

MOZAMBIQUE

AMENDMENTS TO THE CIVIL CODE

VdA EXPERTISE



August 2021

Decree-Law No. 2/2021, of 9 August - Amends articles 377, 714, 875 and 1143 of the Civil Code, approved by Decree-Law No. 47344, of 25 November 1966.

On August 9, 2021, the Decree-Law No. 2/2021 was published, introducing amendments to articles 377, 714, 875, and 1143 of the Civil Code, approved by Decree-Law No. 47344, of November 25, 1966. This Decree-Law introduces and recognizes a new form for mortgage, purchase and sale and loan agreements, now admitting their execution by reference to a contract model approved by a competent authority. In this sense:

- a) A new paragraph has been included in article 377 of the Civil Code, determining that the notarization (reconhecimento notarial) of signatures on mortgage, purchase and sale and loan agreements executed by reference to contract models approved by a competent authority, grants to the documents the value of an authentic act;
- b) Under the new wording of article 714 of the Civil Code, the act of constitution or modification of a voluntary mortgage, when it concerns real estate property, may, in addition to the public deed and the will, be made by reference to contract models approved by a competent authority. When executed by means of a contract model approved by a competent authority, the notarization (reconhecimento notarial) of signatures will grant to the document the value of an authentic act;
- c) Under the article 875, in addition to the public deed, contracts for the purchase and sale of immovable property can now be entered into by means of a contract model approved by a competent authority, in which case the notarization (reconhecimento notarial) of signatures will grant to the document the value of an authentic act;
- d) Regarding the formalities of the loan agreement of any value, the same is valid if contained in a private document or in a contract model approved by the competent authority, duly notarized, under the terms of the Notarial Code.

These amendments aim to promote the debureaucratization, flexibility and simplification of procedures and align the substantive rules to the registration rules of the Real Estate Registry Code, approved by Decree-Law No. 2/2018, of August 23, namely by facilitating the recourse to the one stop shop (Balcões de Atendimento Único).

Contacts



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