



BULLETIN OF THE REPUBLIC

OFFICIAL PUBLICATION OF THE REPUBLIC OF MOZAMBIQUE

NATIONAL PRESS OF MOZAMBIQUE, E. P.

NOTICE

The material to be published in the "Bulletin of the Republic" must be sent in a duly certified copy, one for each subject, containing, in addition to the necessary information for this purpose, the following annotation, signed and certified: **For publication in the "Bulletin of the Republic".**

SUMMARY

Assembly of the Republic:

Law No. 12/2018:

Law Revising the Civil Registry Code.

ASSEMBLY OF THE REPUBLIC

Law No. 12/2018
of December 4

Given the need to revise the Civil Registry Code with a view to simplifying and modernizing registration procedures through the introduction of an Electronic Civil Registry and Vital Statistics System, in line with the introduction of the Unique Citizen Identification Number, pursuant to Article 179(1) of the Constitution of the Republic, the Assembly of the Republic hereby determines:

ARTICLE 1

(Electronic Civil Registration and Vital Statistics System)

1. The Civil Registration and Vital Statistics System, abbreviated as SIRCEV, is hereby created.
2. E-SIRCEV is the set of processes through which all facts subject to civil registration are recorded, with a view to creating a citizen database that enables the effective collection of statistical information and interoperability with other systems, using information and communication technologies.

ARTICLE 2

(Scope and objectives)

1. The e-SIRCEV applies to all facts subject to civil registration

2. e-SIRCEV aims to:

- a) the operationalization of the Unique Citizen Identification Number, abbreviated as NUIC;
- b) the creation and maintenance of a citizen database;
- c) the notification of births, deaths, and other vital events by electronic means;
- d) the creation of mechanisms for interoperability with other sectors.

ARTICLE 3

(Organization of the System)

1. The e-SIRCEV operates throughout the national territory.
2. E-SIRCEV is part of the National Directorate of Registries and Notaries and has the following implementation units:
 - a) Provincial Directorates that oversee the area of Justice – with coordination and implementation functions in each province;
 - b) Civil Registry Offices – with the function of executing and administering registration operations.

ARTICLE 4

(Conversion of existing records)

1. Records prior to the entry into force of e-SIRCEV are integrated into the System through faithful digitization and in accordance with the books contained therein.
2. The digitization of existing records, as well as the destination of the converted books, shall be regulated by the Minister who oversees the area of Justice.

ARTICLE 5

(Preservation of books and other documents)

1. All books, documents, or forms of documentation and physical records must be properly preserved by the respective Registry Office so that citizens may, if they wish, consult them to verify their consistency with the electronic record.
2. The books, documents, or forms of documentation and physical records must remain unchanged, serving as evidence in the event of a contradiction with the electronic record.

ARTICLE 6

(Amendment to the Civil Registration Code)

Articles 1, 18, 19, 24, 25, 42, 48, 67, 73, 76, 117, 127, 162, 242, 244, 273, 278, 280, 288, 371, and 372 of the

Civil Registration Code, approved by Law No. 12/2004, of December 8, which shall now read as follows:

“ARTICLE 1

(Purpose and mandatory nature of registration)

1. The purpose of civil registration is to record the following facts:

- a) [...]
- b) [...]
- c) [...]
- d) [...]
- e) [...]
- f) [...]
- g) [...]
- h) [...]
- i) [...]
- j) [...]
- k) [...]
- l) [...]

1A. Civil registration is mandatory.

ARTICLE 18

(Registry books)

1. [...]

- a) [Repealed]
- b) [...]
- c) [Repealed]
- d) [...]
- e) [...]
- f) [...]
- g) [...]
- h) [...]
- i) [...]
- j) [...]
- k) [...]

2. Birth and death records are replaced by electronic records.

3. Whenever justified by the registry's operations, the Registrar may authorize the division of the books referred to in subparagraphs *b*) and *d*) of paragraph 1 of this article into two volumes.

4. The books referred to in paragraph 1 of this article and other acts subject to registration shall be gradually replaced by electronic records, without prejudice to the need to preserve them for consultation and verification in the event of a contradiction with the electronic record.

5. For the purposes of paragraph 3 of this article, each Registry shall be responsible for electronic registration and shall subsequently forward it to the Central Registry Services for the appropriate purposes.

ARTICLE 19

(Central Registry Office Books)

1. [...]

- a) [Repealed]
- b) [...]
- c) [Repealed]
- d) [...]
- e) [...]
- f) [...]
- g) [...]

2. Birth, death, marriage, and other records subject to registration are replaced by electronic entries or electronic records.

3. The register referred to in paragraph 1(*d*) of this article is divided according to the type of entries it contains.

4. The other books may be unfolded in accordance with the needs of the service, subject to authorization by the respective Registrar.

ARTICLE 24

(Alphabetical index and onomastic entries)

- 1. [...]
- 2. [...]
- 3. The organization of the index of birth records into separate volumes is mandatory until they are entered into the System.
- 4. [...]

ARTICLE 25

(Extract books)

- 1. [Repealed]
- 2. [...]
- 3. [...]

ARTICLE 42

(Files and documents)

1. The processes and documents that serve as the basis for making records or that relate to them are filed in annual bundles, according to their type, or electronically, in order to prevent their deterioration and facilitate searches, after the number and date of the corresponding record have been noted on them.

- 2. [...]
- 3. [...]
- 4. [...]

ARTICLE 48

(Identification of the declarant)

1. Declarants shall be identified in the text of the entries in which they appear by stating their full name, marital status, and usual place of residence.

- 2. [...]

ARTICLE 67

(General requirements)

- 1.
 - a) the serial number, the day, month, and year in which they are drawn up, the name of the department, and the NUIC, if any;
 - b) [...]
 - c) the name and category of the official who draws them up and/or signs them;
 - d) [...]

- 2. [...]

ARTICLE 73

(Order of priority and numbering)

1. Entries, except for marriages and electronic entries, are made in the order in which they are recorded in the Journal.

2. Until they are drawn up in electronic format, which is numbered sequentially, entries of each type shall have an annual order number, starting on January 1.

3. Exceptions to the provisions of paragraph 2 of this article are entries for adoption, emancipation, guardianship, curatorship, administration of property and weddings, in which the numbering, in chronological order, is done until the end of each book.

ARTICLE 76

(Signatures)

1. Entries shall be signed immediately after reading, first by the parties involved in the registration, if they know how and are able to do so, then by the witnesses, if any, by the official who drew them up, and finally by the Registrar.

2. [...]

3. [...]

4. Documents drawn up in electronic form shall bear the digital signature of the Registrar, in accordance with the law.

5. All electronic signatures affixed must comply with the legal standards and requirements imposed by law, under penalty of being considered invalid and of no effect.

ARTICLE 117

(Integration of corrections into the text of the entry)

1. [...]

2. [...]

3. [...]

4. In the case of entries made in electronic format, any corrections made to them are integrated directly into the entry after the legal formalities have been observed.

5. The corrected facts are stored in an electronic file for consultation or issuance of a full certificate when requested by the interested parties.

6. The correction referred to in paragraph 4 of this article may be requested at any civil registry office.

ARTICLE 127

(Special mentions)

1. [...]

a) [...]

b) the province, district, administrative post, locality, neighborhood, and health unit of the place of birth, with a mention of whether it occurred at home or at a location other than the health unit;

c) the type of delivery and birth, assistance during delivery, sex of the registrant, weight and height at birth;

d) the first name and family names that belong to them, as well as the name of the person with whom the registrant lives;

e) the full names of the parents, age, marital status, place of birth, nationality, occupation, level of education completed, place of residence, contact details, and NUIC, if assigned;

f) [...]

g) [...]

2. [...]

3. [...]

4. [...]

ARTICLE 162

(New birth certificate)

1. The establishment of filiation, the consequent change of name, the names of grandparents, adoption, and the marriage of parents may be included in the text of the birth certificate to which they have been added, at the verbal request of the interested parties or their legal representatives, by means of a new birth certificate drawn up in electronic format.

2. [...]

3. [...]

ARTICLE 242

(Special mentions)

1. [...]

a) the time, date, and place of death or discovery of the body and the source of this information;

b) the full name, sex, race, age, marital status, place of birth, nationality, occupation, level of education completed, and last usual place of residence;

c) the cause of death or the probable circumstances in the case of unnatural death;

d) [...]

e) the full name of the spouse if the deceased was married, as well as the respective property regime;

f) mention of the existence of heirs for whom an inventory or guardianship of property and will is required.

g) [...]

2. Where possible, in addition to the above requirements, the record should also mention whether:

a) the death occurred during pregnancy, childbirth, or abortion;

b) the death occurred after childbirth up to 42 days;

c) death occurred between 43 days and 1 year after delivery;

d) it is unknown whether she was pregnant in the last year.

3. In the case of deaths of children under 1 year of age, whenever possible, the following should also be mentioned:

a) the age, nationality, level of education completed, and occupation of the mother;

b) the number of live births and stillbirths of the mother;

c) whether the death occurred during or after childbirth; the type of pregnancy and delivery, and the weight of the fetus.

4. In the margin of the record, reference should be made to any existing records of the birth of the person whose death is being recorded and of their marriage if they died while married.

5. The provisions of paragraphs 2, 3, and 4 of Article 127 of this Code shall apply to the death record, and the information referred to therein shall relate to the deceased.

6. In order to register the death, it is essential to provide the necessary information to identify the deceased. The Registrar is responsible for recording this information, either by annotation or reference, when the data has not been obtained at the time of registration.

ARTICLE 244

(Deposit of medical certificate of fetal death)

1. Whenever a fetal death occurs at 22 weeks of gestation or more, the respective medical certificate must be presented and deposited at the competent civil registry office for the purposes of filing and registration in the general file and in the electronic system.

2. [Repealed]

3. The deposit must contain the following elements:

- a) the sex and weight of the fetus;
- b) the probable duration of the pregnancy, expressed in weeks or months, whether the pregnancy is high-risk or not, and the type of delivery;
- c) full name, place of birth, age, nationality, occupation, number of live births and stillbirths, level of education completed, and usual residence of the mother; if married, the name of her husband;
- d) [...]
- e) [...]

4. [...]

5. [...]

ARTICLE 273

(Normal means)

Facts subject to registration, as well as the civil status of persons, shall be proven, as appropriate, by means of a Certificate, Bulletin, or Identity Card.

ARTICLE 278

(Request for certificates)

1. [...]

2. When the registration has been made in the electronic system, it may be requested at any registry office in the national territory or any Mozambican diplomatic or consular representation.

3. The applicant for a birth certificate must, whenever possible, present the person's birth certificate or other identification documents relating to the registration.

4. Whenever required by the official, the applicant shall deposit, as a prepayment, the probable cost of the certificate requested.

5. Certificates may be requested by mail or other official electronic means, with the interested party sending the corresponding advance payment.

ARTICLE 280

(Deadline for processing)

Certificates are normally issued within three days, except for those requested or required urgently and those whose records are entered in the system, which must also normally be issued within twenty-four hours.

ARTICLE 288

(Form and content)

1. The birth certificate must identify the holder of the record by full name, sex, date, place of birth, parentage, and NUIC.

2. [...]

3. [...]

4. [...]

5. [...]

6. [...]

7. [...]

ARTICLE 371

(Data sharing and production of statistics)

1. Citizen data and data relating to fetal deaths must be available in the electronic system and shared for the production of statistics and use by other interested parties, in accordance with the law.

2. Until they are recorded through the electronic system, civil registry officials are responsible for filling in the respective demographic statistics entries for marriage and divorce records immediately after the registration has been made.

3. After being signed by the Registrar and separated by type, with a note indicating their number, the entries referred to in paragraph 2 of this article shall be sent to the statistics services every Monday.

ARTICLE 372

(Examination of records)

The employee must allow the health authorities to examine all records, including those relating to births and deaths prior to the introduction of the system, in order to extract data for statistical purposes.

ARTICLE 7

(Additions)

Articles 18-A and 18-B are added to the Civil Registry Code with the following wording:

"ARTICLE 18-A

(Electronic registration)

Civil registration acts and procedures, as well as other procedures carried out at Registry Offices, may be recorded in electronic format.

ARTICLE 18-B

(Notification)

1. The notification consists of the electronic collection and storage of data relating to births and deaths occurring in health facilities and communities and the subsequent assignment of a NUIC, even if the registrant has not yet been given a name, in accordance with the provisions of this Code.

2. The notified data is used to complete records and feed statistical and health information.

3. The civil registry official, health professional, administrative authorities, and others duly accredited by the National Director of Registries and Notaries are responsible for notifying the acts.

4. The system produces information on notified or registered acts, responding via short *text* messages, *emails*, and other electronic means.

ARTICLE 8

(Transitional provision)

1. Until they are integrated into the electronic system through digitization, all changes to the records shall be made in the respective physical entries in the form of an annotation in the margin of the respective entry.

2. The integration of annotations or changes into the text of the entry, when requested by the parties, shall be done in electronic form.

3. Certificates from records prior to the system are issued in the form of a full copy or complete narrative, extracted from the respective record book, as applicable, until they are digitized.

ARTICLE 9

(Repeal)

Articles 289, 290, and 291 of the Civil Registry Code, approved by Law No. 12/2004 of December 8, are hereby repealed.

ARTICLE 10

(Republishing)

The present Civil Registry Code, which forms an integral part of this Law, is republished in the annex.

ARTICLE 11

(Entry into force)

This Law shall enter into force on the date of its publication.

Approved by the Assembly of the Republic on May 24, 2018. —
The President of the Assembly of the Republic, *Verónica Nataniel Macamo Dlhovo*.

Promulgated on November 7, 2018.

Let it be published.

The President of the Republic, FILIPE JACINTO NYUSI.

Civil Registration Code

TITLE I

GENERAL PROVISIONS

CHAPTER I

Purpose, mandatory nature, and value of registration

ARTICLE 1

(Purpose and mandatory nature of registration)

1. The civil registry covers the following events:
 - a) birth;
 - b) filiation;
 - c) adoption;
 - d) marriage;
 - e) prenuptial agreements and changes, during the marriage, to the agreed or legally established property regime;
 - f) death;
 - g) emancipation;
 - h) the regulation of the exercise of parental authority, its modification and termination;
 - i) the inhibition or suspension of parental authority and measures limiting that authority;

j) permanent interdiction and disqualification, guardianship of minors or interdicted persons, administration of minors' assets, and guardianship of disabled persons;

k) provisional or definitive guardianship of absent persons and presumed deaths;

l) those that determine the modification or extinction of any of the facts indicated and those that result from legal imposition.

1A. Civil registration is mandatory.

2. Facts concerning foreigners are only subject to mandatory registration when they occur on Mozambican territory.

ARTICLE 2

(Admissibility of facts subject to registration)

Unless otherwise provided by law, facts whose registration is mandatory cannot be invoked, either by the persons to whom they relate or their heirs, or by third parties, until the respective registration has been made, and their effects are retroactive to the date on which they occurred.

ARTICLE 3

(Proof of facts subject to registration)

1. Proof of the facts referred to in Article 1, regardless of the date on which they occurred, may only be provided by the means provided for in this Code.

2. Traditional or religious non-polygamous marriages performed in the Republic of Mozambique may be transcribed in the civil registry office on the basis of a document issued by religious dignitaries or community authorities, in accordance with the provisions of this Code.

ARTICLE 4

(Evidential value of the registration)

1. The register drawn up in accordance with the provisions of this Code shall be fully valid and shall constitute sufficient proof of the existence of the facts referred to in Article 1, which may only be contradicted by a final judgment handed down in civil or registration proceedings.

2. The records also constitute a presumption of the existence of the facts that must be included in them under the provisions governing the general and specific requirements of each type, a presumption that may be rebutted by general means of evidence in any legal proceedings in which such facts are relevant.

3. A ruling that, in relation to a fact referred to in paragraph 2 of this article, is contrary to the entry in the register shall only have the force of a final decision in the situation to which it relates, but a copy shall be sent to the competent civil registry office, accompanied by a certificate of the evidence taken into account, so that the Registrar may take the measures permitted by this Code for the ex officio rectification of the register, if necessary.

4. The facts recorded cannot be challenged in court without requesting the cancellation or rectification of the corresponding records.

ARTICLE 5

(Acts performed outside the normal bodies)

1. Acts of registration drawn up by the entities referred to in paragraph 2 of Article 9 of this Code must be included in the books of the competent registry office and can only be proven by means of a certificate extracted from those books or from the resulting annotations.

2. The entities referred to in paragraph 1 of this article shall send authentic copies or duplicates of the entries to the competent registry office within thirty days.

ARTICLE 6

(Acts drawn up by foreign authorities)

1. Acts of registration drawn up abroad by the competent foreign authorities may be entered in the national civil registry on the basis of supporting documents, in accordance with the respective law and subject to proof that they do not contravene the fundamental principles of international public policy of the Mozambican State.

2. Civil status records drawn up abroad before local authorities, which must be entered in the registry records, shall be previously registered by means of an entry in the central registry.

3. If the acts concern foreigners, their entry in the register is only permitted when the applicant shows a legitimate interest in the transcription.

4. The transcription shall be made by reproducing the content of the title, but may also be made with the authorization of the Minister responsible for justice, by collecting the information contained in the title.

5. If the title does not contain the information provided for in this Code, it may be completed, by means of an annotation, whenever necessary, in view of the statements made by the interested parties and the supporting documents, if the omitted information is not relevant to the substance of the act.

ARTICLE 7

(Decisions of foreign courts)

1. Once the decisions of foreign courts relating to the civil status or capacity of Mozambican citizens have been reviewed and confirmed, they must be transcribed in the central registry.

2. Decisions of foreign courts relating to the civil status or capacity of foreigners are subject to transcription under the same terms, whenever it is intended to enforce their effects in Mozambique by means of an entry or annotation in the civil registry books.

3. Exceptions to the provisions of the preceding paragraphs are cases where there is a convention or agreement, in which case the provisions of the convention or agreement shall be observed.

ARTICLE 8

(Transcription of judgments rendered by foreign courts)

Copies and translations of judgments handed down by foreign courts referred to in paragraphs 1 and 2 of Article 7 of this Code, after being reviewed and confirmed, accompanied by the certificate of the judgments confirming them, shall be sent to the central registry office by the clerk of the respective court.

CHAPTER II

Civil Registry Bodies

ARTICLE 9

(Normal bodies)

1. The normal bodies of the civil registry services are:

- a) Central Registry Office;
- b) Civil Registry Offices;
- c) Civil registry offices.

2. In exceptional cases, the following may perform civil registry functions:

- a) Mozambican diplomatic and consular agents in foreign countries;
- b) the naval commissioners of State ships, captains, masters, or skippers of private Mozambican vessels, and commanders of national aircraft;
- c) entities specially designated for this purpose in military regulations;
- d) and any other individuals, in cases designated by law.

3. Civil registration acts performed by special bodies must comply with the provisions of this Code, in the applicable part.

ARTICLE 10

(Organization, jurisdiction, and operation of civil registry offices)

The organization, jurisdiction, and operation of civil registry offices, as well as the duties of the officials who work in them, are regulated by the legislation applicable to registries and notaries.

ARTICLE 11

(Civil registry offices)

Registries are responsible for registering the facts provided for in this Code, when they occur in the Republic of Mozambique, regardless of the nationality of the individuals to whom they relate, with the limitations imposed by law.

ARTICLE 12

(Territorial jurisdiction of registries)

The territorial jurisdiction of registry offices is defined, in the absence of special provisions, according to the habitual residence of the person to whom the registration relates, or their place of birth in the absence of habitual residence.

ARTICLE 13

(Rules on the jurisdiction of the Central Registry Office)

1. The Central Registry Office is responsible for recording the following:

- a) all facts subject to civil registration concerning Mozambicans, when they occur abroad;
- b) births or deaths occurring while traveling on board a Mozambican ship or aircraft, regardless of nationality;
- c) marriages contracted on board a Mozambican ship or aircraft, regardless of the nationality of the spouses;
- d) guardianship, administration of property, curatorship, or trusteeship, if the minor, incapacitated person, ward, or absent person was born abroad;
- e) transcription of registration acts performed abroad before local authorities, relating to foreign citizens;
- f) transcriptions of registration acts performed in the Republic of Mozambique, relating to Mozambicans residing abroad;
- g) transcription of decisions handed down by foreign courts, pursuant to paragraphs 1 and 2 of Article 7 of this Code;
- h) registration of political parties;

i) in general, all acts subject to registration or admitted to registration, for which no other civil registry office has jurisdiction.

2. If the entries corresponding to the facts referred to in paragraph 1(a) of this article have been previously recorded by Mozambican diplomatic or consular agents, the central registry office shall be responsible for integrating those entries into the respective register.

3. Acts relating to civil status drawn up abroad before local authorities that are to be entered in existing records in the civil registry offices of the Republic of Mozambique must be previously registered, by means of an entry, in the Central Registry Office.

4. A centralized database shall be created at the Central Registry Office, in which all civil registry acts occurring in the Republic of Mozambique shall be recorded by transcription.

5. For the purposes of paragraph 4 of this article, all civil registry offices, including special bodies, shall send, by the tenth day of each month:

- a)* full copies of certificates relating to acts performed in the previous month;
- b)* all information that alters the data existing in the central registers for the purposes of annotation.

6. The Central Registry Office is competent to issue certificates of the acts transcribed therein and may, whenever necessary, officially request an update from the office holding the original record.

ARTICLE 14

(Intermediate offices)

1. Applications and documents for registration acts or for the initiation of the respective proceedings may be submitted directly to the competent registry office or through the civil registry office of the place of birth or habitual residence of the interested parties. The same rules apply to the submission of declarations.

2. Applications and documents submitted to the intermediate office, as well as the declarations drawn up therein, shall be sent to their destination within twenty-four hours.

ARTICLE 15

(Civil registry offices)

1. Each administrative office has a civil registry office attached to a civil registry office in the district headquarters.

2. The civil registry office can be divided into mobile teams

3. The offices are responsible for registering births and deaths that occur within their jurisdiction, requesting certificates from the registry offices on behalf of interested parties, complying with warrants sent to them by the registry office, and performing all other duties assigned to them by law.

ARTICLE 16

(Competence of civil registry office heads)

In civil registry offices, the respective head is competent to sign the records.

ARTICLE 17

(Hospital civil registry offices)

Hospital offices are responsible for recording births and deaths that occur in their respective establishments.

CHAPTER III

Books and Archives

SECTION I

Books

ARTICLE 18

(Registry Books)

1. The books specifically intended for the registration service are as follows:

- a)* [Repealed]
- b)* marriage register;
- c)* [Repealed]
- d)* book of declarations of maternity and filiation;
- e)* book of emancipation records;
- f)* guardianship, property administration, curatorship, and trusteeship registry;
- g)* book of transcriptions of religious marriage records;
- h)* book for transcribing traditional marriage records;
- i)* book for recording divorce and separation decisions persons and property by mutual consent;
- j)* book for transcribing miscellaneous records;
- k)* book of extracts.

