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THE LEGAL SYSTEM AND THE JUDICIARY



The Legal System and the Judiciary

Macao's legal system is founded on a strong tradition of adherence to the rule of law and judicial independence. Under the principle of "One country, two systems", the Macao Special Administrative Region has retained its pre-Handover legal system based on Continental European law. Judging by the actual situation, Macao's former legal system has come largely intact through the period following the establishment of the MSAR. The rule of law, human rights and judicial independence are fully guaranteed on paper and in practice.

Pre-Handover Laws Remain Largely Unchanged

Almost all the laws, decrees, by-laws and other regulatory documents enacted in Macao before 20 December 1999 remain in effect. Only laws or portions of laws that conflicted with the Basic Law of the Macao SAR were repealed. The principle that pre-Handover laws should remain essentially unchanged has been incorporated to ensure Macao's steady and sustained development.

Five resolutions and four annexes regarding the treatment of Macao's original laws were passed in accordance with the Basic Law at the 12th Session of the Standing Committee of the 9th National People's Congress, which opened on 31 October 1999.

The resolutions resulted in the scrapping of 12 pre-Handover laws, decrees and regulatory documents that were found to conflict with the Basic Law. Three more laws that contravened the Basic Law were not retained but remained in effect as references under the principles of the Basic Law, until replacement laws could be enacted. In total, 18 laws and decrees that were incompatible with the Basic Law were repealed. The Standing Committee established guidelines for interpreting the nomenclature contained in pre-Handover laws, when used to explain or be made applicable to the laws of the MSAR.

Since the Reunification Law of December 1999 also accepts these guidelines, they have been included as integral parts of the law of the Macao SAR.

Improving the Laws of the Macao SAR

Some of Macao's original laws needed to be revised, in order to conform to the Basic Law and reflect Macao's new status as a special administrative region. The Legal Statute Research and Adaptation Working Group was established for this purpose in 2001. Composed of legal experts and specialists from the Government and Legislative Assembly, it studies the laws that are currently in effect and proposing adaptations. It also recommends measures to ensure harmony and uniformity within the legal system.

The Legal Reform Office and Legal Reform Consultative Committee were both established in 2005, followed by the establishment of the Legal Reform and International Law Affairs Bureau in 2010.

Laws of the Macao SAR

The laws presently in force in the Macao SAR are:

1. The Basic Law;
2. National laws listed in Annex III to the Basic Law;
3. Laws that were in effect before 20 December 1999 and which have been retained as laws of the Macao SAR by the Standing Committee of the National People's Congress; and
4. Laws enacted by the legislature of the Macao SAR.

The Penal Code, Criminal Procedural Code, Civil Code, Civil Procedural Code and Commercial Code, collectively known as the “Five Codes”, form the authoritative framework of Macao's legal system.

National laws shall not be applied in the Macao SAR, except those listed in Annex III to the Basic Law. Laws listed in Annex III shall be applied locally by way of promulgation or legislation by the Macao SAR. Currently, 11 national laws apply in the Macao SAR.

The Standing Committee of the National People's Congress may add to or delete from the list of laws in Annex III after consulting its Committee for the Basic Law of the Macao SAR and the MSAR Government. Only those laws relating to defence, foreign affairs and other matters outside the limits of the Region's autonomy as specified in the Basic Law are to be listed in Annex III to the Basic Law.

Fundamental Rights

The Basic Law safeguards the fundamental rights of the people of Macao. These include: freedom of speech, freedom of the press, freedom of association and assembly, freedom of procession and demonstration, the right to organise and join trade unions and to strike, freedom of religion, freedom to travel, and freedom to enter and leave Macao. Provisions applicable to Macao in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and International Labour Conventions also remain in force.

Macao continues to comply with the main international conventions on human rights, including the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Elimination of All Forms of Discrimination against Women.

Judicial System

Judicial Independence

Under the Basic Law, the Macao SAR enjoys independent judicial power, including the power of final adjudication. Courts of the Macao SAR exercise independent judicial power. They are subordinate to nothing but the law, and they are not subject to any interference.

