Resolution No. 390 of 2021

ESTABLISHING THE SCOPE OF THE PROVISION CONTAINED IN ARTICLE 95 OF LAW NO. 1266/87 AND DEFINING THE STATUTORY DEADLINE FOR DECLARING AND REGISTERING A DEATH WITH THE CIVIL REGISTRY

View: Law No. 1266/1987 “ON THE CIVIL REGISTRY”; Executive Decree No. 3080 of February 19, 2015 “BY WHICH DECREE No. 19.102/2002 IS MODIFIED, EXPANDED AND PARTIALLY REPEALED “BY WHICH LAW No. 1266/1987 ON THE CIVIL REGISTRY IS REGULATED, THE STRUCTURE OF THE GENERAL DIRECTORATE OF THE CIVIL REGISTRY OF THE MINISTRY OF JUSTICE AND LABOR IS REORGANIZED AND FUNCTIONS AND POWERS ARE ESTABLISHED FOR ITS DEPENDENCIES”; and,

Considering:
Whereas the Civil Registry is an institution operating as a specialized body, and in its activities, it must aim to become the organizing hub for Public Administration efforts dedicated to providing a timely and efficient public service, through a policy that ensures the full observance of the principle of legality and, in particular, the principle of legal certainty;

Whereas Article 9 of Law No. 1266/87 stipulates the powers of the Director General of the Civil Registry as follows: ... "To direct, plan, organize, coordinate, and supervise the service's functions, which implies an obligation on the part of the General Directorate to make decisions conducive to the proper functioning of the Institution for the benefit of the citizenry..."

Whereas Article 95 of Law No. 1266/87 establishes: ... "Deaths must be declared within twenty-four hours of their occurrence or of the declarant becoming aware of them..." and, to this end, this administrative act is issued to establish the scope of the aforementioned article.

THEREFORE, in exercise of its powers, in accordance with the aforementioned considerations and legal provisions,

THE DIRECTOR GENERAL OF THE CIVIL REGISTRY RESOLVES:

Art. 1. - To establish the scope of the provision contained in Article 95 of Law No. 1266/87 and to define the mandatory timeframe for declaring a death for the purpose of its registration with the Civil Registry.

Art. 2. - To mandate that, in cases of death where the certificate was issued by a forensic physician affiliated with the Public Prosecutor's Office, the death must be declared within 24 hours of becoming aware of it—understood as commencing from the date the medical certificate was issued.

Art. 3. - For all other cases, the declaration of death must be made within 24 hours of the event's occurrence.

Art. 4. - To notify the relevant parties and, upon completion, to file the record.