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**ABRIDGED CASE – (PROCESSO ABREVIADO)**

A simplified criminal case applicable to offences that are punishable with a fine or a prison sentence and whose limit does not exceed that allowed by law. There has to be simple and enough evidence of the crime and of its perpetrator.

**ABSENTEE – (AUSENTE)**

A person whose whereabouts are unknown. The law attributes certain effects to this absence, which are generically regulated by the concept of absence. This includes presumed absence, justified absence and presumed death.

**ACCESSORY PROCEDURAL MEANS – (MEIOS PROCESSUAIS ACESSÓRIOS)**

Non-autonomous means, which depend on another action or case; typically, these are urgent cases, taking place during holidays and with short deadlines.

**ACT OF LIBERALITY – (LIBERALIDADE)**

The act or intention of giving a benefit to another while receiving nothing in return.

**ACTION – (ACÇÃO)**

A claim requesting the court for a definition of certainty as to the existence and content of a contested legal relationship.

**ACTION FOR RECOGNITION OF A LEGITIMATE RIGHT OR INTEREST – (ACÇÃO PARA RECONHECIMENTO DE DIREITO OU INTERESSE LEGÍTIMO)**

The adequate legal procedure for achieving recognition of a right or interest worthy of protection when other litigious means, including the enforcement of sentence, do not guarantee actual protection.

**ACTION/SPECIAL PROCEDURE (CIVIL AND CRIMINAL) – (ACÇÃO/PROCESSO ESPECIAL (CÍVEL E CRIME))**

A judicial case that initiates and proceeds according to specific procedural rules established by law, concerning a civil, registrar or tutorial case or a criminal action.

**ACTIVE SUPERVISION – (FISCALIZAÇÃO SUCESSIVA)**

Procedure that examines how closely a constitutional norm is being observed, and which is carried out after the respective legislative procedure has been completed.

**ADDITIONAL PROCEDURE – (PROCESSO SUPLETIVO)**

Type of procedure used by the enforcement of sanctions court whenever it is necessary to bring before the court proceedings not envisaged in law.

#### ADMINISTRATIVE ACT – (ACTO ADMINISTRATIVO)

A unilateral legal act by an administrative body in the exercise of its administrative power aimed at producing legal effects on an individual situation in a given case.

#### ADMINISTRATIVE CONTRACT – (CONTRATO ADMINISTRATIVO)

A contract between the public administration and another person with the purpose of associating him/her, for a certain period of time, with a regular administrative function, through the rendering of goods or services to be repaid in a stipulated manner. Knowledge of differences between the parties, such as the validity, interpretation or execution of its clauses shall be restricted to the administrative courts.

#### ADMINISTRATIVE JUSTIFICATION – (JUSTIFICAÇÃO ADMINISTRATIVA)

Procedure aimed at redressing, by administrative means, an irregularity, omission or inaccuracy in a record.

#### ADMINISTRATIVE OFFENCE – (CONTRA-ORDENAÇÃO)

Any illegal act that is subject to a fine. Appeals must be made to a court of law.

#### ADMISSIBILITY/INADMISSIBILITY OF CASE – (PROCEDÊNCIA/IMPROCEDÊNCIA DA ACÇÃO)

A case is said to be admissible when the plaintiff's request is granted and inadmissible when the claim is dismissed.

#### ADMONITION – (ADMOESTAÇÃO)

A tutelary measure consisting of a lenient warning that, alone or cumulatively with others, may be imposed by a juvenile court on a minor subject to its jurisdiction. A formal reproach or warning given by the court at a public hearing to offenders found guilty of minor offences for which it considers that there is no need to use other more serious penal measures for the purposes of prevention or social rehabilitation.

#### ADOPTION – (ADOPÇÃO)

The creation by judicial decision of a legal tie similar to that of natural parenthood between two people regardless of any blood ties. Depending on the scope of its effects, the adoption may be full or restricted.

#### AIDING PRISON ESCAPE – (TIRADA DE PRESO)

It occurs when a legally detained person is taken out of prison by means of violence, threats or trickery or when someone instigates, aids or abets the escape of a legally imprisoned person.

#### ALIMONY – (ALIMENTOS)

Anything that by law, contract or will is given to a person to support him/her.

#### ALTERNATIVE DISPUTE RESOLUTION – (MEIOS ALTERNATIVOS DE RESOLUÇÃO DE CONFLITOS)

Extra-judicial dispute resolution process whereby parties negotiate over the issues in dispute in order to reach an agreement through the help of an impartial third party (mediator).

#### ANIMAL ENDANGERMENT – (PERIGO RELATIVO A ANIMAIS)

It is the dissemination of a harmful disease, plague, plant or animal or the handling, manufacture, production, import, storage, sale or marketing of animal feed or fodder, thereby endangering a considerable number of animals, crops, plantations or forests.

#### APPEAL – (RECURSO)

A proceeding undertaken to have a decision reconsidered by a higher court.

#### APPEAL AGAINST DECISIONS – (RECURSO DE DECISÕES OU RECURSO DE DECISÕES JURISDICIONAIS)

Concept equivalent to an appeal.

#### APPEAL FOR JURISPRUDENCE – (RECURSO PARA FIXAÇÃO DE JURISPRUDÊNCIA)

Extraordinary appeal lodged with the full bench of the criminal sections of the Supreme Court of Justice (STJ) for a final decision if the STJ has offered two opposing decisions within the same area of legislation and on the same point of law. Also applies to an appeal decision which challenges another from the same or a different appeal and for which there is no recourse to an ordinary appeal.

#### APPEAL FOR UNIFORM JURISPRUDENCE – (RECURSO PARA UNIFORMIZAÇÃO DE JURISPRUDÊNCIA)

Ordinary appeal lodged with the Supreme Administrative Court by the parties or the public prosecutor, within 30 days of the decision appealed against being passed in *rem judicatum*, where for the same basic legal question there is a contradiction between the Central Administrative Court's decision and one of its own previous decisions, or one handed down previously by the Supreme Administrative Court, or between two decisions handed down by the latter.

#### APPEAL ON THE MERIT OF THE CASE – (AGRAVO)

Ordinary appeal against judicial decisions not recognising the merits of a case.

#### APPELLANT – (RECORRENTE)

A person lodging an appeal.

APPOINTED LEGAL REPRESENTATION – (PATROCÍNIO OFICIOSO)

The legal representative is said to be appointed when a professional of the court is nominated by the Bar Association or the judge, as stipulated in procedural law, or under the legal assistance/legal aid scheme.

ASSOCIATION – (ASSOCIAÇÃO)

A non-profit making legal person of a personal nature.

ASSOCIATION OF IRRIGATORS AND BENEFICIARIES – (ASSOCIAÇÃO DE REGANTES E BENEFICIÁRIOS)

A legal person whose purpose is the community management and operation of agricultural irrigation works carried out in the interest of the population.

ATTACHMENT (PENHORA)

A judicial act in which the debtor's goods are confiscated.

AUDITOR OF JUSTICE – (AUDITOR DE JUSTIÇA)

The status of candidates for positions as judges or Public Prosecutors admitted to courses at the Judicial Studies Centre from the moment they get in up to the start of their internship, at which time they are called intern judges or public prosecutors.

AUTHENTIC COPY – (PÚBLICA-FORMA)

Full or partial copy of a deed, expedited by a notary and taken from the sundry documents presented to him/her for this purpose.

AUTHORISATION – (AUTORIZAÇÃO)

An act by which exercise of an existing power is allowed.

BANKRUPTCY – (FALÊNCIA)

Situation in which a company is unable to fulfill its obligations, having proven itself economically infeasible or unable to achieve financial recovery. It is the appropriate legal proceedings (special procedure) required to obtain a debtor's declaration of insolvency in which he states that, together with the liquidation of assets and the payment of creditors, he/she is unable to fulfil his/her obligations, using the proceeds of liquidation.

BEHAVIOURAL NOTICE – (INTIMAÇÃO PARA UM COMPORTAMENTO)

Provision aimed at providing a means of reacting against the breach – or the justified fear of a breach – of administrative laws.

#### BILL OF EXCHANGE – (LETRA)

A credit instrument by which someone (the drawer) orders a debtor (the drawee) to pay a certain sum on a certain date to a third person (the payee or bearer) or to his/her own order. A bill of exchange is an enforceable order provided that it has been signed by the debtor.

#### BREACH OF JUSTICE CONFIDENTIALITY (VIOLAÇÃO DO SEGREDO DE JUSTIÇA)

It is when someone unlawfully reveals all or part of an act in a criminal proceeding that is under justice confidentiality or which the general public is not allowed to attend. It also applies to information regarding a case on an administrative offence until a decision by the administrative authority is reached or for as long a disciplinary hearing is under justice confidentiality.

#### BURDEN – (ONERAÇÃO)

The act of burdening a good, i.e. imposing an obligation on a certain good, generally by instalments or repeated payments, and imposed on the owner of said good.

#### CASE VALUE – (VALOR DA CAUSA)

The exact sum, expressed in legal currency, that represents the economic value of a claim and depends either on the jurisdiction of the court, the type of proceedings, the likelihood of appeal and the amount of costs and other expenses. This figure may be provided for by law, established at the time the case is brought to court, agreed upon by both parties or officially set by the judge, after the value has been assessed.

#### CAUSE OF DEATH – (ETIOLOGIA MÉDICO-LEGAL)

Study of the circumstances involved in a violent death, i.e. identifying it as suicide or accidental death.

#### CERTIFICATE – (CERTIDÃO)

An authenticated document used to prove events recorded in the registers or in the archives of any public department.

#### CERTIFICATE OF ADMISSIBILITY OF NAME – (CERTIFICADO DE ADMISSIBILIDADE DE FIRMA OU DENOMINAÇÃO)

The admissibility of company names is proven by a certificate issued by the Legal Entities Central Index at the request of the interested parties. This certificate constitutes a mere presumption of exclusivity.

#### CHANGE IN SHARE CAPITAL – (ALTERAÇÃO DO CAPITAL SOCIAL)

An increase or decrease in the total amount of the members' contributions to the company's activities.

#### CHEQUE – (CHEQUE)

A credit instrument giving an order of payment to the bank at which the issuer has an account. This credit instrument must contain besides the word “cheque”, an indication of the amount, the name of the payer (drawee), places of payment and issue, the date of issue and the drawer’s signature. Cheques can serve as a basis for foreclosure.

