to in the preceding paragraphs.

Article 133 **Request for Certificates**

1. Certificates may be requested verbally or in writing.
2. Requests for certificates must contain, in addition to the identification of the applicant, the number of the property description and the municipality and administrative post of location of the building or buildings to which they refer, as well as the identification of the autonomous fractions to which they refer, when applicable.

Article 134
Contents of the certificate

1. Registry certificates shall contain:
 - a) the reproduction of the descriptions of the registration acts in force concerning the property in question, unless they have been requested with reference to all the registration acts;
 - b) Mention of the pending applications for the property in question;
 - c) Irregularities or registration deficiencies that have not been rectified;
 - d) The filed documents to which the records refer.
2. Certificates requested for certain acts shall be issued in such a manner as not to be misleading as to the content of the registry and the position of its holders and shall refer to the registered facts or the titles presented that alter the legal situation resulting from the acts to which the request refers.
3. If a property is found described which only offers similarity to the property identified in the application, a certificate of the former shall be issued, mentioning this circumstance, and the interested parties shall declare, in the instruments or proceedings for which the certificate is intended, whether a relationship exists between the two properties.

Article 135
Issue or refusal of certificates

1. Certificates shall be issued within two working days after receipt of the request on an official form.
2. The certificates referred to in the previous number shall mention the date of issue and bear the initials of the official on all duly numbered pages.
3. Negative certificates of registration shall be issued within a maximum period of five working days.
4. Without prejudice to other reasons for refusal of certificate issuance provided for in the law, the issuance of the certificate shall be refused in the following cases;
 - a) if the application does not contain the elements provided for in Article 133(2);
 - b) where the application is not subject to registration.

TITLE VI
MEANS OF RECTIFICATION, CORRECTION AND RECONSTITUTION OF THE REGISTRATION

CHAPTER 1
MEANS OF RECTIFICATION

Article 136
Justification relating to the resumption of the succession trade

1. In cases in which there are one or more unregistered transfers from the last registered owner until the transfer to the current intended owner of a property that has already been described, the lack of said entries may be overcome through a notarial justification deed.
2. The provisions of the notarial regime and the respective regulations shall apply to the justification.

Article 137
Justification relating to the new successive tract

1. In exceptional cases where there is an inscription of acquisition, recognition or mere possession, the lack of intervention by the respective titleholder, required by Article 44(3), may be overcome by means of a notarial deed of justification.
2. In the cases mentioned in the preceding number, *usucapiao* shall imply a new successive tract from the holder of the right so justified.

Article 138
Other cases of justification

The provisions on notarial justification for the purposes of reestablishment of the successive tract or establishment of the new successive tract shall apply, with the necessary adaptations:

- a) registration of mere possession;
- b) Cancellation, at the request of the registered owner, of the registration of any encumbrance or charge, when it is not possible to obtain a document proving the respective extinction.

Article 139
Supplementation in case of seizure or attachment

- 1) Where there is provisional registration of seizure or attachment of registered property in favour of a person other than the defendant, the judge shall order the summons of the registered owner to declare, within 15 days, whether the property or right still belongs to him or her.

- 2) In the case of absence or death of the registered owner, the summons must be served on him or his heirs, regardless of the proof of inheritance, and notices will be posted, for a period of 30 days, at the headquarters of the locality in which the property is located and at the competent registry office.
- 3) If the respondent declares that the property does not belong to him or her or makes no declaration, the court shall issue a certificate of the fact to the land registry service for official conversion of the registration into definitive registration.
- 4) If the defendant declares that the property belongs to him or her, the judge will refer the interested parties to ordinary procedural means and the fact is communicated to the land registry service, as well as the date of notification of the declaration, to be recorded in the register.
- 5) Registration of the declaratory action during the validity of the provisional registration will be recorded in the provisional registration and will extend the respective term until the registration of the action is cancelled.
- 6) In case the action is well founded, the interested party shall request the conversion of the registration within 10 days from the date of res judicata.

