Law No. 75/2017 on Baldios and Community Means of Production*

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LAW NO. 75/2017 ON BALDIOS AND OTHER COMMUNITY MEANS OF PRODUCTION

Law No. 75/2017 of 17 August

Legal regime applicable to baldios and other community means of production (repeals Law No. 68/93 of 4 September).

The Assembly of the Republic decrees, under Article 161, letter c) of the Constitution, the following:

CHAPTER I — General provisions

Article 1. Subject matter

This law establishes the legal regime applicable to *baldios*[a] and other community means of production possessed and managed by local communities integrated into the cooperative and social sector of the means of production, referred to in Article 82, paragraph 4, letter b) of the Constitution.

Article 2. Definitions

For the purposes of this law, the following definitions apply:

a) '*Baldios*': lands together with their constituent parts and integral facilities, possessed and managed by local communities, specifically those that meet the following conditions:

   i) Lands regarded as *baldios* and as such possessed and managed by a local community, even where they are occasionally not being used, in whole or in part, by the commoners, or lack regularly constituted management bodies;

   ii) Lands regarded as *baldios* and as such possessed and managed by a local community, which, having previously been used and enjoyed as *baldios*, were placed under the forestry regime or the unutilised reserve regime under Decree-Law No. 27207 of 16 November 1936 and Law No. 2069 of 24 April 1954, and have not yet been restituted under Decree-Law No. 39/76 of 19 January;

[a] **Translator's Note**: In Portuguese law, *baldios* are ancestral communal lands (analogous to Galician *montes veciñais en man común*) governed under Germanic *Gesamthand* (common-hand) tenure. Unlike state or municipal public property, *baldios* belong collectively to the resident neighbours (*compartes*) of a local community and form a constitutionally protected subsector of the cooperative and social sector of the means of production under Article 82(4)(b) of the Portuguese Constitution (which divides ownership of the means of production into the public, private, and cooperative and social sectors).

iii) *Baldio* lands subject to seizure by private parties, even where subsequently transferred, to which the provisions of Decree-Law No. 40/76 of 19 January remain applicable;

iv) Lands capable of use and enjoyment by a local community that have been lawfully acquired by such a community and allocated to its common appurtenant land;

b) 'Commoner':[b] a natural person to whom that status is attributed pursuant to Article 7;

c) 'Local community': the body of commoners organised under this law that possesses and manages the *baldios* and other community means of production;

d) 'Group of *baldios*': the association of *baldios* created to achieve economies of scale in area and/or complementarity of resources for the valorisation and improved exploitation of *baldio* lands;

e) 'Community means of production': the productive unit or set of productive units possessed and managed in a unified manner by local communities, specifically *baldios* or other community immovable property, such as threshing floors, ovens, windmills, and watermills, which are not the property of any legally constituted natural or legal persons, forming an integral part of the cooperative and social sector of the means of production, referred to in Article 82, paragraph 4, letter b) of the Constitution;

f) 'Body of commoners': the set of natural persons duly registered on the electoral roll as commoners in relation to a given community immovable property or properties, also designated in this law as the local community.

CHAPTER II — Baldios

SECTION I — Baldios in general

Article 3. Purposes, use, and enjoyment of baldios

1. *Baldios* constitute, as a rule, the common appurtenant land of the commoners, specifically for the purposes of grazing livestock, gathering firewood and brushwood, cultivating crops, hunting, generating electricity, and all their other current and future economic potential, in accordance with the law and local customs and usages.

2. By resolution of the assembly of commoners, *baldios* may also constitute common appurtenant land of the commoners for cultural and social purposes of interest to the inhabitants of the population centre or centres within their area of residence.

[b] **Translator's Note**: A 'commoner' (*comparte*) is an individual member of the local community (*universo de compartes*) who holds an indivisible, non-transferable right of use, enjoyment, and democratic co-governance over the *baldio* as common appurtenant land (*logradouro comum*).

3. The use, possession, enjoyment, and administration of *baldios* shall be carried out in accordance with this law, local customs and usages, and the resolutions of the competent, democratically elected bodies of the local communities.

Article 4. Applicable regime

1. Local communities do not have legal personality, without prejudice to their having judicial personality, holding rights and duties, and being able to interact with all public services and public- and private-law entities to exercise all rights accorded to private entities that carry out economic activities not contrary to their community nature.
2. Each local community has the right and duty to register in the National Register of Legal Persons, and may interact with all public or private entities, specifically for the purposes of entering into contracts and registering the immovable properties it administers in the tax or cadastral register.
3. Local communities shall establish a registered office, specifically for the purposes of correspondence between their bodies and public and private entities.
4. The local community is liable for administrative offences committed by its bodies in the exercise of their functions, when they act in the name or on behalf of the respective *baldio*.
5. The liability of the local community neither excludes the individual liability of the members of the respective bodies nor depends on holding them liable, except for those who expressly opposed the resolution or were not present at the meeting at which the corresponding resolution was adopted.

Article 5. Easements

1. Easements of right of way, aqueduct, and others may be established for the benefit of *baldios* and other community immovable properties, under the terms provided for by law.
2. Easements may be established over *baldios*, in accordance with the law, for the benefit of private and public properties and public services, and they shall be subject to all other public-utility restrictions provided for by law, on the same terms as those to which private properties are subject.

Article 6. Encumbrances, appropriation, and seizure

1. Local communities may acquire immovable property by any legally admissible means, which then becomes part of the community property subsector.
2. *Baldio* lands are immune from attachment and may not be the object of a pledge, mortgage, or other encumbrances, without prejudice to the creation of easements under the general terms of law and the provisions of the following paragraphs.
3. *Baldio* lands lie outside legal commerce[c] and may not, in whole or in part, be the object of appropriation by third parties in any form or under any title, including by adverse possession.

[c] **Translator's Note**: Placing *baldios* 'outside legal commerce' (*fora do comércio jurídico*, *res extra commercium*) means they are perpetually inalienable, imprescriptible (immune from adverse possession / *usucapião*), and immune from judicial attachment or mortgage (*penhora*).