#### CHILD ABDUCTION – (SUBTRACÇÃO DE MENORES)

A person is guilty of child abduction if he/she abducts a child, uses violence or threats to force a child to run away or refuses to hand over a child to his/her parent or legal guardian.

#### CITIZEN'S ACTION – (ACÇÃO POPULAR)

The right of any citizen to impugn, in court, definitive and executory administrative acts in defense of the public interest and administrative legality.

#### CIVIL ENTERPRISE IN COMMERCIAL FORM – (SOCIEDADE CIVIL SOB FORMA COMERCIAL)

A non-commercial enterprise that is set up in accordance with one of the types set forth in the Company's Code.

#### CIVIL LIABILITY – (RESPONSABILIDADE CIVIL)

Situation in which an individual, with intent or mere blame, has illegally violated the rights of another, or any legal disposition designed to protect the interests of others, and is obliged to compensate the injured party for any damages resulting from this violation.

#### CIVIL PARTY (ASSISTENTE)

The person whose interests the law particularly wishes to defend on the indictment (usually the injured party), and who may join the proceedings as a civil party seeking damages in collaboration with the Public Prosecutor's Office, to whose activities he/she subordinates his/her intervention.

#### CIVIL REGISTRY – (REGISTO CIVIL)

It organises and publicises events affecting people’s legal status, such as birth, paternity, adoption, marriage, interdiction, incompetence, and inhibition or suspension of parental responsibility.

#### CLAIMANT – (AUTOR)

Person who requests a judicial ruling in a declarative proceeding.

#### COLLEGIATE COURT (CRIMINAL PROCEEDINGS) – (TRIBUNAL COLECTIVO (PROCESSO CRIME))



Court consisting of three judges with jurisdiction to try more serious crimes which, in general, carry a penalty of over five years' imprisonment.

#### COMMON ADMINISTRATIVE ACTION – (ACÇÃO ADMINISTRATIVA COMUM)

A form of proceedings which may culminate in condemnatory, merit-based and constitutive verdicts, covering all legal-administrative litigation excluded by other forms of proceedings owing to their specific scope.

#### COMMON ENFORCEMENT ACTION – (ACÇÃO EXECUTIVA COMUM)

See common execution.

#### COMMON ENFORCEMENT PROCEDURE – (PROCESSO EXECUTIVO COMUM)

See common execution.

#### COMMON EXECUTION – (EXECUÇÃO COMUM)

It is defined through a process of elimination. It applies to all forms of enforcements other than the special ones.

#### COMMON LAW MARRIAGE – (UNIÃO DE FACTO)

A legal relationship between two people, regardless of gender, who live in a situation similar to that of spouses.

#### COMPANIES' REGISTRY – (REGISTO COMERCIAL)

The companies' registry publicises the legal status of sole traders, companies, partnerships, individual limited liability establishments, cooperatives, state-owned corporations, company groupings, European economic interest groupings and all other natural or legal persons subject to company registration by law to ensure the legality of commercial undertakings.

#### COMPANY RESCUE – (RECUPERAÇÃO DE EMPRESA)

Procedural means (special procedure) used to obtain the issue of one or more orders (composition, agreement with creditors, financial restructuring and controlled management) deemed appropriate to make an insolvent company economically feasible and thus prevent it from declaring bankruptcy.

#### COMPENSATION – (INDENMIZAÇÃO)

Reparation of a loss to a person as a result of failure to fulfil or deficient fulfilment of an obligation or violation of an absolute right. As a rule, the obligation to compensate presupposes culpability of the perpetrator and, depending on its severity, will, to some extent, determine the measure of the obligation to compensate. Exceptionally, a loss caused by a legal or unintentional act is also subject to compensation.

COMPETENCE BY CONNECTION (IN A CIVIL TUTORIAL CASE) – (COMPETÊNCIA POR CONEXÃO (EM PROCESSO TUTELAR CÍVEL))

This occurs in a civil tutorial case when a ruling requested from a court is connected to a proceeding that is already running in a family court, even if the court has no territorial jurisdiction.

COMPLEMENTARY COMPANY GROUPING – (AGRUPAMENTO COMPLEMENTAR DE EMPRESAS)

A contract between natural or legal persons or companies that, without prejudice to each other's legal personality, aims to improve the exercise or profits of their business activities. It attains legal personality when its memorandum of association is registered at the companies' registry.

COMPLEMENTARY PROCEDURE – (PROCESSO COMPLEMENTAR)

Form of procedure within the jurisdiction of the enforcement of sanctions court designed to repeal periods of conditional release and parole or to verify the continuation, alteration or cessation of previously declared threat.

CONCESSIONAIRE – (CONCESSIONÁRIO)

A natural or legal person entrusted by a state-owned corporation to operate a corporate activity on his/her own account. The legal act by which the rights and duties are transferred is called a concession.

CONDITION OF RES JUDICATA – (TRÂNSITO EM JULGADO)

A decision is said to be *res judicata* when it cannot be the subject of any ordinary appeal or claim.

CONFEDERATION OF COOPERATIVES – (CONFEDERAÇÃO DE COOPERATIVAS)

A nationwide grouping of higher-degree cooperatives, though it may exceptionally include first-degree cooperatives. A confederation can be considered to represent the cooperative sector if it has at least 50% of the registered federations in the branch or branches corresponding to its object.

CONFIRMATION OF ACTS – (CONFIRMAÇÃO DE ACTOS)

A way of correcting the annulment of a legal act. It takes the form of an express or tacit manifestation of the will of a person with the right to annul it.

CONFLICTS OF COMPETENCE – (CONFLITOS DE COMPETÊNCIA)

These are conflicts between courts of the same kind. They are said to be positive if two or more courts are simultaneously considered competent to decide on the case and negative if the courts appointed as competent consider they have no jurisdiction to do so.

#### CONFLICTS OF JURISDICTION – (CONFLITOS DE JURISDIÇÃO)

These are conflicts between authorities belonging to different state activities or between courts of different kinds. They may be positive or negative, depending on whether the conflicting courts or authorities claim or decline the case.

#### CONTRACT – (CONTRATO)

A binding agreement based on two or more declarations of will juxtaposed but in perfect harmony with one another, aimed at establishing a union of interests.

#### CONTRAVENTION – (CONTRAVENÇÃO)

See MISDEMEANOUR

#### CONTROLLED MANAGEMENT – (GESTÃO CONTROLADA)

Means of recovery for an insolvent company based on a complete performance plan agreed upon by the creditors and executed by a newly appointed management team with its own supervisory system.

#### CONTUMACY – (CONTUMÁCIA)

A legal notification to ensure the presence of the defendant at a trial hearing or the enforcement of a prison sentence through a set of measures aimed at reducing the defendant's property or negotiating power. It may take the form of the annulment of business deals entered into, prohibition to obtain documents, certificates or records from public authorities and total or partial attachment of his/ her assets.

#### CONVICTION – (CONDENAÇÃO)

It occurs when the judge, in the final decision, finds the defendant guilty of the crime, imposing on him/her a specific punishment.

#### CONVICTION OF THE OFFENDER IN THE REQUEST – (CONDENAÇÃO DO RÉU NO PEDIDO)

This takes place when a judge, in his/her decision, grants a request made by the plaintiff.

#### COOPERATIVE – (COOPERATIVA)

A non-profit-making legal person of variable capital and composition that, with the cooperation and mutual aid of its members and abiding by cooperative principles, satisfies the economic, social and cultural needs of its members.

#### COPYRIGHT – (DIREITO DE AUTOR)

The right of the creator of an intellectual work of any genre or form of expression (e.g. literary, scientific and artistic writings, lectures, lessons, musical compositions with or without words, cinematographic, television, phonographic, video or radio works, drawings, paintings, tapestry, ceramics, tiles, engravings, architecture, photographs, illustration and geographical maps, among others), which consists of the ability to claim authorship of the work and guarantee its integrity and authenticity, reacting against any usurpation, plagiarism, mutilations or distortions, as well as the rights of ownership.

#### CORRECTION OF RECORDS – (RECTIFICAÇÃO DO REGISTO)

Inaccurate records and improperly drawn-up records must be corrected by the registrar as soon as he/she is made aware of an irregularity or at the request of the interested party, even if it has not been inscribed.

#### CREDITOR – (CREDOR)

The owner of a right to a credit. The person whose interests the debtor's payment is to satisfy and who can demand fulfilment, although he/she may not be necessarily the person to whom the payment is made.

#### CREDITOR (CIVIL PROCEEDINGS) – (EXEQUENTE)

A person who brings an enforcement action and who, to legitimately do so, must be named as the creditor or be the successor of one in this position. If the action is to bearer, then the legitimacy to enforce is that of the bearer. In the enforcement proceedings related to costs and fines, the public prosecutor's office is the rightful creditor.

#### CREDITORS' AGREEMENT – (ACORDO DE CREDORES)

A way of recovering an insolvent company consisting of setting up one or more companies to operate one or more establishments belonging to the debtor, provided that some or all the creditors are willing to take over and pursue their activities.

#### CRIME PUBLIC SUPPORT – (APOLOGIA PÚBLICA DO CRIME)

This is when someone at a public meeting, in the media, by circulation in writing or by some other technical means of reproduction rewards or praises another person for having committed a crime in such a way as to create the risk of the same kind of crime being committed again.

#### CRIMINAL ACTION – (ACÇÃO PENAL)

Procedural activity of the Public Prosecutor's Office in order to obtain a decision from a judge on a case brought by the State.

#### CRIMINAL ASSOCIATION – (ASSOCIAÇÃO CRIMINOSA)

This is the promotion, constitution, participation in or support of a group, organisation or association whose purpose or activity is the commission of crimes.

#### CUMULATIVE CLAIMS (IN ADMINISTRATIVE CASES) – (CUMULAÇÃO DE PEDIDOS (NO CONTENCIOSO ADMINISTRATIVO))

In a case, the possibility of laying several claims before the court, where the cause is one and the same; or where the claims are interdependent; or where although the cause in question is different, the validity of the main claims essentially depends on examination of the same facts, or the interpretation and application of the same legal rules or principles.

#### CURE WITH REDUCED CAPACITY – (CURA COM DESVALORIZAÇÃO)

A cure with a reduction in the worker's earning or working capacity as a result of a labour accident or professional illness.

#### CURE WITHOUT REDUCED CAPACITY – (CURA SEM DESVALORIZAÇÃO)

A cure without any reduction in the worker's earning or working capacity as a result of a labour accident or professional illness.