2. Birth and death records are replaced by electronic records

3. Whenever justified by the registry's workload, the Registrar may authorize the division of the books referred to in subparagraphs *b)* and *d)* of paragraph 1 of this article into two volumes.

4. The books referred to in paragraph 1 of this article and other acts subject to registration are gradually replaced by electronic records, without prejudice to the need to keep them for consultation and counter-evidence in case of contradiction with the electronic record.

5. For the purposes of paragraph 3 of this article, each Registry shall be responsible for electronic registration and shall subsequently forward it to the Central Registry Services for the appropriate purposes.

ARTICLE 18 - A

(Electronic registration)

Civil registration acts and procedures, as well as other procedures carried out at registry offices, may be recorded electronically.

ARTICLE 18 - B

(Notification)

1. Notification consists of the electronic collection and storage of data relating to births and deaths occurring in health facilities and communities and the subsequent assignment of a NUIC, even if the registrant has not yet been given a name, in accordance with the provisions of this Code.

2. The notified data shall be used to complete the records and feed statistical and health information.

3. The civil registry official, health professional, administrative authorities, and others duly accredited by the National Director of Registries and Notaries are competent to notify the acts.

4. The system produces information on notified or registered acts, responding via short messages (*SMS*), *emails*, and other electronic means.

ARTICLE 19

(Central Registry Books)

1. The books of the Central Registry Office, specifically intended for civil registration acts, are as follows:

- a) [Repealed]
- b) marriage register;
- c) [Repealed]
- d) consular records book;
- e) book of transcriptions of decisions on civil status and capacity handed down by foreign courts;
- f) miscellaneous register;
- g) register of political parties.

2. The books of births, deaths, marriages, and other acts subject to registration are replaced by electronic records or electronic registers.

3. The book referred to in paragraph 1(d) of this article is divided according to the type of entries it contains.

4. The other books may be divided according to the needs of the service, with the authorization of the respective Registrar.

ARTICLE 20

(Miscellaneous books)

In addition to the registration books, there are the following books:

- a) daily log and fee register;
- b) inventory book;
- c) income and expenditure book;
- d) personal fees book;
- e) wedding register.

ARTICLE 21

(Daily log and fee register)

1. The daily and fee register book is designated for the specific and chronological recording of all services requested at the registry office, mentioning the book and year in which the corresponding records are made and their serial number, or the date on which the certificates were issued, as well as the bookkeeping of the fees charged and other amounts collected.

2. The services requested include both those requested by interested parties and those determined by simple submission, by the competent authorities, of bulletins or other documents.

3. Birth and death certificates sent by intermediate registries, and declarations for the initiation of marriage proceedings that must be returned for rectification, shall only be recorded in the daily register after they have been duly rectified.

4. This book must be previously legalized in accordance with Article 23 of this Code, with the necessary adaptations.

ARTICLE 22

(Register book)

1. The record books are made up of fascicles, which must be bound, before or after use, in volumes with a maximum of one hundred and fifty sheets.

2. The binding of books consisting of loose or duplicate fascicles shall be carried out within sixty days from the date on which the last entry was made or incorporated.

3. The booklets for naturalization records are bound before being used.

4. Consular record books consist of duplicates of the original records.

ARTICLE 23

(Legalization of record books)

1. The books of entries have opening and closing terms, signed by the Registrar, who is also responsible for numbering and initialing each of the pages.

2. The opening statement shall mention the destination of the book, the registry office, and the year to which it refers.

3. The closing statement shall mention the number of initialed pages and entries made.

4. If the book is bound after the records have been made, the opening statement is only recorded in the first notebook and the closing statement in the last; the numbering and initialing of the pages of the various notebooks are done as they become necessary for the service.

5. The numbering of the sheets may be done by any mechanical process and the initialing by means of a stamp.

6. The books are closed by January 15 of each year, or within fifteen days of the date of the last entry, depending on whether or not they are annual.

7. Books that have not been duly legalized may be legalized, as appropriate, by the Minister responsible for justice or by whomever he delegates this power to, provided that they satisfy the other formal requirements, without prejudice to the nullity or non-existence of any act or fact contained in the entries.

ARTICLE 24

(Alphabetical index and onomastic entries)

1. At the end of each book of records, after the closing statement, there is an alphabetical index of the first names and surnames of the people referred to in each record, followed by the record number and the pages on which it is recorded.

2. The index for each book may be bound in a separate volume, but there is only one index for the various volumes of the same book.

3. The organization of the index of birth records into separate volumes is mandatory until they are entered into the System.

4. The organization of auxiliary onomastic entries and cross-references in the indexes corresponding to the various types of records is optional.

ARTICLE 25

(Books of extracts)

1. [Repealed]

2. Adoption records that cannot be registered immediately, as well as records of any kind,

referring to individuals whose birth is not and does not have to be registered in any registry office, except those provided for in Article 250, are extracted on loose sheets.

3. The loose sheets shall be incorporated annually at the end of the extract book, after being grouped and numbered according to the type and chronological order of the records to which they refer.

ARTICLE 26

(Books for transcribing entries)

The book of transcription of entries is intended for the transcriptions provided for in Articles 102, 246, 247, and 256 of this Code, and entries of religious and traditional marriages, as well as any others designated by law.

ARTICLE 27

(Inventory book)

1. The inventory book lists, in chronological order, the closed books, the documents removed from the books, and the files archived, indicating the type of record and the year to which they relate.

2. The inventory book does not follow a specific model, and it is the responsibility of the civil registrar to number and initial the pages and sign the opening and closing terms.

3. The provisions of paragraph 5 of Article 23 of this Code shall apply to the numbering and initialing.

ARTICLE 28

(Change of book and form templates)

Upon proposal by the National Directorate of Registries and Notaries, the Minister responsible for justice may change the templates of books and forms in use.

SECTION II

Reform of books

ARTICLE 29

(Basis)

When any book of records is rendered unusable or lost, in whole or in part, it shall be reformed without prejudice or interruption to services.

ARTICLE 30

(Recognition, in the event of duplicates or extracts)

1. If there are duplicates or extracts, either original or annotated, of the unusable or lost books, the reform shall be carried out by reconstituting the entries and annotations, based on the corresponding duplicates or extracts, and the annotated facts may be integrated into the text of the entries.

2. The information provided by the extracts shall be supplemented by the documents on file and the information provided by the interested parties or obtained through the offices or services that can be usefully consulted.

ARTICLE 31

(Reconstitution in the absence of duplicates or extracts)

1. In the absence of duplicates or extracts, interested parties shall be summoned, by means of public notices and announcements, to submit, within twenty days, the certificates or documents that have been extracted from the unusable or lost records, or that refer to them.

2. The registrar shall also request copies of records, entries, certificates, or notes existing in public offices, parish archives, cemetery administrations, hospitals, nursing homes, or similar establishments that may assist in the reconstruction of the records.

3. Notices inviting interested parties to apply are posted in the designated locations, on the door of the registry office and civil registry offices within the respective jurisdiction; the announcements are published in two consecutive issues of one of the most widely read newspapers in the registry office's headquarters or, failing that, in the headquarters of the corresponding administrative district, or, if there is no newspaper there, in two issues of one of the most widely read newspapers in the province.

4. Once the deadline for the summons has passed, the reform shall proceed on the basis of the information obtained ex officio or provided by the interested parties.

ARTICLE 32

(Complaints)

Once the reform has been completed, the interested parties shall be summoned, pursuant to Article 31 of this Code, to examine the reformed records and submit complaints within twenty days.

ARTICLE 33

(Judgment of complaints)

1. Complaints shall be decided by the Registrar within thirty days.

2. When the complaint alleges the omission of a record, the record said to be omitted shall be drawn up as provisional, immediately after the last reformed entry, extracting from the complainant's petition the elements necessary for its execution.

3. If the complaint is not accepted, the decision is communicated to the complainant, who may appeal to a higher authority.

4. If the complaint concerns a record that has been effectively amended, a copy of the contested record shall be extracted and attached to the complaint file, after noting the pending complaint in the margin of the corresponding entry.

ARTICLE 34

(Legalization of amended books)

Once the deadline for complaints has passed, the Registrar shall forward the amended books, together with the documents on which the amendment was based, to the Minister responsible for justice or to the person to whom he delegates his powers, who shall, within thirty days, check the amended records, number and initial the pages of the books, and draw up and sign the opening and closing terms.

ARTICLE 35

(Amendment of extract books or duplicates where the originals still exist)

1. If the unused or lost books are extracts or duplicates and the corresponding originals still exist, the reform is carried out on the basis of these books by the department that holds them, with the reform of duplicates being carried out by extract.

2. The reformed extract or duplicate books shall be sent to the Minister who oversees the area of justice or to whom he delegates powers for verification and legalization referred to in Article 34 of this Code.

ARTICLE 36

(Partial reform)

1. If the books are only partially damaged or lost, and the number of records affected is less than the number of remaining records, only the damaged or lost part shall be reformed, by inserting the necessary pages and rebinding the books, observing in all other respects, with the necessary adaptations, the provisions of the preceding articles.

2. If the number of records to be reformed is small, they shall be entered directly in the corresponding ledger for the current year, with the necessary reference numbers.

ARTICLE 37

(Reproduction of damaged books)

1. In registries where there are books in a state of deterioration that may render them unusable, registrars shall transcribe them into a book of the corresponding model, observing, as far as possible, the graphic layout of the original.

2. Manual or mechanical transcription of the contents of the books is only necessary when it is not possible to reproduce the original book using any graphic reproduction process that offers guarantees of inalterability.

3. In cases where photocopying is not possible, illegible signatures and initials in the original book are declared as such by the Registrar.

4. The Registrar shall certify, by means of a statement on the last page, that he has verified the accuracy of the transcription and shall initial all pages.

5. The original book, which is not required to remain at the registry office because it has been reproduced in accordance with the formalities referred to in the preceding paragraphs, shall be delivered to the *Historical Archives of Mozambique*.

6. The reproduction of the books referred to in this article shall not give rise to the payment of fees and reimbursement charges and shall be exempt from stamp duty.

ARTICLE 38

(Special requirements for reformed entries)

1. Reformed entries shall contain a reference to the fact of the reform and shall be dated and signed by the Registrar who carried it out.

2. The original records, partially unused, are canceled after reform, with an indication of the number and year of the reformed record.

ARTICLE 39

(Reform charges)

1. Reformed books and records are exempt from stamps, fees, and reimbursement charges.

2. The costs of reforming the books shall be borne by the General Registry and Notary Office.

3. However, if the destruction or loss is attributable to registry officials, those responsible shall bear the costs of the reform and pay the stamps and fees corresponding to the reformed records, without prejudice to any disciplinary and criminal proceedings that may be applicable.

ARTICLE 40

(Supplementing unclaimed omissions)

1. The omission of any record that is not claimed in a timely manner may only be remedied, after the reform has been completed, through an administrative justification process.

2. The omission of an annotation may, however, be remedied at any time, in view of the legal document proving the fact that should be annotated.

SECTION III

Archives

ARTICLE 41

(Correspondence sent and received)

1. Copies of official letters sent, as well as correspondence received, shall be filed in chronological order, in separate annual bundles.

2. Official letters and circulars containing orders or service instructions that are of a permanent nature shall be collected and arranged in separate volumes.

ARTICLE 42

(Files and documents)

1. The processes and documents that serve as the basis for making records or that relate to them are filed in annual bundles, according to their type, or electronically, in order to prevent their deterioration and facilitate searches, after the number and date of the corresponding record have been noted on them.

2. As entries are made, the reports relating to them shall be numbered and incorporated into the respective files, where they exist, or grouped by type and filed in separate volumes.

3. Reports relating to facts whose annotation is dependent on some action shall be kept in separate bundles, easily accessible, until the necessary annotation is made.

4. The bulletins referred to in paragraph 3 of this article shall include the numbers and dates of the official letters sent or received relating to the actions taken or in progress.

ARTICLE 43

(Archive custody)

1. The safekeeping and preservation of books and archives are the responsibility of the Archivist.

2. Unless in cases of force majeure, books and papers filed in the registry may only be removed with the prior authorization of the Minister responsible for Justice or his delegate.

3. The examination of records for scientific or genealogical research purposes may only be authorized by the Minister responsible for Justice or by his delegate, upon reasoned request by the interested parties and provided that the privacy and family life of the persons concerned is respected and with their consent.

ARTICLE 44

(Destruction of documents)

1. On the proposal of the Registrar of the civil registry, the National Director of Registries and Notaries may authorize, every five years, the destruction of archived papers that have not served as the basis for any registration.

2. Documents that have been replaced by microfilms or other legally accepted forms of archiving may also be destroyed, regardless of their type.

ARTICLE 45

(Extracts)

The books of extracts must be sent annually, by post or delivered directly, by March 31 of the year following that to which they refer, to the registry designated by the National Directorate of Registries and Notaries.

ARTICLE 46

(Books over sixty years old)

1. Registration books that are more than sixty years old, counted from the date of the last entry, shall be sent every five years to *the Historical Archives of Mozambique*.

2. The provisions of paragraph 1 of this article shall apply to the files and documents that served as the basis for the records.

3. The books referred to in Article 20 of this Code shall be sent to the same archive every five years, fifteen years after the date of the last entry.

TITLE II

REGISTRATION ACTS

CHAPTER I

Registration Acts in General

SECTION I

Parties and other participants in registration acts

ARTICLE 47

(Who is a party)

The parties to each registration are the declarant and the persons directly affected by the registered fact, as well as the persons on whose consent the full effectiveness of the registration depends.

ARTICLE 48

(Identification of the declarant)

1. Declarants shall be identified in the text of the entries in which they appear by stating their full name, marital status, and habitual residence.

2. Honorary references preceded by the civil name of the parties involved in the registration acts are permitted, provided that they prove, by means of a document that must be filed, their right to use them.

ARTICLE 49

(Intervention of deaf, mute, or deaf-mute persons)

1. Deaf, mute, or deaf-mute individuals may only intervene in any registration act under the following terms:

- a) After the clerk has read the entry, deaf persons must read it aloud in the presence of witnesses or, if they are unable to do so, designate a person to read it a second time.
- b) For illiterate mute or deaf-mute persons, the official shall appoint a suitable interpreter who, under legal oath, shall convey the necessary questions to them, as well as the context of the act, and faithfully translate their wishes, all of which shall be recorded in a document that shall be filed.

2. Mute and deaf-mute persons who can read and write shall express their wishes in writing in response to questions put to them in writing by the official, and both documents shall be filed.

ARTICLE 50

(Appointment of an interpreter for those who do not know the official language)

When any of the parties does not know the official language and the official does not speak the language in which the party expresses themselves, the official shall appoint an interpreter, under the terms and for the purposes provided for in subparagraph *b*) of paragraph 1 of Article 49 of this Code.

ARTICLE 51

(Competence of interpreters)

The Registrar may notify, in person or by registered letter with acknowledgment of receipt, the interpreters appointed by them to appear, under penalty of contempt, on the date, at the time, and at the place where the registration is to be performed.

ARTICLE 52

(Representation by attorney)

1. Persons who are to intervene in a registration act as a party may be represented by a proxy, provided that they grant him special powers for the act.

2. The power of attorney may be granted by public instrument or by a document signed by the represented party, with the signature acknowledged in person.

3. The power of attorney may not relate to more than one person, as principal or representative, except in the case of husband and wife.

ARTICLE 53

(Power of attorney for marriage)

1. At the time of the marriage ceremony, only one of the spouses may be represented by a proxy.

2. The power of attorney to represent one of the spouses, or to grant the consent necessary for the marriage of minors, must identify the other spouse and indicate the type of marriage.

ARTICLE 54

(Revocation of power of attorney)

The revocation of the power of attorney to intervene in registration acts may be done in any of the ways referred to in paragraph 2 of Article 52 of this Code.

ARTICLE 55

(Witnesses)

1. Two witnesses, who are of legal age or fully emancipated, must be present at marriage registrations, mentioning, where applicable, that they do not know how to sign or are unable to sign.

2. If the civil registry official has doubts about the veracity of the statements or the identity of the parties involved in any other type of record, he or she may require the presence of two witnesses.

3. Witnesses are always considered to attest to the identity of the parties and the veracity of their statements, and are liable to civil or criminal penalties in the event of falsehood.

4. The provisions of Article 48 of this Code shall apply to the identification of witnesses.

ARTICLE 56

(Impediment of the official)

1. The Registrar may not perform acts in which he or she, his or her spouse, or any relative or relative by marriage, in the direct line or in the second degree of the collateral line, is involved as a party or as their attorney or representative.

2. The impediment referred to in paragraph 1 of this article extends to other technicians at the registry office to which the impeded Registrar belongs.

3. Registrars who practice law are prohibited from representing parties in proceedings provided for in this Code.

ARTICLE 57

(Who may be a witness)

In addition to persons authorized by general law, relatives or relatives by marriage of the parties and of the officials themselves may act as witnesses in registration proceedings.

SECTION II

Documents for registration acts

ARTICLE 58

(Their destination)

1. Before being filed, the files that served as the basis for registration acts are annotated with the document number and the respective bundle number, with the number and date of the corresponding registration, and initialed by the official.

2. The other documents intended to serve as the basis for registration acts shall be incorporated into the file to which they relate, or archived, after the annotations referred to in paragraph 1 of this article have been made therein.

ARTICLE 59

(Documents issued abroad)

Documents issued in a foreign country in accordance with local law may be used to support registration procedures, provided that they are duly legalized in accordance with procedural law.

ARTICLE 60

(Documents written in a foreign language)

Documents written in a foreign language must be accompanied by a translation made or certified by the Registrar or Notary, in compliance, in either case, with the formalities provided for in notarial law.

SECTION III

Method of registration

ARTICLE 61

(Form of registration)

1. The registration of the facts subject to it shall be drawn up, in accordance with this code, by means of an entry or annotation.

2. Endorsements shall be considered an integral part of the entry to which they relate.

SUBSECTION I

Entries

ARTICLE 62

(How to record them)

Entries are recorded by inscription or transcription.

ARTICLE 63

(Entries made by inscription)

The following are recorded by inscription:

- a) births or deaths occurring in the Republic of Mozambique, when declared directly to the competent authority;
- b) births or deaths occurring while traveling on board a ship or aircraft, when the authorities on board have not recorded the respective registration and the fact is only declared under the conditions of paragraph a) of this article;
- c) the records of non-urgent civil marriages celebrated in the Republic of Mozambique;
- d) records of adoption, made before a civil registry official, when not included in marriage or birth records;
- e) records of emancipation granted by parents.

ARTICLE 64

(Acts recorded by transcription)

1. The following are drawn up by transcription:

- a) birth and death records, based on a declaration made at an intermediate registry office or based on the records or communications referred to in Articles 134 and 245 of this Code;
- b) traditional, religious, or urgent non-polygamous marriages performed in the Republic of Mozambique;
- c) records of civil marriages celebrated abroad before the competent local authorities, by Mozambicans or by foreigners who acquire Mozambican nationality;
- d) guardianship, administration of minors' assets, curatorship, trusteeship, or emancipation granted by the family council or juvenile court;
- e) records of facts registered by the entities referred to in Article 9(2) of this Code, or of facts that must be recorded in registry books other than those where the original records were drawn up;
- f) records ordered by court decision;
- g) records of events that occurred and were recorded abroad, before local authorities, relating to civil status, which must be entered in existing records in civil registry books.

2. In exceptional cases, non-polygamous marriages celebrated according to local customs before the Family Law came into force may also be transcribed.

3. The transcription of the facts referred to in paragraph 2 of this article shall be made by reproducing the content of the title or by collecting its elements. If the information provided for in this Code is not included therein, it may be completed by annotation, if necessary, in view of the statements made by the interested parties or supporting documents.

ARTICLE 65

(Transcription of entries)

1. Entries existing in a registry office in an area other than that in which the interested parties reside may be transcribed in the registry office of the area of residence of the interested parties, at their request or that of their legal representatives.

2. The petition must always be accompanied by a certified true copy of the register to be transcribed.

ARTICLE 66

(Consular records)

1. Records relating to Mozambicans, made abroad by diplomatic or consular agents, shall be drawn up in duplicate.

2. The copy intended for the Central Registry Office, for the purposes of integration provided for in Article 5 of this Code, shall be drawn up on a stamp-free form of the approved models.

3. The copy intended for the Central Registry Office may be replaced, in the event of loss or misplacement, by an authentic copy of the original record.

4. The integration referred to in paragraph 2 of this article shall be effected by simply incorporating the respective duplicate or certified copy, after it has been numbered and initialed by the Registrar, in the book provided for in subparagraph *d*) of paragraph 1 of Article 19 of this Code.

ARTICLE 67

(General requirements)

1. In addition to the requirements specific to each type, entries shall contain the following elements:

- a*) the serial number, the day, month, and year in which they are drawn up, the name of the department, as well as the NUIC, if any;
- b*) the identification of the parties and witnesses, if any;
- c*) the name and category of the official who draws them up and/or signs them;
- d*) the signatures of the parties, or a statement that they do not know how to sign or are unable to sign, and the signatures of the witnesses and the official.

2. When an interpreter is involved, the text of the record shall include, in addition to the interpreter's identification, a statement that the provisions of Articles 49 and 50 of this Code have been complied with, as applicable.

ARTICLE 68

(Special mentions in entries by transcription)

1. In entries made by transcription, in addition to the legal mentions specific to their type, extracted from the respective title, the origin, nature, and date of issue of the title shall be recorded.

2. If the entry relates to an act drawn up abroad by a local authority, the transcription shall be made by reproducing the references contained in the title relating to the legal model of the entry or, where there is no legal model of entry, by simply collecting the elements necessary to make the annotations provided for by law.

3. If the title omits references that are not relevant to the substance of the act, the transcription may be completed, by annotation, based on the statements of the interested parties, proven by documentary evidence.

ARTICLE 69

(Where they may be drawn up)

1. Entries shall be drawn up at the competent office, but may also be drawn up at any other office, at the request of the interested parties, provided that the entry is open to the public.

2. If the act is secret by its nature, this rule does not apply. rule shall not apply.

3. The provisions of paragraph 2 of this article shall apply to marriage consent documents and declaration documents intended to serve as the basis for the registration or initiation of the respective proceedings.

4. In the case of a registration made outside the registry office, the text shall mention the respective location, the specification of which shall be omitted if it is a prison facility.

ARTICLE 70

(Composition)

1. Any graphic or computer process may be used to compose the entries, provided that the characters are clearly legible.

2. The materials used in the composition of the entries must be black, of good quality, and capable of giving the necessary guarantees of inalterability and durability.

3. The National Directorate of Registries and Notaries may order or prohibit the use of certain materials in the writing of entries.

ARTICLE 71

(Rules to be observed in writing entries)

1. Entries shall be written in full, based on the statements of the parties or the observations of the official, and in the presence of the parties and witnesses who are to sign them, or based on the documents presented.

2. The use of abbreviations or numbers in the text of entries is prohibited, but numbers or dates already written in full may be repeated in numerals.

3. Blank spaces in the text and after the signatures, as well as unnecessary printed words, shall be crossed out with horizontal lines using the same ink used to write the entry.