4. Legal acts or transactions of appropriation or seizure by third parties having *baldio* lands as their object, as well as their subsequent transfer, are null under the general terms of law, except in the cases expressly provided for in this law.
5. Legal acts or transactions that have as their object the appropriation of *baldio* lands or parcels of *baldios* by third parties, as well as subsequent transfers that are not null, are voidable at any time in accordance with the law.
6. Where the act of alienation takes legal form and has been sanctioned by a competent authority, annulment may only be declared in the event of significant economic detriment or injury to the interests of the commoners of the *baldio*, taking into consideration for this purpose the time of alienation and the time elapsed since the respective act.
7. The voidability provided for in the preceding paragraph covers the appropriation by adverse possession of *baldios* not equitably divided among the respective commoners or of parcels not allocated, as a result of that division, to one or several of them.
8. Whenever legal acts or transactions that resulted in the transfer of *baldios* or parcels of *baldios* into private ownership are annulled, the annulment shall not cover:
    a) Parcels of land occupied by any buildings for housing and agricultural, commercial, or industrial purposes and their access ways, as well as an area of appurtenant land surrounding the said buildings ten times greater than the ground area occupied by them;
    b) Parcels of land cultivated by smallholders.
9. A declaration of nullity may be petitioned:
    a) By the bodies of the local community or by any of the commoners;
    b) By the Public Prosecutor's Office;
    c) By the entity to which the commoners have delegated powers of administration over the *baldio* or part thereof;
    d) By the grantees of the *baldio*.
10. The entities referred to in the preceding paragraph also have standing to petition for the restitution of possession of the *baldio*, in whole or in part, in favour of the respective community or the entity legitimately exploiting it.
11. Paragraphs 5 to 8 apply only to acts performed before the date Decree-Law No. 40/76 of 19 January entered into force.

Article 7. Commoners

1. Commoners are the holders of the *baldios*.
2. The body of commoners comprises citizens residing in the area where the corresponding immovable properties are situated, in accordance with the customs and usages recognised

by the local communities; such status may also be conferred by the assembly of commoners upon a non-resident citizen.

3. Commoners are guaranteed equality in the exercise of their rights, specifically in matters of enjoyment of the *baldios* and exercise of management rights, which must respect local customs and usages and, in a sustainable manner, enable the utilisation of resources in accordance with the resolutions adopted at the assembly of commoners.
4. A natural person may be a commoner in more than one *baldio*, provided that they fulfil the requirements for that purpose.
5. The assembly of commoners may confer the status of commoner upon other natural persons who hold, under any title, agricultural or forestry areas and carry out agricultural, forestry, or pastoral activity therein, or on the basis of their social and ancestral ties to the local community and local customs and usages.
6. For the purposes of the preceding paragraph, any citizen may request the executive council to include them in the proposed list of commoners to be submitted to the assembly of commoners, stating the specific facts on which their claim is based and submitting evidence, including witnesses if deemed necessary.
7. The executive council must assess the evidence produced and issue a decision within 60 days following the production of evidence.
8. If the decision is unfavourable, the executive council is required to submit its decision to the assembly of commoners, which shall deliberate on the proposed list of commoners or its update, confirming or amending it.
9. If the citizen's claim requested under paragraph 6 is denied or the request is not decided within 90 days, the citizen may petition the competent court for recognition of the claimed right.
10. The commoners comprising each local community must be recorded in an electoral roll, approved and made public by the assembly of commoners in accordance with this law.

Article 8. Tax and cadastral registration of baldios

1. Each *baldio* is registered in the respective property tax and cadastral register in the name of the local community that holds its possession and management, and its description must bear the designation 'community immovable property'.
2. Each *baldio* corresponds to a separate tax or cadastral entry, which must include, specifically, its characterisation, location, area, and the identification of the local community.
3. The executive council of the body of commoners organised as an assembly must request the competent tax office to register the community immovable properties it manages in the respective property tax register.
4. Where a property tax registration of part or all of a *baldio* has been made in breach of the provisions of this article, the corresponding executive council must request the correction of the registration in accordance with this law.

Article 9. Registration on an electronic platform

1. The Government shall organise a national electronic platform recording the identification of each *baldio*, including its name (if any), main geographical coordinates, area, cartographic layout, main boundaries, the municipality, the civil parish or parishes in which it is situated, and the population cluster or clusters in which the majority of the corresponding commoners reside. The platform shall also record its management bodies, the list of commoners, the utilisation plan, the activity report, and the annual financial statements, together with sufficient identifying information for each of the *baldios* placed under the forestry regime under Law No. 1971 of 15 June 1938 that have not yet been restituted to the use, enjoyment, and administration of the respective commoners under Decree-Law No. 39/76 of 19 January and subsequent legislation.
2. The platform referred to in the preceding paragraph must be publicly accessible.
3. Registration and submission of the other information referred to in this article exempt the bodies of the *baldio* from communicating the same to the tax authority and the National Register of Legal Persons, as such information shall be communicated to them *ex officio* and free of charge by the entity responsible for managing and maintaining the platform.
4. The platform referred to in paragraph 1 must be made available within a maximum period of 120 days following the publication of this law.

Article 10. Baldio utilisation plan

1. The utilisation of *baldios* shall comply with the corresponding utilisation plans, approved by the assembly of commoners, which must indicate:
   a) The main uses and forms of utilisation to be developed;
   b) Where applicable, the conditions under which third parties may access and use the *baldios*, without prejudice to traditional uses by the commoners;
   c) Any consideration or counter-performance payable for the use provided for in the preceding sub-paragraph.
2. The legally established regime governing forest management plans applies to the preparation of the plans in the cases indicated therein.

Article 11. Objectives and scope of baldio utilisation plans

1. The objective of *baldio* utilisation plans is to plan the rational and sustainable utilisation of the actual and potential resources of the *baldio*.
2. Utilisation plans may concern one or more *baldios* administered by a local community, groups of *baldios*, or include neighbouring or related *baldios* administered by one or more other local communities where they are capable of constituting management units – specifically due to the scale required by multiple- or integrated-use objectives, infrastructure justified only above the level of a single *baldio*, or economies of scale in acquiring and using equipment.

3. Utilisation plans may include more than one *baldio* or *baldios* administered by one or more other local communities, provided they are neighbouring or related, where the respective assemblies of commoners decide that a single utilisation plan is necessary or useful; such a plan must be approved by the corresponding assemblies of commoners, which shall also approve the creation of a joint coordinating body to administer those *baldios*, with an equal number of representatives from each local community.
4. Where the utilisation plan covers more than one *baldio*, it must contain sufficient cartographic and descriptive information to identify each one.
5. The *baldio* utilisation plan must comply with the legal principles and rules applicable to forest management plans, and no conditions more onerous than those applicable to private properties may be imposed; the necessary corrections must be made should the utilisation plan fail to comply with those legal principles and rules.

Article 12. Plans in the event of State administration and cooperation with public services

1. Where the *baldio* or *baldios* of a body of commoners are administered under a regime of association with the State, the State must ensure, at no cost to the body of commoners, the preparation by its services of the utilisation plans and necessary amendments within an appropriate timeframe not exceeding three years, without prejudice to the approval of the plan by the assembly of commoners; the plan may also be prepared, by protocol, by the bodies of the *baldios*.
2. Should the State fail to comply with the provisions of the preceding paragraph, it falls to the executive council to ensure its preparation under the conditions provided for in paragraph 1 regarding costs.
3. Whenever the implementation of utilisation plans entails or renders advisable continuous forms of cooperation between specialised public services and local communities, such arrangements must be set out in specific agreements approved by the corresponding assembly of commoners.