#### DAMAGE – (DANO)

The destruction, mutilation, disfigurement or ruin of another's property.

#### DAMAGE TO NATURE – (DANO CONTRA A NATUREZA)

It is the elimination of specimens of fauna or flora, the destruction of natural habitats or the severe exhaustion of subsoil resources.

#### DANGEROUS DRIVING – (CONDUÇÃO PERIGOSA DE VEÍCULO RODOVIÁRIO)

It is the driving of a powered or unpowered vehicle on the public thoroughfare or similar when the perpetrator is not fit to do so safely, as he/she is inebriated or under the influence of alcohol, narcotics, psychotropic substances or products with similar effects or due to a physical or psychological deficiency or overtiredness, thereby endangering the lives, physical integrity or the valuable property of others. It is also the driving of a powered or unpowered vehicle on the public thoroughfare or similar in gross violation of the traffic rules, with regard to priority, the obligation to stop, overtaking, turning, pedestrian crossings, U-turns on motorways or roads outside built-up areas, reversing on motorways or roads outside built-up areas, speed limits or the obligation to travel in the right-hand lane, thereby endangering the lives, physical integrity or the valuable property of others.

#### DAY-RELEASE PRISON SENTENCE – (PRISÃO POR DIAS LIVRES)

Form of prison sentence in which offenders are deprived of their liberty at week-ends and during holiday periods.

**DEBTOR – (DEVEDOR)**

A person bound to make a payment to another. A debtor, who may not be the person making the payment owed, is the only one from whom it can be demanded.

**DEBTOR (CIVIL PROCEEDINGS) – (EXECUTADO)**

A person against whom an enforcement action is brought and who, as a rule, is named as the debtor.

**DECRIMINALISATION – (DESPENALIZAÇÃO)**

The abolition of the penalties legally foreseen for a certain act or behaviour once certain conditions as typified in law are verified.

**"DE FACTO" ACTION – (PRESTAÇÃO DE FACTO)**

That which is resumed in an event or activity (or abstention) of the debtor. The "de facto" action may be positive or negative, depending on whether it is an act, abstention, omission or mere tolerance.

**DECLARATIVE ACTION – (ACÇÃO DECLARATIVA)**

An action whose purpose is to state the intent to bring contested litigation on an intellectual basis by means of a statement that makes the solution thereafter legally undisputable; this statement becomes a material tried case.

**DEFENDANT – (RÉU)**

Person against whom a legal order is sought on the basis of a court case.

**DESERTION – (DESERÇÃO MILITAR)**

This occurs when a member of the armed forces is absent without leave from his/her post or place of service and remains away for 10 days running. This is also the case when a member of the armed forces, for no legitimate reason, fails to report his/her destination within 10 days of the date indicated for the purpose. It occurs when a member of the armed forces is on leave and does not report to the place indicated within 10 days of the established date. It is also the escape of a member of the armed forces from a place where he/she is being held under arrest. It is also when a member of the armed forces is in the reserve or retired and has been summoned or mobilised for active duty and fails to report within 10 days of the established date.

**DESERTION OF INSTANCE – (DESERÇÃO DA INSTÂNCIA)**

An instance is considered to be deserted, regardless of any judicial decision, when it has been suspended or discontinued for five years due to negligence of the parties.

#### ORDER – (DESPACHO)

A decision by a judge on hearing any interlocutory question or terminating a proceeding without hearing its end. In criminal cases the decisions by the Public Prosecutor's Office also take the form of orders.

#### DISCUSSION AND TRIAL HEARING – (AUDIÊNCIA DE DISCUSSÃO E JULGAMENTO)

A procedural stage where the evidence not included in the fact-finding phase takes place and in which the parties discuss the conclusions to be drawn.

#### DISOBEDIENCE – (DESOBEDIÊNCIA)

It is failure to obey a properly communicated order from a competent authority or employee, when there is a legal provision imposing punishment for ordinary disobedience or when an authority or employee imposes said punishment.

#### DISTRIBUTION – (DISTRIBUIÇÃO)

An act by which the several claims may be distributed among different sections of an office and among different judges in the courts where there is more than one judge, or even among different judges from the courts of appeal in order to determine the reporter.

#### DROPPING OF CHARGES – (ARQUIVAMENTO)

Decision by the Public Prosecutor's Office in the form of a dispatch at the end of the enquiry stage stating that the case shall not proceed to trial, either because no crime is deemed to have been committed, the accused did not commit it, the criminal case is inadmissible or because the evidence of the crime or of its perpetrators is insufficient for an indictment.

#### EMBEZZLEMENT – (ABUSO DE CONFIANÇA)

The fraudulent appropriation by a person to whom it has been entrusted by another property or money without a transfer of ownership.

#### ENFORCEABLE ORDER – (TÍTULO EXECUTIVO)

Document which constitutes minimum proof of the existence, identity and object of an obligation and the non-payment of a debtor, deemed sufficient to serve as the basis of an enforcement action. Enforceable orders include: a sentence and other judicial decisions, documents issued or authenticated by a notary, certificates, bills of exchange, promissory notes, cheques, invoice sheets, bonds, delivered invoices or other written documents signed by the debtor provided that they state an obligation to pay a particular amount or deliver fungible items.

#### ENFORCEMENT – (EXECUÇÃO)

A judicial action intended to demand the fulfilment of an obligation lawfully established (enforceable order) or the replacement of the respective payment by assets of equal value from the debtor's property. It may be for payment of a certain amount, for the performance of an act or for the surrender of a certain item. The requester is called the plaintiff and the subject of the request the defendant.

#### ENFORCEMENT ACTION – (ACÇÃO EXECUTIVA)

(See ENFORCEMENT.)

#### ENFORCEMENT AFTER AN ORDINARY JUDGEMENT – (EXECUÇÃO ORDINÁRIA)

See ORDINARY PROCEDURE, SUMMARY PROCEDURE and SUMMARY and FAST PROCEDURE.

#### ENFORCEMENT AGENT/SOLICITOR – (AGENTE DE EXECUÇÃO)

A solicitor or an officer of the court who is responsible for enforcing all measures of an enforcement process, including summons, notifications, publications, attachments, sales and payments. These duties must be carried out under the control of a judge and are performed by an officer of the court if there are no enforcement agents in the judicial circuit, when there is some other impediment and always in enforcements orders.

#### ENFORCEMENT OF DECISION – (EXECUÇÃO DE JULGADOS)

An appropriate accessory procedure to achieve actual enforcement of an annulment of an administrative act, to declare the existence or non-existence of legitimate cause for non-fulfilment and to fix a compensation for losses caused by the act annulled by the court but enforced by the administration.

#### ENTITY CONSIDERED EQUIVALENT TO A LEGAL PERSON – (ENTIDADE EQUIPARADA A PESSOA COLECTIVA)

Any non-personalised service, entity or body whose registration in the Legal Entities Central Index is of interest for planning and management purposes.

#### ENTITY CONSIDERED EQUIVALENT TO A FOREIGN LEGAL PERSON – (ENTIDADE EQUIPARADA A PESSOA COLECTIVA ESTRANGEIRA)

Any non-national non-personalised service, entity or body normally operating in Portugal, whose registration in the Legal Entities Central Index is of interest for planning and management purposes.

#### ENTRIES (CIVIL REGISTRY) – (ASSENTOS (REGISTO CIVIL))



Events requiring registration are noted in the form of entries, which are drawn up by inscription or transcription, depending on whether the event is noted immediately or a register is made on the basis of a record or other previous document attesting to the event.

#### ESCAPE OF INMATE – (EVASÃO DE PRESO)

It is the escape of a legally imprisoned person.

#### EUROPEAN ECONOMIC INTEREST GROUPING – (AGRUPAMENTO EUROPEU DE INTERESSE ECONÓMICO)

An international legal entity of an associative nature with an economic but non-profit-making purpose aimed at facilitating the economic activity of its members and increasing the profits of their activity.

#### EVICTION – (DESPEJO)

Forced vacation of properties occupied by tenants and action taken to this end. The landlord must obtain an eviction order in order to terminate the contract, when the grounds are one of the reasons listed in the law.

#### EXCEPTIONAL REVIEW PROCEDURE – (RECURSO EXTRAORDINÁRIO)

Appeal that is made, in cases stipulated by law, after the decision has become *res judicata*.

#### EXECUTION (IN ADMINISTRATIVE LITIGATION) – (EXECUÇÃO (EM CONTENCIOSO ADMINISTRATIVO))

When directed against public bodies, execution consists in the practice by the active administration of legal acts and material operations necessary to effectively re-establish the legal order that has been breached, by reconstituting the situation that would exist if the illegal act had not occurred; when aimed against private individuals, execution is governed by the Civil Procedure Code, even when proceedings take place in the administrative courts, thus validating the notion of execution (code 384).

#### EXTENDED-BENCH JUDGEMENT – (JULGAMENTO EM FORMAÇÃO ALARGADA)

A means of considering a new question of law placed before the district administrative court, which raises serious difficulties and which might arise in other litigation, and that requires a judgement involving all judges at the decision of the presiding judge of the court. As an alternative to the extended-bench judgement, the presiding judge of the district administrative court can refer the matter to the Supreme Administrative Court, for the latter to hand down a binding decision on the question within three months.

#### EXTORTION – (EXTORSÃO)

The act or practice of obtaining something or compelling some action by illegal means, as by force or coercion, bearing in mind his/her or a third party's illegal gain.

#### EXTRAORDINARY AGREEMENT – (ACORDO EXTRAORDINÁRIO)

A signed agreement between creditors with verified credits and the bankrupted person, during the liquidation phase, which ends the bankruptcy process, provided that it is approved by the court.

#### FACT-FINDING (IN CRIMINAL PROCEEDINGS) – (INSTRUÇÃO (EM PROCESSO CRIME))

Non-compulsory stage in ordinary legal proceedings aimed at providing legal confirmation of the need to bring charges or file an inquiry, in order to decide whether or not the case should be brought to trial. Under the terms of the 1929 Code of Criminal Procedure, evidence is said to be counter evidence if its objective is to clarify or provide further details relating to the indictments contained in the charge. It also involves carrying out the necessary inquiries with the purpose to remove or weaken this proof and to prepare and corroborate the defense.