Judges of the Macao SAR exercise judicial authority according to the law, and not according to any orders or instructions, except as prescribed in the third paragraph of Article 19 of the Basic Law. Judges are immune from legal action for discharging their judicial functions. The Macao Public

Prosecutions Office likewise exercises the procuratorial functions vested in it by law, independently and free from any interference.

Judicial Organs

Under the Basic Law and the Macao SAR Judicial Organisation Framework Law, Macao has two independent judiciary bodies: one is the court system, which exercises judicial power; the other is the Public Prosecutions Office, which exercises the power of prosecution.

The Courts

Designed in accordance with the Basic Law and the Macao SAR Judicial Organisation Framework Law, Macao's three-level court system became fully operational following the formal establishment of the Macao SAR. This system's operations totally embody the independent judicial authority and final adjudication authority granted to Macao by the Central People's Government.

Courts are the only institutions vested with judicial functions. They seek to safeguard legally protected rights and interests, stop unlawful practices and settle public and private disputes. Each court hears legal proceedings belonging to its respective jurisdiction. Courts are not subject to interference by any other authority, and they do not abide by any order or instruction. This constitutes the foundation of judicial independence, promotion of justice, guarantee of social stability and protection of civil rights.

The Court of First Instance

With the establishment of the MSAR, two new courts came into being as constituent parts of the Court of First Instance. These new courts, the Lower Court and Administrative Court, obtain their judicial authority from the Basic Law. The Basic Law also permits the Lower Court to form specialised tribunals, as required, and to retain the Examining Magistracy created under the former Portuguese administration. The Examining Magistracy therefore functions as part of the Lower Court.

The President of the Court of First Instance is appointed by the Chief Executive from among the local judges of that level of court. The term of office of the President of the Court of First Instance is three years, and consecutive terms may be served. The current president is a judge of the Collegial Panel of the Lower Court. One of the duties of the president is to represent the Court of First Instance when dealing with other Government agencies.

The Lower Court

The Lower Court currently consists of an administrative centre, three Civil Courts, four Criminal Courts, two Examining Magistracies, and one Court for Minor Civil Cases (commonly known as the Small Claims Tribunal). An Information Office has been established to enable citizens and individuals involved in litigation to learn more about the workings of the courts, and to answer questions about legal documents issued by the courts.

Statutory claims limits of appeal cases of the Lower Court:

1. 50,000 patacas for civil cases regarding civil affairs and labour law;
2. Unlimited claims in criminal cases tried under criminal or labour law, or in cases concerning the educational and social protection system that fall within the jurisdiction of the juvenile judicial system.

As at December 2012, the Lower Court has 26 judges: six presidents of Collegial Panels and 20 judges of Single-judge Benches.

The Civil Court has the power to hear cases that are civil in nature, and which do not fall under the jurisdiction of other courts. It also hears cases of other types that do not fall under the jurisdiction of other courts or tribunals, including all the related matters and issues raised by such cases.

The Criminal Court has the power to hear criminal cases or misdemeanours that do not fall under the jurisdiction of other courts or tribunals, including all related matters and issues raised by such cases.

The Examining Magistracy currently has three judges. The Examining Magistracy hears criminal cases at various stages of investigation. It also conducts preliminary investigations and, based on the available evidence, decides whether a case should be brought to trial. This court also carries out judicial work related to imprisonment and detention.

The Court for Minor Civil Cases, commonly known as the Small Claims Tribunal, deals specifically with litigation concerning monetary debts and consumer rights not exceeding 50,000 patacas in cash value. These include, but are not limited to, consumer credit, management fees, rentals, use of letters of credit, and instalment payments.

As defined by law, the Court for Minor Civil Cases has the power to hear litigation conducted in accordance with the special proceedings for minor cases, which include all the matters and questions raised by such litigation, as long as it does not prejudice other jurisdictions attributed by law.

In 2012, the Information Office of the Lower Court and the Court for Minor Civil Cases continued to provide an enquiry service to litigants, and handled 10,011 enquiries involving a total of 9,431 cases.

