

Preface

This book will be useful namely for those seeking information on the legal system of Macau who do not master any of the official languages, and especially Portuguese. The 'localization' of the legal system has eased the language barrier problem for those who master Chinese, but it remains true that most key doctrinal materials are written in Portuguese.

This is the first publication providing an extended account of the matters covered in the 1999 Civil Code and 1999 Commercial Code; as always happens after codification, there is a need to fully understand the breadth of newly introduced legal provisions. It also covers the legal transformations and continuities arising from the resumption of the exercise of sovereignty over Macau by China on 20 December 1999. It is hoped that, despite its shortcomings, this publication may contribute to a better understanding of Macau's legal system. Although this book is by no means a work of comparative law, it was felt useful to provide references to English language publications from other parts of the civil law tradition discussing the matters covered, so as to enable the interested English-speaking monoglot to pursue further research.

The book's original impetus came from the need to provide written information about the legal system of Macau, in English, to the students of Business Law at the Faculty of Business Administration, University of Macau. Parts of it were subsequently used in the Faculty of Law in the International Business Law program, and in courses taught elsewhere for staff of banks, insurance companies and auditors. The book is dedicated to Professor Nelson António, former Dean of the Faculty of Business Administration, University of Macau, whose continued support during my years of teaching in the 1990s (1993 to 2000) laid the foundation on which the book was started.

I have received help and advice on specific issues from a number of people, including Paulo Cardinal, José Costa, Ignazio Castelucci, Augusto Teixeira Garcia, Luís Pessanha and Carla Gonçalves. I extend my gratitude to all of them as well as to all others who, in one way or another, contributed to the conditions that made this work possible. Thanks to Trasy Lou for help with translations.

The text, as it stands, is far from perfect, and does not yet meet my requirements. However, it was thought it may already have some interest for the public. Future editions shall address the shortcomings of this one.

The law is stated as of 1 January 2007.

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Coloane, 1 February 2007

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Abbreviations

ARAPM	<i>Administração. Revista da Administração Pública de Macau</i> [bilingual Portuguese/Chinese]
BFDUM	<i>Boletim da Faculdade de Direito da Universidade de Macau</i> [bilingual Portuguese/Chinese]
BL	Macau Basic Law, published in BORAEM no 1/1999, 20 December 1999, 351 ff
BOM	<i>Boletim Oficial de Macau</i> (until 19 December 1999)
BORAEM	<i>Boletim Oficial da Região Administrativa Especial de Macau</i> (from 20 December 1999)
CC	Civil Code, approved by DL 39/99/M, of August 3
CCom	Commercial Code, approved by DL 40/99/M, of August 3
CNot	Notary Code, approved by DL 62/99/M, of October 25
CP	Penal Code, approved by DL 58/95/M, of November 14
CPC	Civil Procedure Code, approved by DL 55/99/M, of October 8
CPP	Criminal Procedure Code, approved by DL 48/96/M, of September 2
CRC	Commercial Register Code, approved by DL 56/99/M, of October 11
CRP	Land Register Code, approved by DL 46/99/M, of September 20
DL	Decree-Law
EOM	Macau Organic Statute 1976
HKBL	Hong Kong Basic Law
L	Law
LSQ	1901 Lei das Sociedades por Quotas [Law on Private Companies]
MOP	Macau <i>pataca</i> (currency)
PRC	People's Republic of China
RFDUC	<i>Revista da Faculdade de Direito da Universidade de Coimbra</i>
RJM	<i>Revista Jurídica de Macau / Macau Law Journal</i> [bilingual Portuguese/Chinese]
RJSF	DL 32/93/M, of July 5 ( <i>Regime Jurídico do Sistema Financeiro = Financial System Act</i> )
SAR	Special Administrative Region
SPJD	Sino-Portuguese Joint Declaration
TSI	Tribunal de Segunda Instância [Court of Second Instance]
TUI	Tribunal de Última Instância [Court of Final Appeal]