#### FACTS IN PROOF OF CIVIL STATUS – (POSSE DE ESTADO (DECLARAÇÃO DE INEXISTÊNCIA))

Situation applying to both spouses when, cumulatively, a child is considered to be, and treated as, their own offspring, being also treated as such in their social relations.

#### FEDERATION OF COOPERATIVES – (FEDERAÇÃO DE COOPERATIVAS)

A grouping of cooperatives or of cooperatives and unions belonging to the same branch of the cooperative sector (consumption, retail, agriculture, credit, housing and construction, industrial production, handicrafts, fishing, culture, services, education or social solidarity).

#### FILIATION – (FILIAÇÃO)

A legal tie binding two people as a result of one being the parent of the other. If the tie is a natural one, its legal relevance depends on its legal recognition.

#### FINANCIAL RESTRUCTURING – (REESTRUTURAÇÃO FINANCEIRA)

Means of recovery for an insolvent company that involves creditors adopting one or more measures designed to modify the company's liabilities or to alter its capital so as to ensure that there are more assets than liabilities and that there is a positive cash flow.

#### FINE – (COIMA)

A pecuniary sanction intended to punish administrative offences.

#### FINE – (MULTA)

Pecuniary sanction designed to punish a crime, transgression, misdemeanour or disciplinary infringement.

#### FISCAL OBJECTION PROCEDURE – (PROCESSO DE IMPUGNAÇÃO FISCAL)

Procedural means used, in general, to obtain the cancellation of an illegal administrative act performed by an organ of the tax administration.

#### FOREIGN ASSOCIATION – (ASSOCIAÇÃO ESTRANGEIRA)

A non-national non-profit-making legal person, of personal nature, usually engaging in activity in Portugal.

#### FOREIGN CIVIL ENTERPRISE – (SOCIEDADE CIVIL ESTRANGEIRA)

A non-national civil enterprise normally operating in Portugal.

#### FOREIGN CIVIL ENTERPRISE IN COMMERCIAL FORM – (SOCIEDADE CIVIL SOB FORMA COMERCIAL ESTRANGEIRA)

A non-national civil enterprise normally operating in Portugal.

#### FOREIGN COMMERCIAL ENTERPRISE – (SOCIEDADE COMERCIAL ESTRANGEIRA)

A non-national commercial enterprise normally operating in Portugal.

#### FOREIGN FOUNDATION – (FUNDAÇÃO ESTRANGEIRA)

A non-national foundation normally operating in Portugal.

#### FOREIGN STATE-OWNED ENTERPRISE – (EMPRESA PÚBLICA ESTRANGEIRA)

A non-national state-owned enterprise normally operating in Portugal.

#### FORENSIC GENETICS AND BIOLOGY – (GENÉTICA E BIOLOGIA FORENSE)

The application of genetics and biology knowledge to the study of situations of a judicial nature, such as using the genetic analysis of human diversity in biological investigation to establish consanguinity and individual genetic identification and in the analysis of biological traces of criminal interest.

#### FORENSIC MEDICAL TOXICOLOGY – (TOXICOLOGIA FORENSE)

Toxicological techniques and knowledge used to assist in the administration of justice.

#### FORENSIC MEDICINE – (CLÍNICA MÉDICO-LEGAL)

Expert medical activity aimed at determining as accurately and objectively as possible the injuries that a particular traumatic event has caused to a person's mental and/or physical

integrity in order to make a final evaluation and to enable the judge to establish the consequences of the said event under criminal, civil, labour or other law.

#### FORENSIC PATHOLOGY – (TANATOLOGIA FORENSE)

The knowledge and methods used to solve problems posed by law regarding the study and identification of the mechanisms of death.

#### FORENSIC PSYCHIATRY – (PSIQUIATRIA FORENSE)

A forensic science based on psychiatry and jurisprudence in order to provide judges with additional information based on psychiatric forensic expertise to facilitate their decisions.

#### FOUNDATION – (FUNDAÇÃO)

A legal person of a patrimonial nature pursuing a purpose determined by the founder.

#### FULL ADOPTION – (ADOPÇÃO PLENA)

Full adoption legally places the adoptee as the adopter's own offspring and, with the exception of marital impediments, terminates the family relationship between the adoptee and his/her biological family

#### FULL BENCH APPEAL – (RECURSO PARA O TRIBUNAL PLENO)

Ordinary appeal lodged with the Supreme Court of Justice (STJ), functioning as a full bench for a final decision if the STJ offers two opposing decisions on the same point of law. Also applies to an appeal decision which opposes another from the same, or a different appeal on the same fundamental point of law and for which, because it is beyond the jurisdiction of the court, there is no review appeal.

#### GUARDIAN – (TUTOR)

See GUARDIANSHIP.

#### GUARDIAN OF MINORS – (CURADOR DE MENORES)

A public prosecutor who, at the family and juvenile court, is responsible for protecting the rights and interests of minors. He/she may ask the minor's parents or legal guardian for all necessary information. Guardians are particularly responsible for representing minors as the principal party, initiating legal proceedings and using judicial means in defense of their rights and interests.

#### GUARDIANSHIP – (CURADORIA)

A means of ensuring the administration of the assets of a person whose whereabouts are unknown and who has left no legal representative or proxy.

#### GUARDIANSHIP – (TUTELA)

Usual means of replacing parental responsibility.

#### HABEAS CORPUS – (HABEAS CORPUS)

An extraordinary writ presented to a court with the aim of ending a prison sentence or a period of illegal detention.

#### HANDLING STOLEN GOODS – (RECEPTAÇÃO)

People are guilty of handling stolen goods if, for their own or others' gain, they dissimulate property obtained illegally by another, by pawn, acquiring on any basis, holding, maintaining, transferring or helping to transfer or in any way ensuring possession of it for themselves or for others and who, without having ascertained its legal provenance, acquire or receive, on any basis, something that, due to its quality or the capacity of the person offering it, or the price proposed, they can reasonably suspect to be the product of theft.

#### HIERARCHICAL APPEAL – (RECURSO HIERÁRQUICO)

Appeal which consists of requesting a higher authority, or the authority which has the power to supervise the original author of the enactment which is being challenged, to revoke or substitute it.

#### HIRE – (ALUGUER)

A rental contract referring to a movable item. The periodical payment that the lessee in the contract is obliged to pay to the lessor in return for the use of the good is called rent.

#### IMPUGNATION – (RECLAMAÇÃO)

Objection to a decision to the court that has delivered it.

#### INCAPACITATED PERSON – (INCAPAZ)

A person without the ability to act personally and independently. Under Portuguese law, the term incapacitated normally refers to a person affected by an incapacity: minors or disqualified persons.

#### INCOMPETENCE OF A COURT – (INCOMPETÊNCIA DO TRIBUNAL)

The quality or attribute of a court whose jurisdictional powers do not enable it to try certain legal actions or categories of legal actions (or to prepare their trial). It may be absolute or relative. Absolute incompetence must be recognised unofficially by the court and refers to international incompetence, and incompetence due to the matter and to hierarchy. Relative incompetence can only be argued by the defendant, and refers to territorial incompetence and to the value of the case.

**INCONSTITUTIONALITY BY OMISSION – (INCONSTITUCIONALIDADE POR OMISSÃO)**

Situation which occurs when constitutional norms or principles are violated through a failure to act.

**INDICTMENT – (ACUSAÇÃO)**

An act by the Public Prosecutor's Office or a private individual (private indictment) expressing the wish to prosecute a person for an infraction and defining and fixing the object of the case before a court.

**INDIVIDUAL LIMITED LIABILITY COMPANY – (ESTABELECIMENTO INDIVIDUAL DE RESPONSABILIDADE LIMITADA)**

A commercial establishment consisting of a single natural person for business purposes, in which he/she allocates part of his/her assets (starting capital of the establishment), and in which the said person is solely responsible for any debts resulting from the activities in question.

**INHERITANCE – (HERANÇA)**

The sum total of all types of property legally owned by an individual, the ownership of which, on his/her death, passes to his/her heirs and beneficiaries.

**INJURED PARTY – (LESADO)**

A person who has suffered losses as a result of a crime.

**INQUIRY (IN CRIMINAL PROCEEDINGS) – (INQUÉRITO (EM PROCESSO CRIME))**

An obligatory stage in criminal proceedings representing a series of inquiries aimed at investigating the existence of a crime, the agents involved and their responsibility and the gathering of evidence, in order to judge the accusation.

**INSCRIPTION – (INSCRIÇÃO)**

A way of writing an entry consisting of the original registration of an event.

**INSOLVENCY – (INSOLVÊNCIA)**

Situation in which a debtor is unable to fulfil his/her financial obligations in due time, owing either to lack of means or lack of credit.

**INSOLVENCY AGREEMENT – (CONCORDATA)**

A means of recovering an insolvent company by merely reducing or modifying all or part of its debts. The modification may be no more than a simple moratorium.

**INSTANCE – (INSTÂNCIA)**

A particular court, within a legal hierarchy, which will hear a case. A series of procedural acts which constitutes a legal procedure.

#### INSURANCE CONTRACT – (CONTRATO DE SEGURO)

A contract by which a person (policy owner) transfers to another (the insurer) the risk of loss, in his/her own or another sphere (insured) against payment of a certain sum (premium).

#### INTELLECTUAL PROPERTY – (PROPRIEDADE INTELECTUAL)

Generally speaking, intellectual property is industrial property and other related rights referred to in the Copyright Code.

#### INTER-MUNICIPAL ENTERPRISE – (EMPRESA INTERMUNICIPAL)

This is an enterprise with legal personality and administrative and financial autonomy, set up upon proposal of the board of directors of an association of municipalities to an inter-municipal assembly, following approval by the municipal assemblies of the municipalities in question. Within the framework of the municipalities' competences, the purpose is to promote and perform activities of recognised inter-municipal public interest. The enterprise's name is followed by the abbreviation EIM [Empresa Intermunicipal] and it may be:- a public enterprise if the association of municipalities owns all its capital; - a public capital enterprise if the association of municipalities owns some of its capital in association with other public entities.

#### INTERNATIONAL LEGAL PERSON – (PESSOA COLECTIVA INTERNACIONAL)

All those set up under international source of law.

#### INTER-NUPTIAL PERIOD (PRAZO INTERNUPCIAL)

The period before the end of which a person whose marriage has been dissolved, declared null and void or annulled, is not allowed to remarry. The period is 180 or 300 days after the dissolution, declaration or annulment, depending on whether the person is a man or a woman.