According to the Arrangements on Transfer of Sentenced Persons between the Government of Macao and the Government of Portugal and the Arrangements on Transfer of Sentenced Persons between the Government of Macao Special Administrative Region and the Government of Hong Kong Special Administrative Region, the Examining Magistracy opened 16 cases on requests for transfers of sentenced persons that were referred by the Government. Five cases were successful; all of which were related to Hong Kong.

The Administrative Court

Statutory claims limits of appeal cases of the Administrative Court:

1. 50,000 patacas for administrative litigation and requests concerning administrative disputes;
2. 15,000 patacas for taxation and customs disputes;

3. Unlimited claims for other disputes related to administration, taxation and customs; or for cases involving the assessment of the legality of regulations.

The Administrative Court currently has two judges, who also oversee the office of the Administrative Court and assume the posts defined by Items 2 to 5 of Clause 4 of Article 33 of the Judicial Organisation Framework Law. Each post is occupied for a three-year term and is assumed on a rotation basis according to descending seniority.

The Court of Second Instance

The Court of Second Instance has nine judges, one of whom is appointed President by the Chief Executive. The President of the Court of Second Instance serves a three-year term, and represents the Court of Second Instance when dealing with other Government and judicial authorities. He or she may serve consecutive terms. In addition to the routine responsibilities that accompany the positions of judge and president, the president must ensure that the Court of Second Instance functions effectively.

Statutory claims limits of appeal cases of the Court of Second Instance:

1. 1,000,000 patacas for civil lawsuits regarding civil affairs and labour law;
2. 1,000,000 patacas for administrative litigation and requests concerning administrative disputes;
3. 1,000,000 patacas for taxation and customs disputes;
4. Unlimited claims for criminal cases regarding criminal and labour law; or for cases regarding the education or social protection systems that fall within the jurisdiction of the juvenile judicial system; for legal actions stemming from disputes related to administration, taxation and customs; or for cases involving the assessment of the legality of regulations.

The Court of Final Appeal

The Court of Final Appeal is the highest level of court in Macao.

The Court of Final Appeal has three judges. The President of the Court of Final Appeal is appointed by the Chief Executive from among the serving judges of that level of court, and shall be a Chinese citizen who is a permanent resident of Macao. The president serves three-year terms, which may be consecutive.

The President of the Court of Final Appeal acts as a representative of the Macao SAR courts and, besides fulfilling the general responsibilities of a judge and president, must ensure that the Court of Final Appeal and the Office of the President of the Court of Final Appeal function effectively.

The Office of the President of the Court of Final Appeal

The Office of the President of the Court of Final Appeal is an autonomous institution that runs its own affairs, administration and finances. The office is responsible for coordinating the affairs of all

levels of courts, and offers the courts technical, administrative and financial support. It is headed by the President of the Court of Final Appeal, and comprises the Judicial and Technical Support Department, the Translation Support Division, the Administrative and Financial Department, as well as the Judicial Affairs Division, the Organisation and Information Division, the Human Resources Division, the Finance and Property Division, and the General Services Division.

The Judicial Council

The Judicial Council oversees the management and discipline of judicial officers and judicial support staff.

The Judicial Council is composed of the President of the Court of Final Appeal as its Chairman; two prominent members of the community appointed by the Chief Executive on the recommendation of the Independent Committee for the Nomination of Judges; and two judges selected by judicial officers. Members of the Judicial Council serve three-year terms and may be reappointed at the end of their terms.

The Chairman of the Judicial Council shall exercise his or her powers as defined in the General Rules for Judicial Officers and the Internal Regulations and Rules of the Judicial Council.

An administrative office belonging to the Judicial Council assists in the handling of daily affairs.

Appointment of Judges

Judges at all levels of courts in Macao are appointed by the Chief Executive on the recommendation of an independent committee composed of local judges, lawyers and prominent members of the community. They are chosen on the basis of their professional qualifications, and qualified judges of foreign nationality may also be appointed.