4. Amendments, erasures, interlineations, or other alterations made to the text of the entries, with the exception of those provided for in paragraph 3 of this article, must be expressly noted before the signatures by the official who draws up or signs the entry.

5. Words that should be noted but are not shall be considered unwritten, without prejudice to the provisions of paragraph 2 of Article 371 of the Civil Code.

ARTICLE 72

(Improper statements or references)

Any statements or references contained in the records, other than those provided for by law, shall be deemed not to have been written.

ARTICLE 73

(Order of priority and numbering)

1. Entries, except for marriages and electronic entries, shall be made in the order in which they are recorded in the Journal.

2. Until they are drawn up in electronic format, which is numbered sequentially, entries of each type shall have an annual order number, starting on January 1.

3. Exceptions to the provisions of paragraph 2 of this article are entries for adoption, emancipation, guardianship, curatorship, administration of property and weddings, in which the numbering, in chronological order, is done until the end of each book.

ARTICLE 74

(Making of entries)

1. Entries may be made by the Registrar or by another person under his responsibility, but they must always be signed by him or by his legal substitute.

2. Before being signed, the entry must be read in the presence of all persons involved in it.

ARTICLE 75

(Intervening parties)

1. Entries by transcription are made without the involvement of the parties or any other person, except as provided for in Article 192(3) of this Code.

2. Only the entries provided for in Article 64(g) and Articles 117 and 261 of this Code shall be drawn up with the intervention of the interested party.

ARTICLE 76

(Signatures)

1. The entries must be signed immediately after reading, first by the parties involved in the registration, if they know how and are able to do so, then by the witnesses, if any, by the official who drew it up, and finally by the Registrar.

2. If, after reading, any of the parties involved is unable to sign, or refuses to do so, the Registrar shall state the reason why the record is incomplete.

3. In addition to the persons mentioned in paragraph 1 of this article, other persons who have attended the ceremony and wish to do so, in agreement with the bride and groom, may sign the marriage records, even if they are not mentioned in the text.

4. Acts drawn up on computer media shall bear the digital signature of the Registrar, in accordance with the law.

5. All electronic signatures must comply with the legal standards and requirements imposed by law, under penalty of being considered invalid and of no effect.

ARTICLE 77

(Unalterability)

Unless otherwise specified, no changes may be made to the text of entries after they have been signed.

ARTICLE 78

(Reference quotas)

1. In the margin of the text of each entry, in addition to the special quotas provided for in this Code, the following shall be noted:

- a) the serial number of the entry;
- b) the full names of the individuals to whom the entry relates;
- c) the registration number of the fee account, or a note that the entry is free of charge, if exempt;
- d) the number of the documents on which it is based and the file in which they were archived, or the case number.

2. In the margin of entries relating to facts that must be recorded in other registers, reference quotas are also entered for the completion of the necessary entries or the dispatch of the respective bulletins.

3. References to other entries, provided for in a special provision, are entered by indicating the registry office, number, and date of the referenced record.

4. Whenever possible, following annotations already made, reference quotas must be entered for subsequent integration into the Central Registry Office of the records of the facts to which they relate.

SUBSECTION II

Declarations for entries made at registry offices intermediate

ARTICLE 79

(Reduction to auto)

1. Birth and death declarations made at the intermediate registry office shall be reduced to writing on approved forms.

2. Once drawn up, the record shall be read to the declarants and witnesses and signed by the persons responsible for signing the relevant entry.

3. Within twenty-four hours, the declaration records, after being numbered, shall be sent to the registry office responsible for drawing up the entry, accompanied by the relevant documents, duly initialed.

ARTICLE 80

(Examination of the report)

1. Upon receipt of the record, and if it is in order, the Registrar shall draw up the corresponding entry within forty-eight hours, filing the declarations received after noting the number and date of the registration on them.

2. If the declarations contain deficiencies, the Registrar shall return them, by official letter, to the post office within twenty-four hours of receipt, so that, depending on the case, they may be duly rectified, completed, or repeated.

ARTICLE 81

(Responsibility of the Registrar)

1. Once the entry has been made, the Registrar shall be responsible for any errors or irregularities in the declaration, unless it has not been possible to remedy the deficiency found.

2. This impossibility shall be expressly mentioned in the text of the entry.

ARTICLE 82

(Date)

Statements made at intermediate registries within the time limits stipulated by law shall be considered to have been made in a timely manner, even if they have to be corrected or repeated after those time limits.

ARTICLE 83

(Repetition)

1. If the statement has been lost or not sent in a timely manner, the statements may be repeated at the competent registry office.

2. Entries made on the basis of a new declaration shall be exempt from stamp duty and fees, provided that the birth or death has been declared in a timely manner, without prejudice to the subsequent payment of stamp duty and fees by the official who caused the loss or failure to send the initial declaration.

SUBSECTION III

Endorsements

ARTICLE 84

(Endorsements in general)

All changes made to the respective elements shall be annotated in the margin column of the entries.

ARTICLE 85

(Annotations to the birth record)

1. The following shall be specially annotated in the birth record:

- a) non-polygamous, civil, traditional, or religious marriages, their dissolution, declaration of non-existence or nullity, as well as the legal separation of persons and property or the simple legal separation of property;
- b) the establishment of filiation;
- c) a declaration that the person registered at the time of birth did not benefit from the status of child in relation to both spouses;
- d) the paternity of the mother's husband when not ruled out under the law;
- e) the marriage of the parents to each other after the registration of the child's birth;
- f) the voluntary or judicial recognition of maternity or paternity;
- g) adoption, its revocation, or revision of the respective judgment;
- h) the inhibition and suspension of parental authority, as well as measures limiting that authority;
- i) the interdiction and disqualification, guardianship of minors or interdicted persons, administration of minors' assets, curatorship of disabled persons and curatorship of absent persons, and the incapacity of married minors to administer their assets, its modification and extinction;
- j) emancipation and its revocation;
- k) change of name;
- l) death and presumed death, declared by a court;
- m) in general, all legal facts that modify the identification elements or civil status of the registered person.

2. Adoption is only recorded in the birth certificate with the consent of the adoptee or, if he or she is deceased, of his or her descendants, when such consent is necessary for the act to be valid.

3. The inhibition or suspension of parental authority, decreed by the juvenile court, is recorded in the birth certificate of the incapacitated person and of the minor children to whom it relates.

ARTICLE 86

(Entries in the marriage record)

The following shall be specially recorded in the marriage record:

- a) the dissolution, non-existence, declaration of nullity, or annulment of the marriage;
- b) the presumed death of either spouse;
- c) the cure of the annulment of a marriage celebrated by a minor who is not of marriageable age, by a person who is legally incapacitated or disabled due to mental abnormality, or without the intervention of the required witnesses;
- d) the separation of spouses, in any of its forms, the reconciliation of separated spouses, and the simple separation of property;
- e) prenuptial agreements, with mention of the agreed property regime;

- f) the alteration of the agreed or legally established property regime, introduced during the marriage.

ARTICLE 87

(Annotation to the death record)

The following shall be specially annotated on the death certificate:

- a) the transfer;
- b) the incineration or cremation;
- c) any identifying details of the deceased that come to the attention of the Registrar after the record has been drawn up.

ARTICLE 88

(Annotation to the acknowledgment of paternity record)

The consent of the child shall be specially noted in the record of acknowledgment of paternity, when necessary, if it has not been given at the time of the acknowledgment of paternity itself.

ARTICLE 89

(Annotation to entries of guardianship, administration of property, curatorship or trusteeship, and emancipation)

1. The following are specifically recorded in guardianship records: the administration of minors' assets, guardianship of incapacitated persons, and curatorship of absent persons:

- a) the modification or termination of guardianship, administration, curatorship, or trusteeship, with express mention of the fact or decision that gave rise to it;
- b) the removal or replacement of the guardian, administrator, or curator, with the name and other identifying information of the appointees.

2. The following shall be specially recorded in the emancipation record its revocation.

ARTICLE 90

(Entry of annotations)

Annotations shall be entered in the margin of the original records.

ARTICLE 91

(Time limit)

The entries referred to in the preceding articles shall be made within twenty-four hours of the act being performed, when it is recorded in the registry's own books, or on the day of receipt of the report or supporting document.

ARTICLE 92

(Form)

1. Annotations shall be drawn up in accordance with the models to be established in regulations, with reference to the entries or documents on which they are based.

2. Annotations of entries drawn up on the basis of the documents referred to in paragraphs 2 and 4 of Article 4 or in paragraphs 1, 2, and 3 of Article 85 of this Code shall be drawn up, with the necessary adaptations, in accordance with the models referred to in paragraph 1 of this article.

3. The use of numbers in the text of the annotations is permitted, provided that they correspond to the reproduction of the number or dates contained in the previous entries.

4. The provisions of paragraphs 4 and 5 of Article 71 and Article 72 of this Code shall apply to annotations.

ARTICLE 93

(Signature)

1. Annotations shall be signed by the Registrar or by civil registry technicians, and an abbreviated signature may be used.

2. Entries lacking a signature must be signed by any of the officials mentioned in paragraph 1 of this article who notices the omission, if it is verified, in light of the corresponding entries or archived documents, that the entry was in a condition to be made.

3. The omission and the date on which it was remedied shall be noted in the annotation.
remedied.

ARTICLE 94

(Annotation in a registry other than the one that made the registration)

1. Where the book of entries in which the annotation is to be made is not in the possession of the registry office where the registration of the fact to be annotated was made, the latter shall send to the registry office or competent entity, within five days, the approved form with the necessary information for making the annotation.

2. If the registration is for the death of an individual who died while married, the registrar who made the registration shall send the report to the registry office that holds the marriage record, which shall in turn communicate the fact to be recorded, by means of a similar report, to the registry office that holds the birth record of the deceased and the surviving spouse.

3. The Central Registry Office is responsible for complying with the provisions of paragraphs 1 and 2 of this article, regarding the registration of the facts that are the subject of the duplicate consular records, as well as the registrations that must be made simultaneously with these duplicates and the corresponding originals.

ARTICLE 95

(Subsequent formalities)

1. Once the annotation has been made, the registry shall return the attached slip to the corresponding bulletin, after filling it in.

2. The issuing registry shall keep the originals of the bulletins issued, duly numbered and ordered, and shall note the receipt of the respective stubs therein.

ARTICLE 96

(Doubts about the entry)

1. The registrar who receives a bulletin for annotation and cannot find the corresponding entry in the books or cannot identify it with sufficient certainty shall notify the issuing registry office by means of an official letter so that the latter may take the necessary steps to clarify the omission or doubts raised.

2. If there is an omission in the entry or an error in the registration that prevents the annotation from being made, the Registrar shall take the necessary steps in accordance with the terms and for the purposes of Article 302 of this Code.

ARTICLE 97

(Registration of judgment)

1. The certificate of the judgment rendered in civil status proceedings shall be sent by the clerk of the court to the competent registry office within forty-eight hours after the decision becomes final, so that the necessary annotations may be made.

2. The certificate is narrative in nature and contains the name of the court and the section in which the proceedings took place, the identification of the parties, the subject matter of the action and the counterclaim, if any, the grounds for the claim, as well as a transcript of the operative part of the judgment, in addition to the date thereof and a mention that it has become final.

3. The provisions of the preceding paragraphs shall apply, with the necessary adaptations, to judicial decisions ordering disqualification, suspension of parental authority, adoption, review of the respective judgment, conversion of restricted adoption into full adoption or its revocation, emancipation or its revocation, as well as to decisions declaring the presumed death of absent persons.

4. The fees due for the corresponding registrations shall be counted in the proceedings themselves and shall be included in the costs.

ARTICLE 98

(Registry offices to which certificates must be sent)

1. The certificate of the decisions rendered in the actions referred to in paragraphs 1 and 3 of Article 97 of this Code shall be sent, as appropriate, to the registry office holding the marriage or birth records, where the decision must be recorded.

2. The certificate of the decision that must be recorded in the marriage and birth records shall be sent only to the registry office holding the marriage record.

3. The certificate of decisions decreeing the disqualification or suspension of parental authority shall be sent only to the registry office holding the birth record of the disqualified person, indicating the number and year of the record.

ARTICLE 99

(Registration of dissolution, declaration of nullity or annulment of marriage and termination of marital partnership)

1. After receiving the certificate proving divorce, declaration of nullity or annulment of marriage, legal separation of persons and property, and making the appropriate annotation, the Registrar holding the marriage record who does not have in his possession the birth records of the persons to whom the certificates relate shall notify the Registrar of the civil registry holding these records of the fact that must be registered.

2. The provisions of paragraph 1 of this article shall be observed by the Registrar who receives the certificate proving the disqualification or suspension of parental authority, decreed by the juvenile court, in relation to the birth records of the children of the disqualified person.

ARTICLE 100

(Annotation of acts registered at the registry office itself)

When the act to be annotated is recorded in the registry office's own book, no certificates or bulletins are required for the annotation to be made, and it is sufficient for the official, when recording it, to enter the necessary reference numbers.

ARTICLE 101

(Omitted annotations)

1. Whenever, for any reason, the registrar becomes aware of the omission of an annotation, regardless of the date of verification of the fact to be annotated, the registrar shall officially remedy the omission by requesting the submission of the bulletins or documents necessary for the annotation.

2. If the omitted annotation must be made at another registry office, the omission shall be communicated to that office so that it may make the annotation.

3. The registration of the necessary entries may be requested verbally at any time by any interested party, upon presentation of the document proving the fact to be registered.

ARTICLE 102

(Missing or completely filled column for annotations)

1. If successive annotations have filled the column intended for that purpose, or if the record books do not have one, the Registrar shall, ex officio and free of charge, transcribe the entry, with all its annotations and reference numbers, making the new entries in the margin of the transcription.

2. The transcribed entry shall not be canceled, but the necessary reference numbers shall be entered in the margin of the entry and the transcription.

CHAPTER II

Common Provisions

SECTION I

Omission and loss of registration

ARTICLE 103

(Remedying omissions)

1. In the event that, for any reason, a record has not been made and it is not possible to remedy the omission under the terms specifically provided for in this Code, the following shall apply:

- a) in the case of a record that must be drawn up by registration, the omitted record shall only be made by means of a final court decision;
- b) if the record must be made by transcription, the official shall request the necessary title from the competent authority as soon as he becomes aware of the omission;
- c) if, in the previous case, the original has also not been drawn up, the official shall ensure that the competent authority remedies the omission by appropriate means in accordance with the applicable laws and sends the respective title to the registry;
- d) if it is not possible to obtain the title for transcription, the provisions of paragraph 1(a) of this article shall apply.

2. Civil registry officials, as well as public prosecutors, are required, as soon as they become aware of the omission, to take the steps provided for in paragraph 1 of this article, either themselves or through the competent authorities, as appropriate.

ARTICLE 104

(Information to be recorded)

1. The judge shall determine in the decision ordering the omitted registration to be made the information that must be included therein, in view of the requirements established in this Code.

2. The Registrar may, however, use other information contained in the file whenever there is an omission of any mention that, although it should be included in the registration, is not relevant to the substance of the facts registered.

ARTICLE 105

(Loss)

In the event of loss, the registration shall be reconstituted by means of reform or, until such reform is completed, by virtue of a final and unappealable court decision rendered in a justification proceeding.

SECTION II

Defects and irregularities in the register

ARTICLE 106

(General principle)

1. The legal validity of the registration may be impaired by the existence of defects or irregularities.

2. The former shall result in the cancellation of the registration, under the terms regulated in this Code, and the latter shall result in mere rectification.

ARTICLE 107

(List)

1. Legal defects and absolute nullity are considered defects in registration.

2. Irregularities are considered to be deficiencies, inaccuracies or mere material errors are considered irregularities.

SUBSECTION I

Legal non-existence of the registration

ARTICLE 108

(Grounds)

1. The registration is considered legally non-existent in the following cases:

- a) when it relates to a legally non-existent fact;
- b) when it has been signed by someone who does not have the functional competence to do so, without prejudice to the provisions of Article 369(2) of the Civil Code;
- c) when it does not contain the signature of the official, if the omission cannot be remedied under the terms of paragraph 4 of this article;
- d) when it does not contain the signatures of the parties;
- e) when, in the case of a marriage record, it does not contain an express mention that the bride and groom have expressed their willingness to marry.

2. A registration made by annotation shall only be considered non-existent due to the lack of the official's signature if the defect cannot be remedied under the terms of Article 93.

3. The lack of signatures from witnesses does not invalidate the registration if their involvement is evident from the context or, in the case of a marriage registration, if the annulment of the ceremony resulting from the lack of involvement of witnesses has been remedied.

4. Civil registration acts that are missing only the signature of the competent official are validated by operation of law, upon signature by the official in office at the time of validation, provided that no opposition is known or has been inferred, without prejudice to the liability incurred by the respective official.

5. At the request of the interested parties, which, when verbal, shall be reduced to writing, birth records drawn up without the intervention of witnesses when this was mandatory may be validated by annotation, if the condition set out in paragraph 4 of this article is met.

6. The interested parties and the Public Prosecutor's Office shall always have the right to resort to ordinary means to prove that the lack of signature by the official or the presence of witnesses was not due to mere negligence on the part of the official.

ARTICLE 109

(Regime)

The legal non-existence of the record may be invoked at any time by anyone with an interest therein, regardless of a judicial declaration, but this must be promoted immediately by the official who has knowledge thereof.

SUBSECTION II

Nullity of the record

ARTICLE 110

(Grounds)

The registration is void in the following cases:

- a) when it is false or results from the transcription of a false title;
- b) when the registration services of the Republic of Mozambique are not competent to draw it up.

ARTICLE 111

(Falsification)

The falsity of the registration can only consist of one of the following circumstances:

- a) it constitutes the registration of a fact that never occurred;
- b) it is presented as a transcription of a non-existent title;
- c) the signatures of the parties, witnesses, or officials involved in the registration do not belong to the persons to whom they are attributed;
- d) it has been altered in such a way as to mislead about the registered party or the identity of the parties.

ARTICLE 112

(Falsity of the transcribed title)

The falsity of the transcribed title can only consist of one of the following circumstances:

- a) the signature of its author, as well as that of any of the parties or witnesses, when it should appear on the title, is not that of the person to whom it is attributed;
- b) in having been amended under the conditions set forth in Article 111(d) of this Code;
- c) in respecting a fact or judicial decision that never existed.

ARTICLE 113

(Regime)

The nullity of the registration cannot be invoked for any purpose until it is recognized by a final court decision.

SECTION III

Cancellation and rectification of registrations

SUBSECTION I

Cancellation

ARTICLE 114

(Grounds)

The registration shall be canceled in the following cases:

- a) when it is declared legally non-existent or void;

- b) when the registered fact itself is declared legally non-existent, null and void, or annulled, under the conditions provided for in subparagraph a) of this article, except in the case of a null and void or annulled marriage;
- c) when it corresponds to the duplication of another regularly drawn up registration;
- d) when it is drawn up in a registry other than the competent one;
- e) when it is incomplete, because the necessary declarations have not been made or because the corresponding fact has not been registered;
- f) in the other cases specified by law.

ARTICLE 115

(Regime)

1. The canceled registration has no effect as proof of the registered fact; it may only be invoked as evidence in legal proceedings to remedy the omission of registration.

2. When the registration is canceled on the basis of subparagraph a) of Article 114, but the registered fact legally exists, the provisions of Article 103 of this Code shall apply.

3. Cancellation based on subparagraphs c) and d) of Article 114 of this Code may be ordered ex officio by the Registrar who, in the second case, shall arrange for the transcription of the registration in the books of the competent registry.

4. Cancellation under Article 114(e) of this Code may be carried out by the Registrar, who must first mention in the entry the reason why it was incomplete.

5. The cancellation of legally non-existent registrations, due to the lack of signature by the parties or the official, may be carried out, under the terms of paragraph 4 of this article, regardless of the judicial declaration of non-existence, if the omission of the registration caused by the non-existence has already been duly remedied.

SUBSECTION II

Rectification

ARTICLE 116

(Grounds)

1. A registration that contains any irregularity, deficiency, or inaccuracy that does not render it legally non-existent or void shall be rectified.

2. If the record has been drawn up by registration, it shall be rectified by annotation, by virtue of a court decision, unless the rectification proves necessary immediately after the signing of the record, in which case it shall be made immediately, by means of a statement drawn up by the official following the registration and signed by him and by the other parties involved in the act.

3. If the irregularity, deficiency, or inaccuracy relates only to the indication of some or all of the identifying details of the persons to whom the registration relates, or who are mentioned therein, the correction may be made, by annotation, ex officio or at the request of the interested parties, by order of the Registrar holding the irregular record, provided that no doubts arise as to the identity of those persons and that the filiation stated in the birth record to be corrected is not in question.

4. The rectification of records filed at the offices and which meet the conditions of paragraph 3 of this article may be authorized by the competent Registrar.

5. When the record has been drawn up by transcription, the irregularity, deficiency, or inaccuracy stems from the title on which

served as its basis, the official shall arrange for the competent authority to correct it, proceeding thereafter in accordance with paragraphs 2 and 3 of this article.

6. If it is not possible to obtain the correct title, the record shall be rectified by means of judicial justification.

7. The provisions of paragraph 5 of this article shall not apply to entries made on the basis of a civil registration document drawn up in the Republic of Mozambique or abroad, the rectifications of which are directly applicable to the regime established in the preceding paragraphs.

8. In the case of a record drawn up by transcription or annotation, where the irregularity, deficiency, or inaccuracy results solely from the non-conformity of the record with the title or entry on which it was based, or if, in any case, it consists of a simple spelling error, the correction shall be made, under the terms of paragraph 3 of this article, by the Registrar holding the entry or annotation, and, whenever possible, the interested parties shall be heard in the record.

9. The ex officio promotion of the registration rectification process is mandatory whenever the irregularity, deficiency, or inaccuracy to be remedied is the responsibility of the services.

10. Entries made in the death record that are unrelated to the identification of the deceased may be corrected ex officio, by annotation, on the basis of a document proving their inaccuracy.

ARTICLE 117

(Integration of corrections and elimination of canceled annotations cancelled)

1. A rectification registered in an entry may be integrated into its text at any time, at the verbal request of the interested parties, by creating a new record and canceling the previous one.

2. The provisions of paragraph 1 shall apply to the declaration of rectification drawn up in accordance with paragraph 2 of Article 116 of this Code.

3. Canceled annotations may be deleted from the entry by making a new registration, requested under the terms of paragraph 1 of this article.

4. In the case of an entry made in electronic form, any rectification made thereto shall be incorporated directly into the entry after compliance with the legal formalities.

5. The corrected facts shall be stored in an electronic file for consultation or issuance of a full certificate when requested by the interested parties.

6. The correction referred to in paragraph 4 of this article may be requested at any civil registry office.

CHAPTER III

Special Registration Acts

SECTION I

Birth

SUBSECTION I

Declaration of birth

ARTICLE 118

(Time limit and place)

A birth occurring in the Republic of Mozambique must be declared verbally within 120 days at the registry office or civil registry office in the area of the place of birth or habitual residence of the person being registered.

