

Course Unit: 9242523 – Notarial Law

Year 3 Semester 5 ISCED Code: ECTS: 7,0

Type of Course Unit: Compulsory Delivery Mode: Face-to-face Language of Instruction: Portuguese

COURSE COORDINATOR: Hugo Cunha Lança

HOURS OF WORK

TOTAL HOURS	Contact Hours								Hours in autonomous work
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance	Other	
175		60	30				0		85

Prerequisites (if applicable): Not applicable

LEARNING OUTCOMES (knowledge, skills and competence)

It is intended that, through the present curricular unit, the student / future solicitor:

1. Knows what is the notarial function, as well as the purpose and principles of it.
2. Knows which notarial acts fall within the exclusive sphere of competence of the notary, and which notarial acts the solicitor, as a special entity of the notarial function, is legally authorised to practice.
3. Identifies the notarial act necessary to give legal form to a particular legal act or contract, as well as their probative value and defects that may affect them.
4. Knows how to draw up multiple notarial acts, for what he/she must master the rules regarding execution, requirements and instructional documents.
5. Masters the specific terminology and language of the Portuguese notary system, in order to correctly interpret the content of the various notarial acts and documents that instruct them.
6. Acquires practical knowledge regarding the Portuguese notary.

CONTENTS

1. The Notarial Function: historical introduction; the notary and the notarial function; functional and territorial competence of the notary; the solicitor and his / her competences; principles of notarial activity; books and archives.
2. Notary Acts in General: species of documents; notarial acts; requirements of notarial instruments.
3. Notarial Acts in Special: notarial recognition; certificate and copy certification; translation; authentication term; power of attorney and declaration of marital consent.
4. Notarial Acts in Special: the Authenticated Private Document (contracts subject to land registration): buying and selling; donation; usufruct; division; loan and mortgage; horizontal property; alienation of inheritance.
5. Notarial Acts in Special: public deed (in general); testament; notarial justification; certificate of inheritance; pre-nuptial agreement; notarial instruments.

DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES

1. The Notarial Function - objective 1 to 3, 5 and 6.
2. Notary Acts in General - Objectives 3 to 6.

3. Notarial Acts in Special - Objectives 3 to 6.
4. Notarial Acts in Special - Objective 3 to 6.
5. Notarial Acts in Special - Objective 3 to 6.
6. Nullity and revalidation of notarial acts - Objective 3, 5 and 6.

TEACHING METHODOLOGIES

The teaching will be based on:

- presencial classes (face-to-face) and synchronous sessions (distance learning);
- in the presentation of the subjects in the classroom and in the synchronous sessions, using the most diversified means (oral, written and multimedia projection);
- the availability of content and study materials in the Moodle platform, which, through their respective forums, will also be an instrument for interaction between teachers and students;
- presentation, discussion and solving of practical cases in the classroom and in the synchronous session;
- the examination of the doctrine of the Institute of Registries and Notaries and jurisprudence;
- in the analysis and interpretation of notarial acts and their instructional documents, as well as in the elaboration / titration of the notarial act that would confer legal form to the various legal acts / contracts under study.

DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES

The teaching will be based on:

- presencial classes (face-to-face) and synchronous sessions (distance learning) - Objectives 1 to 6.
- in the presentation of the subjects in the classroom and in the synchronous sessions, using the most diversified means (oral, written and multimedia projection) - Objectives 1 to 6.
- the availability of content and study materials in the Moodle platform, which, through their respective forums, will also be an instrument for interaction between teachers and students - Objectives 1 to 6.
- presentation, discussion and solving of practical cases in the classroom and in the synchronous session - Objectives 1 to 6.
- the examination of the doctrine of the Institute of Registries and Notaries and jurisprudence - Objectives 4 to 6.
- in the analysis and interpretation of notarial acts and their instructional documents, as well as in the elaboration / titration of the notarial act that would confer legal form to the various legal acts / contracts under study - Objectives 4 to 6.

EVALUATION METHODS

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

1) Continuous evaluation: it is comprised by written evaluation, work in the classroom and one oral exam. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is eliminatory.

2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.

3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

MAIN BIBLIOGRAPHY

- FERREIRINHA, Fernando Neto, A Função Notarial dos Advogados e dos Solicitadores, 2nd Edition, Coimbra, Almedina, 2019.
- FIGUEIREDO, David Martins Lopes de, Titulação de Negócios Jurídicos sobre Imóveis, 3rd Edition, Coimbra, Almedina, 2018.
- FERREIRINHA, Fernando Neto, Código do Notariado Anotado, 3rd Edition, Coimbra, Almedina, 2018.
- FERREIRINHA, Fernando Neto, Manual de Direito Notarial - Teoria e Prática, 2nd Edition, Coimbra, Almedina 2019
- VALLES, Edgar, Atos Notariais dos Advogados e Solicitadores, 7th Edition, Coimbra, Almedina, 2020.

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