Article 13. Financial management

1. The management of *baldios* is subject to the accounting standardisation regime applicable to non-profit sector entities, with the adaptations arising from the fact that the administered immovable properties are community property.
2. The executive council shall submit annually to the assembly of commoners, by 31 March, the financial statements and the activity report relating to the previous financial year.

Article 14. Application of baldio revenues

1. Revenues obtained from exploiting the resources of *baldios* are non-distributable[d] and shall be invested in their economic valorisation and for the benefit of the respective local communities, specifically:
   a) In the administration of the community immovable properties;
   b) In the valorisation of those *baldios* and in the constitution of reserves for their future valorisation amounting to a minimum of 20 per cent of the positive surpluses obtained;
   c) In the cultural and social improvement of the inhabitants of the population centres where their commoners reside;
   d) For other purposes of relevant collective interest resolved upon by the assembly of commoners.
2. Positive surpluses obtained from forest management, where they exist, must be subject to forestry reinvestment under letter a) of the preceding paragraph.

Article 15. Waters of the baldios

1. Waters forming an integral part of *baldios* may be enjoyed by all commoners in accordance with customs and usages.
2. In any event, the local community and the respective commoners may not be deprived of groundwater or water springing from the *baldios*, holding the right to the flow rate necessary for the activity of the *baldio*, without prejudice to obligations regarding water quality and safety.

Article 16. Tax regime and exemption from procedural costs

1. Local communities are exempt from Corporate Income Tax (IRC) in respect of income obtained from the direct economic exploitation of community immovable properties by their management bodies, including income arising from grants of exploitation, with the exception of surpluses derived from activities extraneous to their own purposes, without prejudice to the application of Article 9 of the Corporate Income Tax Code to cases of delegation or direct use by the parish councils in whose area the *baldio* is located or by the competent Public Administration service.
2. Local communities are exempt from Municipal Property Transfer Tax (IMT) on the acquisition of any rights over immovable properties intended for their registered office and for carrying out agricultural, forestry, or silvopastoral activities, as well as those referred to in Article 3, paragraph 2.

[d] **Translator's Note**: Article 14 codifies a strict communal asset lock and non-distribution constraint (*não são distribuíveis*): surpluses generated by a *baldio* (such as timber sales or wind-energy ground grants under *contratos de cessão de exploração*) cannot be distributed as private dividends to individual *compartes*, and at least 20 per cent of net surpluses must be allocated to an indivisible reinvestment reserve.

3. Local communities are further exempt from Municipal Property Tax (IMI), this exemption being recognised *ex officio*, in respect of community immovable properties, provided they are not exploited by a third party outside an agricultural, forestry, or silvopastoral activity.
4. Local communities enjoy all the benefits, exemptions, and reductions applicable to public-utility legal persons.
5. Commoners, the bodies of *baldios*, and the Public Prosecutor's Office are exempt from court costs in disputes that, directly or indirectly, have *baldio* lands as their object.
6. The party exempt under the preceding paragraph is liable for the payment of court costs, under the general terms, where the claim is found to be manifestly unfounded, and is likewise ultimately liable for the charges to which it gave rise in the proceedings where, under the said circumstances, its claim is wholly unsuccessful.

SECTION II — Bodies of the baldios

Subsection I — Bodies in general

Article 17. Bodies and term of office

1. For the performance of acts of representation, disposition, management, and financial oversight relating to the corresponding immovable properties, commoners organise themselves into an assembly of commoners, as well as an executive council and a supervisory committee[e] elected by the assembly, with the powers provided for in this law.
2. The members of the presiding board of the assembly of commoners, as well as of the executive council and the supervisory committee, are elected for the term set by the assembly of commoners in internal regulations, for a minimum of one year and a maximum of four years, renewable, and remain in office until their replacement, it being understood that they are elected for a term of four years if no other period is set.

Article 18. Quorum and meetings

Except in the cases specially provided for by law, the bodies of local communities meet in the presence of the majority of their members and pass resolutions by a simple majority of the members present, the respective chair holding a casting vote.

Article 19. Minutes

1. Minutes shall be drawn up of the meetings of the bodies of local communities, which, once read and approved, are signed by the respective presiding board in the case of the assembly of commoners, and by the respective members in the case of the remaining bodies.
2. Only the minutes may validly certify the discussions held, the resolutions adopted, and all else that transpired at the meetings.

[e] **Translator's Note**: Under Article 17, each *baldio* is governed democratically by three elected bodies: the sovereign Assembly of Commoners (*assembleia de compartes*, chaired by its presiding board, the *mesa*), the Executive Council (*conselho diretivo*), and the Supervisory Committee (*comissão de fiscalização*), which exercises internal financial oversight and statutory auditing (*fiscalização*).

3. The minutes referred to in the preceding paragraphs may be consulted by anyone with a legitimate interest, upon request to the respective body.

Article 20. Liability of office-holders of the bodies of baldios

1. Office-holders of the bodies of *baldios* are liable for damages caused to the respective *baldios* by acts or omissions committed in breach of their legal or contractual duties, in accordance with the rules of mandate, *mutatis mutandis*.

2. Members of the executive council are personally, jointly, and severally liable for compliance with the reporting obligations of the respective bodies of commoners before the tax authority and social security authorities.

3. Commoners who sit on administrative bodies of community means of production or who, in the absence of another administrative body, constitute the presiding board of the assembly of commoners are civilly liable towards third parties for the commission of unlawful acts that infringe the rights of those third parties or legal provisions intended to protect their interests, except for commoners who expressly opposed such acts or did not contribute to their commission.

Subsection II — Assembly of commoners

Article 21. Nature and constitution

1. The assembly of commoners comprises all commoners listed on the approved and annually updated electoral roll, which records the name and residence of each commoner.

2. The presiding board of the assembly of commoners directs its proceedings in accordance with democratic principles, ensuring its proper functioning and observing the agenda.

Article 22. Composition of the presiding board of the assembly of commoners

1. The presiding board of the assembly of commoners comprises a chair, a vice-chair, and a secretary elected by the assembly of commoners from among its members under the closed-slate system.

2. Where, at a meeting of the assembly of commoners, half or more of the members of the presiding board are absent, those who are to replace them at that meeting shall be elected from among the commoners.

3. The presiding board of the assembly of commoners represents the assembly and may, for the performance of each act, delegate powers to its chair or to whoever is acting as chair.

4. Meetings of the assembly of commoners are chaired and directed by the chair of the presiding board in accordance with the decisions of the board.

Article 23. Participation of third parties in the assembly

1. At the invitation of the executive bodies, other entities or persons may attend meetings of the assembly of commoners – specifically a representative of the parish council in whose territorial area the *baldio* is situated or of each parish council in whose territorial area

the *baldios* are situated – and may address the assembly if the presiding board permits or requests it.

2. In the case of a *baldio* administered by the commoners in association with the State, a representative of the competent service or body of the direct or indirect administration of the State shall be summoned to the meetings.