ARTICLE 119

(Who is responsible)

1. The declaration of birth is the mandatory and successive responsibility of the following persons:

- a) the parents;
- b) the closest relative present at the place of birth;
- c) the director of the establishment where the birth took place;
- d) the head of the family residing in the house where the birth took place;
- e) to the doctor or midwife attending the birth, or, in their absence, to whoever attended the birth;
- f) any person entrusted with making the declaration by the father or mother of the person being registered, or by the person responsible for them;
- g) the community authority or religious dignitary present at the place of birth.

2. Compliance with this obligation by any of the persons or entities mentioned above exempts all others from this obligation.

3. The persons referred to in subparagraphs *d*) and *e*) of paragraph 1 of this article shall not be liable for the fees and stamps of the registration, which may be demanded, without any prior formalities, from the legitimate representative of the person being registered.

4. Proof that the declarant has the registrant in their care may be provided by witnesses heard in court.

ARTICLE 120

(Penalties for failure to comply)

1. If the legal deadline passes without the birth being registered, the civil registry official, the Public Prosecutor's Office, and any other authorities must report the fact to the registry office where the registration should be made, which will collect the necessary information to register the birth at the expense of the person responsible.

2. Any person may report the fact, even if they have no particular interest in the registration.

3. If there is no one who can be held responsible for the failure to declare the birth, the process serves to carry out the registration ex officio.

ARTICLE 121

(Registration)

In the final order, the Registrar shall determine the information to be included in the entry, in accordance with the provisions of Article 104 of this Code.

ARTICLE 122

(Filing of the case)

The file referred to in Article 120 of this Code shall be archived after voluntary payment of the fine and proof that the registration has been made.

ARTICLE 123

(Late declaration)

1. If the birth declaration is voluntarily made before the offense is reported, the registration shall be made, without prejudice to the provisions of Article 124 of this Code.

2. The pending proceedings referred to in Article 120 of this Code shall not prevent the birth declaration from being voluntarily made at the competent registry office, nor shall it prevent the registration from being made regardless of the payment of the fine.

ARTICLE 124

(Special cases of late declarations)

1. Voluntary declarations of births that occurred more than one year ago may only be accepted if made by either parent, by the person responsible for registering the birth, or by the interested party themselves, if over the age of 14. However, when deemed necessary, the parents of the person being registered who are not the declarants may be heard in court.

2. Proof that the declarant is responsible for the person being registered may be provided by witnesses who intervene in the registration.

3. If the parents of the person being registered reside outside the area of the registry office responsible for registering the birth, they may be heard, by means of a letter rogatory, at the registry office of their residence.

ARTICLE 125

(Simultaneous declaration of birth and death)

1. If the birth is declared simultaneously with the death of the person being registered, the birth record shall state, with the normal formalities, that the person being registered is already deceased, and the death record shall be entered in the appropriate register immediately thereafter.

2. If the registry office or civil registry office is only competent to register the death, the Registrar or the head of the civil registry office shall reduce the birth declaration to a statement, mentioning the date of death of the person being registered, and shall forward it to the competent registry office for the respective record to be drawn up.

SUBSECTION II

Birth registration

ARTICLE 126

(Competence)

1. The registry office or civil registry office in the area where the person being registered usually resides or where the birth took place shall be competent to draw up the registration.

2. If the birth occurs in a maternity ward or hospital in the district headquarters where there is more than one registry office, the registry office in the area of the usual residence of the mother of the person being registered is competent to register the birth, when located in the same district.

ARTICLE 127

(Special mentions)

1. In addition to the general requirements, the birth record must contain the following information:

- a) the day, month, and year of birth, including, if possible, the exact time;
- b) the province, district, administrative post, locality, neighborhood, and health unit of the place of birth, mentioning whether it occurred at home or at a location other than the health unit;
- c) the type of delivery and birth, assistance during delivery, sex of the person being registered, weight and height at birth;
- d) the first name and family names that belong to them, as well as the name of the person with whom the person being registered lives;
- e) the full name of the parents, age, marital status, place of birth, nationality, occupation, level of education completed, place of residence, contact details, and NUIC, if assigned;
- f) the full names of the grandparents;
- g) any other information required by law in special cases.

2. The information to be entered in the record is provided by the declarant, who must, whenever possible, present the identification documents of the parents of the person being registered.

3. The official receiving the declaration is responsible for verifying the accuracy of the statements made in light of the documents presented, the records in their possession, and the information they are able to obtain.

4. However, the necessary checks shall not prevent the registration from being made immediately after the declaration.

ARTICLE 128

(Indication of name)

The name of the registrant shall be that indicated by the declarant or, if the declarant does not wish to do so, by the official before whom the declaration was made.

ARTICLE 129

(Composition of the name)

1. The full name shall consist of a maximum of six grammatical words, simple or compound, of which only two may correspond to the first name and four to family names.

2. First names must not give rise to justified doubts about the sex of the registrant, nor be confused with mere fantasy names, civic, political, or religious associations, except in the case of names in common use.

3. Surnames are chosen from among those belonging to both or only one of the parents of the person being registered, or those to which either parent has a right. In the absence of such names, one of the names by which they are known may be chosen.

4. However, the traditional composition of names shall be respected when requested by the interested parties, and proper names in local Mozambican languages shall be accepted.

5. If the parents of the person being registered are unknown, the choice of surname shall comply with the provisions of Article 136 of this Code, without prejudice to the provisions of paragraph 4.

6. Foreign first names are permitted in their original form.

7. Whenever the meaning of the chosen name is offensive to the customs and traditions of the place of registration, the Registrar may request the interested parties to present evidence that the name corresponds to the social reality of the registrant's origin.

8. The refusal of the name by the civil registry official is subject to hierarchical appeal under the general terms provided for in this Code.

ARTICLE 130

(Change of name)

1. The name recorded in the birth certificate may only be changed with the authorization of the National Director of Registries and Notaries.

2. The following are exempt from the provisions of paragraph 1 of this article:

- a) a change based on the establishment of filiation, adoption, its revision or revocation, and marriage subsequent to the registration;
- b) a change resulting from a rectification of the record;
- c) changes consisting of the simple insertion or deletion of connecting particles between surnames, or the addition of family surnames, if the record contains only the first name of the registered person or if the number of surnames entered is less than the limit established in paragraph 1 of Article 129 of this Code;

- d) the change resulting from the married spouse's renunciation of the use of the other's name and, in general, the loss of the right to the name by the registered person;
- e) the change requested on the grounds provided for in Article 129(4) of this Code, when proven.

3. The registration of a change that does not require authorization from the National Directorate of Registries and Notaries is made at the request of the interested party, which, when verbal, must be reduced to writing, and in the case provided for in the final part of paragraph 2(d) of this article, the registration is made ex officio.

4. The amendment in the event of marriage is not subject to the limitations provided for in paragraph 1 of Article 129 of this Code.

ARTICLE 131

(Registration of twins)

1. In the case of the birth of twins, a separate entry shall be made for each of them, according to the order of priority of birth, which shall be mentioned in the text of the entry, indicating, as accurately as possible, the hour and minute of their respective births.

2. When the persons being registered are of the same sex, the official receiving the declaration shall inquire as to the existence of any permanent physical characteristics that distinguish one or both of them, and describe these in the record.

3. Those being registered may not be given the same first name.

SUBSECTION III

Registration of abandoned children

ARTICLE 132

(Concept of abandonment)

For the purposes of birth registration, newborns of unknown parents who are found abandoned anywhere, as well as minors apparently under the age of 14 or mentally ill individuals whose parents, whether known or unknown, have left for an unknown location, leaving them helpless, are considered abandoned.

ARTICLE 133

(Competent registry office)

The birth of abandoned children, whenever it is not possible to determine the existence of a previous registration, must be registered at the registry office of the area where the abandoned child is found.

ARTICLE 134

(Presentation of the abandoned child)

1. Anyone who finds an abandoned child must present them, within twenty-four hours, with all the objects and clothing they are carrying, to the administrative or police authority, which is responsible for registering their birth, if applicable.

2. The birth registration shall be drawn up upon presentation of the person being registered and in the presence of the report drawn up by the authority to whom the abandoned person has been handed over, as well as the personal observations of the registrar, in accordance with the provisions of the following article.

3. The authority to whom the abandoned person has been handed over shall draw up a report stating the date, time, and

place where the child was found, the apparent age, distinguishing features, a description of the clothes and objects carried by the child, and any other references that may contribute to the child's identification.

ARTICLE 135

(Special mentions)

1. The birth record shall contain the following special mentions:

- a) date, time, and place where the registrant was found;
- b) apparent age;
- c) signs or defects that distinguish him;
- d) description of the clothes, garments, and objects they are carrying;
- e) any other references that may contribute to the identification of the person being registered.

2. Any objects found in the possession of the abandoned person that are easy to preserve shall be kept at the registry office, after being placed in an appropriate container, duly sealed and locked.

ARTICLE 136

(Name of the registrant)

1. The official who draws up the record may assign the registrant a full name, consisting of a maximum of three words, preferably choosing them from among the most commonly used names, or deriving them from some particular characteristic of the registrant or the place where they were found, but always in such a way as to avoid names that are misleading or capable of recalling their condition as an abandoned person.

2. When choosing the name, however, any written indication found in the possession of the abandoned person or with them, or provided by them, must be respected.

3. The provisions of paragraph 4 of Article 129 of this Code shall be observed.

SUBSECTION IV

Births occurring during travel

ARTICLE 137

(Travel by sea or air)

1. When traveling by sea or air, if an individual is born on a Mozambican ship or aircraft, the authority on board shall, within twenty-four hours of verifying the fact, draw up the birth certificate in accordance with the formalities and requirements set forth in this code, adding the latitude and longitude where the birth occurred.

2. If there is no specific register on board, the registration shall be recorded on separate paper, in duplicate.

ARTICLE 138

(Sending the duplicate)

1. If the first port or country in which the ship enters, or the aircraft lands, is foreign and there is a Mozambican diplomatic or consular representation there, the authority that has drawn up the registration shall send the diplomatic or consular agent an authentic copy or duplicate of the registration, and the latter shall forward it, within twenty days, to the central registry office through the Ministry of Foreign Affairs.

2. In the absence of Mozambican diplomatic or consular representation, or in the case of a ship or aircraft entering or landing first in a national port or territory, the authority that made the registration shall send the respective duplicate to the central registry office within twenty days.

ARTICLE 139

(Travel by land)

If the birth occurred during a journey by land within the national territory, the birth registration may be drawn up at the registry office of the first place located in Mozambican territory where the mother of the person being registered remains for a period of twenty-four hours or establishes her residence, in which case the deadline for declaring the birth shall be counted from the day of arrival at the place where the mother will reside.

SECTION II

Filiation

SUBSECTION I

Mention of paternity or maternity

ARTICLE 140

(Mandatory declaration of maternity)

1. The person declaring the birth must identify, as far as possible, the mother of the person being registered.
2. The indicated maternity is mentioned in the record.

ARTICLE 141

(Birth less than one year ago)

1. The maternity mentioned in the record, if the declared birth occurred less than one year ago, is considered established.
2. The content of the record, unless the declaration is made by the mother or her husband, shall, whenever possible, be communicated to the mother by personal notification, informing her that the declared maternity is considered established.
3. The notification made to the mother shall be officially recorded in the birth record.

ARTICLE 142

(Birth that occurred one year or more ago)

1. If the birth occurred one year or more ago, the indicated maternity is considered established if the mother is the declarant, if she is present at the time of registration or represented by an attorney with special powers, or if proof of the declaration of maternity made by the mother in a deed, will, or court document is presented.
2. Except in the cases provided for in paragraph 1 of this article, the Registrar shall, whenever possible, notify the person indicated as the mother, by personal notification, of the content of the entry, so that, within fifteen days, she may declare in writing whether she confirms maternity, under penalty of the child being considered hers.
3. If the alleged mother denies maternity or cannot be notified, the mention of maternity shall be void.
4. The fact of the notification, as well as the confirmation of maternity, shall be officially recorded in the birth certificate.

ARTICLE 143

(Cases in which the mention is rendered ineffective)

1. In the cases provided for in Article 142(3) of this Code, the fact that the mention of maternity is void shall be officially recorded and, if the registered person is a minor, a full copy of the birth certificate shall be sent to the court, accompanied by a copy of the statement, if any.
2. The certificate referred to in the previous paragraph shall not be sent if, in the case of paternal filiation, the registrar certifies that the father and the alleged mother are relatives or relatives in the direct line or relatives in the second degree of the collateral line.
3. Certificates extracted from the birth register, with the exception of those provided for in paragraph 1 of this article, may not contain any reference to unestablished maternity or to any annotations relating thereto.

ARTICLE 144

(Unknown maternity)

The certificate provided for in paragraph 1 of Article 143 of this Code shall also be sent to the court if maternity is not mentioned in the register.

ARTICLE 145

(Ex officio investigation of maternity)

If the alleged mother does not confirm maternity in court, the court shall forward a certificate of the respective term to the competent registry office for annotation in the child's birth record.

ARTICLE 146

(Mandatory mention of paternity)

1. Presumed paternity must be mentioned in the child's birth certificate, without prejudice to the provisions of Article 147 of this Code.
2. If the parents' marriage is registered after the child's birth certificate has been issued, and if the birth certificate does not mention paternity, presumed paternity shall be officially recorded on the birth certificate.

ARTICLE 147

(Removal of the presumption of paternity of a child of a married woman)

1. If a married woman registers the birth of a child and indicates that the child is not her husband's, no mention shall be made of paternity.
2. The indication referred to in paragraph 1 shall be reduced to a statement, in which the husband of the declarant shall be duly identified in accordance with the provisions of paragraph 4 of this article.
3. If, in the relevant proceedings to remove the presumption of paternity, it is declared that at the time of birth the child did not benefit from the status of both spouses, this fact shall be recorded in the register.
4. If the mother does not request the initiation of the proceedings referred to in paragraph 3 of this article within sixty days, or if the request is rejected, the paternity of the husband shall be officially recorded in the birth certificate.

ARTICLE 148

(Indication of non-presumed paternity)

The indication of paternity not legally presumed shall only be admitted when there is voluntary or judicial recognition.

ARTICLE 149

(Unknown paternity)

1. When a birth certificate for a minor is issued with only the mother's identity established, the Registrar must send a full copy of the certificate to the court so that the identity of the father can be verified *ex officio*.

2. For the same purpose, a full copy of the birth certificate of the minor, issued in accordance with Article 147 of this Code, shall be sent as soon as the presumption of paternity has been removed.

3. The certificate shall not be sent if, once the name of the alleged father is known, the Registrar finds that he and the mother are relatives or relatives in the direct line or relatives in the second degree of the collateral line.

ARTICLE 150

(Fee for sending certificates)

A fee for the forwarding of the certificates referred to in the preceding articles shall be entered in the margin of the birth record.

ARTICLE 151

(Value of the registration of filiation)

Civil registry officials are prohibited from recording any filiation that contradicts the filiation resulting from a previous registration, until such time as the latter is rectified or canceled.

SUBSECTION II

Registration of filiation

ARTICLE 152

(Registration by entry)

1. A filiation that is not included in the child's birth record, when performed before a civil registry official, shall be registered by means of an entry.

2. The registry office of the habitual residence of the parent or child shall be competent to draw up the entry.

ARTICLE 153

(Special mentions in entries)

1. In addition to the general requirements, the acknowledgment of paternity record must contain the following information:

- a) the full name, age, marital status, and place of birth of the adoptive parents;
- b) the express declaration of recognition made by the declarants;
- c) the full name, sex, marital status, date, and district of birth of the child;
- d) the date of death of the adopted child, if they have already died;
- e) a statement of consent by the child, if they are of legal age or emancipated, or by their descendants if they are deceased, given verbally at the time of the act or by means of a document drawn up in court;
- f) the mention of the surnames of the parent that the child will use, when chosen, with an indication of the new full composition of their name.

2. In the case of maternal filiation, if the filiation claimant is married, widowed, or divorced, the dates of the marriage and its dissolution must be mentioned in the record, as well as the facts provided for in Article 236 of the Family Law, if any of them have occurred.

3. The adoptive parent must present, whenever possible, the birth certificate or identity card of both themselves and the adoptee.

4. If the documents referred to in paragraph 3 of this article are not presented, full narrative certificates of the birth records of the guardian and the ward must be presented, unless these have been drawn up at the registry office itself.

5. A reference to the birth registration of the child, as well as to the death registration if the child is already deceased, shall be entered in the margin of the record.

ARTICLE 154

(Additional references)

The elements provided for in the previous article may be supplemented by others that are necessary for the identification of the child, without the absence of any of them preventing the registration from being drawn up and taking effect, provided that no reasonable doubt arises as to the identity of the person to whom it relates.

ARTICLE 155

(Consent of the child)

1. The consent referred to in Article 153(1)(e) of this Code may be given at any time by means of a declaration made before the registrar of the civil registry, who shall record it in the register, or by means of an authentic or authenticated document or a sufficient judicial order, in which case it shall be recorded in the respective entry.

2. The entry of acknowledgment of paternity, the effectiveness of which is dependent on subsequent consent, shall be considered secret until such consent is recorded.

3. If the acknowledged child or their descendants are notified to give their consent and refuse to do so, the entry shall be canceled *ex officio*, in view of the certificate proving the refusal.

ARTICLE 156

(Recognition of an unborn child)

1. The registration of the acknowledgment of paternity of an unborn child may only be made if it is subsequent to conception and the acknowledger identifies the mother.

2. In addition to the usual requirements, the entry must contain the full name, age, state, place of birth, and residence of the mother of the child, the date of conception, and the probable date of birth.

3. If, upon birth, it is found that the adoption took place before the legal period of conception, the Registrar shall, through the Public Prosecutor's Office, promote the cancellation of the entry through a judicial justification process.

ARTICLE 157

(Adoption of incestuous children)

1. The registration of the filiation of an incestuous child may only be drawn up in relation to one of the parents.

2. If the incestuous nature of the filiation is only ascertained after recognition by both parents, the Registrar shall, through the Public Prosecutor's Office, request that the registration be declared secret in relation to the parent who recognized the child second, or in relation to the father, in the case of simultaneous recognition.

3. The decision declaring the secrecy of the record shall be officially recorded in the respective filiation and birth records.

4. The provisions of the preceding paragraphs shall apply to acknowledgments made directly in the birth records of the acknowledged child.

ARTICLE 158

(Recognition of more than one individual)

The acknowledgment of paternity record may refer to more than one acknowledged child, provided that they are siblings.

ARTICLE 159

(Registration of maternity declaration while traveling or on campaign)

1. When traveling by sea or air, aboard a Mozambican ship or aircraft, in the event of imminent danger of death, the authority on board may draw up a maternity declaration record, in relation to which the provisions of Article 137 et seq. of this Code shall be observed, where applicable.

2. During military campaigns, the entity specially designated for this purpose in the military regulations may draw up a maternity declaration record, in accordance with paragraph 1 of this article, provided by members of the armed forces.

ARTICLE 160

(Registration of recognition by annotation)

1. Judicial recognition, as well as filiation recorded in a will or public deed or in a document drawn up in court, shall be registered by means of an annotation to the corresponding birth record.

2. The provisions of Articles 156 and 157 of this Code shall apply, with the necessary adaptations, to filiation registered by annotation.

ARTICLE 161

(Reference number for secret filiation)

1. In the case of secret filiation, a simple reference quota shall be entered in the margin of the birth register of the filiation, mentioning the book, number, and year of the respective entry.

2. As soon as the filiation ceases to be secret, the respective annotation shall be made ex officio.

ARTICLE 162

(New birth record)

1. The establishment of parentage, the resulting change of name, the names of grandparents, adoption, and the marriage of parents may be included in the text of the birth record to which they have been added, at the verbal request of the interested parties or their legal representatives, by means of a new birth record drawn up in electronic format.

2. Discriminatory references to filiation permitted by previous law, annotations of facts not subject to registration, annotations that contradict established filiation, as well as those relating to the exercise of parental authority when the holder of the record is of legal age, may be deleted by creating a new record in accordance with paragraph 1 of this article.

3. Following the new registration, annotations of facts not included in the original entry shall be made, which shall be canceled, except in the case of adoption.

SECTION III

Subsection I

Preliminary publication process

ARTICLE 163

(Competence for its organization)

The organization of the preliminary publication process for marriage is the responsibility of the civil registry office in the area where either of the parties to the marriage has been domiciled or has had their residence for at least the last thirty days prior to the date of the declaration or submission of the application referred to in the following articles.

ARTICLE 164

(Declaration for marriage)

Those who wish to marry must declare this, either in person or through a duly authorized representative, at the civil registry office and request the initiation of the preliminary publication process.

ARTICLE 165

(Form and content of the declaration)

1. The declaration for marriage must consist of a document signed by the bride and groom, with no need for notarization of signatures, or a document drawn up on an approved form and signed by the civil registrar and the declarants, if they know how and are able to do so.

2. The declaration must contain the following information:

- a) the names, ages, marital status, place of birth, and usual place of residence of the parties to the marriage;
- b) the full names and marital status of the parents and, if either of them is deceased, a mention of this circumstance, if the bride or groom is a minor;
- c) the full name and marital status of the guardian, if either of the parties is a minor and has a guardian appointed;
- d) the registry office where the marriage is to be celebrated;
- e) a statement indicating whether the marriage will be celebrated with or without a prenuptial agreement;
- f) the number, date, and issuing office of the identity cards of the bride and groom, or a protest for their subsequent presentation;
- g) the type of marriage that the bride and groom intend to enter into;
- h) the residences of the bride and groom in the last twelve months, if different from those they had at the time of the declaration;
- i) an express declaration by each of the spouses that the information contained in their respective birth certificates has not changed since the date of issue until the moment the declaration is made;
- j) the reasoned request for replacement of the public notice, in the cases provided for in Article 172 of this Code.

ARTICLE 166

(Documents)

1. The initial declaration must be accompanied by the following documents:

- a) certificates proving the current residence of the parties;
- b) birth certificates of the parties to be married;

- c) death certificates of the father or mother of minor spouses who are not emancipated, when one of them is deceased, or certificates of guardianship, in the event of the death or incapacitation of both;
- d) certificates or attestations proving the economic situation of the parties, when they intend to benefit from the exemption or reduction in fees provided for in this Code;
- e) prenuptial agreement or certificate of the respective deed, if any;
- f) the identity cards of the bride and groom or, failing that, their personal identification card, passport, or other identification document provided for by law.

2. The documents referred to in subparagraphs *a)*, *b)*, *c)* and *d)* of paragraph 1 of this article must be presented at the time of the declaration; the others may be presented later, but before the marriage is celebrated.

3. The birth certificates of the spouses, as well as the death certificates necessary for the proceedings, may be replaced by affidavits, issued in accordance with the provisions of this Code, by certified or public photocopies.

4. Identity cards or identification documents submitted shall be returned to the persons who presented them after their submission has been noted in the proceedings.