#### INVENTORY – (INVENTÁRIO)

Procedure for distributing, according to certain rules and in certain circumstances (such as the death of an individual, divorce, the legal separation of persons and property, the annulment of a marriage or the declaration that a marriage is null and void), particular assets to particular people (distribution inventory), thus ending any joint ownership, or a simple description and evaluation of assets (itemised inventory). The person applying for the inventory is called the administrator and the person whose property is subjected to this process is called the decedent.

#### INVOICE EXTRACT – (EXTRACTO DE FACTURA)

A negotiable bond drawn by the seller on the buyer representing the value of commercial purchases and sales by instalments.

#### JUDGEMENT – (ACÓRDÃO)

A decision formally pronounced by a court of law.

#### JUDICATURE (JUDICIAL ORGANISATION) – (MAGISTRATURA (ORGANIZAÇÃO JUDICIÁRIA))

An expression used to designate a class and organisation of the judges or the period during which the judge holds his/her term of office. There is the judiciary (independent, unmovable and unanswerable), the public prosecutor's office (answerable and hierarchically organised) and the administrative judicial judges.

#### JUDICIAL APPEAL – (RECURSO CONTENCIOSO)

Objection, in court, as to the legality of a definitive enforceable administrative act.

#### JUDICIAL CIRCUIT – (CÍRCULO)

The national territory is divided into judicial districts, which, in turn, are divided into counties. The counties are grouped together in judicial circuits (Article 10 of Law no. 82/77 of 6 December).

#### JUDICIAL COUNTY – (COMARCA)

The basic unit of the judicial division in Portugal. It has a court with at least one judge, a public prosecutor and a court secretary. These counties may be 1st, 2nd or 3rd class.

#### JUDICIAL JUSTIFICATION – (JUSTIFICAÇÃO JUDICIAL)

Procedure used to remedy any omission in a record, reformulate it, obtain a declaration that it no longer exists, annul it or proceed with rectifying any inaccuracies, omissions or irregularities that cannot be redressed through administrative channels.

#### JUDICIAL REMEDY – (RECURSO JURISDICIONAL)

See APPEAL.

#### JUDICIAL TRUST OF A MINOR – (CONFIANÇA JUDICIAL DE MENOR)

This occurs whenever a minor, by judicial decision, is handed over to a couple, natural person or institution with a view to future adoption. Children of unknown or deceased parents, minors whose parents have consented to adoption, abandoned minors and minors at risk or rejected by their parents may be so entrusted.

#### JURY TRIAL – (TRIBUNAL DO JÚRI)

Court consisting of three judges and a jury of four which tries cases that normally would fall under the jurisdiction of the collegiate court when this has been requested by the Ministry of



Justice, the accused or the assistant appointed by the Ministry of Justice, and when the crime to be tried is punishable by a maximum prison sentence of over eight years.

#### JUVENILE CIVIL CASE – (PROCESSO TUTELAR CÍVEL)

A proceeding which aims to protect the interests of a minor with regard to affiliation, parental responsibility, prevention and limitation of parental responsibility, suppression of parental responsibility, adoption and child support.

#### LABOUR ACCIDENT (ACTION) – (ACIDENTE DE TRABALHO (ACÇÃO))

A judicial action initiated due to an accident occurring during working hours and which damages the worker's productive capacity. Such an accident is usually sudden and violent in nature.

#### LAWYER – (ADVOGADO)

A person with a degree in Law currently enrolled in the Portuguese Bar Association who practices law as a litigator and legal advisor.

#### LEASING – (LOCAÇÃO FINANCEIRA)

This is a contract by which one of the parties undertakes, in return for payment, to allow the other to, temporarily, use an item, purchased or built on the latter's instructions and which he/she can buy totally or partially over an agreed period against payment of a determined or determinable price, under the terms of the contract.

#### LEGAL AID – (CONSULTA JURÍDICA)

Legal aid is one of the forms of legal protection and consists of taking extra-judicial steps and using informal reconciliation methods as indicated in the regulations of the offices in question. This is a right bestowed by the Portuguese Constitution on Portuguese and European Union citizens who, under the law, prove that they do not have sufficient means to pay a lawyer's fees in order to attain professional advice.

#### LEGAL ASSISTANT – (ASSESSOR DE JUSTIÇA)

A law graduate who has passed the assistants' training course given by the Judicial Studies Centre and who assists judges and the public prosecution in the first instance courts and in the higher courts.

#### LEGAL COSTS – (CUSTAS JUDICIAIS)

Costs that the parties are obliged to pay for a proceeding, including justice fees and other expenses.

#### LEGAL PERSON IN FORMATION – (PESSOA COLECTIVA EM FORMAÇÃO)

A legal person for which the legal formalities involved in setting it up have not yet been completed.

#### LEGAL REINSTATEMENT – (REABILITAÇÃO JUDICIAL)

A individual dismissed from office or forbidden to exercise a particular profession or rights may be legally reinstated if, for a period of at least two years after serving his/her main sentence, he/she has behaved in a manner that makes it reasonable to suppose he/she has become capable and worthy of the trust that the position from which he/she was dismissed demands, or capable and worthy of exercising the profession and rights that had been removed from him/her.

#### LEGAL REPRESENTATION – (PATROCÍNIO JUDICIÁRIO)

Representation of the parties in the execution and orientation of proceedings by legal counsels entrusted with carrying out the appropriate procedural acts.

#### LEGAL REPRESENTATIVE – (REPRESENTANTE LEGAL)

A person who acts on behalf of another (principal) in such a way that the legal acts he/she enters into are considered to have been done by the principal and have direct repercussions on his/her legal sphere.

#### LEGAL SEPARATION OF PROPERTY – (SEPARAÇÃO JUDICIAL DE BENS)

Legal order granted to a spouse against his/her partner who is administering his/her own property and/or the property belonging to the couple when, due to poor management, they are in danger of losing what belongs to them. The sentence ordering the legal separation of property obliges all common property to be divided, so that the marriage regime is now that of separate ownership. The legal separation of property is irrevocable.

#### LEGAL SUPPORT – (ASSISTÊNCIA JUDICIÁRIA)

See LEGAL AID

#### LEGATEE – (LEGATÁRIO)

A successor who acquires certain goods or valuables. An usufructuary, even if he/she is entitled to all the assets, is considered a legatee.

#### LIMITED LIABILITY COOPERATIVE – (COOPERATIVA DE RESPONSABILIDADE LIMITADA)

A type of cooperative in which the members' liability is limited to the amount of share capital subscribed.

#### LIMITED PARTNERSHIP – (SOCIEDADE EM COMANDITA)

A kind of commercial partnership in which the silent partners have limited liability and the ordinary partners have unlimited liability. There are simple limited partnerships (in which the capital is not represented by shares) and limited partnerships with shares (in which the silent partners' part is represented by shares).

#### LIMITED PARTNERSHIP – (SOCIEDADE EM COMANDITA SIMPLES)

A type of business organisation characterised by the limited liability of silent partners, joint and unlimited liability of ordinary partners and in which the silent partners' part is not represented by shares.

#### LIMITED PARTNERSHIP COOPERATIVE – (COOPERATIVA EM COMANDITA)

A type of cooperative in which some members' liability may be limited and others' unlimited (as in limited partnerships).

#### LIMITED PARTNERSHIP WITH SHARES – (SOCIEDADE EM COMANDITA POR ACÇÕES)

A type of business organisation characterised by the limited liability of silent partners, joint and unlimited liability of ordinary partners and in which the silent partners' part is represented by shares.

#### LIQUIDATION ACT – (ACTO DE LIQUIDAÇÃO)

In civil law, a jurisdictional act fixing the amount of the gross debt. In tax law, an administrative act determining the amount of tax payable by the taxpayer by applying the rate to the taxable amount, which can be subject of appeal in an administrative and tax court.

#### MANAGEMENT OF OTHER'S AFFAIRS – (GESTÃO DE NEGÓCIOS ALHEIOS)

An act by which a person takes over the management of another's affairs in the interest and on the account of their owner without being authorised to do so. This management may take the form of material or legal acts.

#### MISAPPROPRIATION – (PECULATO)

Misappropriation is the unlawful appropriation by employees, for their own gain or that of others, of money or any other movable public or private asset that has been given to them, is in their possession or is accessible to them as a result of their position. It also occurs when employees use or allow others to use, for purposes other than those for which they are intended, vehicles or other movable public or private goods of considerable value given to them, in their possession or accessible to them as a result of their position.

#### MISDEMEANOUR – (TRANSGRESSÃO)

Voluntary punishable action which, whilst not being a crime or an offence, represents a violation or failure to observe provisions of a preventive nature. It is liable to be punished, although it is understood that no malice was intended.

#### MUNICIPAL ENTERPRISE – (EMPESA MUNICIPAL)

It is an enterprise with legal personality, and administrative, financial and patrimonial autonomy set up upon a proposal by a municipal council to a municipal assembly. Within the framework of a municipality's tasks, its purpose is to promote and perform activities of recognised interest to the local population. The enterprise's name is followed by the abbreviation EM [Empresa Municipal] and it may be:- a public enterprise if the municipality owns all its capital;- a public capital enterprise if the municipality owns some of its capital in association with other public entities; - an enterprise with a majority of public capital if the municipality owns the majority of the capital in association with private entities.

#### MUTUAL INSURANCE SOCIETY – (SOCIEDADE MÚTUA DE SEGUROS)

An insurance company composed by subscribers of insurance contracts; it has an initial fund and divides the revenue surplus, usually in the form of life insurance, among the policyholders.

#### NARRATIVE CERTIFICATE – (CERTIDÃO NARRATIVA)

A certificate that is an extract of the contents of an act.

#### NO DECISION NEEDED/NONSUIT – (IMPOSSIBILIDADE/INUTILIDADE SUPERVENIENTE DA LIDE)

Reason for closing a case or legal proceedings which occurs when one of the parties dies and no other individual expresses a wish to continue the proceedings, when the object of the proceedings ceases to exist or whenever, for any other reason, its continuation proves impossible or of no further practical use.

#### NON-CONTENTIOUS PROCEEDINGS – (PROCESSO GRACIOSO)

Type of procedure within the jurisdiction of the enforcement of sanctions court designed to grant conditional release, parole, a pardon or the commuting of a sentence.

