



Inheritance Issues in Portugal

Portugal is a civil law country and the civil code dictates inheritance issues. Under Portuguese inheritance laws, children may not be deprived of their inheritance except in very limited circumstances and there is a limit to testamentary freedom as most of the estate has to be left to the heirs which includes the spouse. In the case where there are no descendants or ascendants, then there is an unlimited right to testamentary disposition.

Under the previous Portuguese law, the private law of foreigners was applicable in inheritance issues. However, a new European Regulation, known as Brussels IV, provides that the law of succession applicable after 17 August 2015 is the law of the country of 'habitual residence' of the deceased at the time of death save testamentary (or other written) disposition to the contrary. These regulations also apply in the case of third country citizens.

The above European Union Regulation will not affect inheritance tax issues and taxes may still be applicable in the country of origin in some cases.

Portugal has abolished inheritance / gift taxes as applicable to spouses / descendants and ascendants. Stamp duty, in lieu of an inheritance tax is payable on inheritances outside the immediate family.

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