CHAPTER II RECTIFICATION OF THE REGISTRATION

Section I Applicable Regime

Article 140 Rectification process

Rectification of registrations shall be carried out in accordance with the provisions of this Chapter and, subsidiarily, of the Code of Civil Procedure, with the necessary adaptations.

Article 141 Initiative

1. Inaccurate records and records unduly drawn up shall be rectified at the initiative of the registrar as soon as he/she becomes aware of the irregularity or at the request of any interested party, even if not registered.
2. Registrations that are void under the terms of paragraphs b) and d) of article 20 may be cancelled with the consent of the interested parties or in execution of a court decision.
3. Registrations that are void due to violation of the principle of successive tract may only be rectified by making the missing registration, after complying with Articles

136 and 137, as the case may be, and if the action for declaration of nullity is not registered.

4. Except as provided for in the preceding paragraph, rectification shall be made by way of recordation.

Article 142 **Non-conformity with the title**

1. Inaccuracies arising from non-conformity with the title shall be automatically rectified by reference to the documents that served as the basis for registration.
2. If the rectification may prejudice the rights of registered titleholders, the consent of all of them or a court decision is required.
3. It is understood that the rectification of an inaccurate registration due to nonconformity with the title shall not prejudice the holder of the right therein entered.
4. For the purposes of this Article, holders whose title was wrongly recorded and to whom the rectification sought to be obtained is not considered to be registered titleholders.

Article 143 **Deficiency of Titles**

1. Inaccuracies arising from deficiencies in certificates that are not a cause for nullity may only be rectified with the consent of all interested parties or by judicial decision.
2. Rectification not involving prejudice to registered titleholders, provided that it is based on a sufficient document, may be made at the request of any interested party, without need for the consent of the remaining interested parties.
3. Where the rectification is declared by the respective administrator, it is presumed that it does not result in prejudice to the inheritance.

Article 144 **Records improperly drawn up**

1. Wrongly drawn up records that are null and void under the terms of paragraphs b) and d) of Article 20 may be cancelled with the consent of all interested parties or by a court decision in rectification proceedings.
2. Records entered in a record sheet other than the one in which they should have been drawn up shall, ex officio, be transcribed into the corresponding record sheet, and the cancellation of the erroneous record shall be annulled and the record in which it was transcribed shall be indicated.

Article 145
Effects of rectification

1. The rectification of an inaccurate registration shall not affect rights acquired for valuable consideration by third parties in good faith, if the registration of the corresponding facts predates the registration of the rectification or the pendency of the respective proceeding.
2. Good faith consists of ignorance of the inaccuracy in the registration.

Article 146
Requirements of the application

- 1) The application for rectification shall specify the grounds and the identity of the interested parties.
- 2) The application for rectification shall be accompanied by the necessary evidence and the payment of the emoluments due.
- 3) The application shall be rejected for failure to pay the emoluments due.

Article 147
Forms of rectification

The consent required for rectification may be provided:

- a) By application of all interested parties requesting the rectification;
- b) At a conference convened by the registrar.

Article 148
Rectification with the consent of all interested parties

If the rectification has been requested by all interested parties, the registration shall be rectified, without the need for any other formality, when it is concluded, in view of the documents presented, that the conditions for the rectification are met.

Article 149
Rectification in Conference

1. Upon request for rectification or nullity of an unduly recorded registration and where the rectification is not requested by all of the interested parties, the registrar, on his or her own initiative or at the request of any of them, shall convene, by registered letter with acknowledgement of receipt, a conference of all parties to deliberate on the rectification.

2. The application or the act of notification of inaccuracy shall be recorded in the register, together with the documents, and the pending rectification shall be annotated to the respective register.
3. Where the registrar and all parties concerned agree to the rectification, a record of the agreement shall be drawn up.