#### NON-IMPUTABLE PERSONS – (INIMPUTABILIDADE)

Situation in which individuals cannot be held criminally responsible for their actions, either for reasons of age or because they are suffering from a psychiatric disorder. Minors under the age of 16 and those suffering from a psychiatric disorder which makes them unable, at the time of committing an act, to assess its illegality or to make decisions on the basis of this assessment, are considered to have criminal non-responsibility.

#### NULLITY – (NULIDADE)

Nullity is a legal concept signifying the inefficacy of a legal agreement which, due to serious flaw, does not have legal effects "ab initio". It may be invoked at any time by any interested party and be declared "ex-officio" by a court.

#### OBJECT OF A CASE – (OBJECTO DA ACÇÃO)

The matter or subject of a legal proceeding, also known as the substance or merits of a case. The circumstances under which the protection of the court or the legal benefits resulting from a protective order are requested.

#### OBJECT OF PROCEEDINGS – (OBJECTO DO PROCESSO)

Concept with the same meaning as that of object of a case.

#### OBJECTION BY DEFENDANT – (EMBARGO DE EXECUTADO)

A procedure open to the defendant to contest the right of the plaintiff, either impugning the feasibility of the action or alleging facts that in a declarative proceeding would be cause for exception. It takes the form of an objection to the initial plea in an enforcement action.

#### OBJECTION BY THIRD PARTY – (EMBARGO DE TERCEIRO)

A procedure used by the owner to defend the possession that has been damaged by a measure ordered by a court.

#### OBJECTION TO AN ADMINISTRATIVE ACT – (IMPUGNAÇÃO DE ACTO ADMINISTRATIVO)

A request for annulment, for a declaratory action to avoid an act, or for a declaration of the legal non-existence of an administrative act.

#### OBJECTION TO PROCEEDINGS – (OPOSIÇÃO À EXECUÇÃO)

Means of contesting proceedings, by appealing against them.

#### OBJECTION TO RULES OF PROCEDURE – (PROCESSO DE IMPUGNAÇÃO DE NORMAS)

Procedural means used to obtain a compulsory and generally enforceable declaration of the illegality of regulatory norms issued in the course of administrative duties by the organs of the regional or local public administration, by partnerships serving the public administration or by their concessionaries.

#### OBJECTION TO THE ATTACHMENT – (OPOSIÇÃO À PENHORA)

A specific form of incidental opposition by the subject of an execution to an illegal attachment.

#### OFFENDED PARTY – (OFENDIDO)

Is a person with interests that the incriminating law particularly wished to protect. He/she is considered a mere participant in the case, with no right to intervene in a criminal trial.

OFFICIAL DETERMINATION OF MATERNITY /PATERNITY – (AVERIGUAÇÃO OFICIOSA DA MATERNIDADE/PATERNIDADE)

An appropriate procedural means to determine the name of a person's mother and/or father, whenever the said parent is not specified on the birth certificate.

OPPOSITION AND OBJECTION (TO INVENTORY) – (OPOSIÇÃO E IMPUGNAÇÃO (AO INVENTÁRIO))

Those with an interest in the division of property, as well as the Ministry of Justice, may state their opposition to an inventory, object to the legitimacy of certain interests, allege the existence of others, object to the authority of the head of household and the claims he/she makes, or invoke any other dilatory plea such as litispendence or the court's lack of jurisdiction in the matter.

ORDER (IN TAX COURTS) – (MANDADO (NOS TRIBUNAIS TRIBUTÁRIOS))

Synonymous with ORDER (SUPREME ADMINISTRATIVE COURT).

ORDINARY ACTION – (ACÇÃO ORDINÁRIA)

(See ORDINARY CASE.)

ORDINARY APPEAL – (RECURSO ORDINÁRIO)

Appeal which is made before the matter becomes *res judicata*.

ORDINARY CRIMINAL PROCEEDINGS – (PROCESSO CRIME COMUM)

Normal form of criminal proceedings valid to all cases to which the special, summary or summary and fast procedures do not apply.

ORDINARY PROCEEDINGS – (PROCESSO ORDINÁRIO)

Common civil or labour proceedings used when the case value exceeds the ceiling set for the jurisdiction of the appeal courts.

PARDON – (INDULTO)

Act originating from the President of the Portuguese Republic granting a defendant, sentenced by the court, a whole or partial pardon of his/her sentence or its replacement with another penalty established by law.

PARENTAL RESPONSIBILITY – (PODER PATERNAL)

Legal situation consisting of certain functional rights and related obligations and which aims to ensure the health and safety of children, provide for them, supervise their upbringing, as well as representing them and administering their assets.

**PAROLE – (LIBERDADE CONDICIONAL)**

Release of an offender from serving the final part of a prison sentence, based on a social responsible behaviour, and compulsory for all prisoners serving terms of over six years when five-sixths of the sentence has been completed.

**PARTNERSHIP – (SOCIEDADE EM NOME COLECTIVO)**

A type of business organisation characterised by the partners' joint, personal and unlimited liability for debts after their net assets have been exhausted.

**PAYMENT OF ALLOWANCE – (REMISSÃO DE PENSÕES)**

Procedural issue establishing the rights resulting from a labour accident or professional illness, designed to ensure that the beneficiary of a pension covering labour accidents or professional illnesses receives the sum owing to him/her.

**PERPETRATOR – (AUTOR DO CRIME)**

A person who either commits an act, has it done through a third party or participates directly in its commission. Such may be done by agreement or in conjunction with another or other persons. Anyone who, with intent, incites another to commit an act, provided that the act is committed or has started to be committed.

**"PER SALTUM" APPEAL – (RECURSO "PER SALTUM")**

An appeal for a review, lodged directly with the Supreme Administrative Court, relating to the merit-based decision handed down by a district administrative court. For the "per saltum" appeal to be admissible, the value of the case in question must be greater than three million euros or indeterminable, the parties' claims may only raise questions of law and the case must not concern public functions, or public or private forms of social protection.

**PERSONAL INSOLVENCY AGREEMENT – (CONCORDATA PARTICULAR)**

A means placed at the disposal of an insolvent person who is not a company owner, to avoid declaring bankruptcy, provided that this is approved by a court.

**PERSONALITY RIGHTS – (DIREITOS DE PERSONALIDADE)**

These are subjective rights whose function in relation to personality is special, constituting the "minimum" necessary and essential to its contents.

**POLICE REPORT – (AUTO DE NOTÍCIA)**

A written document reporting an infraction mentioning the events that took place, the date, time and place and the circumstances in which it was committed, everything known about the perpetrators and victims and any known evidence, such as eye witnesses.

**PRELIMINARY MOTIONS DENIED - (INDEFERIMENTO LIMINAR)**

Act of a judge rejecting a petition or initial application due to the manifest inadmissibility of the case, an error in the proceedings, the fact that the time period for the case to be brought into court has expired, the court has no jurisdiction over the matter, or because there is a lack of legal personality, powers or legitimacy amongst the parties, thus leading to the cancellation or acquittal of the case.

**PRE-TRIAL DETENTION – (PRISÃO PREVENTIVA)**

Deprivation of liberty prior to a court sentence, mainly for procedural purposes, e.g. to prevent escape, disruption to the proceedings or the carrying on of criminal activity by the accused.

**PREVENTION OF NULLITY (NOTARIES) – (SUPRIMENTO DE NULIDADES (NOTARIADO))**

A way of correcting some nullities by meeting some requirements or formalities expressly provided for in the Notary Code.

**PREVENTIVE AND RESTRAINING ORDERS – (PROCESSO DE ACÇÃO CAUTELAR)**

See PROTECTIVE ORDER.

**PREVENTIVE PROCEEDINGS – (PROCESSO CAUTELAR)**

See RESTRAINING ORDER/*quia timet* injunction.

**PREVENTIVE SUPERVISION – (FISCALIZAÇÃO PREVENTIVA)**

Procedure that examines how closely a constitutional norm is being observed, and which is carried out before the respective legislative procedure has been completed.

**PRISON RIOT – (MOTIM DE PRESOS)**

It is a concerted action by inmates with a view to attacking someone charged with guarding and watching them; it also applies to those who aid the escape or the escape of others.

**PRISON SENTENCE – (PRISÃO)**

Main criminal sanction corresponding to the deprivation of liberty for a limited period of time with the aim of preventing future crimes and reintegrating the offender into society.

**PRIVATE LIMITED COMPANY – (SOCIEDADE POR QUOTAS)**



A type of business organisation characterised by capital divided into shares, by its liability in relation to third parties and by the joint liability of all members for payments owed to the company by other members if their shares are not fully paid up.

**PROFESSIONAL ILLNESS (PROCEEDING) – (DOENÇA PROFISSIONAL (ACÇÃO))**

Legal proceeding brought before a court following a work-related illness of slow, progressive evolution rendering the worker unfit for work or resulting in death.

**PROMISSORY NOTE – (LIVRANÇA)**

An instrument made out to order by which someone promises to pay to another, whose name must be indicated on the note, a certain sum on a certain date. Like the bills of exchange, promissory notes are enforceable orders.

**PROMOTION AND PROTECTION CASE – (PROCESSO DE PROMOÇÃO E PROTECÇÃO)**

A case aimed at promoting the rights of and protecting children and young people at risk in order to ensure their well-being and full development.

**PROTECTIVE ORDER/RESTRAINING ORDER – (PROVIDÊNCIA CAUTELAR/PROCEDIMENTO CAUTELAR)**

Legal procedure introduced prior to a court case or during its pendency, out of which it arises, destined to prevent or remove any danger resulting from any natural delay to which the main proceeding is subject.

**PROTEST – (PROTESTO)**

An official document essentially aimed at establishing proof of certain positive or negative facts which influence the exercise and progress of rights of exchange, mainly the non-acceptance or failure to pay a bill or other form of debt.

**PUBLIC DOMAIN (INSTITUTIONAL SENSE) – (DOMÍNIO PÚBLICO (ACEPÇÃO INSTITUCIONAL))**

A set of rules defining and regulating rights over public assets.

**PUBLIC DOMAIN (OBJECTIVE SENSE) – (DOMÍNIO PÚBLICO (ACEPÇÃO OBJECTIVA))**

A set of assets belonging to a state-owned legal person which are subjected by law, given their public utility, to a special legal regime characterised basically by their inability to be sold, in order to maintain their public utility feature.

**PUBLIC INCITEMENT TO CRIME – (INSTIGAÇÃO PÚBLICA DO CRIME)**

It occurs when someone at a public meeting, in the media, by circulation in writing or by some other technical means of reproduction provokes or incites the commission of a crime.