The Independent Committee for the Nomination of Judges

The Independent Committee for the Nomination of Judges is composed of seven Macao citizens appointed by the Chief Executive. It consists of one locally serving judge, one lawyer, and five prominent members of the community. All its members participate in the committee and perform their functions in a personal capacity.

The committee functions according to the provisions of the Internal Regulations of the Independent Committee for the Nomination of Judges. A chairman is elected by the members of the committee from among their own ranks and exercises authority according to the committee's internal regulations. The committee also has a secretary to assist in the handling of affairs of all kinds.

Public Prosecutions Office

The Public Prosecutions Office is the only judicial organ in Macao that exercises a prosecutorial function. Its responsibilities include representing the Macao SAR in court, initiating criminal

prosecutions, and safeguarding legality and legal rights. Moreover, under specific situations defined in the procedural laws, the Public Prosecutions Office oversees the implementation of the Basic Law. The Public Prosecutions Office is an autonomous agency and it exercises its functions independently and free from any interference. Its independence and autonomy are limited by the criteria of legality and objectivity of the Public Prosecutions Office, and the instructions and guarantees contained in other laws to which its officers must strictly adhere. Furthermore, the organisation, responsibilities and operations of the Public Prosecutions Office are clearly defined by law.

The Public Prosecutor-General is the head and representative of the Public Prosecutions Office and is appointed by the Central People's Government on the nomination of the Chief Executive. Judicial officers are nominated by the Public Prosecutor-General and appointed by the Chief Executive.

Responsibilities and Powers of the Public Prosecutions Office

The Public Prosecutions Office plays a crucial role in the fight against crime, safeguarding the rule of law, and nurturing a just, democratic and lawful society in Macao.

The four major functions of the Public Prosecutions Office are:

1. To supervise criminal investigations and ensure successful criminal prosecutions;
2. To represent the MSAR in court;
3. To oversee implementation of the law; and
4. To safeguard legitimate rights and interests.

The primary function of the Public Prosecutions Office is criminal investigation and prosecution. It supervises criminal investigations and seeks to ensure successful criminal prosecutions. The Public Prosecutions Office devotes more resources to this task than to any of its other responsibilities.

The Public Prosecutions Office's supervisory role in criminal investigations chiefly entails the authority to initiate criminal investigations by the police Criminal Investigation Department and, once an investigation is underway, monitor whether it is being carried out lawfully.

The Public Prosecutions Office's prosecutorial role entails responsibility for the initiation and progress of the entire criminal prosecution process. This includes deciding whether to indict a criminal suspect after an investigation has been completed, and acting as public prosecutor in court after a criminal case has been submitted to the court for judgment. The Public Prosecutions Office is also responsible for ensuring that courts proceed according to the law and for monitoring the implementation of criminal sentences.

The second function of the Public Prosecutions Office is to represent the Macao SAR in court. When any administrative agency of the MSAR or the public treasury is involved in a lawsuit or other legal action, it is represented in court by the Public Prosecutions Office.

Another function of the Public Prosecutions Office is to oversee the implementation of the law.

This function is reflected in the Public Prosecutions Office's authority to investigate whether police investigations or court functions are being carried out according to the law. It is likewise the duty of the Public Prosecutions Office to ensure strict adherence to the law, both before and after the fact, in its supervision of the way various public departments apply the law. When requested, the Public Prosecutions Office may also exercise a legal consultative role to the Chief Executive or Legislative Assembly.

Finally, another important function of the Public Prosecutions Office is to safeguard legitimate rights and interests. This function is exercised in several ways. One is the defence, in situations defined by law, of collective or public interests. In other situations, the Public Prosecutions Office acts as the representative of employees and their relatives, or attends any judicial proceedings regarding bankruptcy or insolvency when public interests are involved. Finally, the Public Prosecutions Office represents in court individuals who are considered incapable, or who are missing or absent.

One important task that history has delegated to Macao's judicial institutions is the development of a judicial framework that is suited to the characteristics of Macao society and consistent with the legal principles enshrined in the Basic Law. With this aim in mind, the Public Prosecutions Office has established a new judicial framework entitled "One Institution, Three Levels of Assignment".