5. If it is impossible to present the certificate referred to in paragraph 1(c) of this article, it may be replaced by a declaration of consent issued by the person responsible for the minor, confirmed by the administrative authority of the place of residence, stating the precise situation of the minor and specifying the reasons for that impossibility.

ARTICLE 167

(Requirements and exemption from certificates)

1. The birth certificate of the spouses must be a complete narrative and have been issued less than one year ago.

2. A birth certificate issued by a foreign authority must only satisfy the requirements for the same purpose under the law of the country of origin.

3. The presentation of certificates of acts whose entries appear in the books of the registry office organizing the proceedings is waived, being replaced by a note entered in the record or initial document, stating the date of the registered fact, the number and year of the respective registration, and the signature of the official.

ARTICLE 168

(New marriages)

1. In the event of remarriage of either of the spouses, proof of dissolution, declaration of nullity, or annulment of the previous marriage shall be provided by the corresponding annotations mentioned in the birth certificates or, when these have been replaced by certificates of notoriety, by the death certificates or the judgment.

2. If the birth certificates do not contain the necessary annotations, the Registrar shall suspend the proceedings and comply with the provisions of Article 101 of this Code.

3. Once the missing entries have been made, the registries holding the birth records of the spouses shall immediately and *ex officio* send updated certificates of the respective records to the registry organizing the marriage proceedings, so that they may be added to the proceedings.

4. If the interested parties prefer not to wait for the outcome of the proceedings referred to in the previous paragraph, they may prove the dissolution, declaration of nullity, or annulment of the marriage by presenting death certificates or court rulings, as applicable.

ARTICLE 169

(Intermarriage period)

1. The impediment of the intermarriage period prevents the marriage of a person whose previous marriage has been dissolved or annulled, until six months have elapsed since the dissolution or annulment of that marriage.

2. In the case of divorce or annulment of marriage, the period shall be counted from the date of the final judgment.

3. The impediment of the waiting period ceases if the marriage has been dissolved by an uncontested divorce, by conversion of the legal separation of persons and property into divorce, and, in the case of a contested divorce, when the *de facto* separation has been judicially proven, unless the period referred to in paragraph 1 of this article has not elapsed.

ARTICLE 170

(Posting of notices)

1. The intention of the parties to marry shall be made public by means of a public notice, inviting persons who are aware of any impediments to the marriage to declare them at the registry office.

2. The notice, written on an approved form, is posted by the registrar on the door of the registry office in a clearly visible manner for eight consecutive days.

3. If either of the parties to the marriage resides, or has resided in the last twelve months, outside the area of the registry office organizing the proceedings, the Registrar shall send a copy of the notice to the registry office of that residence, to be posted there under the conditions of paragraph 2 of this article, unless the party to the marriage is a foreigner.

4. When the notice has to be posted abroad, a copy shall be sent to the competent Mozambican diplomatic or consular agent.

ARTICLE 171

(Certificate of posting of notices)

1. On the day immediately following the expiry of the period of publication, the Registrar shall draw up a certificate stating that the legal formalities have been complied with and that no impediment to the marriage has been declared or is known to exist.

2. Then, attach the certificate to the case file, or send it to the competent office, along with the documents provided as proof of the impediments that have been declared.

ARTICLE 172

(Replacement of the posting of the notice at the place of residence)

1. If either of the parties to the marriage resides, or has resided during the last twelve months, outside the area of the registry office organizing the proceedings, the Registrar, when requested to do so and provided that justifiable reasons are given, may, in lieu of posting the notice at the registry office of that place of residence, hear, in a hearing, two reliable witnesses regarding the identity and capacity of that party to marry.

2. If the witnesses offered do not reside in the area of the registry office organizing the proceedings, they may be heard, by means of a letter rogatory, at the registry office of the residence.

ARTICLE 173

(Declaration of impediment)

1. The existence of impediments may be declared by any person up to the moment of the celebration of the marriage, and must be declared by civil registry officials as soon as they become aware of them.

2. If any impediment is inferred before the marriage is celebrated, or if its existence comes to the knowledge of the civil registrar in any way, the latter must record it in the marriage file, the progress of which is suspended until the impediment ceases, is waived, or is ruled inadmissible by a court decision.

3. Once the impediment has been declared, the Registrar shall decide, in accordance with civil law, whether it is valid or not and, if so, shall refer the case to a court for a decision and, if not, shall order the marriage proceedings to continue.

ARTICLE 174

(Steps to be taken by the Registrar)

1. Notwithstanding the provisions of the preceding articles, the Registrar of the civil registry is responsible for verifying, in light of the information included in the case, the identity and matrimonial capacity of the parties to be married and may, in case of doubt, request the necessary information from the competent authorities, require additional testimonial and documentary evidence, and summon the parties to be married or their legal representatives when it is essential to hear them.

2. Witnesses who are called to testify, as well as the bride and groom, their parents, or guardians, may be heard, by means of a writ of subpoena, at the registry office of their place of residence.

3. In the case of a fully adopted spouse, the Registrar shall investigate, without publicity, the existence of impediments resulting from natural filiation.

ARTICLE 175

(Final order)

1. Once the publication period has ended and the necessary steps have been taken, the Registrar shall, within three days of the last step, issue a decision authorizing the bride and groom to marry or ordering the case to be closed.

2. The order shall identify the parties to the marriage by simple reference to the information contained in the initial declaration, supplemented or corrected with other information in the file, referring to the existence or non-existence of impediments to the marriage and assessing the parties' capacity to marry.

3. Minor irregularities or deficiencies in the records, certificates, or documents presented by the couple, particularly those relating to the spelling of names, do not constitute an impediment to the celebration of the marriage, provided that they do not raise reasonable doubts about the identity of the persons to whom they relate.

4. If the decision is unfavorable to the marriage, the order shall be notified to the parties, either in person or by registered letter with acknowledgment of receipt.

ARTICLE 176

(Deadline for the celebration of the marriage)

1. If the order is favorable, the marriage must be celebrated within the following ninety days.

2. If the marriage is not celebrated within the period referred to in paragraph 1 of this article, the process may be revalidated by attaching the documents that have exceeded their validity period and posting new notices.

3. Revalidation may only take place within one year from the date of the final order.

SUBSECTION II

Certificate for marriage

ARTICLE 177

(Transfer of the certificate)

1. If the couple wishes to marry at a registry office other than the one where the proceedings took place, the Registrar, after collecting the required fees, shall officially send a certificate to that registry office within three days of the final order, stating that the couple may marry.

2. If the couple, in their initial declaration or subsequently, have expressed their intention to have a religious wedding, the Registrar shall, within three days, issue a certificate stating that the couple may marry.

3. The deadline for issuing the certificate shall be counted from the date of the final order or from the date on which the couple make their declaration before the Registrar, as provided for in paragraph 2 of this article.

4. If a prenuptial agreement or prenuptial deed is attached to the file, a certificate of the agreement or deed shall be sent with the certificate.

ARTICLE 178

(Information included in the certificate)

1. The certificate shall contain the following information:

- a) the full names, age, marital status, place of birth, and usual residence of each of the parties to the marriage;
- b) the full names of the parents of the parties to the marriage, if known, and, if any of them are deceased, a reference to this circumstance;
- c) the full names of the guardians of any minor parties to the marriage who are under guardianship;
- d) an indication of whether the marriage is being celebrated with or without a prenuptial agreement, referring to the supporting document, if any, and the property regime adopted;
- e) indications regarding the existence of prior consent from the parents, guardian, or person responsible for the minor parties, or the names of the persons who can provide such consent at the time of the marriage ceremony, as well as their respective substitutes, if any;
- f) the full name of the attorney for either of the spouses, if any;
- g) the period within which the marriage must be celebrated;
- h) the number, year, and registry office holding the birth certificate of the bride and groom, and the number, date, and issuing entity of their respective identity cards.

2. If the couple have declared that they have a prenuptial agreement but do not present the respective deed before the certificate is issued, this circumstance shall be mentioned, with an indication that the deed may be presented before the marriage ceremony.

ARTICLE 179

(Supervening knowledge of impediment)

The registry office that issued the certificate shall notify the respective Registrar or religious dignitary of any impediments that come to its knowledge at a later date, so that the marriage may be suspended.

SUBSECTION III

Consent to the marriage of minors

ARTICLE 180

(Request)

1. Minors who are not emancipated must inform their parents or guardian of their intention to marry to their parents or guardian and request their consent.

2. In their initial declaration, the couple must state whether they have complied with the provisions of the previous paragraph or explain the reasons that prevented them from doing so.

3. If consent has been obtained, the parties may attach the relevant supporting document to the initial declaration, so that it is mentioned therein.

ARTICLE 181

(Form of giving consent)

1. The consent of the parents or guardian for the marriage of minors may be given by the following means:

- a) by a document drawn up by the registrar and signed by all parties involved;
- b) by authentic or authenticated notarial document;
- c) by an authentic or authenticated document drawn up abroad by the competent local authorities or by Mozambican consular or diplomatic agents.

2. The documents referred to in the preceding paragraphs may be replaced by the declaration referred to in Article 166(5) of this Code, when the impossibility referred to in that legal provision is verified.

3. The document proving consent always identifies the other spouse and indicates the type of marriage.

4. Consent may also be given at the time of the marriage ceremony, in which case it should only be mentioned in the marriage certificate.

ARTICLE 182

(Notification of parents or guardian)

1. When the parties declare that they have complied with the provisions of Article 180(1) but do not attach supporting documentation, or when they claim that it is impossible to communicate with their parents or guardian, the registrar shall verify the veracity of the declaration or claim, in accordance with the provisions of Article 174 of this Code.

2. If the Registrar is unable to verify the truthfulness of the statements made by the parties, or considers them to be unfounded, the parents or guardian shall be notified, whenever possible, to file an objection within fifteen days, under penalty of consent being deemed to have been given.

3. The notification shall be made in person or by registered letter with acknowledgment of receipt, expressly referring to the name of the other party to the marriage.

4. If the notification is made by registered letter, the period for opposition shall be counted from the date on which the acknowledgment of receipt is attached to the file.

ARTICLE 183

(Failure to notify)

If it is not possible to effect notification, the process shall continue as normal, but parents or guardians who have not been notified and have not given their consent may lodge an objection until the marriage is celebrated.

ARTICLE 184

(Opposition)

1. The opposition does not need to be substantiated and may be lodged by any of the means provided for in Article 181(1) of this Code.

2. If there is opposition, it shall be notified to the betrothed personally, which may be by registered letter with acknowledgment of receipt.

3. The bride or groom may appeal the opposition to the juvenile court, but the marriage shall only be celebrated if the court rules in their favor.

4. This decision is not subject to appeal.

ARTICLE 185

(Lack of consent)

1. An unemancipated minor who marries without seeking the consent of their parents or guardian, when they are able to do so, or without awaiting a favorable decision from the juvenile court in the event of opposition, shall be subject to the penalties prescribed by civil law.

2. Subsequent approval of the marriage by the parents or guardian may be granted in any of the ways provided for in Article 181 of this Code and shall terminate the effects of the lack of consent once it is recorded in the marriage certificate.

SUBSECTION IV

Religious wedding ceremony

ARTICLE 186

(Requirement for a certificate)

1. A religious marriage cannot be celebrated without presenting the certificate referred to in Article 177 of this Code to the respective religious dignitary.

2. Exceptions are made for marriages in cases of imminent death or serious moral grounds, if expressly authorized by the competent religious dignitary.

ARTICLE 187

(Religious marriages of Mozambicans abroad)

1. The provisions of Article 186 of this Code shall apply to religious marriages celebrated abroad between Mozambican spouses or between a Mozambican and a foreigner.

2. The diplomatic or consular agents of Mozambique in the place of residence of the spouses, or, if either spouse resides in Mozambique, the civil registry office of the area of their respective residence, shall be responsible for organizing the publication process.

SUBSECTION V

Celebration of civil marriage

ARTICLE 188

(Date and time)

The date and time of the marriage ceremony shall be agreed between the parties and the Registrar.

ARTICLE 189

(Persons whose presence is indispensable)

1. For the celebration of marriage, the presence of the contracting parties, or of one of them and the representative of the other, the registrar, and two witnesses of legal age or fully emancipated, is indispensable.

2. A marriage is considered to have been celebrated in the presence of the civil registrar if it was performed before a person who, although not holding that office, publicly exercised the respective functions, unless both parties were aware, at the time of the celebration, of the false status of the celebrant or the irregularity of their investiture.

ARTICLE 190

(Solemnity)

1. The marriage ceremony is public and is performed as follows:

- a) The Registrar, after announcing that the wedding ceremony will take place at that location, reads from the initial declaration the details relating to the identification of the bride and groom and their intention to marry, and the final order provided for in Article 175 or, in the case of a certificate issued under the terms of Article 177(1) of this Code, the details relating to the identification of the bride and groom and the authorization for the marriage;
- b) if the parties are minors and the consent of their parents or guardian has not yet been given, nor that authorization provided, the Registrar shall ask the persons who must give it whether they grant it, suspending the ceremony if it is not granted;
- c) after referring to the impediments specified in the law, the Registrar shall ask those present to declare whether they are aware of any impediment to the marriage;
- d) If no impediment is declared, the registrar asks each of the parties whether they accept the other as their spouse;
- e) Each of the parties responds, successively and clearly: "It is my free will to marry F..." (indicating the full name of the other party).

2. Once the consent of the contracting parties has been given, the marriage is considered to be celebrated, which the Registrar proclaims, declaring aloud that "F... and F... (indicating the full names of the husband and wife) are united in marriage."

3. If either of the parties is mute, deaf-mute, or unable to speak the official language, the provisions of Articles 49 and 50 of this Code shall apply.

SUBSECTION VI

Celebration of an urgent civil marriage

ARTICLE 191

(Justifiable causes)

When there is a well-founded fear of the imminent death of one of the parties, even if due to external circumstances, or imminent childbirth, the marriage may be celebrated regardless of the preliminary publication process and without the intervention of the civil registrar, provided that the following formalities are observed:

- a) oral or written proclamation that the marriage will take place, made at the door of the house where the bride and groom are located, by the civil registrar or, in their absence, by one of the persons present;

b) express declaration of consent by each of the spouses, before four witnesses, two of whom may not be relatives of the spouses who are eligible to inherit;

c) drafting of the marriage certificate, on plain paper and without special formalities, signed by all those involved who know how and are able to do so, if it is not possible to immediately record the provisional entry referred to in Article 192 of this Code in the respective register.

ARTICLE 192

(Provisional entry)

1. In the case of an urgent marriage, the competent Registrar shall immediately, or if this is not possible, within forty-eight hours, draw up a provisional record mentioning the special circumstances of the celebration and the full names of all those involved.

2. If the marriage took place during a campaign or while traveling by sea or air, or on board a ship anchored in a port but without communication with land, the deadline for requesting provisional registration is ten days from the date on which it becomes possible to communicate with the competent official.

3. The entry shall be made by transcription, unless it has been made immediately in the appropriate register, and in any case shall be signed by at least two of the witnesses present at the ceremony.

4. The registry office in whose area the marriage was celebrated is competent to carry out the provisional registration.

ARTICLE 193

(Terms of the record)

1. The provisional record shall be drawn up ex officio if the civil registry official has intervened in the celebration of the marriage or, where this is not the case, at the request of any interested party, the witnesses, or the Public Prosecutor's Office.

2. The spouse who is not prevented from doing so or the witnesses to the marriage who do not request the provisional registration shall be jointly and severally liable for any damage resulting from the omission.

3. The registrar shall notify the witnesses who are required to sign the record to appear at the registry office for that purpose, under penalty of the applicable penalty for the crime of disobedience.

ARTICLE 194

(Organization of the process and approval of the marriage)

1. Once the provisional entry has been made, the Registrar shall, on the basis of that entry, officially organize the publication process in accordance with Articles 163 et seq. of this Code, in the applicable part, notifying the spouses, in person or by registered letter, to appear at the registry office in order to submit the necessary documents.

2. If the interested parties do not submit the necessary documents, the registrar shall request the competent authorities to issue them, without prior payment of fees.

3. If a preliminary publication process has already been organized, the Registrar's final decision shall be issued within three days from the date of the provisional entry or the last step in the process, unless there is a justified reason for not observing the deadline, which must be specified in the decision.

4. If the preliminary process has been initiated in another registry office, the Registrar, after attaching the notices, shall officially forward it to the office where the provisional entry was made.

5. The deadline for issuing the order referred to in paragraphs 1, 2, 3, and 4 of this article shall be counted from the date of receipt of the proceedings.

6. The proceedings must be concluded within thirty days of the provisional registration, except in cases of absolute impossibility, which the official must justify in the final order.

7. The urgent marriage is subject to the approval of the Registrar, who, in the final order, must expressly set out all the elements that must be included in the final record.

ARTICLE 195

(Refusal of approval)

1. The marriage cannot be approved in the following cases:

- a) if the legal requirements are not met or the formalities prescribed in Articles 191 and 192 of this Code have not been observed;
- b) if there are serious indications that the requirements or formalities are allegedly false;
- c) if the marriage was contracted with a diriment impediment;
- d) if the marriage has been considered religious and is transcribed as such.

2. If the marriage is not approved by the Registrar, the order of refusal shall be notified to the interested parties, either in person or by registered letter.

3. The provisional registration shall be canceled once the Registrar's order becomes final.

SUBSECTION VII

Marriage of Mozambicans abroad and of foreigners in the Republic of Mozambique

ARTICLE 196

(Form of marriage celebrated abroad)

A marriage contracted abroad between two Mozambicans or between a Mozambican and a foreigner may be celebrated before religious dignitaries, or in the manner established in this Code, before Mozambican diplomatic or consular agents, or in the manner provided for by the law of the place of celebration.

ARTICLE 197

(Publication process)

The marriage of a Mozambican resident abroad or in the Republic of Mozambique, as provided for in Article 196, shall be preceded by the publication process, organized in accordance with Articles 163 et seq. of this Code, by Mozambican diplomatic or consular agents or by the civil registry office competent for that purpose, unless exempted by civil law.

ARTICLE 198

(Verification of the capacity to marry of Mozambicans)

1. Mozambicans residing in the Republic of Mozambique who wish to marry abroad may request verification of their capacity to marry and the issuance of the respective certificate at the central registry office.

2. The certificate is issued by the Registrar of the central registry, in duplicate, subject to the prior organization of a publication process at the same registry office, and must contain all the information provided for in Article 336 of this Code.

3. Mozambicans residing abroad who wish to marry before the local authorities may request verification of their capacity to marry from the central registry office or from the diplomatic or consular agents responsible for organizing the marriage publication process, and a duplicate of the certificate must be sent to the registry office referred to in paragraph 2 of this article.

ARTICLE 199

(Marriage of Mozambicans to foreigners)

The marriage of a Mozambican citizen to a foreigner celebrated in the Republic of Mozambique may only be performed in the manner and under the terms provided for in this Code.

ARTICLE 200

(Marriage between foreigners celebrated in the Republic of Mozambique)

The marriage of foreigners in the Republic of Mozambique may be celebrated in accordance with the form and terms provided for in the national law of either of the parties, before their respective diplomatic or consular agents, provided that the same competence is recognized by the same law for Mozambican diplomatic and consular agents.

ARTICLE 201

(Certificate required for foreigners wishing to marry in the Republic of Mozambique)

1. Foreigners who wish to marry in the Republic of Mozambique, in any of the forms provided for in this Code, must complete the preliminary publication process with a certificate issued less than three months ago by the competent authority of their country of nationality, proving that, in accordance with their personal law, there is no impediment to the marriage.

2. When the bride or groom, due to the absence of diplomatic or consular representation of their country of nationality, or for other reasons of force majeure, is unable to present the certificate, the lack of the document may be remedied by verification of their capacity to marry, carried out through a process organized by the competent registry office and decided by the National Director of Registries and Notaries.

SECTION IV

Marriage registration

SUBSECTION I

Religious marriage registration

ARTICLE 202

(Religious marriage certificate)

1. The religious marriage record shall be drawn up in duplicate immediately after the celebration of the marriage and shall contain the following information:

- a) date and place of the ceremony;
- b) full name of the religious dignitary who officiated at the marriage;
- c) full name, age, place of birth, and usual residence of the bride and groom;
- d) full name of the parents or guardian of the bride and groom and of the representative of either of them, if any;
- e) reference to the existence of consent from the parents or legal guardians of minor spouses or to the respective substitution thereof and, when provided at the time of the ceremony, mention of this circumstance;

- f) reference to whether the marriage was celebrated with or without a prenuptial agreement and mention of the respective deed or document, indicating the property regime stipulated if it is one of the standard regimes;
- g) a statement by the spouses that they are entering into the marriage of their own free will;
- h) surnames adopted by either of the spouses;
- i) presentation of the certificate required by Article 186 of this Code, indicating the date and registry office where it was issued;
- j) full name and usual residence of two witnesses.

2. The existence of a prenuptial agreement shall only be mentioned if, by the time the marriage is celebrated, the relevant document has been presented, and the date of the deed or document and the registry office or notary where the document was drawn up shall be indicated in the record.

3. In the case of a marriage celebrated with exemption from the publication process by authorization of the religious dignitary, this circumstance and the date of authorization must be mentioned in the record.

ARTICLE 203

(Signature)

1. The record and the duplicate shall be signed by the spouses, when they are aware and able to do so, by the witnesses, and by the religious dignitary who drew it up.

2. The parents or guardian of minor spouses shall also sign the record and the duplicate, if they are able and know how to do so, when they have given their consent to the marriage at the time of the ceremony, as well as the attorney and interpreter, if any.

ARTICLE 204

(Sending the duplicate)

1. The religious dignitary of the place where the marriage was celebrated is obliged to send the duplicate of the marriage record to the competent registry office within three days, so that it can be transcribed into the marriage register.

2. In the case of marriages whose immediate celebration has been authorized by the religious dignitary, a copy of the authorization authenticated with the signature of the religious dignitary must be sent with the duplicate.

3. The duplicate shall also be accompanied by the documents referred to in Article 202 of this Code, when the circumstances provided for therein occur.

4. The duplicate and other documents shall be sent by registered mail or delivered directly to the registry office, in which case a special receipt shall be issued.

5. If the duplicate is lost, the religious dignitary shall send the registry office a full copy of the record as soon as he becomes aware of the fact, to serve as a basis for the transcription.

ARTICLE 205

(Registry office competent for transcription)

1. The registry office that issued the certificate is competent for the transcription of religious marriages.

2. If the marriage is celebrated in an area other than that in which the preliminary publication process took place, the transcription shall be made at the registry office of the area where the celebration takes place, and the duplicate shall be accompanied by a certified copy of the certificate signed by the religious dignitary.

3. The provisions of paragraph 2 of this article shall also apply in the case of marriages celebrated in the Republic of Mozambique, based on a certificate issued by a Mozambican diplomatic or consular agent.

ARTICLE 206

(Deadline for transcription)

1. The Registrar shall transcribe the duplicate or certificate of the religious marriage record within two days and communicate it to the religious dignitary by means of an approved form.

