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THE LEGAL SYSTEM AND THE JUDICIARY



The Legal System and the Judiciary

The Legal System

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 Only laws or portions of laws that conflicted with the Basic Law of the Macao Special Administrative Region were repealed.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 of the Macao Special Administrative Region 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 of the Macao Special Administrative Region. Three more laws that contravened the Basic Law of the Macao Special Administrative Region were not retained but remained in effect as references under the principles of the Basic Law of the Macao Special Administrative Region, until replacement laws could be enacted. In total, 18 laws and decrees that were incompatible with the Basic Law of the Macao Special Administrative Region were repealed.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 of the Macao Special Administrative Region 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. Comprising legal experts and specialists from the Government and Legislative Assembly, it is studying the laws that are currently in effect and proposing adaptations. It also recommends measures to ensure harmony and uniformity within the legal system.

In 2013, the Government completed a three-year project on the review and adaptation of

the existing laws in Macao as planned. The project involved the revision of the 2,123 existing laws and decrees that were promulgated from 1976 to 19 December 1999. About 40,000 provisions were analysed article by article to verify whether the laws were still in effect and, if not, indicate the reasons the laws were not in effect. In addition, laws and acts that were still in effect were adapted in accordance with the regulations stipulated in the Reunification Law. Recommendations for amendments were made for provisions that were incompatible with existing legislation, as well as inaccurate translations between the Chinese and Portuguese versions of the texts of existing laws and acts.

A list of relevant existing laws and decrees was compiled through active cooperation between different departments. There are 668 items of legislation that remain in effect (108 laws and 560 decrees) and 1,455 items that are no longer in force (232 laws and 1,223 decrees). The review and adaptation of the existing laws of Macao is fundamental work of the legal system of the MSAR. The results of the review serve as an important reference for planning and improving legislation.

Laws of the Macao SAR

The laws presently in force in the Macao SAR are:

1. The Basic Law of the Macao Special Administrative Region;
2. National laws listed in Annex III to the Basic Law of the Macao Special Administrative Region;
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 of the Macao Special Administrative Region. Laws listed in Annex III shall be applied locally by way of promulgation or legislation by the Macao SAR. Currently, 12 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 Special Administrative Region 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 of the Macao Special Administrative Region.

Fundamental Rights

The Basic Law of the Macao Special Administrative Region 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 of the Macao Special Administrative Region, 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 power according to the law, and not according to any orders or instructions, except as prescribed in Article 19 of the Basic Law of the Macao Special Administrative Region. 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 of the Macao Special Administrative Region and the 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 of the Macao Special Administrative Region and the Judicial Organisation Framework Law, Macao's three-tier 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 nation.

The Courts are the only judicial organ vested with the power to exercise 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 Base Court and Administrative Court, obtain their judicial authority from the Basic Law of the Macao Special Administrative Region. The Basic Law of the Macao Special Administrative Region also permits the Court of First Instance 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 Base Court.

The President of the Court of First Instance is appointed by the Chief Executive from among the judges who have confirmed appointments in that tier 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 Examining Magistracy. One of the duties of the president is to represent the Court of First Instance when dealing with other government agencies.

The Base Court

The Base Court currently comprises an administrative centre, three Civil Courts, five Criminal Courts, two Examining Magistracies, one Small Claims Court (commonly known as the Small Claims Tribunal), one Labour Court, and one Family and Juvenile Court. Information Centres have been established in Criminal Courts and Civil Courts of the Base Court, as well as enquiry services provided in the Small Claims Court, to enable citizens and individuals involved in litigation to learn about law court operations, and answer questions related to judicial documents issued by the courts.

The statutory ceilings on the amounts payable for successful appeals against judgements of the Base Court:

1. 100,000 patacas in civil cases related to civil and labour law;
2. No ceiling for criminal cases tried under criminal or labour law, or for cases in relation to the juvenile education and social protection systems that fall within the jurisdiction of the juvenile judicial system.

As at December 2023, the Base Court had 32 judges: eight presidents of Collegial Panels, 21 judges of Sole-judge Benches, and three judges of the Examining Magistracy.

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 exercises investigative judicial functions, conducts preliminary hearings, and decides whether to send a case for full trial during the criminal hearing process. The magistracy also exercises power on security measures involving internment.

The Small Claims Court deals specifically with litigation concerning monetary debts and

consumer rights not exceeding 100,000 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 Small Claims Court 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.

The Labour Court has jurisdiction over civil litigation and minor violations, including all the related matters and issues raised by such cases, stemming from industrial relations under the Labour Procedural Code, as long as it does not prejudice other jurisdictions attributed to it by law.