Article 24. Powers of the assembly of commoners

1. It falls to the assembly of commoners to:

   a) Elect its respective presiding board;

   b) Elect the executive council and the supervisory committee, and dismiss them on the grounds of specified unlawful acts, acts disregarding democratic principles, or management manifestly lacking due diligence, the right to a prior hearing being guaranteed in all cases, without prejudice to other legal instruments of defence;

   c) Deliberate by 31 December of each year on the proposed list of commoners and its annual update to be submitted by the executive council;

   d) Decide upon the existence of, and discuss and approve, the internal regulations of the community means of production;

   e) Regulate and govern the exercise by commoners of the use and enjoyment of the *baldio*, including its facilities, upon a proposal from the executive council or on its own initiative;

   f) Discuss, approve, and amend the *baldio* utilisation plan and its respective updates, upon a proposal from the executive council or on its own initiative;

   g) Deliberate on aggregation, merger, disaggregation, or division with one or more other bodies of commoners;

   h) Establish the conditions it deems necessary for the proper marketing of produce obtained from the community immovable properties;

   i) Deliberate on recourse to credit;

   j) Set the limit up to which the executive council may contract credit without requiring its authorisation, in order to meet current management needs;

   k) Discuss and vote annually on the activity plan and the budget for each financial year, upon a proposal from the executive council;

   l) Discuss and vote on the activity report and financial statements for each financial year, as well as the annual proposal of the executive council for the application of the net surpluses from the management of each financial year, with the power to amend them;

   m) Deliberate on the alienation or grant of exploitation of rights over *baldios*, under the provisions of this law;

n) Deliberate on each delegation of powers of administration, its revocation, and its renewal, as well as on the renewal of administration in association with the State in accordance with the provisions of this law;

o) Supervise the activity of the executive council and, within the scope of the delegation of powers of administration provided for in this law, that of the entities to which such powers have been delegated, as well as establish guidelines on matters within its competence, without prejudice to the specific powers of the supervisory committee;

p) Deliberate on appeals brought before it against acts of the executive council;

q) Deliberate on the bringing of an action in court by the executive council to defend all rights and interests of the local community relating to the corresponding community immovable properties, as well as the rights of the community of commoners arising from acts of management of the community immovable properties;

r) Ratify acts falling within its reserved competence where the executive council has performed them without authorisation on grounds of urgency;

s) Deliberate on the termination of the community nature of immovable properties under the terms of this law, having heard the executive council;

t) Deliberate on all other matters of interest to the community of commoners relating to community immovable properties that do not fall within the specific competence of the executive council, specifically integration into a cooperative or association;

u) Approve changes to the name of the local community;

v) Exercise all other powers arising from the law, customs and usages, and contracts.

2. The effectiveness of resolutions of the assembly of commoners relating to the matters provided for in letters f), g), m), n), q), r), and s) of the preceding paragraph depends on approval by a qualified majority of two-thirds of the members present.

3. The assembly of commoners may approve regulations concerning the corresponding local community, provided that they fall within its powers and are not contrary to this law.

Article 25. Frequency of meetings

1. The assembly of commoners meets ordinarily twice a year and extraordinarily whenever convened.

2. The assembly of commoners must meet ordinarily by 31 March to examine and vote on the matters referred to in Article 24, paragraph 1, letter l), and by 31 December to examine the matters referred to in letter k) of that paragraph.

Article 26. Notice of meeting

1. The assembly of commoners is convened by public notices posted in the customary places and by another locally used means of publicity, and may additionally be convened by unregistered letter, electronic communication, and personal delivery of the notice of meeting.

2. The assembly of commoners may approve regulations establishing the terms for supplementary dissemination of the notice of meeting.
3. Meetings of the assembly of commoners are convened by the chair of the respective presiding board, by decision of the presiding board of the assembly of commoners, or upon a written request addressed to the chair of the presiding board from:
    a) The executive council;
    b) The supervisory committee;
    c) A minimum of 5 per cent of the respective commoners.
4. Where the assembly of commoners is not convened within 15 days from receipt of the request provided for in the sub-paragraphs of the preceding paragraph, with the proposed agenda, the requesting parties may convene it themselves.
5. The notice of meeting must be made public at least 15 days in advance and state:
    a) The date, time, and place of the meeting;
    b) The agenda;
    c) The number of commoners required for the assembly to meet and pass resolutions under Article 27, paragraphs 1 and 2, having regard to the items on the agenda;
    d) In the case provided for in Article 27, paragraph 3, notice that the assembly of commoners shall take place regardless of the number of commoners present.
6. On grounds of urgency and lack of time to take an effective decision, the assembly of commoners may delegate to the executive council, subject to ratification, the resolution of items on the agenda that do not entail judging or supervising acts of that body or approving proposals originating from it.

Article 27. Proceedings of the assembly of commoners

1. The assembly of commoners meets on the date, at the place, at the time, and under the conditions indicated in the notice of meeting, in the presence of more than half of the commoners.
2. Once 30 minutes have elapsed from the time designated in the notice of meeting, the assembly of commoners meets validly provided that there are present:
    a) 30 per cent of the respective commoners or a minimum of 100, in the case of resolutions that must be adopted by a qualified majority of two-thirds of the commoners present, without prejudice to the provisions of Article 38, paragraph 1, letter a);
    b) 10 per cent of the respective commoners or a minimum of 50, in all other cases.
3. Should the quorum to open the meeting provided for in the preceding paragraph not be met, the chair of the presiding board shall immediately convene a new meeting for one of the following 5 to 14 days, which shall proceed regardless of the number of commoners present, without prejudice to the provisions of Article 38, paragraph 1, letter a).

Subsection III — Executive council

Article 28. Composition of the executive council

1. The executive council is composed of an odd number of at least three and at most five commoners, elected by the assembly of commoners from among its members under the closed-slate system.
2. The executive council elects a chair and a vice-chair from among its members.
3. The chair represents the executive council, convenes it with three to eight days' notice, chairs its meetings, and directs its proceedings, being replaced during absences and impediments by the vice-chair.
4. The ordinary members convene the executive council by majority decision if, having requested the chair to convene it, the chair fails to do so within five days.
5. The ordinary members act as secretaries and draft the minutes, notifying and delivering a copy thereof, once signed, to the presiding board of the assembly of commoners and to the supervisory committee.
6. Alternate members may be elected to replace full members in the event of a vacancy and during their absences and impediments, and are called upon by the chair in the order in which they appear on the slate.