Article 150

Cases of waiver of consent by interested parties

1. Rectification that is not capable of prejudicing the rights of the registered titleholders shall be carried out, even without the need for their consent, in the following cases:
 - a) Whenever the inaccuracy originates from nonconformity with the title, analysed the documents that served as basis for the registration;
 - b) Whenever the inaccuracy is due to a deficiency in the titles, the rectification is requested by any interested party based on a sufficient document.
2. It should be understood that the rectification of an inaccurate registration due to nonconformity with the title does not prejudice the holder of the right entered therein.
3. Rectification shall be presumed not to prejudice the estate if declared by the respective heir-at-law.

Article 151

Endorsement of pending rectification

1. Where a rectification does not have to be carried out in accordance with the terms of Articles 149 and 150, the respective registration shall be annotated pending rectification, with reference to the recording in the journal of the application or the act of verification of inaccuracy, as the case may be.
2. The endorsement referred to in the preceding paragraph shall not preclude the expiry of the statute of limitation to which the registration to be rectified is subject.
3. Registrations of other facts that may be made and that are directly or indirectly dependent on the pending rectification shall be made provisionally under the terms set out in Article 106(2)(b), and paragraphs 4 to 7 of Article 107 shall apply to them, with the necessary adaptations.
4. The registration of the pending matter shall be cancelled ex officio by means of a final decision that rejects the rectification.

Article 152
Preliminary rejection

1. Where the application is clearly unfounded, the registrar shall dismiss the application by way of a reasoned order of which he shall notify the applicant.
2. The decision to refuse an application outright may be challenged by means of a hierarchical appeal or a judicial appeal under the terms of Article 156.
3. In the event of a hierarchical appeal and on the grounds alleged, the registrar may remedy his decision of inadmissibility by means of a reasoned order for the proceedings to continue, of which the applicant shall be notified.
4. Failing such reparation, the parties referred to in the following article shall be notified to, within 10 days, contest the grounds of the appeal and the case shall be remanded to the competent authority.

Article 153
Notification of non-applicants

1. In the case of interested parties who are not claimants, the convenor shall order that they be notified so that, within 10 days, they may present their opposition to the rectification in question, attaching the evidence and paying the excise duty due.
2. If personal notification is not possible due to absence in an unknown place or uncertainty as to who the interested parties are, notification shall be made under the terms of the Civil Procedure Code for notification by edict, with the necessary adaptations.
3. Public notices shall be posted, for a period of 30 days, at the registry office where the proceedings are pending and at the headquarters of the Suco of the last known residence of the absentee or uncertain party, and shall be inscribed therein:
 - a) The names of the petitioning interested parties, as well as the department where the process is taking place;
 - b) The claim of the petitioners for rectification
 - c) The inaccuracy verified or committed;
 - d) The deadline for the lodging of the opposition.
4. In the event of the death of any interested party, the procedures of the habilitation incident provided for in the Civil Procedure Code shall be followed.

Article 154
Proceedings

1. Once the opposition has been received or the respective time limit has expired, the registrar shall take the necessary steps for the production of evidence.

2. Testimonial evidence shall be presented by the party that has indicated the witnesses, not exceeding three in number, and their evidence shall be reduced to writing in extracts.
3. The expert examination shall be requested by the registrar or carried out by an expert to be appointed under the terms provided for in Articles 629 et seq. of the Code of Civil Procedure, applicable with the necessary adaptations.
4. The registrar may, in any case, proceed to the steps and production of evidence he considers necessary.

Article 155
Decision of the registrar

The decision on the application for ratification shall be taken by the registrar within 10 days after the completion of the probative measures.