The Family and Juvenile Court mainly prepares and hears proceedings related to non-contentious matters between spouses; proceedings concerning property divisions and divorce litigations and the resulting proceedings related to property inventory and preventive proceeding; litigations regarding the annulment or revocation of marriages; litigations and proceedings related to the provision of maintenance; litigations regarding disputes about maternity and presumed paternity; and incidental matters and problems in the above-mentioned cases.

In 2023, Information Centres in the Criminal Courts and the Civil Courts of the Base Court together with the Small Claims Court admitted 7,690 enquiries from citizens, involving a total of 7,147 cases.

The Administrative Court

The statutory ceilings on the amounts payable for successful appeals against judgements of the Administrative Court:

1. 100,000 patacas in cases relating to administrative matters or disputes;
2. 15,000 patacas in cases relating to taxation and customs matters; and
3. No ceiling 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 one judge, who also oversees the office of the Administrative Court and assumes 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.

Court of Appeal

The Court of Appeal has eight judges, one of whom is appointed President by the Chief Executive. The President of the Court of Appeal serves a three-year term, and represents the Court of Appeal 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 Appeal functions effectively.

The statutory ceilings on the amounts payable for successful appeals against judgments of the Court of Appeal:

1. 1,000,000 patacas for civil lawsuits regarding civil affairs and labour law;
2. 1,000,000 patacas for cases concerning administrative matters or disputes;
3. 1,000,000 patacas for taxation and customs disputes;
4. When the Court of Appeal acts as the Court of first instance to hear a case, the statutory claims limits of appeal cases is equivalent to those of the Court of First Instance; and
5. No ceiling for criminal cases tried under criminal or labour law, or for cases in relation to the juvenile education and social protection systems that fall within the jurisdiction of the juvenile judicial system; and for legal actions stemming from disputes related to administration, taxation and customs.

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.

In 2023, the President of the Court of Final Appeal attended the Seventh Seminar of Senior Judges of Cross-Strait and Hong Kong and Macao, and visited Beijing.

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 Department of Judicial and Technical Support, the Department of Translation Support, the Department of Administration and Finance, as well as the Division of Judicial Affairs, the Division of Organization and Information, the Division of Human Resources, the Division of Finance and Property and the Division of General Affairs.

The Judicial Council

The Judicial Council oversees the management and discipline of judges and court clerks.

The Judicial Council comprises the President of the Court of Final Appeal as its president; two prominent members of the community appointed by the Chief Executive on the

recommendation of the Independent Judicial Recommendation Commission; and two judges elected 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 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 commission comprising 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.

Independent Judicial Recommendation Commission

The Independent Judicial Recommendation Commission is composed of seven Macao citizens appointed by the Chief Executive. It comprises one locally serving judge, one lawyer, and five prominent members of the community. All the commission's members participate and perform their functions in a personal capacity.

The Independent Judicial Recommendation Commission functions according to its internal regulations. A chairman is elected by the members of the commission from among their own ranks and exercises authority according to its internal regulations. The commission also has a secretary to assist in handling all kinds of issues.

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 of the Macao Special Administrative Region. The Public Prosecutions Office is an autonomous agency and 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 that prosecutors must strictly adhere to. Furthermore, the organisation, responsibilities and operations of the Public Prosecutions Office are clearly defined by law.

The 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. Other prosecutors are nominated by the Prosecutor General and appointed by the Chief Executive.

In 2023, the Prosecutor General attended the 55th IAP Executive Committee Meeting, the 20th Meeting of Prosecutors General of the Community of Portuguese Speaking Countries, the

56th IAP Executive Committee Meeting, the 28th Annual Conference and General Meeting of International Association of Prosecutors and the 13th China-ASEAN Prosecutors-General Conference.

Responsibilities and Powers of the Public Prosecutions Office

Article 56 of the Judicial Organisation Framework Law stipulates the responsibilities and powers of the Public Prosecutions Office, including specific tasks involving criminal proceedings, civil proceedings, administrative proceedings and legal affairs. They fall into four areas, as follows:

Leading and monitoring criminal investigations

Criminal investigations are led by the Public Prosecutions Office and implemented by the criminal police authority, such as:

- Authorising the criminal police authority to conduct all investigations not falling under the exclusive powers of judges of the Examining Magistracy, and establishing specific guidelines for doing so;
- Recommending special investigative measures for the Examining Magistracy according to the law;
- Interrogating detained suspects, reviewing legality of detention, and advising on appropriateness of mandatory measures;
- Deciding whether investigations should be initiated in response to crime-related information; and
- Confirming the validity of detention by the criminal policy authority.