Article 29. Powers of the executive council

1. It falls to the executive council to:
    a) Comply with and execute the resolutions of the assembly of commoners;
    b) Prepare the proposed list of commoners and its annual update to be submitted to the assembly of commoners so that it may deliberate thereon by 31 December of each year;
    c) Propose to the assembly of commoners the instruments for regulating and governing the exercise by commoners of the use and enjoyment of the community immovable properties, specifically the *baldios*, and their respective amendments;
    d) Propose to the assembly of commoners the plans for the utilisation of the resources of the community immovable property and their respective updates;
    e) Prepare and submit annually and in due time for the approval of the assembly of commoners the activity plan, the activity report, and the financial statements for each financial year, as well as the proposal for the application of revenues;
    f) Propose to the assembly of commoners, or issue an opinion on, proposals for the alienation or grant of exploitation of rights over *baldios*, under the terms of this law;
    g) Propose to the assembly of commoners, or issue an opinion on, proposals for the delegation of powers of administration, under the terms of this law;

h) In the event of urgency, bring an action in court and appoint legal counsel to defend the legitimate rights or interests of the community relating to the corresponding *baldio* or *baldios*, and submit these acts for ratification by the assembly of commoners;

i) Represent the body of commoners in relations with public and private entities, without prejudice to the powers of the presiding board of the assembly of commoners;

j) Perform in general all acts of administration of the *baldio* or *baldios* by commoners, including in association with the State, in compliance with the law, customs and usages, and applicable regulations;

k) Ensure compliance with the regulations and the plans for the utilisation of the resources of the *baldio*;

l) Safeguard ecological values and ensure compliance with legal and regulatory rules relating to forest protection within the area of the *baldio*;

m) Arrange for the registration of community immovable properties in the tax register and its updating;

n) Exercise all other powers arising from the law, customs, usages, regulations, or contracts;

o) Propose to the chair of the presiding board of the assembly of commoners that the assembly be convened.

2. In cases of co-management under the corresponding provisions of this law, executive councils retain the powers relating to the *baldio*, but exercise them in coordination with the corresponding counterparty.

3. Where the *baldio* covers forest areas, the executive council must possess technical capacity, either in-house or contracted, for the forest management of the *baldio* areas.

Subsection IV — Supervisory committee

Article 30. Composition and regime

1. The supervisory committee comprises three or five commoners, elected by the assembly of commoners from among its members, preferably with knowledge of accounting.

2. The supervisory committee elects a chair and a vice-chair from among its members.

3. In matters not provided for in this subsection, the provisions of this law governing the executive council and any regulations approved by the assembly of commoners apply to the supervisory committee regarding election, convening, organisation, and functioning.

4. The resolutions of the supervisory committee are recorded in minutes, which are communicated to the presiding board of the assembly of commoners and to the executive council by sending the respective copies.

Article 31. Powers

It falls to the supervisory committee to:

a) Inspect the accounting records of the acts of management of the community immovable property or properties;

b) Issue an annual opinion on the financial statements and on the activity of the administration, and verify the regularity of the documents annexed thereto;

c) Audit compliance with the utilisation plans of the community immovable properties, specifically the *baldio* utilisation plan, the timely and regular collection of revenues, their proper application, and the adequate substantiation of expenditure;

d) Report to the competent authorities and to the bodies of the local communities any breaches of the law, irregularities in acts of management, and breaches of contract of which they become aware;

e) Ensure compliance with the rules governing forest and environmental protection.

Subsection V — Election

Article 32. Election of the bodies of local communities

1. The presiding board of the assembly of commoners and the remaining bodies of local communities are elected under the closed-slate system by the commoners listed on the electoral roll.

2. The election may take place at an assembly of commoners convened for the purpose, or by another method previously approved in the form of regulations by the assembly of commoners.

SECTION III — Instruments for the administration of baldios

Article 33. Groupings of baldios

1. Local communities may, for the better valorisation and defence of *baldio* lands, subject to prior resolution of the assembly of commoners, form groups of *baldios* among themselves, under the terms of the following paragraph.

2. Local communities, provided they are legally represented, may form and join associations and cooperatives among themselves and with other entities of the cooperative and social sector of the means of production.

Article 34. Aggregation or merger of a local community

1. Each local community constituted as an assembly holding possession and management of one or more community immovable properties may, by resolution of the assembly at a meeting attended by a minimum of two-thirds of its respective members, aggregate or merge with one or more others into a new body of commoners constituted as an assembly, in order to possess and manage the corresponding community means of production.

2. The new local community constituted as an assembly, under the terms of the preceding paragraph, assumes possession and management of all the corresponding community immovable properties, and all rights and obligations of the aggregated bodies of commoners are transferred to it.
3. Within 90 days from the last resolution of the assembly of commoners approving the aggregation or merger:
    a) All bodies of the new local community shall be constituted at a meeting scheduled by the chair of the presiding board of the *baldio* with the largest area or according to another criterion established in the resolution referred to in paragraph 1;
    b) The chair of the executive council of the local community with the largest area shall notify the competent authorities – specifically the tax authority – of the decision to aggregate or merge, enclosing a copy of the minutes of the resolutions, without prejudice to notification of the newly elected bodies.

Article 35. Delegation of powers

1. By resolution of the assembly of commoners and a delegation-of-powers agreement, powers of administration over *baldios*, in respect of the whole or part of their area, may be delegated to:
    a) The parish council;
    b) The municipality in which they are located;
    c) A service or body of the direct or indirect administration of the State competent for the form or forms of utilisation to which the delegation relates.
2. Where the area of the *baldio* whose administration is delegated lies within the territorial boundaries of more than one civil parish, the delegation may be made to all the respective parish councils, which in this event are jointly and severally liable towards the commoners.
3. The delegation shall be formalised in writing and must set out the respective term and other conditions, including the rights and duties corresponding to the exercise of the delegated powers and the liabilities arising from the delegation, without prejudice to the remaining provisions of this law governing the administration of community immovable properties under a delegation of administrative powers.
4. Commoners may delegate the powers provided for in the preceding article with a reservation of joint exercise by the commoners, directly or through their respective management bodies, of the powers effectively delegated.
5. The delegation of powers provided for in the preceding paragraphs may be revoked at any time by the assembly of commoners.
6. The provisions of this law apply to delegations of powers before the date it entered into force.

Article 36. Grant of exploitation

1. Community means of production may only be the object of total or partial utilisation by third parties under a grant-of-exploitation contract,[f] without prejudice to the provisions governing precarious use by a parish council, delegation of administrative powers, and administration under a regime of association with the State, in the cases provided for in this law.
2. The assembly of commoners may resolve upon the grant of exploitation of limited parts of the respective *baldio* for the utilisation of the resources of the respective rural spaces – specifically for agricultural, livestock, forestry, or hunting exploitation – to the respective commoners, without prejudice to the principle of equal treatment of proposed grantees.
3. A grant-of-exploitation contract means the contract, entered into following authorisation by the assembly of commoners, whereby the right to exploit the economic potential of a community immovable property, or part thereof, or an existing exploitation right therein, is temporarily and for consideration granted to third parties.
4. A grant-of-exploitation contract may only transfer exploitation rights if preceded by a resolution of the assembly of commoners adopted by a two-thirds majority.
5. The grant of exploitation, under the terms of the preceding paragraphs, may be effected for periods of up to 20 years, and the grant-of-exploitation contract may stipulate that it is automatically and successively renewable for periods of 20 years, up to a maximum of 80 years, taking into consideration the needs for amortising the investment made.
6. Where the aforementioned maximum period is reached, or the contract lapses by virtue thereof, entering into a new contract requires the express authorisation of the assembly of commoners.
7. The grant-of-exploitation contract must be made in writing and must include:
    a) The identification of the executing parties;
    b) The tax register identification of the community immovable property;
    c) The cartographic layout of the immovable property, if it is a *baldio*;
    d) The area granted for exploitation, if it concerns part of the immovable property, in which case that part must be identified in accordance with the preceding sub-paragraphs;
    e) The facilities to be installed;
    f) The price payable and respective adjustments;