Section II
Means of contestation

Article 156
Hierarchical appeal and judicial review

1. The decision on the rectification request may be challenged by any interested party by filing a hierarchical appeal or judicial challenge.
2. The filing of a hierarchical appeal or judicial challenge shall be presented at the land registry service where the decision was made and recorded in the journal.
3. The deadline for the hierarchical appeal and judicial challenge is 15 days, counting from the date of notification of the registrar's decision.
4. The hierarchical appeal shall follow the procedure established in the Administrative Procedure approved by Decree-Law 32/2008 of 27 August, with the necessary adaptations.
5. The judicial review shall follow the procedure established in the Code of Civil Procedure for appeals against decisions of administrative authorities.
6. The hierarchical appeal and the judicial challenge shall have suspensive effect on the decision of the registrar.
7. The lodging of a judicial appeal shall preclude the right of the same party to lodge a hierarchical appeal.
8. Once an hierarchical appeal has been filed by any of the interested parties and a judicial impugnation has been filed by others, the judicial impugnation shall be

suspended until the decision of the hierarchical appeal becomes final and unappealable.

9. Where the hierarchical appeal is unfounded, the registrar shall promote the continuation of the judicial impugnation with referral to the competent court.
10. If the hierarchical appeal is well founded, the judicial impugnation shall be deemed useless, without prejudice to the fact that it shall be pursued, at the request of the interested party who filed it, for the part that is unfavourable to him/her.

Article 157

Return of the Case and Execution of the Decision or Judgement

Once the hierarchical appeal or judicial challenge is *res judicata*, the rectification process shall be returned by the deciding entity to the competent land registry service.

The registrar will automatically carry out the rectification or cancellation of the record of pending rectification, in accordance with the decision issued at the hearing of the appeal or challenge.

Article 158

Exemption from costs

1. Rectification proceedings are exempt from costs when the request is well founded or the rectification is promoted by the registrar.
2. Registration of the rectification or its pendency shall be free of charge, except in the case of an inaccuracy arising from a deficiency in the deeds.

CHAPTER III

RECONSTITUTION OF THE REGISTRATION

Section I

Methods

Article 159

Applicability

1. In case of loss or destruction of documentary media, the registry may be reconstituted by reproduction from the existing archives.
2. Reconstitution consists in the reworking of the registry on the basis of the respective documents, even if submitted by the interested party, or by reforming said supports.
3. The date of the reconstitution of the records shall appear on the record.

Article 160
Duplicate files

1. Backup copies of the documentary supports or files shall be filed in places other than the location of the land registry services.
2. The copies to be deposited in the preservation archive may be extracted by photocopy or microfilm, or electronically.

Article 161
Re-stamping of the record

1. The loss or destruction of a record card determines the ex officio re-drafting of all records concerning the property, based on the respective documents filed or presented by the interested parties.
2. The documents necessary for the re-drawing of the record must be requested from the competent services.
3. The documents referred to in the previous number are free of charge and exempt from any other legal charges.

Section II
Reform

Article 162
Applicability

Where the registration may not be reconstituted in the manner prescribed in the preceding articles, the respective media shall be reformed.

Article 163
Reformation procedure

1. The reform process shall commence with the forwarding to the Public Prosecution Service of the record drawn up by the registrar, which shall contain:
 - a) The circumstances of the loss or destruction;
 - b) The specification of the documentary media covered; and
 - c) Reference to the period to which the records correspond.
2. The Public Prosecutor's Office shall request the judge to summon the interested parties to present, within two months, the titles, certificates and other documents in their possession to the competent land registry service, and the notices shall also indicate the period of time to which the records refer.

3. Once the deadline for the public notices has elapsed and the registration is declared valid by final and conclusive decision, the Public Prosecutor's Office shall communicate the fact to the registrar.
4. The expiry of the time limit referred to in the preceding paragraph shall be recorded in the daily register and then the registers shall be reconstituted according to the remaining files and documents filed and presented.

Article 164

Complaints

1. Once the reconstitution is concluded, the registrar shall communicate the fact to the Public Prosecutor, in order for the Public Prosecutor to issue new summonses to interested parties to examine the reconstituted records and present their complaints to the registry service within 30 days.
2. When the complaint is based upon the omission of an entry, it shall be drawn up as provisional by nature, based upon the petition of the complainant and the documents presented.
3. Where the complaint concerns the registered registration itself, copies of the impugned registration and of the documents that served as the basis for the complaint shall be attached to the complaint file and a record shall be made of the fact that the complaint is pending.
4. Once the provisions of paragraphs 2 and 3 above have been complied with, the claims shall be forwarded, for decision, to the competent court, with information from the registrar.