Initiating and ensuring criminal proceedings

Upon completion of investigations, the Public Prosecutions Office will decide whether prosecutions should be made, and will carry out its legal duties in the subsequent proceedings. For example, the office will:

- Initiate prosecution when an investigation provides sufficient indication that a criminal offence has been committed, and the identity of the offender(s) has been established;
- File cases without prosecution if evidence suggests no criminal activities, innocence of suspects, inability to conduct criminal proceedings according to the law, or lack of indications of a breach of law by the suspects, or occurrence of a crime for which the offender is unknown;
- Apply to the Examining Magistracy, under special circumstances, for suspension of proceedings or filing of cases due to penalty abatement; and
- File appeals to the Court of Second Instance with regard to the decisions, judgements or adjudications made by the judges of the Base Court; provide written replies to the Court of Second Instance regarding appeals initiated by other parties involved in cases; and file appeals to the Court of Final Appeal within legal bounds.

Protecting civil rights

- Protect the legal rights of the MSAR and represent the MSAR in court;
- Safeguard the rights of a distinctly disadvantaged party in a litigation, represent incapacitated, unknown and missing persons;
- Monitor the legality of civil judgements;
- Protect civil rights of minors;
- Protect civil rights of workers; and
- Initiate civil litigation in collective or public interest.

Monitoring enactment of laws

- The Public Prosecutions Office participates in litigation in court to monitor proceedings of civil, criminal and administrative cases with the aim of maintaining legality, as well as to ensure proper enactment of the relevant litigation laws, and that the laws are properly interpreted and enforced;
- Monitor police investigations and ensure investigation procedures are carried out in accordance with the law;
- Defend the Government against administrative proceedings initiated by stakeholders, in order to maintain legality in accordance with the stipulations in the Administrative Procedural Law;
- Initiate judicial appeals against administrative actions by Government administrative officials that evidently contravene the law, and request the court to revoke or invalidate such administrative actions;
- Appoint representatives to attend opening of public tenders for works or service provision to the Government, to ensure that the tendering processes are conducted in a fair and lawful manner;
- Participate in the establishment of contracts in which the MSAR is a stakeholder, in accordance with the law or as requested by the Chief Executive; and
- Perform consultation duties or advise on the legality of specific issues as regulated by the law, or as requested by the Chief Executive or the president of the Legislative Assembly.

Operation of the Public Prosecutions Office

Based on the stipulations of the procedural laws and the judicial tradition, the Public Prosecutions Office of Macao adopts a single organisational structure, with three levels of Public Prosecutors assigned to the Court of Final Appeal, the Court of Appeal, the Base Court and the Administrative Court. They perform duties on behalf of the Public Prosecutions Office.

To tie in with the operation of the Public Prosecutions Office and complement the performance of duties by prosecutors, the Public Prosecutions Office of Macao has set up offices for the Court of Final Appeal, the Court of Appeal, the Base Court, the Administrative Court,

and the Examining Magistracy under the Base Court. Each office is manned by prosecutors, judicial clerks and administrative officers as appropriate.

Personnel of the Public Prosecutions Office

There are three types of Public Prosecutions Office personnel: prosecutors, judicial support personnel, and professional and administrative staff.

Prosecutors

According to the Basic Law of the MSAR, the Prosecutor General shall be a Chinese citizen who is a permanent resident of the MSAR. He or she shall be nominated by the Chief Executive and appointed by the Central People's Government.

Other prosecutors shall be nominated by the Prosecutor General and appointed by the Chief Executive.

In 2023, there were 35 serving prosecutors in the Public Prosecutions Office (one prosecutor retired on 18 January 2023): one Prosecutor General, eight Assistant Prosecutors General and 26 Prosecutors (nine of whom are Prosecutors Coordinators). 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 proceedings according to the law.

Judicial support personnel are mainly responsible for providing support to prosecutors in handling cases. They are categorised into supervisor and judicial clerk ranks. General Secretary, Assistant General Secretary and Chief Secretary belong to the supervisor rank, while Chief Clerk, Principle Clerk, Assistant Clerk and Junior Clerk belong to the judicial clerk rank.

Professional and administrative staff includes supervisors, professional staff and assistant staff. Their main responsibilities are to assist the work of the Prosecutor General, to provide professional advice, and perform personnel and financial management duties.

The Prosecutors Committee

As an independent body, the Prosecutors Committee is responsible for the appraisal and disciplinary management of prosecutors and judicial support personnel. Evaluations of professional skills and adherence to professional ethical standards of prosecutors and judicial clerks are conducted every two years. As required by law, evaluators and disciplinary investigators are appointed by the Prosecutors Committee, and the results of all appraisals are subject to the Committee's examination and confirmation.