[f] **Translator's Note**: Under Articles 36 and 51, community means of production can never be let under a commercial lease (*contrato de arrendamento*, which was phased out after Law No. 72/2014 to prevent lessees from claiming statutory tenant-renewal rights over communal land) nor under a public-law administrative concession (*concessão*). Instead, the assembly of commoners may authorise a time-limited 'grant-of-exploitation contract' (*contrato de cessão de exploração*) by a two-thirds majority, granting a third party or commoner (*cessionário* / 'grantee') the right to utilise specific economic resources while keeping the underlying communal property strictly outside legal commerce.

g) The payment deadline or deadlines;

h) The method of payment;

i) The term of the grant;

j) A copy of the minutes of the assembly of commoners at which the grant of exploitation was approved.

Article 37. Precarious use

1. Where a *baldio* has been restituted to the administration of its commoners under Decree-Law No. 39/76 of 19 January and is not used, enjoyed, and administered under the terms of this law for a continuous period of six years, the parish council or councils in whose area it is located may use it directly on a precarious basis, subject to prior resolution of the respective parish assemblies and the assembly of commoners; such arrangements shall remain in place for as long as the commoners do not resolve to resume the normal use and enjoyment of the *baldios*.
2. The commencement of use of the *baldios* referred to in the preceding paragraph shall be publicised by the parish council in accordance with the rules provided for acts relating to the assembly of commoners, with at least 30 days' notice.
3. During the period in which the *baldios* are being used directly by the parish council or councils, the bookkeeping and accounting obligations and the revenue-application criteria for the application by commoners of revenues obtained from the *baldios* shall remain in force, under the terms provided for in this law.
4. The parish council or councils using the *baldio* or *baldios* on a precarious basis, under the terms of the preceding paragraphs, shall exercise powers similar to those of the executive councils of *baldios*.
5. After 15 years of precarious use of the *baldio* by the parish council without the assembly of commoners having requested its restitution, that *baldio* must be extinguished by court decision and integrated into the public domain of the civil parish.

SECTION IV — Extinguishment, alienation, or expropriation

Article 38. Extinguishment of the application of the community regime

1. Immovable properties, specifically *baldios*, cease to belong to the community means of production subsector, in whole or in part of their area, where they:

   a) Are the object of a resolution removing them from the community domain, approved unanimously by the respective assembly of commoners in the presence of a minimum of two-thirds of the commoners;

   b) Are the object of expropriation as provided for in this law, including by acquisition under civil law prior or subsequent to the declaration of public utility;

   c) Are the object of alienation on grounds of local interest, under the terms of this law.

2. Extinguishment on grounds of unjustified abandonment, judicially declared as such, shall take place at the request of the parish council or councils in whose area the *baldio* is situated, where it has ceased to be the object of significant acts of dominion, possession, management, and enjoyment for a period of not less than 15 years.
3. Extinguishment as provided for in the preceding paragraph entails integrating the *baldio* into the public domain of the corresponding civil parish or parishes.

Article 39. Consequences of extinguishment

1. Total or partial termination of a community immovable property's integration, as provided for in the preceding article, entails integrating it into the public domain:
   a) Of the civil parish in whose territory the extinguished part is situated, where termination results from a resolution of the assembly of commoners;
   b) Of each of the respective civil parishes in respect of the area situated within its corresponding territory, where the community immovable property is a *baldio* and is situated, or the extinguished part thereof is situated, in more than one civil parish.
2. Expropriation and alienation transfer the covered rights to the ownership of the expropriating or acquiring entity, respectively.

Article 40. Alienation on grounds of local interest

1. The assembly of commoners may resolve to alienate for consideration, by public tender, a limited area or areas of a *baldio*, based on market price:
   a) Where the *baldio* borders the boundary of a settlement area and alienation is necessary to expand the respective urban perimeter;
   b) Where alienation is intended for the installation of industrial units, infrastructure, and undertakings of collective interest, specifically for the local community.
2. The parcels over which the rights to be alienated apply may not exceed the area strictly necessary for their intended purpose and, when allocated to urban expansion objectives, may not exceed 1,500 m² for each new dwelling to be built.
3. For the purposes of this article, ownership of areas of *baldio* lands may not be transferred unless the municipal council competent to license the undertakings or buildings issues prior information on the feasibility of the request, in accordance with the legal regime governing urban planning and building.
4. Alienating parts of *baldios* to install social, cultural, sports, or other collective facilities without commercial or industrial purposes may take place free of charge, by resolution of the assembly of commoners, in accordance with Article 24, paragraph 1, letter m) and paragraph 2.
5. In the situation referred to in the preceding paragraph, subsequent alienation to third parties is not permitted unless effected free of charge and for the same purposes, the reversion condition remaining in force.

Article 41. Expropriation

1. Community immovable properties, including *baldios*, may be expropriated for public utility in whole or in part.
2. The provisions of the Expropriations Code apply to expropriation, with the specificities provided for in the following paragraphs.
3. A declaration of public utility may not be requested unless the interested entity has previously sought to acquire the *baldio* under private law.
4. The assembly of commoners has a period of 60 days to state its position on the acquisition proposal.
5. The expropriation proposal must be documented with a precise and clear description of what is sought to be expropriated, including the location, topographical drawing, boundaries, area, justification of the proposed compensation, and a precise statement of the purposes of the expropriation.
6. Calculating compensation must take into account not only the degree of actual utilisation of the *baldio*, but also the advantages afforded to the local community by allocating the land to the purposes of the expropriation; however, this may not result in a value lower than that arising from the application of the principle of just compensation payable for expropriation.

CHAPTER III — Other community immovable properties

Article 42. Scope

1. This chapter applies to the other community immovable properties referred to in Article 2, letter e).
2. Threshing floors, ovens, windmills, watermills, and other similar facilities integrated into *baldios* are managed within the scope of those *baldios* and their respective bodies, and the provisions of this chapter do not apply to them.
3. This law applies *mutatis mutandis* to the administration and possession of the community immovable properties referred to in paragraph 1, without prejudice to the provisions of this chapter.

Article 43. Commoners of community buildings

1. The holders of community buildings are termed commoners.
2. Commoners are identified, *mutatis mutandis*, in accordance with the provisions of Article 7.