#### PUBLIC LEGAL PERSON – (PESSOA COLECTIVA DE DIREITO PÚBLICO)

All those that, besides the state, exist legally to pursue public interests and exercise powers of authority in their own name.

#### PUBLIC LIMITED SPORTS COMPANY – (SOCIEDADE ANÓNIMA DESPORTIVA)

A public limited company whose object is to participate in professional sports competitions, except for companies set up under Article 10 (constitution of sports companies outside professional competitions), the promotion and organisation of sports events and the development of activities related to the professional practice of sport.

#### PUBLIC PROSECUTION – (MINISTÉRIO PÚBLICO)

Organ of the state, integrated into the courts, which is autonomous, has its own statutes and is responsible for representing the state and other bodies to whom the state owes protection, carrying out public prosecutions and defending the democratic legality and the interests determined by law. Its activities are bound by the criteria of objectivity and legality. Its highest body is the Office of the General Prosecutor of the Portuguese Republic and its agents are the General-Prosecutor of the Republic, the Vice General-Prosecutor, the Assistant General-Prosecutors and the delegate General-Prosecutors who together constitute a magistracy similar to the judicial one.

#### PUBLIC WILL – (TESTAMENTO PÚBLICO)

Will drawn up by a notary public in the deed registration book in the presence of witnesses once all the formalities required by law are observed.

#### REAL PROPERTIES' REGISTRY – (REGISTO PREDIAL)

The property registry office publicises the legal status of properties to ensure the legality of the real estate trade.

#### RECIDIVISM – (REINCIDÊNCIA)

Situation in which the defendant, either alone or in some form of collaboration with others, intentionally commits a crime which carries a prison sentence, after having been given a *res judicata* sentence of a term of imprisonment which has been fully or partly served for a previous intentional crime, if the circumstances of the case reveal that the previous sentence or sentences were not sufficient to prevent the crime.

#### RECONCILIATION – (CONCILIAÇÃO)

An agreement between parties approved by a court as a result of a compulsory or optional attempt at reconciliation as determined by procedural law.

#### RECONCILIATION OF SEPARATED SPOUSES – (RECONCILIAÇÃO DOS CÔNJUGES SEPARADOS)

The reestablishment of the life together and the full exercise of the separated spouses' conjugal rights and duties. The reconciliation of separated spouses is based on an agreement stated by them and sanctioned by the registrar.

#### RECORDED CRIME

A crime identified by the police bodies or brought to their attention owing to a complaint.

#### REFERENCE TO THE SUPREME ADMINISTRATIVE COURT FOR A PRELIMINARY RULING – (REENVIO PREJUDICIAL PARA O SUPREMO TRIBUNAL ADMINISTRATIVO)

A way for a district administrative court to prompt the Supreme Administrative Court to hand down a binding decision, within three months, on a new legal question which has been posed, which raises serious difficulties and might arise in other litigation, where the presiding judge of the former has decided not to settle the question via an extended-bench judgment. The definitive decision (which may be rejected at a preliminary stage) by a panel of three of the most senior judges from the administrative litigation section of the Supreme Administrative Court, does not bind the higher court as to new rulings when referring the matter for interpretation or under appeal, where it deems that the requirements are not fulfilled to refer it for interpretation, or that the question is of limited relevance.

#### REGISTRATION – (REGISTO)

An administrative activity used to publicise certain acts or rights.

#### REGISTRATIONS (CIVIL REGISTRY) – (AVERBAMENTOS (REGISTO CIVIL))

A record of the changes occurring in the information entries.

#### REGISTRY OFFICE – (CONSERVATÓRIA)

A body answering to the Ministry of Justice through the Directorate General of Registrars and Notaries. The most common registry offices are the central registry, other registries, their delegations and the civil registry offices.

#### REJECTION (OF INDICTMENT) – REJEIÇÃO (DA CONDENAÇÃO)

The court's refusal of the indictment whenever the judge considers it a manifestly unfounded charge, either because it does not contain the defendant's identification, does not comprise a description of the facts, does not encompass the legal provisions applicable or the evidence sustaining it, or because the described facts do not, in themselves, constitute a crime.

#### RELIGIOUS LEGAL PERSON – (PESSOA COLECTIVA RELIGIOSA)

All those set up by ecclesiastic authority in accordance with canon law and the Concordat between Portugal and the Holy See, with legal personality recognised under civil law.

**RENT – (RENDA)**

A periodical payment that a tenant (in a lease contract) is obliged to make to a landlord.

**REPLACEMENT OF CONSENT BY INCOMPETENT OR ABSENT PERSON – (SUPRIMENTO DO CONSENTIMENTO DE INCAPAZ OU AUSENTE)**

Replacement of the consent required for the validity and effect of certain acts in cases in which the person who has the legitimate right to give it refuses to do so.

**REPRESENTATION OF INTERNATIONAL LEGAL PERSON – (REPRESENTAÇÃO DE PESSOA COLECTIVA INTERNACIONAL)**

A natural or legal person representing, in Portugal, a legal person set up under an international source of law.

**RESPONDENT – (RECORRIDO)**

The name given to the party opposed to the one lodging an appeal, i.e. the person against whom the appeal is lodged.

**RESTITUTION IN COMPLIANCE – (DAÇÃO EM CUMPRIMENTO)**

A way of extinguishing an obligation by providing an asset other than that which was owed.

**RESTRAINING PROTECTIVE ORDER – (PROCESSO CAUTELAR DE INIBIÇÃO)**

A restraining protective procedure or order, either preliminary or arising out of a lawsuit, aimed at suspending parental responsibility and place the minor in a foster home if it is established, in a summary inquiry, that the defendants are incapable of caring for their children.

**RESTRICTIVE ADOPTION – (ADOPÇÃO RESTRITA)**

Restrictive adoption bestows only the rights and duties as expressly defined by law. It does not remove the adoptee from his/her biological family, in relation to which he/she maintains all rights and duties. Restrictive adoption can be converted into full adoption at any time at the request of the adopters, provided that all the requirements are met.

**REVIEW – (REVISÃO)**

Extraordinary appeal against a *res judicata* decision, based on the fact that the judgemental proceedings were defective in one or more ways expressly defined in the appropriate procedural law.

#### REVIEW OF PENSION OR DISABILITY ALLOWANCE – (RE ISÃO DA INCAPACIDADE OU PENSÃO)

Procedure designed to increase, reduce or cancel any pension due to a victim of a labour accident, when a change in his/her earning capacity has been verified through a worsening, recurrence, relapse or improvement in the injury or illness for which compensation was awarded.

#### REVISION – (REVISTA)

Appeal lodged with the Supreme Court of Justice against an appeal decision made in an appellate review when the merits of the case are known to have had a specific basis in a violation of substantive law that may have consisted in an error of interpretation or application or in an error in determining the applicable norm. Additionally, any reason for declaring the decision null and void may also be alleged.

#### RIOT – (MOTIM)

It is a disturbance of public order caused by people who, in a concerted manner, commit acts of violence against people or cause damage to property.

#### ROGATORY LETTER – (DEPRECADA)

A request for a judicial act from an authority or court to another authority or court when the act must be performed by a court outside the territorial limits of the requesting court's or authority's jurisdiction.

#### RURAL PROPERTY (CIVIL CODE) – (PRÉDIO RÚSTICO (CÓDIGO CIVIL))

A delimited piece of land as well as the constructions on it w are not economically independent.

#### SALE CONTRACT – (CONTRATO DE COMPRA E VENDA)

This is an effective contract by which the ownership of a good or another right is transferred for a price. In addition to this essential effect of a contract, which is the transfer of ownership of a right, sale and purchase also involve other obligations for the parties: the obligation to hand over the good and the obligation to pay the price. The purchase and sale of property must be done by public deed.

#### SANCTION RELATIVELY UNDETERMINED – (PENA RELATIVAMENTE INDETERMINADA)

Punishment applied to an individual who has committed an intentional crime, and who should receive, in real terms, a prison sentence of over two years if he/she has already committed two or more intentional crimes previously punished by sentences of over two years and when, on the basis of an assessment of the facts and of the character of the author of the crime, a marked inclination to commit illegal criminal acts is revealed.

#### SCRUTINY AND GRADING OF CREDITS (CIVIL CASES) – (VERIFICAÇÃO E GRADUAÇÃO DE CRÉDITOS (NO PROCESSO CIVIL))

After the attachment has been carried out and the certificate of rights, encumbrance or charges has been joined, if necessary, the creditors defined in Article 964 of the Code of Civil Procedure are called so that their credits can be scrutinised and graded and then paid with the product of the sale of the attached goods.

#### SECURITY MEASURE – (MEDIDA DE SEGURANÇA)

Measure designed to prevent future delinquency based on the assumption that there is a criminal threat.

#### SECURITY PROCEDURE – (PROCESSO DE SEGURANÇA)

Type of procedure within the jurisdiction of the enforcement of sanctions courts used when it is necessary to apply security measures that must not be imposed, in criminal proceedings, in addition to a crime penalty or because the author of the crime cannot be held legally responsible for his/her actions.

#### SEIZURE – (ARRESTO)

A preventive measure consisting of a judicial seizure of a debtor's property whenever the creditor rightly fears losing the patrimonial guarantee on his credit.

#### SEMI-DETENTION – (SEMIDETENÇÃO)

Prison sentence which deprives the offender of his/her liberty for periods of time strictly limited to the exercise of his/her normal professional activities, professional training or study.

#### SEPARATION OF SPOUSES AND PROPERTY – (SEPARAÇÃO DE PESSOAS E BENS)

Alteration in the marital status affecting personal and property relationships between a couple, without actually dissolving the marriage. All obligations with regard to cohabitation and support are cancelled. The effect on property is the same as that which results from the dissolution of a marriage. Separation may end either with a reconciliation between the spouses or with the ending of the marriage (on the death of one of the spouses or the conversion from separation to divorce). It may be decreed by law or by mutual consent.

#### SHARE CAPITAL (COMMERCIAL LAW) – (CAPITAL SOCIAL (DIREITO COMERCIAL))

A part of a company's articles of association consisting of the value in legal tender of the members' contributions to the company's activity.

#### SIGNED AND WITNESSED WILL – (TESTAMENTO CERRADO)

Will written and signed by the testator or another person appointed by him/her, or written by another person appointed by the testator and signed by him/her. Must be approved and registered by a notary and may, if the testator so wishes, be deposited in the notary office.