Article 165

Supplementation of unclaimed omissions

1. The omission of a registration that has not been claimed may only be remedied by means of an action brought against those against whom the interested party intends to oppose the priority of the registration.
2. If the action is well founded, the registration shall be drawn up with the mention of the entries to which it refers.
3. The action shall not prejudice rights arising from facts recorded before the registration of the action that have not been included in the documentary support reformed.
4. Once the deadline for the public notices has elapsed and the registration is declared valid by final and conclusive decision, the Public Prosecutor's Office shall communicate the fact to the registrar.

5. The expiry of the time limit referred to in the preceding paragraph shall be recorded in the daily register and then the registers shall be reconstituted according to the remaining files and documents filed and presented. final and conclusive decision, the Public Prosecutor's Office shall communicate the fact to the registrar.
6. The expiry of the time limit referred to in the preceding paragraph shall be recorded in the daily register and then the registers shall be reconstituted according to the remaining files and documents filed and presented.

TITLE VII
CONTESTATION OF THE REGISTRAR'S DECISIONS ON CLASSIFICATION

CHAPTER I
REMEDIES FOR CHALLENGING REFUSAL TO PERFORM REGISTRATION ACTS

Section I
Hierarchical appeal

Article 166
Admissibility of the appeal

1. The decisions of the registrar refusing to perform any registration act as requested may be challenged by filing a hierarchical appeal.
2. Refusal to rectify records may only be reviewed in the proper procedure regulated by this Code.

Article 167
Legitimacy

Applicant and interested parties directly affected have legitimacy to challenge the decisions of the registrar.

Article 168
Requirements

1. The hierarchical appeal is filed with the registry service where the appealed decision was made, by means of a request addressed to the highest hierarchical superior of the services, which must contain:
 - a) The appealed act;
 - b) The grounds on which the appeal is based
 - c) The request, with the terms in which, in the opinion of the appellant, the act should be ordered.
2. The time limit for filing the hierarchical appeal shall be 15 days from the notification referred to in Article 82(5).

Article 169
Subsequent procedure

1. Once the hierarchical appeal is filed, it shall always be submitted to the registrar who, in view of the grounds of the appeal, shall, within a period of 10 days, make an order sustaining or amending the decision.
2. The decision issued by the registrar shall be notified to the appellant.
3. If the decision is partially upheld, the appellant will be notified, within 10 days, to state whether he/she withdraws the appeal or maintains interest in continuing with the decision.
4. If the initial decision is upheld, the process is sent to the head of the registry and notary services, within a maximum period of five days, accompanied by a copy of the application for registration, of the order of qualification of the registration, of the application for the lodging of an appeal, of the order of support and of the documents necessary for its consideration.

Article 170
Hearing of the notary

In the event of a hierarchical appeal against the qualification of the registrar based on a defect allegedly inflicted by a notary, the latter shall be heard, whenever possible, by the body in charge of the registration and notarial services.

Article 171
Decision by the head of the land registry services

1. The hierarchical appeal will be decided by the head of the registration and notary services within 30 days.
2. The decision rendered shall be notified to the appellant and communicated to the registrar that supported the decision.
3. If the hierarchical appeal is well-founded, the registrar shall comply with the decision within a maximum period of five days.

Section II
Judicial impugnation

Article 172
Procedure

1. Once the hierarchical appeal has been declared unfounded, or if the decision has not been issued and notified to the appellant within a maximum period of 90 days, the interested party may judicially challenge the decision of qualification of the registrar.
2. The judicial challenge is proposed by filing an application with the competent land registry service within 20 days of notification of the decision that dismisses the hierarchical appeal or of the expiry of the time limit referred to in the preceding paragraph.
3. The process shall be sent to the competent court within five days, together with the hierarchical appeal.
4. The subsequent procedure shall be carried out under the terms of the provisions of the Code of Civil Procedure applicable to appeals of decisions by administrative authorities.