"One Institution" refers to the existence of one unified body within the organisational structure of the Public Prosecutions Office, as opposed to the three different levels of the office corresponding to the three tiers of courts. This simple, unified structure better suits a territory with the size and population of Macao, and it helps to streamline the institution and its personnel structure, and increase efficiency.

"Three Levels of Assignment" refers to the assignment delegation system inherited by the Public Prosecutions Office of the Macao SAR from the pre-Handover procuratorial system. Under this system, three levels of Public Prosecutors (also known as "judicial officers of the Public Prosecutions Office"), including the Public Prosecutor-General, Assistant Public Prosecutor-General and Public Prosecutor, act as representatives of the Public Prosecutions Office in Macao's three tiers of courts and participate in legal actions.

In conformity with this framework, the Public Prosecutions Office has established subordinate offices in the following courts:

- In the Court of Final Appeal its office is headed by the Public Prosecutor-General, who is the chief representative to that court and is supported, when necessary, by an Assistant Public Prosecutor-General;
- In the Court of Second Instance, the office is headed by an Assistant Public Prosecutor-General;
- In the Court of First Instance, offices have been established in both the Lower Court and the Administrative Court. In both offices, a Public Prosecutor acts as the representative of the Public Prosecutions Office. If a case is serious, complicated, or involves substantial public interest, the Assistant Public Prosecutor-General may act as the representative of the Public Prosecutions Office in the Court of First Instance; and

- An independent office at the Examining Magistracy is headed by a Public Prosecutor, who leads investigations and initiates criminal prosecutions.

Organisational Structure of the Public Prosecutions Office

The Public Prosecutor-General is the head of the Public Prosecutions Office and the most senior public prosecutor. The Public Prosecutions Office consists of three types of personnel: judicial officers, judicial support personnel, and professional administrative officers. An Office of the Public Prosecutor-General has been established to facilitate the Public Prosecutor-General's management of the Public Prosecutions Office. Possessing independent control over its own administration and finances, the Office of the Public Prosecutor-General is supported by the Judicial Assistance Department, the Judicial Affairs Department, the Judicial Cooperation Department, the Personnel and Finance Department and the Support Department.

At present, the Public Prosecutions Office has 34 judicial officers, including one Public Prosecutor-General, 12 Assistant Public Prosecutors-General and 21 Public Prosecutors. Their chief responsibilities include criminal investigations and prosecutions, participating as representatives of the Public Prosecutions Office in all levels of courts, and taking part in criminal, civil and administrative actions. One Assistant Public Prosecutor-General is assigned as a Director of the Judiciary Police.

Professional Administrative Officers, including management officers, professional staff and assistant staff, are all subject to the General Rules for Judicial Officers, the General Rules for Ancillary Judicial Personnel and the Macao Public Servants Statutes and Regulations.

The Public Prosecutors Council

The Public Prosecutors Council is an independent body that oversees the evaluation and discipline of prosecutors and judicial support personnel. Evaluations of their professional skills and adherence to professional ethical standards are conducted every two years. Evaluators and disciplinary investigators are assigned by the Public Prosecutors Council, and the results of all evaluations are subject to its examination and confirmation.

In order to further regulate and standardise evaluation and disciplinary work, the Public Prosecutors Council issues comprehensive by-laws and standards to accompany its internal regulations, including the Internal Regulations and Rules of the Public Prosecutors Council and Regulations Governing the Supervision of Public Prosecutors and Judicial Support Personnel.

The Public Prosecutors Council is a newly formed body. It replaced the former Judicial Committee, which was responsible for the appointment and administration of judicial officers and included lawyers, judges, public prosecutors and other members of the community.

The Public Prosecutors Council is organised as follows:

- The Public Prosecutor-General, who acts as President *ex officio*;
- An Assistant Public Prosecutor-General selected as a representative by judicial officers and from among their own ranks;

- A public prosecutor selected as a representative by judicial officers and from among their own ranks; and
- Two members of the community appointed by the Chief Executive.

