

LISBON
AV. PRAIA DA VITÓRIA, Nº 5 1º
1000-245 LISBOA PORTUGAL
TEL: (+351) 21 319 1290
FAX: (+351) 21 352 7619
N.DEROUEMONT@NDR.PT



UNLICENSED CONSTRUCTION: AMENDMENTS TO THE PORTUGUESE PENAL CODE

On 2nd September 2010 Law no. 32/2010 was enacted, determining what type of construction works can be punishable under the Portuguese Penal Code.

It is important to note that this Law will only come in force 180 (one hundred and eighty) days after its publication and it represents relevant changes to the previous regime.

In this view, it should be noted the introduction of a new Article 278 in the Portuguese Penal Code, which now sets out that whoever undertakes construction works, reconstruction or extensions to property that located on a public road, Ecological National Reserve, National Agricultural Reserve, public asset or land specially protected by legal regulations, and that is aware of the non compliance of his/her actions with the legislation in force, can be punished with imprisonment up to 3 (three) years or a fine.

On the other hand, paragraph 2 of the same article excludes from this regime construction works deemed of minor urbanistic relevance. It is necessary to complement this number with Article 6-A of Decree Law 559/99 of 16th December, that specifies which type of construction is deemed to be of minor urbanistic relevance.

It is also stated in this new article that the court may order the demolition of the works or that the property is brought to its original state, at the expense of the person that has undertaken the works.

In relation to the crimes that may be committed by public servants it a new article has been enacted, setting out a maximum 3 (year) imprisonment to the civil servant that renders a favourable decision to a licensing process or gives false information regarding applicable laws and regulations, being aware of the non compliance with the legislation in force. The imprisonment penalty will be more severe if the licensing matter is related with a public road, Ecological National Reserve, National Agricultural Reserve, public asset or land specially protected by legal regulations.

Inês Falcão Rovisco

Neville de Rougemont & Associados R.L.

LISBON
Avenida Praia da Vitória, Nº 5, 1º - 1000-245 Lisboa Portugal
Tel: 213 191 290 Fax: 213 527 619 E-mail: n.derougemont@ndr.pt

UNITED KINGDOM
Greentree, Ascot Road, Holyport, Berks SL6 2JB, United Kingdom
Tel: +44 (0) 1628778566 Fax: +44 (0) 1628778399 E-mail: ndr@nevillederougemont.com

ALGARVE
Rua do Norte No. 6, 8000-399 Faro, Portugal
Tel: +351 289 895 420 Fax: +351 289895429 E-mail: algarve@ndr.pt

CAPE VERDE
Po Box 138, Ed. Garantia, 1º F, Av. Amílcar Cabral, Santa Maria, Sal, Cabo Verde
Tel: +238 2422061 Fax: +238 2421262 E-mail: capeverde@ndr.pt



LISBON

Avenida Praia da Vitória, Nº 5, 1º - 1000-245 Lisboa Portugal
Tel: 213 191 290 Fax: 213 527 619 E-mail: n.derougemont@ndr.pt

UNITED KINGDOM

Greentree, Ascot Road, Holyport, Berks SL6 2JB, United Kingdom
Tel: +44 (0) 1628778566 Fax: +44 (0) 1628778399 E-mail: ndr@nevillederougemont.com

ALGARVE

Rua do Norte No. 6, 8000-399 Faro, Portugal
Tel: +351 289 895 420 Fax: +351 289895429 E-mail: algarve@ndr.pt

CAPE VERDE

Po Box 138, Ed. Garantia, 1º F, Av. Amílcar Cabral, Santa Maria, Sal, Cabo Verde
Tel: +238 2422061 Fax: +238 2421262 E-mail: capeverde@ndr.pt