Article 173
Effects of the lodging of an appeal or contest

1. The lodging of an hierarchical appeal or of a judicial review shall be entered immediately after the refusal of refusal or the provisional registration on the respective sheet.
2. The dismissal or withdrawal of the appeal or impugnation, as well as, in the case of the impugnation, its defection, shall also be recorded.
3. With the filing of a judicial appeal or hierarchical appeal, the time limit for expiry of the provisional registration shall be suspended until the facts referred to in the previous number are recorded.

Article 174
Effects of decisions

Once the hierarchical appeal or judicial review is upheld, the registrar shall, depending on the case, decide whether the appeal is justified or not:

- a) Draw up the refused registration, based on the corresponding filing; or
- b) convert, ex officio, the provisional registration into definitive registration, based on the submission corresponding to the filing of the impugnation;

- c) Acknowledge the expiry of provisional registrations that are incompatible with the act initially refused.

Article 175

Dependent Registries

1. Where an appeal or judicial challenge is deemed admissible, the registrar shall, of its own motion, convert the dependent registrations, unless the consequence of the requalification of the dependent registration is otherwise.
2. Upon the expiry of the right to challenge or any of the events foreseen in Article 173, paragraph 2, the expiry of the dependent registrations shall be recorded and the incompatible registrations shall be converted, except if the requalification of the dependent registration has no other consequence.

Article 176

Validity of appeal and objection

1. The value of the appeal shall be the fact whose registration has been refused or provisionally made.
2. The value of the judicial challenge shall be determined under the terms of the Code of Civil Procedure.

CHAPTER II

CONTESTATION OF THE ACCOUNT OF THE ACTS AND OF THE REFUSAL TO ISSUE CERTIFICATES

Article 177

Admissibility of hierarchical appeal and judicial review

1. The interested party shall have the right to lodge an appeal hierarchically or to challenge in court the errors in the settlement of the bill of costs or in the application of the schedule of fees, as well as the refusal by the registrar to issue any certificate.
2. Subject to the provisions of the following paragraphs, the provisions of Articles 166 to 176 shall apply, *mutatis mutandis*, to the hierarchical appeals and judicial reviews referred to in the preceding paragraph.
3. In the hierarchical appeals referred to in this article, the time limit established in Article 171(1) shall be reduced to 15 days.
4. In the case of refusal to issue a certificate, the time limit for filing a hierarchical appeal shall run from the date of communication of the order of refusal.

Article 178
Effects of decisions

1. In the case of a decision concerning the account of the act, it shall be redrafted in accordance with the decision, expressly mentioning the fact, within a period of five days.
2. In the case of refusal to issue a certificate, and if the appeal or impugnation is upheld, the registrar shall issue it within two days.

TITLE VIII
MISCELLANEOUS PROVISIONS

Article 179
Payment of fees and charges

1. The fees provided for in the law shall be charged for acts carried out by the land registry services at the time of the application.
2. Any accounts that have to be entered in the rule of proceedings costs shall be paid with the costs that have to be paid.
3. The active subject of the facts is responsible for the payment.
4. Without prejudice to the liability attributed to the active subject and except as provided for in the following paragraph, the person presenting the registration shall pay the costs due.
5. The Public Prosecution Service shall be exempt from prior payment of the emoluments and other charges due for the acts carried out in the registration services, such amounts to be included in the rule on costs of proceedings.

Article 180
Civil and criminal liability

1. Any party who causes a false or legally non-existent registration shall be liable for any damages he or she may incur, in addition to the criminal liability he or she may incur.
2. Anyone who makes or confirms false or inaccurate statements, in the registration service or outside it, for the purposes of registration or drawing up the necessary documents, shall also be held liable.

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