2. The deadline for transcription shall be counted from the receipt of the duplicate or completed or clarified certificate, in the cases referred to in Article 208, from the final order, in the case provided for in Article 207 of this Code, and from the receipt of the duplicate or certificate in all other cases.

3. In the absence of the duplicate or certificate of the record being sent by the religious dignitary, the transcription may be made at any time in view of any of these documents, at the request of any interested party or the Public Prosecutor's Office.

ARTICLE 207

(Transcription in the absence of a publication process)

1. If the marriage was not preceded by the preliminary publication process, the transcription shall only be carried out after the process has been organized, in accordance with Article 163 et seq. of this Code, replacing the declaration of the bride and groom with a duplicate or certificate of the religious marriage.

2. The notice that is posted shall mention the fact of the marriage, the date, the place, and the religious dignitary before whom the marriage was celebrated.

3. The Registrar may notify the spouses in person or by registered letter to appear at the registry office, under penalty of contempt, in order to provide the necessary clarifications for the organization of the file.

4. The bride and groom may be heard, by means of a writ of summons, at the civil registry office in their area of residence.

5. If the spouses do not submit the necessary documents, the provisions of paragraph 2 of Article 194 of this Code shall apply.

6. If there is no exemption from the fees corresponding to the proceedings, the spouses shall be notified to pay the amounts owed within ten days, under penalty of enforcement proceedings.

7. If there is a publication process pending on the date of receipt of the duplicate, paragraphs 3 and 4 of Article 194 of this Code shall apply, with the necessary adaptations.

ARTICLE 208

(Refusal of transcription)

1. The transcription of a religious marriage may be refused in the following cases:

- a) if the registry office to which the duplicate is sent is not competent;
- b) if the duplicate or certificate of religious marriage does not contain the information required in Article 202 of this Code or the required signatures;
- c) if the Registrar has reasonable doubts about the identity of the contracting parties;
- d) if, at the time of the celebration, there is any impediment to the marriage;

e) if, in the case of a marriage legally celebrated without prior publication, there is at the time of celebration an impediment due to lack of marriageable age, interdiction or incapacity due to mental abnormality, recognized by a final judgment, or the impediment of a previous civil marriage that has not been dissolved, provided that, in any of these cases, the impediment still exists.

2. When the Registrar considers himself incompetent to make the transcription, he shall forward the duplicate or certificate of the religious marriage record to the competent registry office or, in the absence of elements for its determination, to the religious dignitary who sent it, so that it may be given the appropriate destination.

3. In the cases referred to in subparagraphs b) and c) of paragraph 1 of this article, the Registrar shall send the duplicate or certificate to the religious dignitary by official letter so that the document may be completed or clarified in terms of the transcription being made, whenever possible, within seven days after the celebration of the marriage.

4. The death of one or both spouses shall not prevent the transcription.

5. Refusal of the transcription shall be notified to the spouses, in person or by registered letter.

ARTICLE 209

(Effectiveness of transcription after refusal)

A transcription refused on the basis of a diriment impediment shall be effected ex officio, or at the initiative of any interested party or the Public Prosecutor's Office, as soon as the impediment that gave rise to the refusal ceases to exist.

ARTICLE 210

(Religious marriage not transcribed)

If, during the organization of the marriage process, it is found that either of the parties is bound by a religious marriage that has not been transcribed, the Registrar shall suspend the process and officially promote the transcription.

SUBSECTION II

Registration of religious marriages celebrated by Mozambicans abroad

ARTICLE 211

(Transcription of religious marriages)

1. The transcription of a religious marriage celebrated abroad between Mozambican spouses or between Mozambicans and foreigners shall be based on the record.

2. The provisions of Articles 217 et seq. of this Code shall apply to the transcription of such marriages, which may be refused on the same grounds as the transcription of religious marriages celebrated in the Republic of Mozambique.

3. If, due to local law requirements, spouses who were married in a religious ceremony also had a non-religious ceremony, this circumstance shall be mentioned in the transcription of the religious marriage, based on supporting legal documentation.

SUBSECTION III

Civil marriage registration

ARTICLE 212

(Time of registration)

1. The record of a non-urgent civil marriage celebrated in the Republic of Mozambique in the manner established in this Code shall be drawn up and signed immediately after the ceremony.

2. The signatures of the spouses may include their adopted surnames.

ARTICLE 213

(Information to be included)

1. In addition to the general requirements, the civil marriage certificate must contain the following elements:

- a) the date and place of the ceremony;
- b) the full name, age, place of birth, and usual residence of the spouses;
- c) the full names of the parents and guardians of the spouses, the interpreter, and the attorney for any of them, if any;
- d) reference to the consent of the parents or legal representatives of minors who are not emancipated or to its substitution and, when given at the time of the ceremony, mention of this circumstance;
- e) a statement by the spouses that they are entering into the marriage of their own free will;
- f) an indication of whether the marriage was celebrated with or without a prenuptial agreement, a reference to the supporting document, and an indication of the property regime stipulated therein;
- g) an indication of the surnames adopted by the spouses.

2. If either parent of the minor, unemancipated bride or groom is deceased, this circumstance must be mentioned.

ARTICLE 214

(Reading)

Once drawn up, the entry shall be read aloud immediately by the registrar to those present at the marriage ceremony.

SUBSECTION IV

Urgent civil marriage record

ARTICLE 215

(Final record)

The order of the Registrar approving the urgent civil marriage shall establish, in accordance with the provisional record, supplemented by the documents attached to the preliminary publication process and the steps taken, the elements that must be included in the final record, in accordance with the provisions of Article 213 of this Code.

ARTICLE 216

(Elements that serve as the basis for the decision)

1. The final registration is drawn up based on the elements contained in the approval order, within two days from the date on which the order is issued, with express reference to this article, but omitting the particular circumstances of the marriage.

2. The registration of the final entry determines the cancellation of the provisional registration.

SUBSECTION V

Registration of civil marriages of Mozambicans abroad

ARTICLE 217

(Consular registration)

1. A marriage celebrated abroad between two Mozambicans, or between a Mozambican and a foreigner, shall be registered in the appropriate book at the competent consulate.

2. The registration shall be made by inscription, pursuant to Articles 212 et seq. of this Code, if the marriage is celebrated

before a Mozambican diplomatic or consular agent and, in other cases, by transcription of the document proving the marriage, issued in accordance with the law of the place of celebration.

3. The transcription may be requested at any time by any interested party and shall be carried out by the competent diplomatic or consular agent as soon as he or she becomes aware of the marriage.

ARTICLE 218

(Publication process)

1. If the marriage was not preceded by publications, the transcription is subject to the prior organization of the process provided for in Articles 163 et seq. of this Code.

2. In the final order, the consul shall report on the steps taken and the information received and decide whether or not the marriage may be transcribed.

3. The transcription shall be refused if, through the process of publication or otherwise, the consul finds that the marriage was celebrated with some impediment that renders it voidable.

ARTICLE 219

(Sending of duplicate)

Once the consular record has been drawn up, the consul shall send the duplicate to the Central Registry Office.

ARTICLE 220

(Transcription)

1. A marriage whose record has not been drawn up by the competent diplomatic or consular agent may be transcribed at the Central Registry Office on the basis of any of the following documents:

- a) a document proving the celebration of the marriage sent through the Ministry of Foreign Affairs by the foreign authority before which the marriage was celebrated;
- b) document proving the marriage presented by either spouse, their heirs, or other interested parties.

2. The transcription shall be refused if the registrar finds that the marriage was celebrated with any impediment that renders it voidable.

SUBSECTION VI

Traditional marriage

ARTICLE 221

(Persons whose presence is indispensable)

For the celebration of a traditional marriage, the presence of the contracting parties, the community authority, and two witnesses of legal age or fully emancipated is indispensable.

ARTICLE 222

(Celebration)

The celebration of a traditional marriage is carried out in the following manner:

- a) oral proclamation by the community authority that the marriage is to be celebrated;
- b) express declaration of consent by each of the parties to the marriage;
- c) drafting of the marriage certificate on plain paper and without special formalities.

ARTICLE 223

(Contents of the certificate)

The traditional marriage certificate is drawn up in duplicate and must contain the following information:

- a) date and place of the ceremony;
- b) full name of the community authority who officiated at the marriage;
- c) full name, age, marital status, place of birth, and usual place of residence of the spouses;
- d) full names of the parents of the spouses;
- e) mention of parental consent, if the spouses are minors;
- f) a statement by the spouses that they are entering into the marriage of their own free will;
- g) surnames adopted by either of the spouses;
- h) full name, marital status, and usual place of residence of the witnesses;
- i) the property regime adopted by the spouses, if any.

ARTICLE 224

(Signing of the certificate)

1. The certificate and the duplicate shall be signed by the contracting parties, the witnesses, and the community authority that drew them up, and mention shall be made, where applicable, that they do not know how to sign or are unable to sign.

2. The parents of minor spouses shall also sign the certificate and the duplicate, if they know how and are able to do so, when they have given their consent to the marriage at the time of the ceremony.

ARTICLE 225

(Forwarding of the duplicate)

The community authority shall be required to send the duplicate of the certificate to the competent registry office within three days.

ARTICLE 226

(Refusal of transcription)

1. The transcription of a traditional marriage shall be refused in the following cases:

- a) if the registry to which the duplicate of the minutes was sent is incompetent;
- b) if the duplicate certificate does not contain the information required under Article 223 of this Code;
- c) if, at the time of the ceremony, there is any impediment to the marriage any impediment provided for in civil law.

2. The death of one or both of the spouses does not prevent transcription.

3. The refusal of transcription shall be notified to the spouses, either in person or by registered letter, and may be appealed to a higher authority.

ARTICLE 227

(Transcription of traditional marriage)

The transcription of a traditional marriage shall only take effect after the publication process has been organized, pursuant to Articles 163 et seq. of this Code.

ARTICLE 228

(Effectiveness of the transcription after refusal)

A transcription refused on the basis of a diriment impediment shall be effected ex officio, or at the initiative of any interested party or the Public Prosecutor's Office, as soon as the impediment that gave rise to the refusal ceases to exist.

SUBSECTION VII

Effects of marriage registration

ARTICLE 229

(Retroactivity)

1. Once the registration has been made, even if it is subsequently lost, the marriage shall have effect from the date of its celebration.
2. However, the rights of third parties that are compatible with the personal rights and duties of the spouses and children are reserved.

SECTION V

Prenuptial agreements and changes to the property regime

ARTICLE 230

(Prenuptial agreement drawn up by order)

A prenuptial agreement that only stipulates one of the types of matrimonial property regimes provided for by law may be drawn up by the registrar of the civil registry, by means of a court order, in the respective marriage publication process.

ARTICLE 231

(Registration)

1. The prenuptial agreement is registered by mentioning it in the marriage record, whenever the official document is drawn up or the certificate of the respective deed is presented before the marriage is celebrated.
2. The prenuptial agreement, when presented after the marriage has been celebrated, and any change in the property regime, whether agreed or legally established, shall be registered by annotation in the marriage record.

ARTICLE 232

(Effects in relation to third parties)

1. An agreement establishing or altering the matrimonial property regime shall only be effective vis-à-vis third parties from the date of registration.
2. In the case of religious or traditional marriages, the effects of the registration made simultaneously with the transcription shall be retroactive to the date of the marriage, provided that it has been transcribed within the following seven days.

SECTION VI

Death

SUBSECTION I

Declaration of death

ARTICLE 233

(Time limit and place)

1. The death of any individual must be declared verbally, within forty-eight hours, at the police station or civil registry office in the area where the death occurred or where the body is located.
2. The deadline for the declaration shall be counted, as applicable, from the moment of death, when the body is found or autopsied, or when the autopsy is waived.
3. The deadline set out in paragraph 1 of this article shall be extended to ninety days, provided that the civil registry official considers that there are justified reasons for the impossibility of complying with that deadline.

ARTICLE 234

(Person responsible)

1. The obligation to report a death shall fall successively to the following persons:
 - a) the head of the family residing in the house where the death occurred, unless absent;
 - b) the closest relative of the deceased who is present;
 - c) the relatives of the deceased who are present;
 - d) the administrator or director of the establishment where the death occurred or their representative;
 - e) the administrative or police authorities, in the event of abandonment of the body;
 - f) the entity in charge of the funeral.
2. It applies to declarants referred to in subparagraphs d), e) and f) of the provisions of paragraph 3 of Article 119 of this Code.

ARTICLE 235

(Death certificate)

1. The declaration must be corroborated by the presentation of the death certificate, issued free of charge by the doctor who verified the death, on a form provided by the competent health authority or, in the absence of such forms, on plain paper without a stamp.
2. In the absence of the certificate, the civil registry official who receives the declaration shall request the local health authority to verify the death and issue the certificate.

ARTICLE 236

(Replacement of death certificate)

1. If it is absolutely impossible for a doctor to attend to verify the death, the certificate may be replaced by a report drawn up by the administrative or police authority with the intervention of two witnesses, in which the reporting officer declares that they have verified the death and the existence or absence of signs of violent death or any suspicion of crime.
2. The report, made in duplicate, is drawn up on a form provided by the competent Health Services authority, without a stamp.
3. One of the copies must accompany the death certificate and the other is sent by the official to the deceased's attending physician, if any, or to the respective health authority so that, based on the information they have gathered, they can classify the cause of death and issue the death certificate.
4. If the administrative or police authority is unable to verify the death, the report is drawn up in the presence of the declarant, with the intervention of two witnesses, except in cases where there is suspicion of crime, violence, or accident.
5. The cause of death may be mentioned through the external manifestations of the disease and its duration.
6. The certificate is sent to the civil registry official who received the death declaration so that the cause of death can be recorded, if the entry has already been made.

ARTICLE 237

(Refusal of the certificate)

The medical certificate or death verification report may be refused by the civil registrar if the signature of the issuing authority is not notarized or authenticated with the respective white seal, unless it is duly deposited with the registry office.

ARTICLE 238

(Cases of autopsy)

1. If there are indications of violent death or any suspicion of crime, or if the doctor declares that he does not know the cause of death, the registrar to whom the death is reported shall refrain from registering the death or drawing up the declaration and shall immediately report the fact to the judicial or police authorities so that they may order an autopsy of the body and take any other steps necessary to ascertain the cause of death and the circumstances in which it occurred.

2. The authority investigating the cause of death shall notify the participating civil registry office of the time of the autopsy or its waiver and the results of the proceedings, namely the information provided by the case file on the time, date, and place of death, so that they may be recorded in the death certificate.

ARTICLE 239

(Failure to declare death)

1. If the legal deadline has passed without a declaration of death being made, the provisions of Article 120 of this Code shall apply, as appropriate and with the necessary adaptations.

2. However, if the death occurred more than one year ago, the purpose of the report shall be solely to apply the respective penalties against the person responsible.

ARTICLE 240

(Justification process)

1. The registration of a death that occurred more than one year ago can only be recorded with the authorization of the Registrar, obtained through a justification process.

2. The provisions of paragraph 1 of this article also apply to the registration of deaths not proven by a medical certificate or verification report, regardless of the date and place of death.

SUBSECTION II

Registration of death

ARTICLE 241

(Jurisdiction)

1. The registry office in whose area the death occurred or where the body is located is competent to register the death.

2. However, if the death occurred in a hospital in the district headquarters where there is more than one registry office, the registry office of the area of the deceased's last habitual residence, when located in the same district, is competent to register the death.

3. If the body or ashes are transferred from abroad, the permit shall be endorsed by the Registrar of the central registry, and the corresponding registration certificate shall be transcribed at the Central Registry Office if it is presented.

4. If, in the case provided for in paragraph 3 of this article, the body or ashes do not pass through the capital of the Republic of Mozambique, the Registrar of the civil registry of the area where the remains enter national territory shall affix the visa and then send a copy of the permit and the death certificate, if any, to the Central Registry Office for the record to be transcribed there.

5. The provisions of Article 255(1) of this Code shall apply to requests for transfer, and the Registrar shall be responsible for verifying the legitimacy of the applicants.

6. If the death occurs abroad, a duplicate of the consular record must be sent to the central registry office, which must then notify the registry office holding the birth record.

ARTICLE 242

(Special mentions)

1. In addition to the general requirements, the death record shall include the following elements:

- a) the time, date, and place of death or discovery of the body and the respective source of information;
- b) full name, sex, race, age, marital status, place of birth, nationality, occupation, level of education completed, and last usual residence;
- c) the cause of death or probable circumstances in the event of unnatural death;
- d) the full names of the deceased's parents;
- e) the full name of the spouse if the deceased was married, as well as the respective property regime;
- f) mention of the existence of heirs for whom an inventory or guardianship of property and will is required;
- g) the cemetery or place where the deceased will be buried.

2. Where possible, in addition to the above requirements, the record should also mention whether:

- a) the death occurred during pregnancy, childbirth, or abortion;
- b) the death occurred after childbirth up to 42 days;
- c) the death occurred up to 43 days and 1 year after childbirth;
- d) it is not known whether she was pregnant in the last year.

3. In the case of deaths of children under 1 year of age, whenever possible, the following should also be mentioned:

- a) the age, nationality, level of education completed, and occupation of the mother;
- b) the number of live births and stillbirths of the mother;
- c) whether the death occurred during or after childbirth, the type of pregnancy and delivery, and the weight of the fetus.

4. In the margin of the record, reference should be made to any existing records of the birth of the person whose death is being recorded and of their marriage if they died while married.

5. The provisions of paragraphs 2, 3, and 4 of Article 127 of this Code shall apply to the death record, and the information referred to therein shall relate to the deceased.

6. In order to register the death, it is essential to provide the necessary information to identify the deceased. The Registrar is responsible for recording this information, either by means of an annotation or a reference number, when the data has not been obtained at the time of registration.

ARTICLE 243

(Death of an unknown person)

1. In the death record of an individual whose identity cannot be determined, special mention must be made of the place, date, and condition in which the body was found, the sex, color, and apparent age of the deceased, the clothing, papers, or objects found in the possession of or near the body, as well as any other circumstances that may contribute to their identification.

2. Whenever possible, the registrar shall file as a document any photographs of the corpse published in newspapers or taken by any authority.

ARTICLE 244

(Filing of medical certificate of fetal death)

1. Whenever a fetal death occurs at or after 22 weeks of gestation, the respective medical certificate must be presented and deposited at the competent civil registry office for the purposes of filing and registration in the general file and in the electronic system.

2. [Repealed]

3. The deposit must contain the following elements:

- a) the sex and weight of the fetus;
- b) the probable duration of the pregnancy, stated in weeks or months, whether the pregnancy is high-risk or not, and the type of delivery;
- c) the full name, place of birth, age, nationality, occupation, number of live births and deaths, level of education completed, and residence
- d) date and place of delivery;
- e) the cemetery where the child will be or was buried.

4. The provisions relating to the registration of death shall apply to the filing of the medical certificate of fetal death, with the necessary adaptations.

5. The fetal death certificate and the respective report shall be filed in a separate bundle.

SUBSECTION III

Deaths occurring in hospitals, prisons, and similar establishments

ARTICLE 245

(Reporting the occurrence)

1. When an individual dies in a hospital where there is no civil registry office, in an asylum, jail, or other similar state establishment, the respective director or administrator must report the occurrence within twenty-four hours to the registry office of the place where the establishment is located.

2. The same notification must be made by the director or administrator of the establishment where the autopsy was performed.

3. The notification, which replaces the declaration referred to in Article 233, shall be made by official letter, accompanied by the medical certificate, and shall provide all the information required by this Code for the registration of death and the respective reference numbers.

SUBSECTION IV

Deaths occurring during travel or accidents

ARTICLE 246

(Deaths occurring during air or sea travel)

1. If, during a journey aboard a Mozambican ship or aircraft, a death or accident occurs that causes it, the provisions of paragraph 2 of Article 137 of this Code shall apply, with the necessary adaptations.

2. In the event of death by falling into water or space, without the body being found, the competent authority on board shall draw up, in the presence of two witnesses, a report of the incident to be sent to the Central Registry Office, which shall be responsible for promoting the respective judicial justification.

3. When death occurs on small vessels, the report shall be replaced by an investigation report drawn up by the competent maritime authority.

4. If the report drawn up in accordance with paragraphs 1, 2, and 3 of this article does not provide all the details of the deceased's identity, the Registrar shall seek to obtain the necessary additional information.

5. If death occurred under the conditions set forth in paragraph 1 of this article, but aboard a foreign ship or aircraft, and the body is disembarked or found in Mozambican territory, the record shall be drawn up at the registry office corresponding to the place where the body was found or disembarked.

ARTICLE 247

(Travel by land)

If the death occurs during travel by land, the death record shall be drawn up at the registry office corresponding to the place where the body is found or disembarked.

ARTICLE 248

(Accident)

In the event of the death of one or more persons in a fire, collapse, or as a result of an explosion, flood, earthquake, shipwreck, or other similar accident, the civil registry official shall register the death of each victim whose body has been found in a condition that allows it to be identified.

ARTICLE 249

(Judicial justification)

1. If the bodies are not found or have been destroyed as a result of the accident, or if only remains that cannot be identified are found, or if it is impossible to reach the location where the bodies are, it is incumbent upon the Public Prosecutor's Office in the area where the accident occurred to promote, through the competent registry office, the judicial justification of the death.

2. Once the justification has been judged, the Registrar of the civil registry shall draw up the death certificate, individual or collective, based on the elements provided by the sentence and using all the additional information collected.

ARTICLE 250

(Shipwreck)

1. In the event of a shipwreck, whether or not the vessel is lost, in which all or part of the crew or passengers perish, and the bodies are not found or cannot be identified, it is incumbent upon the agent of the Public Prosecutor's Office in whose area the vessel is registered to promote the judicial justification of the deaths, under the terms and for the purposes of the provisions of Article 249 of this Code.

2. For the investigation of the case, the maritime authority shall forward to the public prosecutor the report of the investigation into the incident and the identification of the missing shipwreck victims.

SUBSECTION V

Burial

ARTICLE 251

(Delay period)

1. No corpse may be buried without first drawing up the respective death certificate or declaration of death.

2. The registration or death certificate serves, for all intents and purposes, as a burial permit.

ARTICLE 252

(Places of burial)

1. Burials may not take place outside public cemeteries or places designated for that purpose.
2. However, the following are exceptionally permitted:
 - a) burial in places reserved for persons of a certain category, namely of a certain nationality, religious denomination, or religious rule, established in accordance with the law, or authorized by a simple order of the Minister of Justice, subject to a favorable opinion from the respective health and administrative authorities;
 - b) in traditional burial sites.

ARTICLE 253

(Special powers of the Registrar)

The Registrar of the civil registry is responsible for observing and enforcing health and administrative regulations regarding the place, time, and other conditions that must be complied with for burial.

SUBSECTION VI

Cremation and transfer of the corpse

ARTICLE 254

(Cremation)

1. The cremation or incineration of a corpse may only be carried out in a cemetery equipped with apparatus whose operation has been approved by the administrative authorities and after obtaining authorization from the Registrar responsible for registering the death.
2. However, cremation or incineration outside cemeteries is exceptionally permitted for persons of a particular religious denomination or rule, subject to a favorable opinion from the respective health and administrative authorities.