Article 44. Management units

The community immovable properties of a given local community must be possessed, enjoyed, and administered under the terms of this law by their commoners constituted as a single assembly.

Article 45. Bodies

The provisions governing *baldios* apply to the administration and representation of the community immovable properties referred to in this chapter, including the composition, election, and functioning of their bodies.

CHAPTER IV — Final and transitional provisions

Article 46. Regime of association and delegation of powers under Decree-Law No. 39/76 of 19 January

1. *Baldios* that, on the date this law enters into force, are being administered under a regime of association between the commoners and the State, as provided for in Article 9, letter b) of Decree-Law No. 39/76 of 19 January, shall continue to be administered under that regime until one of the following events occurs, without being subject to any other conditions:
    a) The expiry of the agreed term for its duration or, where no such term exists, 50 years after the date Decree-Law No. 39/76 of 19 January entered into force;
    b) Notification by the assembly of commoners to the State, in the person or entity representing it for that purpose, that it considers that regime terminated, which notification shall take effect three months after its receipt by the competent entity, or within such other period as may be fixed by agreement between the parties.
2. Upon termination of the regime of association referred to in the preceding paragraph, the parties may approve a delegation of powers under the terms provided for in this law.
3. Where the regime of association referred to in paragraph 1 reaches its term without renewal in accordance with the following paragraphs, all potential claims between the parties corresponding to prior acts of management shall be deemed settled and discharged, in accordance with Article 15 of Decree-Law No. 39/76 of 19 January.
4. Assemblies of commoners that wish to maintain the administration of their *baldios* under a regime of association with the State, as provided for in Article 9, letter b) of Decree-Law No. 39/76 of 19 January, may opt to renew it by resolution of the assembly of commoners, which must be communicated in writing to the State through the member of the Government responsible for forestry affairs at least one year prior to the expiry of the term of the said regime.

5. Where it is resolved to maintain the regime of administration of a community immovable property in association with the State, its management shall be conducted jointly by both parties, and the specific acts thereof shall be previously agreed in writing, except where they arise from regulations approved by the assembly of commoners and accepted in writing by the competent services of the other party.

Article 47. Effecting the restitution of baldios to commoners

1. In cases where the *baldios* referred to in Article 3 of Decree-Law No. 39/76 of 19 January – in respect of which the law provides for restitution to the use, enjoyment, and administration of the respective commoners – have not yet been restituted, such restitution takes effect as soon as the respective assembly of commoners is constituted and takes the initiative to promote it without the need for further formalities.

2. For the purposes of the preceding paragraph, the assembly of commoners shall notify the competent authority that it intends to exercise the rights provided for in the preceding paragraph.

3. Disputes relating to restitution not regulated in this law shall, in the absence of agreement, be settled by recourse to the ordinary courts.

Article 48. Irregular constructions

1. *Baldios* on which, before the date Law No. 68/93 of 4 September entered into force, durable constructions intended for housing, economic exploitation, or social use have been erected by natural persons or other private entities, provided that the conditions set out in Article 40 are essentially met, may be alienated by the assembly of commoners, by resolution of a two-thirds majority of its members present, without a public tender and by fixing the price through direct negotiation, complying in all other respects with the provisions of that article, upon application by the holders of those constructions.

2. Where the conditions provided for in the preceding paragraph are not met and the assembly of commoners fails to meet within 180 days following the application provided for therein, the owners of the said constructions may acquire, by court decision, the parcel of land by artificial accession to immovable property,[g] the good faith of the builder being presumed until proven otherwise, and the party who incorporated the construction into the land may acquire ownership of the land under Article 1340, paragraph 1 of the Civil Code, even where the value of the land is greater than the added value. Should they fail to take this initiative within one year from the date this law enters into force, the respective local communities may at any time acquire the necessary and useful improvements incorporated into the land, valued by agreement or, failing that, by court decision.

[g] **Translator's Note**: In Portuguese property law (Articles 1325–1326 and 1340 of the Civil Code), 'artificial accession to immovable property' (*acessão industrial imobiliária*) occurs where a person (*autor da incorporação*) erects a building or incorporates materials onto another party's land through human labour (as opposed to natural forces such as alluvion). Normally, under Article 1340(1) of the Civil Code, a good-faith builder may only acquire title to the land if the value added by the building exceeds the prior value of the land itself; Article 48(2) of this law waives that value threshold as a transitional regularisation measure for durable structures erected on *baldios* prior to Law No. 68/93.

3. Where, prior to 30 July 1993, works have been carried out on *baldio* lands to conduct water not originating therein for the benefit of agriculture, industry, or domestic consumption, those who carried them out may acquire an aqueduct easement upon payment of compensation corresponding to the value of the detriment resulting to the *baldio* from establishing the easement.
4. In the absence of agreement regarding the acquisition of the easement right provided for in the preceding paragraph, including the amount of compensation, the decision falls to the court.
5. Bodies of commoners have the right at any time to be compensated for detriment resulting from the deterioration of conduits for water or other fluids and other works carried out by third parties for such conduction across community immovable properties for the benefit of other properties, economic activity, or public service.
6. Where the conducted water is not all needed by its owner, the assembly of commoners of the *baldio* may resolve to acquire the surplus portion upon payment of compensation corresponding to the value of the portion to be acquired, such value being calculated on the basis of the cost of exploiting and conducting the water up to the point on the *baldio* from which it is to be diverted, taking into account its proportion in relation to the whole; failing agreement, that value shall be fixed by the court.

Article 49. Transitional grants of exploitation

Grants of exploitation of *baldios*, specifically for the purposes of utilising the respective rural spaces and their resources, ongoing on the date this law enters into force, which have been the object of an agreement with a representative body of the respective local community or of a statutory provision, shall continue under the agreed or prescribed terms until the fixed or agreed expiry date, and may be renewed under the terms provided for in this law.

Article 50. Revenues received by the State derived from baldios

1. Revenues derived from the utilisation of *baldios* under the forestry regime pursuant to Article 15 of Decree-Law No. 39/76 of 19 January that have been deposited by the competent services of the State administration must be restituted to the assemblies of commoners of the respective *baldios* as regards the portion not yet received by the competent administrative bodies of each of the *baldios* from which the revenue originated.
2. For the purpose provided for in the preceding paragraph, within 120 days from the date this law enters into force, the competent services of the State administration shall notify each assembly of commoners holding possession and administration of a *baldio* of the amounts of revenue they are entitled to receive, itemising them and identifying the depositing and depositary entities.
3. Each parish council in whose area a revenue-generating *baldio* or *baldios* are situated shall also be notified of the revenue amounts corresponding to each *baldio* situated therein, on terms similar to those established in paragraph 2.