SINGLE COURT (CRIMINAL PROCEEDINGS) – (TRIBUNAL SINGULAR (PROCESSO CRIME))

Court consisting of only one judge with jurisdiction to try less serious crimes which, in general, carry a penalty of up to five years' imprisonment.

SINGLE-MEMBER PRIVATE LIMITED COMPANY – (SOCIEDADE UNIPESSOAL POR QUOTAS)

A company with a single member, a natural or legal person, who owns all the share capital.

SOCIAL WORKER'S REPORT – (RELATÓRIO SOCIAL)

Document written by the social service's rehabilitation department which aims to help the court understand the personality of the accused and possibly of the victim, including their family and social-professional background.

SOLE TRADER – (COMERCIANTE INDIVIDUAL)

A person whose regular occupation is trading for profit on his/her own account.

SOLE TRADER – (EMPRESÁRIO EM NOME INDIVIDUAL)

A person who normally carries on an organised, non-commercial economic activity on his/her own account for profit. It does not include the liberal professions.

SOLICITOR – (SOLICITADOR)

Professional who is a member of the Chamber of Solicitors and is, in general terms, responsible for assisting lawyers in their work in the courts or elsewhere and in practicing as a solicitor.

SPECIAL ADMINISTRATIVE ACTION – (ACÇÃO ADMINISTRATIVA ESPECIAL)

A form of special proceedings, owing to their relationship with ordinary administrative actions, under the terms of the exclusion mechanism.

SPECIAL DEROGATION OF BANKING SECRECY – (PROCESSO ESPECIAL DE DERROGAÇÃO DO SIGILO BANCÁRIO)

An urgent device enabling the tax authorities to gain direct access to bank information relating to family members of the taxpayer, or third parties with links to the latter, or via which the taxpayer appeals against a tax decision (taken under Article 63-B of the General Taxation Act, which provides for direct access to bank information relating to the individual).

SPECIAL ENFORCEMENT ACTION – (ACÇÃO EXECUTIVA ESPECIAL)

See special execution.

SPECIAL ENFORCEMENT PROCEDURE – (PROCESSO EXECUTIVO ESPECIAL)

See special execution.

SPECIAL EXECUTION – (EXECUÇÃO ESPECIAL)

An enforcement which follows specific formalities and only subsidiarily the provisions of common procedure.

SPECIAL GUARDIAN – (CURADOR ESPECIAL)

Representative of an incapacitated person appointed to represent him/her in a particular proceeding.

STAY OF PROCEEDINGS – (SUSPENSÃO PROVISÓRIA DO PROCESSO)

A faculty granted by the Ministry of Justice by which, having verified the legal assumptions and with the agreement of the judge appointed to hear the case, no charges are pressed and the proceedings are suspended for a period of no more than two years, with the defendant bound by any appropriate measures or rules of behaviour as established in law.

SUBSTITUTE FOR IMPRISONMENT – (PRISÃO SUBSTITUÍDA)

A prison sentence not exceeding that allowed by law is replaced by a fine or some other applicable non-custodial penalty, except if imprisonment is required in order to prevent the commission of further offences.

SUMMARY AND FAST PROCEEDINGS – (ACÇÃO SUMARÍSSIMA)

See SUMMARY AND FAST PROCEDURE.

SUMMARY AND FAST PROCEEDINGS – (PROCESSO SUMARÍSSIMO)

Common type of civil law procedure which can be used in cases that do not exceed half the value of the county appellate jurisdiction, provided that the pecuniary obligations, the compensation for damages or the delivery of tangible goods are fulfilled. A type of enforcement procedure based on decisions delivered in summary and fast proceedings. Special type of criminal procedure used in the judgement of public and semi-public crimes carrying a prison sentence of no more than six months and a fine, or with only a fine if the Public Prosecutor requests it on the understanding that the penalty of a fine or non-detention security measure should be concretely applied with the agreement of both the defendant and the judge.

SUMMARY PROCEEDINGS – (ACÇÃO SUMÁRIA)

See SUMMARY PROCEDURE.



#### SUMMARY PROCEEDINGS – (PROCESSO SUMÁRIO)

It is a common type of labour law procedure used when the case value does not exceed that of the appeal courts. Common type of civil law procedure which can be used in cases exceeding half the value of the county appeal court jurisdiction and also in cases representing less than half this value and which do not involve any of the specific purposes of summary proceedings. Special form of criminal proceedings used for adults over 18 arrested in the act of committing a crime punishable by a maximum prison sentence of no more than three years and when the arrest was carried out by a judicial authority or member of the police force and the hearing begins within a maximum of 48 hours or, in exceptional cases, five days after the arrest.

#### SUMMONS – (NOTIFICAÇÃO)

A means used to order people to appear in court or to inform them of certain events, except in cases in which a subpoena is used.

#### SUSPECT – (SUSPEITO)

Any individual against whom there is sufficient evidence that he/she has committed or is preparing to commit a criminal act or that he/she has already taken part in one or is preparing to take part in one.

#### SUSPENDED IMPRISONMENT – (PRISÃO SUSPENSIVA)

A court suspends a prison sentence no longer than the limit allowed by law in view of the personality of the perpetrator, his/her circumstances, his/her conduct before and after the crime and the circumstances of the crime, if it concludes that a mere reprimand and the threat of imprisonment appropriately and adequately serve the purpose of the punishment. If it deems it appropriate to the purpose of punishment, the court may subject the suspension of the prison sentence to the fulfilment of duties or rules of behaviour or may consider that the suspension is to be followed by parole.

#### TERRORIST ORGANISATION (NATIONAL) – (ORGANIZAÇÃO TERRORISTA (NACIONAL))

Any grouping of two or more people who act jointly to prejudice national integrity and independence, prevent, alter or subvert the functioning of Portuguese state institutions set forth in the Constitution, force public authorities to perform an act, abstain from an act or allow an act to be performed, or intimidate certain people, a group of people or the general population by committing crimes against people's lives, physical integrity or freedom, the safety of transports and communications, and of common danger, among others.

#### THIRD PARTY OBJECTION – (OPOSIÇÃO DE TERCEIRO)

Extraordinary appeal against a final decision submitted by a third party in the proceedings, on the grounds of procedural simulation.

#### TRADING IN INFLUENCE – (TRÁFICO DE INFLUÊNCIAS)

This is when someone personally or through others, with their consent or approval, requests or accepts, for himself/herself or for a third party, any kind of advantage or a promise thereof to abuse their real or supposed influence with any public entity.

#### TRAINEE LAWYER – (ADVOGADO ESTAGIÁRIO)

People with law degrees who wish to become lawyers enroll with the Portuguese Bar Association for the purpose and serve an 18-month internship. During this period they are called trainee lawyers being their competences defined in the statutes of the Portuguese Bar Association.

#### TRANSACTION – (TRANSACÇÃO)

Agreement between parties to modify their claim or put an end to the case under the exact terms agreed upon.

#### TRANSFER OF OWNERSHIP – (ALIENAÇÃO)

Transmission of the right of ownership of a good or another right of possession that encumbers it (partial transfer of ownership).

#### TRIAL – (JULGAMENTO)

Procedural phase aimed at reaching a final decision on the object of a lawsuit, cumulating in a sentence or judgement. The trial is said to be substantive when the decision recognises the merits of the case.

#### TRIAL BY ONE JUDGE – (SINGULARIZAÇÃO DO JULGAMENTO)

On the recommendation of the Ministry of Justice and with regard to cases involving the concrete application of a prison sentence or security measure aimed at depriving an individual of his/her liberty for no more than three years, this involves removing from the jurisdiction of the collegiate court to a single judge court, the hearing and sentencing of intentional or aggravated crimes which involve the death of an individual, and crimes punishable by a maximum sentence of three years imprisonment.

#### TUTORIAL EDUCATIONAL CASE – (PROCESSO TUTELAR EDUCATIVO)

A case that applies educational tutelary measures to a minor aged between 12 and 16 years who has committed a crime.

#### UNCONVENTIONAL ENTERPRISE – (SOCIEDADE IRREGULAR)

An enterprise set up without observing any legal rules regarding its constitution.

#### UNION OF COOPERATIVES – (UNIÃO DE COOPERATIVAS)

A grouping of at least two first-degree cooperatives.

#### UNJUST ENRICHMENT – (ENRIQUECIMENTO SEM CAUSA)

Enrichment of a person directly related to the impoverishment of another, when the imbalance between assets is not justified by a legal reason, although the event or act leading to the enrichment may not be illegal. The enriched person is obliged to return all that which he/she unfairly acquired or, if restitution in kind is not possible, the corresponding value.

#### UNLIMITED LIABILITY COOPERATIVE – (COOPERATIVA DE RESPONSABILIDADE ILIMITADA)

A type of cooperative in which the members' liability is unlimited and not restricted to the amount of share capital subscribed.

#### URBAN PROPERTY (CIVIL CODE) – (PRÉDIO URBANO (CÓDIGO CIVIL))

Any building and grounds incorporated on the land.

#### URGENT PROCEEDINGS (IN ADMINISTRATIVE LITIGATION) – (PROCESSO URGENTE (NO CONTENCIOSO ADMINISTRATIVO))

Proceedings aimed at providing private individuals with faster legal protection, and which is one of several urgent forms of objection (electoral suspension or pre-contractual suspension) and of subpoena (urgent order cases which can be aimed at ensuring either that the administration take material steps, or the practice of administrative acts).

#### VALUE OF ASSETS IN INVENTORY – (VALOR DOS BENS INVENTARIADOS)

Value of the assets in an inventory which is set at the time their partition is formally drawn up, when appropriate, or when the assets are detailed and evaluated.

#### VEHICLE REGISTRATION – (REGISTO AUTOMÓVEL)

Vehicle registration is responsible for publicising the rights inherent to motor vehicles bearing in mind the safety of the legal commerce and particularly the individualisation of their owners.

#### WILL – (TESTAMENTO)

A unilateral and revocable act by which an individual disposes of all or part of his/her property after death.

#### WORKS CONTRACT – (EMPREITADA)

A contract by which one of the parties undertakes to carry out for another a certain work in return for a price.

WRIT (ADMINISTRATIVE SUPREME COURT) – (MANDADO (SUPREMO TRIBUNAL ADMINISTRATIVO))

Instrument issued in the name of the judge and signed by an administrative official ordering procedural acts to be carried out within the territorial limits of the jurisdiction of the court which has applied for it.