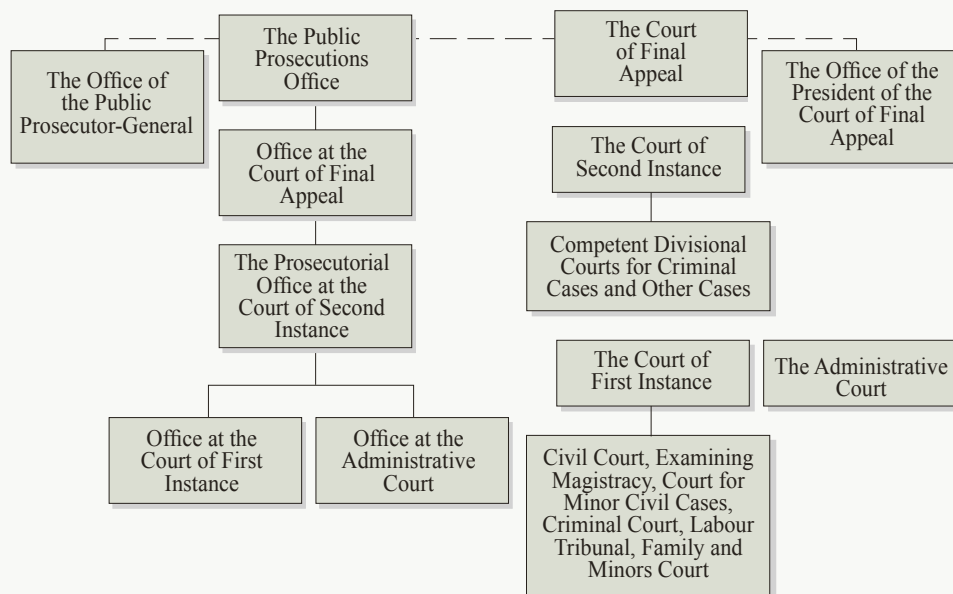
Legal Aid

The Basic Law provides that every resident of Macao shall have certain inalienable legal rights. These include the right to appeal to the law, the right to initiate a court action, the right to seek assistance from a lawyer in protecting his or her legitimate rights and interests, and the right to receive legal aid. But while every Macao resident is legally entitled to appeal to the courts for the resolution of a dispute, not all residents are financially capable of paying the consequent court costs and lawyers' fees. For this reason the law also provides a legal aid system that assists residents who are less financially able to exercise their legal rights fully.

Legal aid provides exemption or postponement of all or part of advance fees and court fees for residents who are less financially able, and appoints a legal representative for them at no charge.

All residents of Macao, including temporary residents, can apply for legal aid if they meet certain legal requirements. Legal aid can be applied for at any stage of a legal action.

Organisational Structure of the MSAR Judiciary



Training of Judicial Officers

Faculty of Law of the University of Macau

Since its foundation in 1988, the Faculty of Law of the University of Macau has nurtured many local legal professionals. Most of Macao's incumbent judicial officers either graduated from the faculty or have enrolled in its programmes. Over 96 percent of Macao's Chinese judges, public prosecutors and lawyers are graduates of the Faculty of Law at the university.

The faculty offers Bachelor of Law programmes in Portuguese and Chinese; Master of Law Programmes in Portuguese and Chinese; and Master of Law Programmes in European Union Law, International Law, Comparative Law, and International Business Law in English; and Doctor of Law programmes in Chinese and English. The Bachelor of Law programmes in Chinese and in Portuguese essentially follow the Romano-Germanic education system. Postgraduate courses including Introduction to Macao Law, Legal Practice and Legal Terminology are also available.

During the 2012/2013 academic year, 392 students were enrolled in undergraduate law programmes, 86 graduate students were studying for Master's degrees, 79 students were enrolled in postgraduate certificate programmes, and 19 students were studying for doctorates.

