

MOZAMBIQUE

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MAY 2021

LEGISLATIVE AUTHORISATION TO REVISE THE CIVIL CODE

The Government is empowered to extend the probative value of authentic documents and change the form of the contracts for voluntary mortgage, sale and purchase, and sale and purchase with loan.

Law 2/2021 of 15 April was enacted and published to authorise the Government to make a specific amendment to the Civil Code, approved by Decree-Law 47344 of 25 November 1996. The essential aim of this amendment is to bring the Civil Code rules into line with the provisions of the Land Registry Code, approved by Decree-Law 2/2018 of 23 August.

The Government is empowered to extend the probative value of authentic documents and change the form of the contracts for voluntary mortgage, sale and purchase, and sale and purchase with loan.

Until now, the requirement imposed by the Civil Code to execute contracts for voluntary mortgage, sale and purchase, and sale and purchase with loan was that they should simply be executed by public deed, notwithstanding the safeguarding of the parties' freedom to determine the form and define the contractual clauses.

In the reform implemented in 2018, the Land Registry Code created specific forms of contracts for sale and purchase, sale and purchase with loan and mortgage, sale and purchase with loan, and loan with mortgage and mortgage. Under this Code, these models do not allow any amendment or addition by the contracting parties.