



Portugal

Registering and searching for wills

→ What are the principal forms of will in Portugal?

- * the **public will**, drawn up by a civil law notary.
- * the **closed will**, written by the testator or by a third party at his/her request. A closed will must be approved by the civil law notary and may, at the testator's request, be deposited at the notary's office through the public instrument of deposit.
- * 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 (Central Registry Office). It is not computerized.

N.B.

These questions and answers constitute a general source of information, up to date as of January 1, 2022. In the event of a particular difficulty, consult a civil law notary. Pratical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





Portugal

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 in the Notarial Offices is deemed to be a non-existent will.**

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 public, international and closed wills confided to him by the testator.

N.B.

These questions and answers constitute a general source of information, up to date as of January 1, 2022. In the event of a particular difficulty, consult a civil law notary. Pratical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





Portugal

→ 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.

N.B.

These questions and answers constitute a general source of information, up to date as of January 1, 2022. In the event of a particular difficulty, consult a civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





Portugal

II. The search for the wills

→ 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 consultation with the central registers costs 25 €. The collection of the document from the notary with the respective registration costs around 50 €.

N.B.

These questions and answers constitute a general source of information, up to date as of January 1, 2022. In the event of a particular difficulty, consult a civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.