ARTICLE 255

(Incineration)

1. Authorization for cremation shall only be granted when requested by the surviving spouse or, in their absence, by the majority of the deceased's capable descendants or, in their absence, by the closest relative.
2. The application must be accompanied by the following documents:
 - a) a written statement left by the deceased, expressly stating their wish to be cremated, or a statement signed by two reputable witnesses that cremation is part of the funeral ritual of the religion professed by the deceased;
 - b) a medical certificate proving that death was due to natural causes, confirmed by the competent health authority, which is responsible for informing that there is no inconvenience in cremation in the specific case;
 - c) if the ashes are to be transferred to another district, the document proving the necessary authorization for the transfer.

3. In the event of violent death, cremation may only be authorized after an autopsy has been performed and with the approval of the Public Prosecutor's Office.

ARTICLE 256

(Transfer)

1. The transfer of the body or funeral ashes to a location other than the registry office where the death certificate was issued may only be carried out after the respective permit has been endorsed by the Registrar of the civil registry.
2. If the corpse or funeral ashes are transferred from abroad, a visa shall be affixed to the respective permit by the civil registry official of the place where the remains are to be buried or deposited, after consultation with the health delegate or subdelegate, and the corresponding registration certificate must be presented.
3. The document referred to in paragraph 2 of this article may be transcribed at the competent office.
4. In the event of further transfers, the duties set out in paragraphs 1, 2, and 3 of this article shall be the responsibility of the registrar of the civil registry in whose area the body or funeral ashes are buried or deposited, who shall notify the registry holding the death certificate of the transfer for the purposes of annotation.

SUBSECTION VII

Mandatory communications

ARTICLE 257

(Notification of the death of foreigners)

The deaths of foreigners shall be communicated by the registry office or delegation where the record was drawn up to the National Directorate of Registries and Notaries, which shall forward them to the Ministry of Foreign Affairs.

ARTICLE 258

(Communications to be made by officials)

- The registrar shall be responsible for sending, by the 10th day of each month:
- a) to the tax offices of the deceased's place of residence, a list of individuals whose deaths were registered in the previous month, using the approved form;
 - b) to the public prosecutor of the court with jurisdiction to initiate the inventory, a complete narrative certificate or photocopy of the records drawn up in the previous month, referring to individuals with heirs for whom an inventory is mandatory, whether or not they left assets, and a monthly list with the full names of individuals who died in these circumstances and an indication of the person responsible for the household and the probable value of the inheritance, if any;
 - c) to the Tax Authorities, a list of individuals whose death records were drawn up in the previous month, who died as retired or pensioned civil servants, whenever this information has been provided.

SECTION VII

Emancipation

SUBSECTION I

Granting of emancipation

ARTICLE 259

(Granting by parents)

1. A father or mother who wishes to emancipate a minor child must apply to the registry office of the child's habitual residence to have the relevant entry made.

2. In the application, which, when verbal, the Registrar reduces to writing, the applicant must indicate the economic situation of the person being emancipated and, in the case of restricted emancipation, specify the acts or category of acts to which it relates.

ARTICLE 260

(Required documentation)

1. The applicant must attach to the petition a full birth certificate and proof of residence of the emancipated person.

2. The presentation of the certificate provided for in paragraph 1 of this article is waived and replaced by a simple reference note, provided that the records are contained in the registry's own books, and that note is entered in the application or record.

ARTICLE 261

(Granting of family council)

1. If emancipation is the responsibility of the family council, the entry shall be made upon request and with the intervention of the minor, upon presentation of the certificate proving the decision.

2. In addition to the information required for registration under the conditions set out in Article 266 of this Code, the certificate of the decision shall indicate the registry office holding the birth record of the person being emancipated, as well as the number and date of that record.

ARTICLE 262

(Court decision)

1. If emancipation is decreed by the juvenile court, the entry shall be made, *ex officio* and free of charge, in the registry office holding the birth record of the emancipated person, on the basis of the certificate of the content of the decision rendered, which shall be sent by the court clerk to the competent registry office within five days after the decision becomes final.

2. The decision granting emancipation shall set forth the elements that, pursuant to Article 267 of this Code, are included in the record.

ARTICLE 263

(Emancipation of foreigners)

The registration of the emancipation of foreigners depends on the presentation of a document proving that the personal law of the minor admits and considers valid the emancipation granted under the terms provided for in Mozambican law, and that the emancipator and the emancipated person meet the conditions required by their personal law to be able to grant and accept it.

ARTICLE 264

(Emancipation process)

The documents relating to emancipations constitute a file, in which the number and date of the emancipation registration must be noted.

SUBSECTION II

Registration of emancipation

ARTICLE 265

(Emancipation granted by parents)

In addition to the general requirements, the record of emancipation granted by parents must contain the following information:

- a) the full name, date of birth, place of birth, habitual residence, and parentage of the emancipated person, indicating if either parent is deceased;
- b) the full name, status, and usual residence of the emancipator;
- c) an express statement that the emancipated person is recognized as having the necessary capacity to govern their person and administer their property or, in the case of restricted emancipation, a specification of the acts or category of acts for which they are recognized as having capacity;
- d) the consent of the emancipated person, given verbally in the act itself, or by authentic or authenticated document.

ARTICLE 266

(Emancipation granted by the family council)

In addition to the general requirements, the record of emancipation granted by the family council must contain the following information:

- a) the date of the family council's decision, the case number, and the name of the court where it was heard;
- b) the full name, date of birth, place of birth, habitual residence, and parentage of the emancipated person;
- c) the content of the council's decision;
- d) the consent of the emancipated person, given in the act itself.

ARTICLE 267

(Emancipation decreed by the court)

In addition to the general requirements, the record of emancipation decreed by the juvenile court must contain the following information:

- a) the date of the decision, the court that issued it, and the case number;
- b) the full name, date of birth, place of birth, habitual residence, and parentage of the emancipated person;
- c) the content of the decision.

ARTICLE 268

(Special reference number)

A reference to the birth registration of the emancipated person shall be entered in the margin of the emancipation record.

ARTICLE 269

(Revocation of emancipation)

Whenever the emancipation granted or decreed is revoked, the clerk of the juvenile court where the proceedings are taking place shall send a narrative certificate of the decision to the competent registry office within five days of the final judgment, for the purposes of annotation.

SECTION VIII

Guardianship of minors and interdicted persons, administration of minors' assets, guardianship of incapacitated adults, and curatorship of absent persons

ARTICLE 270

(Competent registry office)

Records of guardianship, administration of minors' assets, curatorship of incapacitated adults, or curatorship of absent persons' assets are officially recorded at the registry office that holds the birth record of the interested party.

ARTICLE 271

(Submission of the necessary elements for registration)

1. The clerk of the court where the guardianship, administration, curatorship, or trusteeship was established shall send to the competent registry office, regardless of any order and within five days, a narrative certificate extracted from the case file, containing all the elements necessary for the official registration.

2. A narrative certificate of all subsequent decisions determining the modification or termination of the registered guardianship, administration, curatorship, or trusteeship, or the alteration of the elements of the corresponding entry, shall also be sent to the registry office where the entry was made, for the purposes of annotation.

3. The provisions of paragraph 4 of Article 97 of this Code shall apply to the calculation and payment of fees and stamps due for the certificates referred to in the preceding paragraphs and for the registration acts that may be carried out.

ARTICLE 272

(Entries in the record)

In addition to the general requirements, entries relating to guardianship, administration, curatorship, or trusteeship must contain the following elements:

- a) the full name, age, state, place of birth, and last habitual residence of the incapacitated, disabled, or absent person;
- b) the full name of the parents, indicating the date of death of those who are already deceased;
- c) the date of the establishment of guardianship, administration, curatorship, or trusteeship, with reference to the respective case, court, and final judgment;
- d) a general indication of the cause for the establishment of guardianship, administration, or curatorship and its nature;
- e) the name, status, and residence of the guardian, administrator, or curator;
- f) in the case of administration of the property of minors or guardianship of incapacitated adults, the limits and extent of the administration or incapacitation;
- g) the date of commencement of the guardianship, administration, or curatorship.

TITLE III

MEANS OF EVIDENCE AND PROCEDURES

CHAPTER I

Means of Proof of Facts Subject to Registration

ARTICLE 273

(Normal means)

Facts subject to registration, as well as the civil status of persons, shall be proven, as applicable, by means of a Certificate, Bulletin, or Identity Card.

SECTION I

Certificates

ARTICLE 274

(Types)

1. Certificates extracted from registry records may be complete narrative or full copy.

2. Narrative certificates shall comply with the approved models or those established in conventions, depending on the records to which they relate.

3. Full copy certificates must transcribe the entire text of the entries to which they relate and their annotations, without prejudice to the provisions of paragraph 4 of this article.

4. Certificates of records containing discriminatory references to parentage must be typed, with the removal of such references, regardless of their type and purpose, unless the registered person, or their representative, requests in writing a photocopy of the respective entry.

5. Certificates intended for use abroad shall always be typed, unless the respective entry or document is typed and can be photocopied.

6. Exceptionally, and whenever circumstances justify it, handwritten certificates may be issued in the cases provided for in paragraphs 4 and 5 of this article.

ARTICLE 275

(Content)

1. Narrative certificates shall mention the elements extracted from the text of the entry, together with the modifications introduced by the annotations in the margin.

2. In narrative certificates extracted from the birth register of adopted children, filiation shall be mentioned only by indicating the names of the adoptive parents.

3. The natural filiation of the adopted child shall only be mentioned in narrative certificates extracted from the corresponding birth record if the applicant expressly requests it, but it shall always be mentioned in certificates intended for marriage proceedings.

4. Certificates extracted from a register that contains any irregularity or deficiency that has not yet been remedied must clearly mention the irregularities or deficiencies that vitiate it in the respective certification.

ARTICLE 276

(Irregular records)

Certificates extracted from registers that contain any irregularity or deficiency, revealed by the text, must clearly mention the irregularities or deficiencies that vitiate the register, until such time as it is rectified.

ARTICLE 277

(Legitimacy to request certificates)

1. Any person is entitled to request a certificate from the civil registry records, except in the cases provided for in paragraphs 2 and 3 of this article.

2. In the case of the birth registration of an adopted child, full copies of certificates may only be issued at the request of the persons to whom the registration relates, their ascendants, descendants, heirs, or at the request of the judicial and police authorities or the National Directorate of Registries and Notaries.

3. Certificates from secret records of filiation may only be issued for the purpose of preliminary marriage proceedings or maintenance proceedings, under the conditions provided for in civil law.

ARTICLE 278

(Request for certificates)

1. Certificates are requested verbally or in writing and may be requested either at the registry office responsible for issuing them or through the civil registry office of the applicant's place of residence, when located in a different district from that of the registry office.

2. When the registration has been made in the electronic system, it can be requested at any registry office in the national territory or any Mozambican diplomatic or consular representation.

3. The applicant for a birth certificate must, whenever possible, present the person's birth certificate or other identification documents relating to the registration.

4. Whenever required by the official, the applicant shall deposit, as a deposit, the probable cost of the certificate requested.

5. Certificates may be requested by mail or other official electronic means, with the interested party sending the corresponding advance payment.

ARTICLE 279

(Order of priority)

Certificates are issued in the order in which the request or application is recorded in the Journal, with priority given to certificates requested or applied for urgently or upon presentation of the birth certificate of the individual to whom they relate.

ARTICLE 280

(Deadline for issuance)

Certificates are normally issued within three days, except for those requested or requisitioned urgently and those whose records are entered in the system, which should also normally be issued within twenty-four hours.

ARTICLE 281

(External form)

1. Certificates shall be issued in accordance with approved models or by photocopy.

2. The certificate shall include the number and year of the corresponding registration, the account of fees or a note of their exemption, and the number of the entry in the Journal.

ARTICLE 282

(Certificates of documents)

Civil registry officials are required to issue certificates of documents filed with the registry that have served as the basis for any non-confidential registration.

ARTICLE 283

(Certificates extracted from the extract book)

Certificates of civil registry acts may only be extracted from the books of extracts that exist to date, in the event of loss or destruction of the original books.

ARTICLE 284

(Affixing of the white seal)

The affixing of the white seal, of an approved model, over the signature of the official on certificates, bulletins, or other documents issued by the registry office has the same value as notarization.

ARTICLE 285

(Photocopy of the entry)

1. Registry offices may make photocopies of entries or archived documents when requested or in lieu of the certificates requested, provided that the physical condition of the books and entries allows it.

2. Photocopies must contain, in particular, an indication of the book and pages from which they were extracted and a declaration of conformity with the original.

3. The provisions of Article 276 and Article 277(2) of this Code shall apply to photocopies of entries.

ARTICLE 286

(Documents transmitted by fax)

1. Documents transmitted by fax or telex between registry and notary services or archives received from any public office or Mozambican consular representation shall be valid and constitute full proof.

2. These documents have the same value as the respective originals, provided that they are filed with the issuing service and are dated and signed by the competent authority.

3. The document received must be signed and authenticated with a white seal by the competent official of the receiving service.

4. For the issuance of these documents, in addition to the fees for the certificates themselves, additional fees are charged for the transmission.

SECTION II

Bulletins

ARTICLE 287

(Issuance)

1. Following the registration of births, marriages, deaths, or the filing of medical certificates of fetal death, the respective bulletin shall be issued free of charge and delivered to the interested parties, using an approved form.

2. If the records referred to in the previous paragraph are previously drawn up at a consulate, the consulate shall be responsible for issuing the certificates.

3. If the declaration of death or the deposit of the medical certificate of fetal death is made at an intermediate registry office, it shall be responsible for issuing the corresponding bulletin.

4. The registration or death declaration certificate and the certificate of deposit of the medical certificate of fetal death serve as a burial guide.

5. Outside the cases provided for in paragraph 1 of this article, certificates may be issued at the request of the interested parties.

ARTICLE 288

(Form and content)

1. The birth certificate must identify the holder of the record by their full name, sex, date of birth, place of birth, parentage, and NUIC (National Identification Number).

2. The marriage certificate must identify the spouses by their full names and parents' names and indicate the type and date of the ceremony.

3. The death certificate must identify the deceased by their full name, sex, age, parentage, place of birth, and last habitual residence, and indicate the date and place of death and the cemetery where they will be or were buried.

4. The provisions of paragraph 3 of this article shall apply to the stillbirth certificate, with the necessary adaptations.

5. Each certificate must also contain the number, year, and issuing registry office or consulate or, if issued by an intermediate registry office, the name of that office and the number and date of the declaration.

6. On the certificate issued by the consulate, the issuing consulate or the competent registry office shall enter a reference number for the subsequent integration of the entry.

7. The bulletins shall be signed by the Registrar or by a consular official.

SECTION III

Personal certificate

ARTICLE 289

(Delivery)

[Repealed]

ARTICLE 290

(Content)

[Repealed]

ARTICLE 291

(Basis for its issuance)

[Repealed]

CHAPTER II

Forms of Procedure

SECTION I

Common provisions

ARTICLE 292

(Means specific to civil registration)

The common process of judicial or administrative justification and the special processes provided for in this Code are accepted as procedural means exclusive to civil registration acts.

ARTICLE 293

(Jurisdiction for investigation and decision)

1. The proceedings referred to in Article 292 of this Code shall be instituted, investigated, and reported in the civil registry offices, with the decision being made, depending on the case, by the judge or juvenile court, the Registrar, the National Director of Registries and Notaries, or the Minister responsible for the area of Justice.

2. The Registrar of the civil registry shall preside over the investigation of proceedings and appoint the official who shall serve as secretary therein.

ARTICLE 294

(Legitimacy)

1. The persons to whom the registration relates or their heirs, the declarants and, in general, all persons have legitimacy to intervene in registration proceedings as applicants, respondents or opponents.

those who have a direct interest in the application or opposition, as well as the Public Prosecutor's Office.

2. The appointment of a lawyer is not required, except in the appeal phase of appeal.

ARTICLE 295

(Statement of claim and opposition)

1. In the petition intended to serve as the basis for the proceedings, the applicants shall set out, without reference to articles, the grounds for their claim and indicate specifically the measures requested, with the applicant's signature being recognized in accordance with the law.

2. The petition may be made verbally before the Registrar of the civil registry, who shall reduce it to writing, and shall be presented in the Journal, the document being signed by the Registrar of the civil registry and by the applicant, if he knows how and is able to sign.

3. The provisions of paragraph 1 of this article shall apply to the opposition in relation to the applicant's petition.

ARTICLE 296

(Attachment of documents and list of witnesses)

1. The petitioner's petition and the opposition are accompanied by documents proving the alleged facts, witnesses are presented, and the petitioner's or opponent's domicile is chosen, within the registry's jurisdiction, for the purpose of any notifications that may be required.

2. Justification proceedings must be accompanied by a full certified copy of the relevant registry entry.

ARTICLE 297

(Form of summonses and notifications)

1. Summonses and notifications shall be served on the persons concerned.

2. In locations where home delivery is available, they shall be made by registered letter with acknowledgment of receipt, and in other locations by means of a document drawn up in the case file or by order of the Registrar.

3. If the person being summoned or notified resides outside the area of the registry, the proceedings shall be requested by letter addressed to the competent Registrar.

4. At the time of service of any decision, a copy of the petition or decision served shall be delivered to the parties.

5. The provisions of paragraphs 1, 2, 3, and 4 of this article shall apply, with the necessary adaptations, to the notifications provided for in this Code.

ARTICLE 298

(Testimonial evidence)

1. The number of witnesses offered by each party may not exceed five, and their statements shall always be reduced to writing, with the registrar presiding over the inquiry being responsible for drafting them.

2. Witnesses who, having been notified, fail to appear on the day designated for the inquiry may be replaced by others, provided that they are present or that the interested party undertakes to present them.

3. There shall be no second postponement of the hearing due to the absence of witnesses, and in no case shall the absence of witnesses that the party has undertaken to present constitute grounds for postponement.

ARTICLE 299

(Witnesses from outside the registry area)

1. Witnesses who do not reside in the area of the registry conducting the proceedings shall be heard, by means of a letter rogatory, at the registry in the area of their residence, unless the party undertakes to present them.

2. The writs of subpoena issued for questioning shall be accompanied by a copy of the petition or opposition in relation to which the witnesses are to testify and shall be complied with and returned within eight days of the date of receipt.

ARTICLE 300

(Informal proceedings)

During the investigation of the case, the Registrar of the civil registry may, on his own initiative, hear persons, request information and documents, or determine other measures necessary to clarify the truth.

ARTICLE 301

(Progress of proceedings)

Registration proceedings and their respective deadlines shall continue during court vacations, Saturdays, Sundays, and public holidays.

ARTICLE 302

(Mandatory proposal)

Registration actions must be proposed by the Registrar or the Public Prosecutor's Office as soon as they become aware of the facts that give rise to them.

ARTICLE 303

(Return of proceedings to the registry)

Once the decision rendered in the proceedings has become final, the registration files shall always be returned to the registry where they were organized.

ARTICLE 304

(Subsidiary law)

The Code of Civil Procedure, with the necessary adaptations, shall apply as subsidiary law to cases not specifically regulated in this Code.

ARTICLE 305

(Exemption from costs)

Private civil registry proceedings are exempt from fees until an appeal is lodged.

SECTION II

Common procedures

SUBSECTION I

Judicial justification proceedings

ARTICLE 306

(Scope of application)

1. The correction of an omission in the register or its separate reconstitution, as well as the declaration of its legal non-existence or nullity, must be requested through a justification process, initiated at the registry office holding that register and finally judged by a judge.

2. The justification process is also applicable to the rectification of inaccuracies, deficiencies, or irregularities in the registration that cannot be remedied administratively but do not render it legally non-existent or null and void.

3. The provisions of paragraphs 1 and 2 of this article shall not prevent the request for rectification or cancellation of the registration from being made in ordinary proceedings, cumulatively with another proceeding corresponding to this form of proceeding, provided that it is dependent on it.

ARTICLE 307

(Commencement of proceedings)

1. The judicial justification proceedings shall commence with a notice from the Registrar or at the request of the interested party or the Public Prosecutor's Office, addressed to the judge and accompanied by the relevant documents.

2. In the notice, the Registrar shall set out the nature of the fact to be justified, refer to the circumstances that determined it, identifying, where applicable, the registration in question and the titles or records filed at the registry that served as its basis.

3. The application must set out the grounds for the claim and indicate the measures requested.

4. The official appointed as secretary for the proceedings shall record the elements received and submit the completed proceedings to the Registrar within forty-eight hours.

ARTICLE 308

(Measures ordered by the Registrar of the civil registry)

1. Upon receipt of the case, the Registrar shall examine the petition and the documents submitted and, if they are in order, shall determine the following actions:

- a) the summons of the persons to whom the registration relates or their heirs, when they are not the applicants, to file any opposition within eight days;
- b) the posting of notices containing the names of the applicants and respondents and the subject matter of the petition, inviting interested parties who are uncertain to file any opposition they may have within fifteen days of the posting.

2. The notices shall be posted for eight days at the door of the civil registry office of the last residence of the persons to whom the registration relates.

3. The posting of notices may be waived if the request for rectification concerns any deficiency or inaccuracy in the register that is simple and easy to verify.

ARTICLE 309

(Hearing of witnesses)

Duly certified copies of the notices that have been posted shall be attached to the file, and once the period for opposition has expired, the Registrar shall set a date and time for the examination of the witnesses offered and order the necessary writs to be issued, continuing with the investigation until its conclusion.

ARTICLE 310

(Final information)

1. Once the investigation is complete, the Registrar shall, within five days, enter into the case file information on the admissibility of the applicant's claim and order the case file to be sent to the court for judgment.

2. When the process is intended for registration, either by entry or annotation, the registrar shall, in the information referred to in paragraph 1 of this article, mention the precise form and terms in which he considers the registration should be made.

ARTICLE 311

(Approval by the Public Prosecutor's Office)

Once received in court, the proceedings shall be forwarded, regardless of the order, to the Public Prosecutor's Office, if it is not the applicant, so that it may take the action it deems appropriate.

ARTICLE 312

(Decision and its execution)

1. The judgment shall be rendered by the judge within eight days from the conclusion.
2. The judge may order that the case be sent to the registry office in order to complete the investigation by means of the measures deemed necessary, without exception to the posting of notices, when this has been waived by the Registrar of the civil registry.
3. Once the judgment has been handed down and has become final, the case is sent to the registry office for compliance with the decision.

ARTICLE 313

(Admissibility of appeal)

The decision rendered is always subject to appeal, with suspensive effect, which is processed and judged as an appeal in civil matters.

SUBSECTION II

Administrative justification proceedings

ARTICLE 314

(Scope of application)

1. If any of the deficiencies or irregularities provided for in subparagraphs *c*) and *d*) of Article 114 and in paragraphs 3 and 5 of Article 116 of this Code are found in the context of the entry, the Registrar shall order a report to be drawn up.
2. The report shall refer to the nature of the deficiency or irregularity and set out the circumstances that led to it, identifying the irregular registration and the titles and records filed or existing in the registry office that served as its basis.
3. The cases referred to in Article 116(6) of this Code are exempt from the provisions of paragraphs 1 and 2 of this Article.