Faculty of Law of the Macau University of Science and Technology

Established in 2000, the Faculty of Law of the Macau University of Science and Technology offers programmes leading to a Bachelor of Law degree, a Master of Law degree and a Doctor of Law degree. The Bachelor of Law degree programme spans four years, the Master of Law degree programme two years, and the Doctor of Law degree programme three years.

The Bachelor of Law degree curriculum includes Macao law, mainland China law, and laws and jurisprudence theories of major countries in the world. The faculty offers a Master of International Economic Commercial Law degree programme, a Master of Criminal Justice degree programme, a Juris Master programme, and a Master of Laws degree programme (covering five specialised subjects: jurisprudence, comparative law, constitutional and administrative law, civil and commercial law, and criminal law). The doctorate degree programme currently offers doctorates in nine areas of study: jurisprudence theory, legal history, civil and commercial law, criminal law, constitutional law and administrative law, economic law, international law, procedural law, and environmental protection and resources conservation.

During the 2012/2013 academic year, a total of 452 students enrolled in Bachelor of Law degree programmes, of whom 308 came from overseas and 144 were local residents. 145 students were working towards a Master of Law degree, and 48 towards a Doctor of Law degree.

Legal and Judicial Training Centre

The Legal and Judicial Training Centre is an autonomous public institution that offers vocational training courses in judicature and law.

The training centre is responsible for induction training for judicial officers of the Public

Prosecutions Office and the courts. It is also responsible for offering continued training to judicial officers.

According to the law, all judges and public prosecutors must complete a two-year training course and practical training provided by the training centre. Since the establishment of the MSAR, the centre has completed three training sessions for 25 local judicial officers (14 judges and 11 public prosecutors). The fourth session, which commenced in July 2011 and was expected to be completed in July 2013, has 12 candidates.

As for continued training courses for judges and public prosecutors, the centre organised joint programmes with the Department of Treaty and Law of the Ministry of Foreign Affairs of China, the National Judges College, the National Prosecutors College of China, the Centre for Judicial Studies of Portugal and the National School for Magistrates of France. The centre also hosts training programmes featuring legal experts and other professionals in Macao as major speakers. In 2012, the centre organised seminars with topics including “China’s Foreign Affairs and International Law” and “Juvenile Delinquency: Judiciary’s Response”.

The training centre launched two one-year judicial clerk induction programmes, from which a total of 125 participants have been appointed as judicial clerks in the courts or the Public Prosecutions Office. The third training programme admitted 120 trainees, and commenced in April 2012.

As per requests from the Office of the Public Prosecutor-General and the Office of the President of the Court of Final Appeal, the centre launched promotion preparation programmes for judicial support staff of the courts or the Public Prosecutions Office, and for clerks-in-charge of the courts. The centre began preparing for “Promotion Training Course for Clerk Specialists of the Public Prosecution’s Office” and “Promotion Training Course for Assistant Clerks of the Public Prosecution’s Office”, which are to commence in June 2013.

Another important task of the centre is to provide training on general legal knowledge for civil servants. In 2012, the centre organised numerous programmes with the aim of improving professional skills of public servants and facilitating the development of the MSAR. The courses focused especially on the drafting of laws, international laws and enhancements in legal language and public administration laws. The centre continued to organise training courses on the Basic Law; administrative procedures; civil service laws and regulations; public finance management system; regulations and laws on administrative contracts; administrative litigation procedures; laws regarding discipline and punishment, and laws on undertaking public works.

The centre rolled out activities planned for the 2nd EU-Macao Cooperation Programme in the Legal Field. In 2012, it organised seminars and workshops such as: Seminar on Urban Law; Workshop on Legislation Quality and Assessment; Seminar on Fundamental Rights System, and Workshop on Criminal Judicial Assistance. These events aimed to further develop Macao’s legal system.

Moreover, the centre continued to organise training courses for trainee lawyers, at the request of the Macau Lawyers Association.

Lawyers and the Macau Lawyers Association

Lawyers fulfil a vital role in Macao’s legal and judicial system, especially with regard to ensuring

the ability of residents to seek legal recourse and have access to the courts. No resident should, due to financial difficulty or any other reason, be denied access to the courts. Lawyers have an obligation to help residents exercise the right to litigate, and they are obliged to accept court-appointed legal aid cases.