Member composition:

- The Prosecutor General, who acts as President *ex officio*;
- A representative of the Assistant Prosecutors General and a representative of the prosecutors, both elected by all prosecutors of the Public Prosecutions Office; and

— Two members of the community, appointed by the Chief Executive.

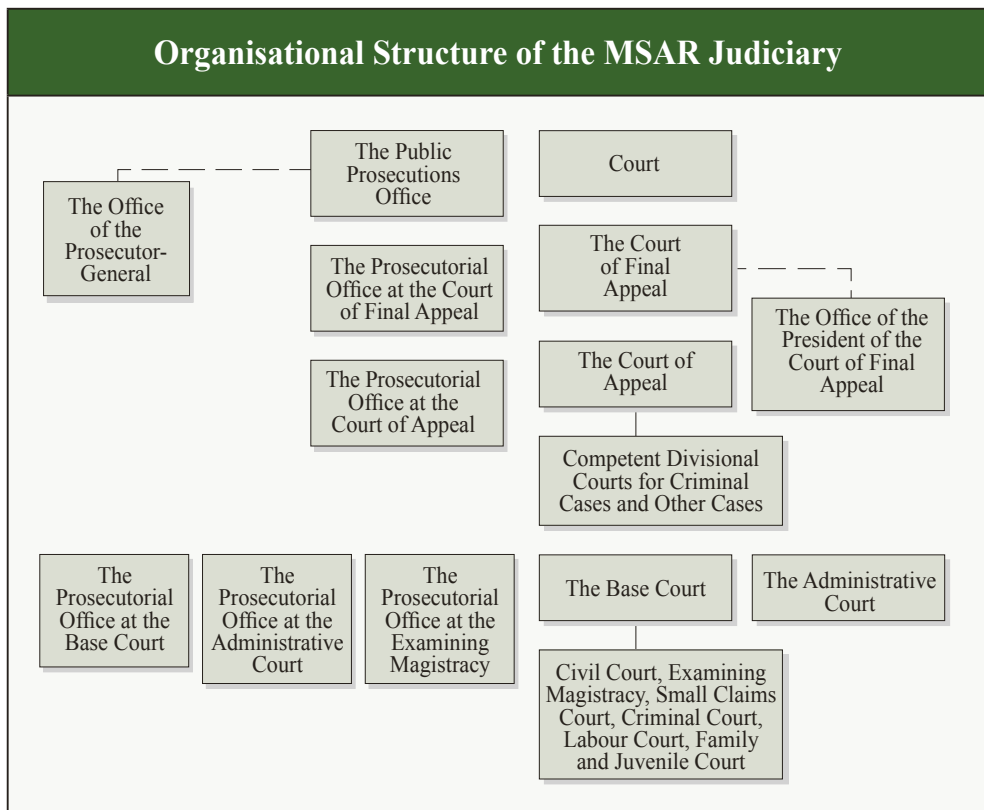
Legal Aid

The Basic Law of the Macao Special Administrative Region 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. Since not all residents are financially capable of paying court costs and lawyers' fees, the law also provides a legal aid system that assists residents who are less financially able to fully exercise their legal rights.

According to the General System of Legal Aid, legal aid includes the exemption of advance payment; exemption of litigation fees; appointment of a lawyer in the court and the payment of lawyers' fees.

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.

The Legal Aid Committee has the right to make decisions on approval of legal aid and other relevant matters according to the law.



Training of Legal and Judicial Officers

Faculty of Law of the University of Macau

The Faculty of Law of the University of Macau nurtures many local legal professionals. Most of Macao's incumbent judicial officers either graduated from the faculty or have enrolled in its programmes. The majority of Macao's Chinese judges, public prosecutors and lawyers are graduates of the university's Faculty of Law.

To cultivate legal professionals who are bilingual in Chinese and Portuguese, the faculty offers a Bachelor of Law programme in Portuguese, a Bachelor of Law programme with day and evening courses in Chinese, and a five-year Bachelor of Law programme taught bilingually, in Chinese and Portuguese; these essentially follow the Romano-Germanic education system. In addition, the Faculty of Law offers an English-medium Bachelor of Laws (Chinese Law and Global Legal Studies) programme, which focuses on Chinese Law study, with the main objective of enabling graduates to engage in legal practice and research in cities in the Greater Bay Area other than Macao.