4. Each parish council receiving the notification referred to in the preceding paragraph shall post a notice in the customary places setting out the contents of the respective notification, informing the assemblies of commoners situated within the area of the civil parish that they may claim the sums in question, and shall arrange for its publication in a local newspaper or, failing that, in the most widely read newspaper in the locality.
5. Where sums corresponding to revenues referred to in paragraph 1 have been deposited by the competent administrative services in any bank or other entity to the order of an assembly of commoners entitled to receive them, the respective banking institution shall deliver them to the duly identified representative body of the assembly of commoners within 90 days from the date this law enters into force.
6. In the event of a dispute between assemblies of commoners over the receipt of funds, specifically due to disagreement over the boundaries of the respective *baldios*, the State shall inform, within the period referred to in paragraph 2, the management bodies of the *baldios* involved that they have six months from the expiry of the preceding period to submit a written statement, signed by all, apportioning the funds, and the administration must deliver the funds within 30 days.
7. In the event of a failure to reach an understanding, upon expiry of the periods set in the preceding paragraph, the State administration shall distribute the existing funds in equal shares to each of the parties to the dispute.
8. The provisions of the preceding paragraph are without prejudice to the right of the party or parties that consider themselves aggrieved to claim judicially from the other party or parties payment of the amount received in excess.
9. Where the *baldios* have not yet been restituted to the administration of the commoners because the corresponding assembly has not been constituted, or because its bodies have not been in office for more than five years, the revenues referred to in paragraph 1 shall lapse by prescription in favour of the Permanent Forest Fund (FFP) five years after the notification provided for in paragraph 2 and the publication provided for in paragraph 4.
10. Within 180 days from the date this law enters into force, the administrative services shall notify the parish council or councils of the amounts referred to in the preceding paragraph, identifying the respective deposits, whereupon the parish councils shall publish a notice in a national newspaper and post a notice in the customary places informing of the prescription period referred to in paragraph 9, notifying the commoners that the amounts in question are at their disposal and may be claimed provided that the respective management bodies of the *baldios* are constituted.

Article 51. Lease agreements

1. Lease agreements entered into after the date Law No. 72/2014 of 2 September entered into force that had community immovable properties as their object are non-renewable, even where the agreement provides for automatic renewal, and the regime governing grant-of-exploitation contracts shall henceforth apply.

2. Entities administering under any title community immovable properties that have been leased under the terms of the preceding paragraph may unilaterally convert them into grant-of-exploitation contracts, or unilaterally terminate them by notice, compensating the lessees for direct losses, where applicable.

Article 52. Term of office of current bodies

This law does not affect the duration of terms of office commenced before the date it entered into force.

Article 53. Transitional provisions

1. The *baldios* referred to in Article 47 of this law shall be extinguished and integrated into the public domain of the civil parish or parishes in which they are situated once 15 years have elapsed from the date this law enters into force, if they have not been restituted *de facto* to the use, enjoyment, and administration of the commoners.
2. Extinguishing *baldios* under the terms of the preceding paragraph is without prejudice to the validity of ongoing contracts that have as their object the *baldios* referred to in Article 47.
3. Without prejudice to the provisions of paragraph 5, revenues from *baldios* arising from their exploitation or derived from the expropriation of the respective lands, generated prior to the integration of the lands into the public domain of the civil parish or parishes and not delivered to the respective commoners, shall revert in full to the civil parish or parishes once one year has elapsed from the date this law enters into force, provided that one of the following situations occurs:
    a) No representative bodies elected by the commoners exist or, where they exist, a vacancy of offices, an absence for a period exceeding three years, or the permanent impediment of the elected members occurs;
    b) Agreement among the commoners as to the territorial boundaries of the respective *baldios* is lacking.
4. The one-year period referred to in the preceding paragraph is suspended for such time as an action having as its object the organisation of the respective *baldio* or its territorial boundaries remains pending before a court.
5. The reversion referred to in paragraph 3 shall not take place where, during the one-year period from the date this law enters into force:
    a) Any of the situations referred to in the sub-paragraphs of that paragraph ceases;
    b) The commoners withdraw the funds deposited to their order.
6. The reversion referred to in paragraph 3 takes effect by joint order of the members of the Government responsible for finance and forestry, producing effects upon notification to the debtor entity or to the financial institution in which the revenues are deposited.

Article 54. Competent jurisdiction

It falls to the territorially competent ordinary courts to hear disputes that, directly or indirectly, have *baldio* lands or other community immovable properties as their object – specifically those concerning dominion, delimitation, utilisation, occupation or appropriation, grant of exploitation, as well as the resolutions, actions, or omissions of their bodies, contractual and non-contractual rights and liabilities, contracts entered into with public entities under this law, and the rights that the bodies of local communities hold over them arising directly from this law.

Article 55. Evaluation and possibility of regulation

1. The regulations necessary for the improved application of this law shall take the form of a regulatory decree and require prior consultation with the associative organisations of community means of production, possessed and managed by bodies of commoners, integrated into the cooperative and social sector of the means of production, referred to in Article 82, paragraph 4, letter b) of the Constitution, without prejudice to the following paragraph.
2. The functioning of the platform, as well as the terms of notification and the exemption from submitting documents referred to in Article 9, paragraph 3, shall be regulated by a ministerial implementing order of the members of the Government responsible for justice, finance, and forestry.

Article 56. Updating of nomenclature and exemption from administrative charges

1. The services of the Institute of Registries and Notaries, I. P. (IRN, I. P.), the Tax and Customs Authority (AT), the Institute for Nature Conservation and Forests, I. P. (ICNF, I. P.), and all other public entities shall proceed *ex officio* with the changes in nomenclature in their respective registers, without the need for an application from the local communities for that purpose.
2. The services of the IRN, I. P., the AT, and the ICNF, I. P., shall enter on the platform referred to in Article 9 the information at their disposal, notifying the local communities of that fact, the latter being exempted from communicating it to the said platform, without prejudice to the duty of the said communities to update their information, specifically regarding their registered office.
3. The member of the Government exercising the power of direction or superintendence over the public services in question may, where deemed necessary and by order, define the arrangements for implementing the provisions of the preceding paragraphs, provided that this does not burden local communities with administrative charges in respect of the acts in question.

Article 57. Non-applicability

The regime provided for in this law does not apply to lands that have no known owner and have never been enjoyed by a body of commoners in accordance with their customs and usages.

Article 58. Repealing provision

1. Law No. 68/93 of 4 September, as amended by Laws Nos. 89/97 of 30 July and 72/2014 of 2 September, as well as the regulations arising therefrom, are hereby repealed.
2. All provisions of Law No. 72/2014 of 2 September applicable to *baldios* are further repealed.
3. Decree-Laws Nos. 39/76 of 19 January and 40/76 of 19 January are revived for the purposes of the cross-references provided for in this law.

Approved on 23 June 2017.

The President of the Assembly of the Republic, **Eduardo Ferro Rodrigues**.

Promulgated on 8 August 2017.

Let it be published.

The President of the Republic, **Marcelo Rebelo de Sousa**.

Countersigned on 9 August 2017.

The Prime Minister, **António Luís Santos da Costa**.