The Lawyers' Statutes (Decree-Law No. 31/91/M) of 6 May 1991 stipulate that the Macau Lawyers Association is a public corporate institute representing the legal profession. Its professional ethics and practices are defined by the Association's regulations.

The Macau Lawyers Association is composed of a Presidency, Executive Committee, Supervisory Committee and Higher Council of Lawyers. The Higher Council of Lawyers exercises exclusive disciplinary jurisdiction over lawyers and trainee lawyers, and it is responsible for monitoring their discipline, professional ethics, and moral ethics.

Individuals who wish to practise law in Macao and who hold a Bachelor of Law degree from the University of Macau must register with the Macau Lawyers Association and undergo a period of practical training of no less than 18 months. Trainee lawyers must register as practising lawyers within 60 days of internship completion.

In line with relevant regulations, Bachelor of Law degree holders who graduated from a university recognised by Macao and wish to become practising lawyers in Macao must take certain orientation courses. After completing the courses, such persons must undergo an internship before they may practise law.

At the end of 2012, there were 248 practising lawyers and 105 trainee lawyers in Macao.

The Legal Affairs Bureau

The Legal Affairs Bureau undertakes a broad array of duties. It conducts research into judicial policy and provides technical support; implements policies relating to the drafting, translation and promotion of laws; handles matters related to the organisation and operations within the jurisdiction of juvenile education and rehabilitation programmes; and participates in coordination and provides assistance to registries, notary public offices and private notaries. The Legal Affairs Bureau comprises several departments: the Legal Drafting Department, the Law Translation Department, the Law Promotion Department, the Inspection and Litigation Department, the Social Rehabilitation Department, the Administrative and Financial Affairs Department, and the Reformatory for Juvenile Delinquents.

The Legal Affairs Bureau also supervises registries and notary public offices, including the Real Estate Registry, the Commercial and Movable Goods Registry, the Civil Registry and the notary public offices.

Real Estate Registry

The Real Estate Registry is responsible for the registration of property in Macao, and publishing the legal status of real estate through the registration of acquisitions, mortgages and transfers, to ensure the security of transactions.

Commercial and Movable Goods Registry

The Commercial and Movable Goods Registry is responsible for the registration of businesses, motor vehicles and aircraft in Macao, and publishing the legal status of companies and their owners, motor vehicles and aircraft, to provide legal protection and security for transactions.

Civil Registry

The Civil Registry is responsible for the civil registration of births, parentage, adoption and custody, marriages, marriage agreements, deaths and the legal deaths of missing persons, and for issuing relevant certificates.

Notary Public Offices

The three notary public office – the First Office of the Notary Public, the Second Office of the Notary Public and the Islands Office of the Notary Public – are authorised to act as notaries, especially in the verification of signatures and documents, and the issuing of certificates, warranties, letters of authorisation, notarial testaments and notarial deeds.

Private Notaries

Macao's Private Notary system was established to undertake part of the work previously handled by the Notary Public Offices.

The Legal Affairs Bureau is responsible for coordinating and supervising licensed private notaries. At the end of 2012, there were 55 private notaries in Macao.

Law Reform and International Law Affairs Bureau

The Law Reform and International Law Affairs Bureau assists the Government in coordinating the formulation of legislative plans and supervising their implementation; reviewing and drafting major codes and laws, and undertakes work related to international law affairs.

Legal Reform Consultative Committee

The Legal Reform Consultative Committee was established in March 2005 under Executive Order No. 59/2005, with the major function of assisting the Government in drafting policies on the establishment of the legal system.

Raising public awareness of the law of the Macao SAR

The Government raises awareness of the law through promotional activities and legal enquiry services. The former include publishing feature articles in newspapers and journals, broadcasting information via TV and radio, and holding talks and events to promote the laws of the Macao SAR, with the aim of enhancing public awareness, knowledge and understanding of law, and encouraging people to be law-abiding citizens.