In addition to the Master of Law Programmes in Chinese and Portuguese, programmes including Master of Law in European Union Law/International Law and Comparative Law, Master of Law in International Business Law, Master of Law programme in legal translation, and Master of Law programme in Macao legal practice are offered and taught in English. Postgraduate courses including Introduction to Macao Law, Legal Practice and Legal Terminology are also available. Doctor of Philosophy (Law) programmes in Chinese, Portuguese and English are provided.

During the 2023/2024 academic year, 612 students were enrolled in undergraduate law programmes, 458 graduate students were studying for master's degrees in law, 12 students were enrolled in postgraduate certificate programmes, and 130 students were studying in doctorate of law programmes.

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 covers Macao's legal system, mainland China law, major legal systems worldwide, and international law. Master's degree programmes include a Master of Law degree programme (covering five specialised subjects: jurisprudence, comparative law, constitutional and administrative law, civil and commercial law, and criminal law), a Juris Master programme, a Master of International Economic Commercial Law degree programme, a Master of Criminal Justice degree programme, a Master of International Arbitration programme and a Master of Financial Crime and Regulation programme.

The doctorate law 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 law.

During the 2023/2024 academic year, a total of 732 students were enrolled in Bachelor of Law degree programmes. There were 626 students working towards a Master of Law degree, and 172 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 five training sessions for 50 local judicial officers (28 judges and 22 public prosecutors) for the MSAR.

The sixth Magistrate Training Programme commenced in July 2022, with 20 interns embarking on two-year training. The classroom section was completed in July 2023, and the internship scheme commenced.

As for continued training courses for judges and public prosecutors, the training centre held numerous thematic seminars for judicial officers during 2023.

As for induction training courses for judicial clerks, the training centre organised five one-year judicial clerk induction programmes. A total of 400 participants completed the programmes, 346 of whom have been appointed as judicial clerks in the courts or the Public Prosecutions Office.

As per requests from the Office of the President of the Court of Final Appeal and the Office of the Prosecutor General, from 2007 to December 2023, the centre completed 27 promotion preparation programmes for judicial support staff of the courts or the Public Prosecutions Office, and seven training courses for court supervisors.

Another important task of the training centre is to provide training on general legal knowledge for civil servants. In 2023, the centre organised numerous training activities to enhance the skills of administrators and foster the development of the MSAR. The ongoing training activities covered topics including the Constitution and the Basic Law, Law on Safeguarding National Security, civil service laws and regulations, administrative procedures, laws on procurement and provision of services, public financial management systems, the Personal Data Protection Act, and the e-Governance Act.

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 be denied access to the courts due to financial difficulty or any other reason. 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) 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 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 2023, there were 445 practising lawyers and 168 trainee lawyers in Macao.

The Legal Affairs Bureau

The Legal Affairs Bureau is a public department of the MSAR. It conducts research into judicial policy and centralised legislative coordination, and provides technical support; implements policies relating to legal drafting and translation, international and regional legal affairs, and promotion of laws; coordinates and supports registries, notary public offices and private notaries; and supports the operation of the general legal aid system.

The Legal Affairs Bureau is also responsible for providing technical, logistical and administrative assistance to the Law Reform Consultative Committee, the Legal and Judicial Training Centre, the Legal Aid Committee, the Registration and Notary Committee, the Committee for the Protection of Victims of Violence, and other organisations. It is also responsible for monitoring the legality of the establishment and continuance of voluntary arbitration institutions, managing the database of legal officers, and performing other duties as assigned by law.

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 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, vessels and aircraft in Macao, and publishing the legal statuses 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 the related certificates.

Notary Public Offices

Through issuing and signing notarised deeds and letters of authorisation, the Notary Public Offices give statutory effect and credibility to legal acts that are not performed judicially.

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 2023, there were 85 private notaries in Macao.



紀念
《中華人民共和國澳門特別行政區基本法》
Comemoração do 30.º Aniversário da Promulgação da Lei Básica 頒佈三十周年
da Região Administrativa Especial de Macau da República Popular da China

30
我與基本法
I and the Basic Law

“我與基本法”
親子普法同樂日

Dia de convívio sobre a promoção
da Lei Básica para pais e filhos
“Eu e a Lei Básica”

Legal Awareness Day for Families





As part of the events commemorating the 30th anniversary of the promulgation of the Basic Law of the Macao SAR, the Legal Awareness Day for Families - "Basic Law and Me" is held on 21 May at the Hac Sa Temporary Green and Leisure Area. Through games, playground facilities, handicraft workshops and stage performances, the event promotes the Constitution and the Macao Basic Law in a casual setting, by incorporating legal education into play.