ARTICLE 315

(Organization and investigation)

1. The Registrar shall organize the proceedings on the basis of the report referred to in Article 314 of this Code and shall investigate them in order to clarify the deficiency or irregularity, using, for that purpose, the legal means of evidence, to the extent that he deems necessary.
2. If the rectification of the irregularity or cancellation of the registration is requested, the petition shall replace the notice and shall be accompanied by a full copy of the registration to be rectified or canceled and the titles and records on which it was based.
3. The persons to whom the registration relates shall be heard, whenever possible.

ARTICLE 316

(Final order)

1. Once the investigation has been completed, the Registrar shall issue a reasoned decision on the facts and the law, concluding by ordering or refusing the rectification or cancellation of the registration.
2. An appeal may be lodged against a ruling ordering or refusing the rectification or cancellation of the registration.

ARTICLE 317

(Conversion to judicial justification proceedings)

If the Registrar concludes that it is legally impossible to remedy the irregularity by administrative means, but that it is of such a nature that it should be remedied *ex officio*, he shall initiate the appropriate judicial justification proceedings, in accordance with Articles 303 et seq. of this Code.

SECTION III

Special proceedings

SUBSECTION I

Proceedings to prevent marriage

ARTICLE 318

(Declaration of impediment)

1. The declaration of impediment to marriage shall be made in writing, either authenticated or notarized, or verbally, in a record drawn up by the Registrar and signed by him, as well as by the declarant, when he knows how to sign and is able to do so.
2. The statement must specifically include the identity of the declarant, the nature of the impediment, the type and number of documents attached, and the identity of the witnesses offered.

ARTICLE 319

(Deadline for submitting evidence)

1. If the declarant is unable to immediately present the evidence at his disposal, he shall be granted a period of five days.
2. If, at the end of the period, the declarant has not submitted the evidence offered, the declaration shall be void and the declarant shall be subject to the penalties prescribed by law.
3. When the impediments declared are decisive, the Registrar of the civil registry shall, in any case, investigate the veracity of the declaration by all means at his disposal.

ARTICLE 320

(Effects of the declaration)

The mere declaration of impediment, unless it is deemed unfounded or invalid, shall immediately suspend the act of marriage or the issuance of the certificate declaring that the parties may marry.

ARTICLE 321

(Summons of the parties)

1. Upon receipt of the declaration, the official shall summon the parties to contest the declared impediment within thirty days, under penalty of having it deemed admitted.
2. The summons shall be issued within five days after the expiration of the period of publication of the notices, or on the date of the declaration of impediment, if later than the expiration of that period.
3. With the summons, each of the parties to the marriage shall be given a copy of the declaration.

ARTICLE 322

(Lack of challenge)

If the parties confess to the existence of the impediment, or fail to contest it within the established period, the Registrar shall issue a ruling, considering the impediment to be valid, and shall order the marriage proceedings to be archived with all the relevant documents.

ARTICLE 323

(Challenge)

If the impediment is contested, the case shall be referred to the judge within two days.

ARTICLE 324

(Judicial decision)

1. If the documents submitted enable the judge to decide immediately, the judge shall issue a ruling within two days of the conclusion of the proceedings.

2. Otherwise, the judge shall order that the case be referred to the registry for the examination of witnesses and the production of the remaining evidence offered by the parties. Once the investigation has been completed, the case shall be referred back to the judge for a final decision, which shall be handed down within the time limit set out in paragraph 1 of this article.

3. Until the conclusion of the proceedings for judgment, the interested parties may submit written arguments.

ARTICLE 325

(Admissibility of appeal)

The interested parties may always appeal the judgment rendered, which shall be processed and judged as an appeal in civil matters.

ARTICLE 326

(Liability)

1. The declarant who loses the case shall be ordered to pay the respective court fees.

2. Anyone who maliciously declares an unfounded impediment shall be liable for damages and subject to punishment for the crime of making false statements.

SUBSECTION II

Process for waiver of impediment

ARTICLE 327

(Petition)

1. The processes for granting exemptions from impediments to marriage are initiated and conducted at the registry office chosen for the preliminary publication process.

2. In the petition addressed to the Registrar, the interested parties must justify the reasons for their claim.

ARTICLE 328

(Investigation and decision)

1. Once the proceedings have been organized and investigated, the Registrar shall issue a reasoned decision, in fact and in law, on the granting or denial of the dispensation.

2. If either of the parties to the marriage is a minor, the parents or guardian shall be heard, whenever possible.

3. The decision shall be the sole responsibility of the Registrar.

4. The Registrar's decision shall be notified to the interested parties and may be appealed to the judge.

SUBSECTION III

Process for granting authorization for the marriage of minors

ARTICLE 329

(Petition)

The authorization for the marriage of a minor must be requested from the juvenile court.

ARTICLE 330

(Instruction)

1. Once the petition and related documents have been filed, the judge shall order the parents or guardian to be summoned to respond within eight days.

2. If the request for authorization has been filed in relation to only one of the parents, the parent who has consented to the marriage shall be heard in a statement, whenever possible.

ARTICLE 331

(Decision)

1. Once the investigation is complete, if the judge finds that the minor is sufficiently physically and mentally mature and that there are compelling reasons to justify the marriage, he or she will decide on the request, granting the necessary authorization in lieu of that of the parents or guardian.

2. The decision is the exclusive responsibility of the judge.

3. The judge's decision is notified to the interested parties and is subject to appeal.

SUBSECTION IV

Process for remedying the annulment of a marriage due to lack of witnesses

ARTICLE 332

(Petition)

1. The annulment of a marriage celebrated without the presence of witnesses must be requested by the interested parties in a petition addressed to the Minister responsible for Justice, through the registry office that holds the respective record.

2. The applicants shall justify their claim and indicate the evidence offered.

3. The petition must be accompanied by a certified copy of the entire of the marriage record.

ARTICLE 333

(Referral to the National Directorate of Registries and Notaries)

Once the process has been organized and prepared, the Registrar of the civil registry, after issuing an opinion on the admissibility of the request, shall forward it to the National Directorate of Registries and Notaries.

ARTICLE 334

(Subsequent terms)

The provisions of Article 328 of this Code shall apply, with the necessary adaptations, to the subsequent terms of the process.

SUBSECTION V

Procedure for verifying the capacity to marry of**Article 335**

ARTICLE 335

(Scope of application)

Foreigners who wish to marry in the Republic of Mozambique and who, due to the lack of consular or diplomatic representation of their country of nationality, or due to other circumstances of force majeure, are unable to present a certificate issued less than six months ago by the competent authority of their country of nationality, proving that, in accordance with personal law, there is no impediment to the celebration of the marriage, may apply to the National Director of Registries and Notaries, through the registry office chosen to organize the marriage proceedings, for verification of their capacity to marry.

ARTICLE 336

(Application)

The applicant shall specify in the petition all the details of their identification and that of the other spouse, as well as that of both parents, and, claiming that there is no impediment to the proposed marriage, shall justify the impossibility of obtaining the certificate.

ARTICLE 337

(Referral to the National Directorate of Registries and Notaries)

Once organized and prepared, the file shall be forwarded to the National Directorate of Registries and Notaries, after the Registrar has issued an opinion on the admissibility of the application.

ARTICLE 338

(Additional steps and decision on the case)

After examining the case and ordering any necessary steps to ensure its proper investigation, the National Director of Registries and Notaries shall grant or deny authorization for the certificate to be issued.

ARTICLE 339

(Issuance of the certificate)

1. The certificate of capacity to marry is issued by the Registrar of the civil registry and contains all the identification details of the interested party, as well as those of the other spouse, the date of the authorization order, and its period of validity.

2. The certificate shall be valid for six months from from the date of its issuance.

ARTICLE 340

(Appeal)

The order of the director refusing authorization for the certificate to be issued shall be notified to the applicant, who may lodge an appeal with a higher authority.

SUBSECTION VI

Procedure for declaring the secrecy of the registration of incestuous children

ARTICLE 341

(Application)

1. The declaration of the secret nature of the registration of filiation

of incestuous children, under the conditions provided for in Article 157 of this Code, must be requested by the Public Prosecutor's Office, in a petition addressed to the judge and submitted to the registry office holding the record.

2. The petition shall be accompanied by a full copy of the birth certificates of the acknowledged child and the acknowledging parents, as well as the acknowledgment of paternity records, if any.

ARTICLE 342

(Summons)

Once the petition has been filed with the documents presented, the Registrar of the civil registry, if he considers them to be in order, shall order the summons of the profiled person and the profiler, if he is of legal age or emancipated, to file an opposition within eight days.

ARTICLE 343

(Subsequent terms)

Once the investigation has been completed, the provisions of Articles 307 et seq. of this Code shall apply, as applicable.

SUBSECTION VII

Process for obtaining a registration certificate

ARTICLE 344

(Scope of application)

Individuals who are unable to obtain a birth certificate for marriage purposes within the normal timeframe because the registration was made outside the Republic of Mozambique, or because it has been lost or destroyed, and the respective reform is still pending, may apply to the National Director of Registries and Notaries, through the registry office or delegation chosen to organize the marriage process, to be authorized to issue a certificate of notoriety.

ARTICLE 345

(Petition)

The applicant must specify in the petition the date and place of their birth, the office where the record was drawn up and the details entered in the register, as well as the planned marriage, justifying the urgency of its completion and the impossibility of obtaining the certificate with the necessary speed.

ARTICLE 346

(Subsequent terms)

Once the petition has been filed, the provisions of Articles 332 et seq. of this Code shall apply.

ARTICLE 347

(Value of the certificate)

1. The certificate of notoriety replaces the birth certificate of the interested party, but only for the purposes of the marriage for which it was issued.

2. The provisions of Article 339(2) of this Code shall apply to the certificate.

ARTICLE 348

(Other cases of certificate transfer)

The provisions of the preceding articles shall apply, with the necessary adaptations, to requests for the issuance of a certificate of notoriety intended to replace, in the marriage process, the death certificate of a previous spouse or of one of the parents of a minor spouse.

SUBSECTION VIII

Divorce and separation proceedings by mutual consent

ARTICLE 349

(Application)

1. The process of uncontested divorce or separation of persons and property shall be initiated by means of an application signed by the spouses or their attorneys, provided that they have been married for more than three years and have been separated for at least one consecutive year.

2. In the application, spouses do not need to mention the grounds for divorce.

3. The civil registry office in the area of residence of either spouse is competent to deal with the proceedings provided for in this subsection.

ARTICLE 350

(Investigation and decision)

1. The application must be accompanied by the following documents:

- a) a full copy of the marriage certificate;
- b) a detailed list of joint assets, if any, indicating their respective values;
- c) agreement on the exercise of parental authority over minor children, if any;
- d) agreement on the provision of alimony to the spouse who needs it;
- e) agreement on the fate of the family home.

2. Unless otherwise stated in the documents submitted, it is understood that the agreements apply both to the period during which the proceedings are pending and to the period thereafter.

3. The provisions of Articles 1420 to 1423 and 1424 of the Code of Civil Procedure shall apply to the present proceedings, with the necessary adaptations.

4. The decision on uncontested divorce is the exclusive responsibility of the Registrar.

ARTICLE 351

(Jurisdiction to decide on the separation of persons and property)

The decision in proceedings for the separation of persons and property shall be the exclusive responsibility of the Registrar.

ARTICLE 352

(Registration of the decision)

Decisions rendered in divorce and separation proceedings by mutual consent shall be recorded in a specific register, and the respective proceedings shall be archived.

ARTICLE 353

(Appeal and annotation)

1. The decision rendered by the Registrar shall be notified to the applicants and may be appealed to the court within eight days.

2. Once the appeal has been decided, the case is sent to the registry for enforce the decision.

3. It is incumbent upon the Registrar to make the appropriate annotation or send the certificate of the decision, for that purpose, to the registry office holding the marriage record.

SUBSECTION IX

Procedure for removing the presumption of paternity

ARTICLE 354

(Petition)

1. The declaration of non-existence of status on the part of the child of a married woman in relation to both spouses must be requested in a petition addressed to the Registrar and submitted to the registry office holding the birth record.

2. In the petition, the applicant must set out the specific facts on which the action is based, concluding by requesting that the Registrar declare that the person registered at the time of their birth did not benefit from the status of both spouses.

3. The petition must be accompanied by full copies of the birth certificate of the registered person, a full narrative certificate of the applicant's marriage, and all supporting evidence.

ARTICLE 355

(Instruction)

1. Once the petition has been filed with the relevant documents, the Registrar shall order the presumed father to be summoned to file an opposition within eight days.

2. Once the period for filing an opposition has expired, the Registrar shall set the time and date for the examination of the witnesses presented and order the issuance of the necessary writs.

ARTICLE 356

(Decision)

1. Once the investigation is complete, the Registrar shall issue a reasoned decision on the facts and the law, expressly stating, if these are verified, that the person registered at the time of their birth did not benefit from the status of both spouses.

2. The decision is the exclusive responsibility of the Registrar.

3. The Registrar's decision shall be notified to the interested parties and may be appealed to the judge within eight days.

SUBSECTION X

Procedure for changing one's first name or surname

ARTICLE 357

(Application)

1. Individuals who wish to change the composition of the name recorded on their birth certificate must apply for the necessary authorization through the registry office of their place of residence, in a petition addressed to the National Director of Registries and Notaries.

2. The applicant shall justify the request and indicate the evidence provided.

3. The petition must always be accompanied by a full narrative certificate of the birth registration of the interested party and, if the latter is over 16 years of age, by a certificate of their criminal record.

ARTICLE 358

(Forwarding of the file)

Once the process has been organized and instructed, the Registrar shall give an opinion on the application and then forward it to the National Directorate of Registries and Notaries.

ARTICLE 359

(Additional measures)

After examining the file, the Director shall order any additional steps that may be necessary for its complete investigation, which shall be carried out by the Registrar of the Civil Registry.

ARTICLE 360

(Publication of notice)

1. If the Director considers that the application warrants consideration, he shall authorize the applicant to publish a notice summarizing the application in one of the country's most widely read newspapers, inviting interested parties to file any objections they may have with the National Directorate of Registries and Notaries within thirty days.

2. The Director may waive the publication of the notice.

3. A copy of the published announcement shall be attached to the file.

ARTICLE 361

(Final decision)

If there has been opposition to the application, the file, together with the Director's opinion, shall be submitted for decision to the Minister responsible for Justice.

ARTICLE 362

(Publication)

1. When favorable, the final decision shall be published in *the Official Gazette*.

2. The National Directorate of Registries and Notaries is responsible for promoting the publication of the order.

TITLE IV

Miscellaneous Provisions

CHAPTER I

Appeals

ARTICLE 363

(Admissibility)

When the Registrar refuses to perform any act of registration, the interested party may lodge a hierarchical complaint with the National Director of Registries and Notaries or appeal to the judge.

ARTICLE 364

(Reasons for refusal of the act)

If the interested party declares, verbally or in writing, that they intend to appeal, the official shall provide them, within forty-eight hours, with a written statement specifying the reasons for the refusal.

ARTICLE 365

(Appeal petition)

1. Within fifteen days of the delivery of the statement of reasons for refusal, the appellant shall submit to the registry a hierarchical complaint addressed to the National Director of Registries and Notaries or an appeal petition addressed to the judge, accompanied by the official's statement and any documents they wish to submit.

2. The appellant shall seek to demonstrate in the petition that the grounds for refusal are unfounded, concluding by requesting that the act be carried out.

3. Once the petition and the respective documents have been filed, the Registrar shall, within forty-eight hours, issue an order upholding or remedying the refusal.

ARTICLE 366

(Referral of the case)

If the Registrar upholds the refusal, he shall order the case to be referred to the National Directorate of Registries and Notaries or to the court, and may complete his investigation with the necessary certificates.

ARTICLE 367

(Decision)

1. Once the case has been received, the National Director of Registries and Notaries shall decide within eight days.

2. Regardless of the decision, as soon as the case is received by the court, it is sent to the Public Prosecutor's Office for an opinion, and then judged by sentence within eight days of completion.

ARTICLE 368

(Appealability of the decision)

1. The Director's decision may be appealed to the Minister responsible for Justice within ten days of the date on which the interested party becomes aware of the decision.

2. The party harmed by the decision, the respondent Registrar, and the Public Prosecutor's Office may appeal the ruling, with suspensive effect, and the appeal shall be processed and judged as an interlocutory appeal in civil matters.

ARTICLE 369

(Appeal against a decision against the celebration or approval of a marriage)

1. Orders issued by the Registrar of the civil registry, pursuant to Articles 175 and 194 of this Code, which are contrary to the celebration or approval of the marriage, may also be appealed pursuant to the preceding articles.

2. The period referred to in Article 365 of this Code shall be counted from the date of notification of the order appealed against and shall be recorded in the case file in which the order was issued.

ARTICLE 370

(Conviction of an official)

The official against whom the appeal is brought shall be exempt from any charges, even if, in the event of refusal, the appeal is dismissed, unless he has acted with intent or the act has been refused contrary to the express provision of the law.

CHAPTER II

Statistics

ARTICLE 371

(Data sharing and production of statistics)

1. Citizen data and data relating to fetal deaths shall be available in the electronic system and shall be shared for the production of statistics and use by other interested parties, in accordance with the law.

2. Until marriage and divorce records are entered into the electronic system, civil registry officials shall be responsible for completing the respective demographic statistics entries immediately after the registration has been made.

3. After being signed by the registrar and separated by type, with a note indicating their number, the entries referred to in paragraph 2 of this article shall be sent to the statistics services every Monday.

ARTICLE 372

(Examination of records)

The official shall make all records available for examination by the health authorities, including those relating to births and deaths prior to the introduction of the system, for the purpose of extracting statistical data.

CHAPTER III

Civil, Criminal, and Disciplinary Liability

ARTICLE 373

(Civil liability)

Civil registry officials, religious dignitaries, community authorities, or diplomatic and consular agents who fail to comply with the duties imposed by this Code shall be liable for any damages they cause.

ARTICLE 374

(Failure to declare a birth or death)

1. Persons who are required to declare the birth or death of any individual to the Registrar of the civil registry and fail to do so within the legal time limits shall be liable to a fine, except in cases of force majeure.

2. However, if the declaration is made voluntarily before the failure is reported, no fine shall be imposed.

3. The registrar of the registry office in whose area the birth took place or who is responsible for registering the death is competent to hear the administrative offense provided for in this article and to apply the respective fine.

ARTICLE 375

(Penalties applicable to civil servants)

A civil registry official who commits any of the following acts shall be punished for the crime of disobedience:

- a) causing the marriage not to be celebrated, or the religious or traditional marriage not to be transcribed within the legal deadline, when there is no justified reason for this;
- b) celebrate the marriage, or issue the certificate for its celebration, without prior organization of the process, unless permitted by law;
- c) celebrate the marriage, or issue the certificate for its celebration, after an impediment has been reported, until the declaration is considered null and void or the impediment is deemed unfounded;
- d) perform the marriage when one of the parties is known to be unable to freely and clearly express their will.

ARTICLE 376

(Omission of annotations or quotas)

Any civil registry official who fails to comply with the provisions of this Code regarding the making of annotations or reference quotas shall be liable to a fine.

ARTICLE 377

(General provision)

Individuals who fail to comply with the obligations imposed by this Code shall be liable to a fine, unless another penalty is specifically established.

ARTICLE 378

(Payment of fines)

The fines referred to in Article 377 of this Code may be paid against receipt at the respective registry office within ten days of the notice to pay.

ARTICLE 379

(Setting and allocation of fines)

1. The entity that makes the final decision is competent to set the fines referred to in this Code.

2. In the absence of voluntary payment, fines shall be collected coercively by the competent tax enforcement court.

3. The proceeds from fines are paid in full to the General Treasury of Registries and Notaries.

CHAPTER IV

Fees and Other Charges

ARTICLE 380

(Fees)

Fees and stamp duty shall be charged for acts performed by the civil registry services, except in cases of exemption.

ARTICLE 381

(Exemptions)

1. Poor individuals, as declared by the competent administrative authorities, or those admitted to hospitals as such, shall be exempt from the payment of fees, reimbursement charges, and stamp duty, both for registration acts and proceedings relating to them, documents and proceedings relating to their supply, and certificates requested for any purpose.

2. Individuals whose income is manifestly insufficient to meet the costs referred to in paragraph 1 of this article are considered poor.

3. Civil registry entries that must be renewed because the previous ones are defective, due to the fault of the services, rendering them legally non-existent, are also exempt from fees, as are entries of facts that are subject to mandatory registration required by the judicial authorities, when the respective charges cannot be collected as costs.

ARTICLE 382

(Certificates exempt from fees and stamp duty)

Certificates requested for the following purposes shall be issued free of charge and on legal-size paper, exempt from stamp duty:

- a) to obtain legal aid;
- b) for electoral, welfare, or charitable purposes, including obtaining pensions or assistance from the State or local authorities;
- c) for purposes of public interest, when requested by the competent authority;

- d)* for international exchanges or civil status statistics;
- e)* for the investigation of work accidents, when requested by the courts, the victims, or their families;
- f)* for any other purposes, when, by special law, they are declared exempt.

ARTICLE 383

(Reduction of fees)

The following individuals shall enjoy the reduction in fees set out in the respective table:

- a)* civil servants or employees working for others, with remuneration below the minimum wage;
- b)* all those who, not working for others, earn income strictly necessary for their subsistence and that of their household;
- c)* individuals living in a family economy with their parents or other relatives, provided that both are in the conditions referred to in subparagraph *b)* of this article;
- d)* children under 14 years of age, children of individuals in the conditions referred to in subparagraphs *a)*, *b)* and *c)* of this article.

ARTICLE 384

(Proof of economic situation)

1. The situations covered by Article 383 of this Code must be proven by one of the following documents:

- a)* certificate or statement issued by the administrative authorities of the place of residence;
- b)* certificate issued by the health authorities for individuals admitted to hospital facilities;

- c)* a statement from the care facility regarding individuals under its protection.

2. For the purposes of registering the birth of individuals under the conditions referred to in Article 383(*d*), the documents referred to in subparagraphs (*a*), (*b*), and (*c*) of this article are waived, upon verbal declaration by the respective declarants, provided that the civil registry official has no justified doubts as to their veracity.

ARTICLE 385

(Liability for falsehood)

In the event of false certificates, attestations, or declarations, the signatories or declarants and those who use or take advantage of them, in addition to the criminal liability they incur, shall be jointly and severally liable for the fees, charges, and stamps corresponding to the registration act performed and for the fines due.

ARTICLE 386

(Stamp corresponding to the registration of emancipation)

Emancipation records are subject to stamp duty as set out in the respective table for emancipation permits, which is paid on a monthly basis.

CHAPTER V

Final Provisions

ARTICLE 387

(Exemption from white stamp)

In acts performed outside the registry offices, an oil stamp may be used in place of the white stamp.