

STUDIES ON MACAU  
CIVIL, COMMERCIAL,  
CONSTITUTIONAL AND  
CRIMINAL LAW

Jorge AF Godinho

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## CHAPTER 6

### Contracts in Special in the Civil Code of Macau of 1999

Manuel Marcelino Escovar Trigo

#### A. INTRODUCTION

The Civil Code of Macau was approved on 3 August 1999 and entered into force on 1 November of the same year, a little less than two months before the transfer of sovereignty of the administration of Macau from the Republic of Portugal to the People's Republic of China (PRC), which took place on 20 December 1999. This was the date of the establishment of the Special Administrative Region of Macau (Macau SAR) and the entry into force of the Basic Law of the Macau SAR and other relevant legislation, namely, the Reunification Law.

Under the terms of Arts 8 and 3 respectively, decree-laws, administrative regulations, and other legislative statutes previously applicable in Macau shall continue to be applied and adopted as legislation of the Macau SAR, unless they contravene the Basic Law of the Macau SAR.

Of special relevance relating to the private economic sector is the discipline of obligations and contracts – Law of Obligations, found under Title I of Contracts in Special in Book II of the Civil Code.

The contracts regulated in the Civil Code of Macau will be discussed as in-depth as possible within the confines of such a brief study.<sup>1</sup> An overview of the legal framework of contracts in special will be offered and the contracts specifically regulated in the Civil Code will be referred to, particularly the transformations that have taken place since 1999, from purchase and sale contracts to gaming and betting contracts.<sup>2</sup>

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1 The present text is essentially the first part of an extensive study on contracts in special and gaming and betting contracts in the Civil Code of Macau of 1999 and was included and published in Portuguese in *Studies in Homage to Professor Doctor António Ferrer Correia, to Professor Doctor Vasco Lobo Xavier and to Professor Doctor Orlando de Carvalho of the Faculty of Law of the University of Coimbra*. Included in this study, in English, is an introductory note and the necessary adaptations, written with the intent to be part of both studies.

2 In the ambit of the discipline of the Law of Obligations, this topic has been briefly addressed in the Bachelor Degree in Law Programme in Portuguese in the Faculty of Law of the University of Macau. Law of Obligations was included in the plan of study for the Third Year of the Course of Law of 1997–98 under Preliminary Lessons of Law of Obligations. The course material (to be reviewed and updated) is available in hardcopy.

The Civil Code of Macau of 1999 succeeded the Civil Code of Macau of 1966 (also the Portuguese Civil Code of 1966), as approved by Decree-Law no 47/344, of November 25 1966,