



Portugal

## Registering and searching for wills

→ What are the principal forms of will in Portugal?

- \* the **authentic will (or “public will”)**, drawn up by a civil law notary.
- \* the **closed will**, written by the testator or by a third party. A closed will must be approved by the civil law notary.
- \* the **international will**, signed before two witnesses and a civil law notary.

→ Does a register of will exist in Portugal?

**Yes**, there is a register, administered by the Ministry of Justice. It is not computerized. The Portuguese Notariat is currently creating its own register of wills which shall be computerized.

### I. The registration of a will

→ Why register a will?

The civil law notary must register the wills which he is cognizant of in the register. However, **a will which is not found is deemed to be a non-existent will.**

#### **N.B.**

These questions and answers constitute a general source of information, up to date as of March 19, 2010. In the event of a particular difficulty, consult a civil law notary.



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This is why **the recording of the will in the register is mandatory**. In this way, the testator can be sure that his last wishes will be found and therefore respected following his death.

### → Who can carry out the registration?

The civil law notary carries out the registration of wills. In effect, all forms of will require the involvement of a notary, to draw up the deed or to approve it.

**It is not the content of the will which is registered in the register but the information which enables the will to be found.**

### → Who keeps the will?

The civil law notary is in charge of keeping the authentic, international and closed wills confided to him by the testator.

### → Can the testator's family members consult the register while he is still alive?

No, the existence of a will and its content shall remain a secret during the entire life of the testator.

### → How much does it cost to register a will?

Registration of wills is free of charge.

## II. The search for the wills

### **N.B.**

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→ Who may query the register of wills?

Upon the death of the testator, the deceased's family may query the register of wills themselves or through a law professional (civil law notary, judge, lawyer). **This query is not mandatory but it is however recommended** in order to ensure that the last wishes of the testator are respected.

→ Is it necessary to provide a death certificate?

Yes, the testator's family must provide a death certificate in order to be able to carry out a search. This measure enables to ensure that the existence of the will remains secret during the testator's life.

→ How much does a search cost?

Search queries made orally to the notary are free of charge but the issuance of document taken from the register costs 23 €.

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