



Succession Planning and Inheritance Law in Portugal

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Executive Summary

Succession planning and inheritance law are essential considerations for individuals and families with assets in Portugal. The Portuguese legal framework provides specific rules on wills, forced heirship, and cross-border inheritance, which may affect both residents and non-residents. This guide explains the key aspects of succession law and offers practical insights for those planning their estate or dealing with inheritance matters in Portugal.

Key Legal Aspects

- Forced Heirship – Portuguese law grants reserved rights to spouses, children, and descendants, limiting the freedom of testators to distribute assets.
- Wills – Foreign nationals may create wills in Portugal, but they must comply with Portuguese formalities to be valid and enforceable.
- Cross-Border Succession – EU Regulation 650/2012 allows individuals to choose the law of their nationality to govern succession, subject to certain conditions.
- Inheritance Tax – Portugal does not levy inheritance tax, but stamp duty may apply to certain transfers, particularly for non-immediate family members.
- Probate Procedures – Inheritance matters are settled through notarial or judicial processes, requiring proper documentation and compliance with Portuguese law.

Practical Insights for Families and Investors

- Estate Planning – Individuals should prepare wills and succession plans that align with both Portuguese and international law to avoid disputes.
- Cross-Border Families – Families with assets in multiple jurisdictions must carefully consider applicable laws to prevent conflicts and double taxation.
- Real Estate Ownership – Property owners in Portugal should plan succession in advance to ensure a smooth transfer of ownership.
- Business Succession – Entrepreneurs must consider succession planning to secure business continuity across generations.

Case Studies (Illustrative Examples)

- A British retiree in Portugal drafting a will under UK law, recognised under EU Regulation 650/2012.
- A Portuguese family business ensuring smooth succession through a combination of corporate and inheritance planning.
- A non-resident inheriting property in Portugal and completing probate procedures with legal assistance.

How We Can Help

- Drafting and validation of wills and estate planning documents.
- Legal advice on forced heirship and cross-border succession rules.
- Assistance with probate and notarial inheritance proceedings.
- Advising families and investors on tax implications of inheritance and property transfers.
- Structuring succession plans for family businesses and international estates.

Contact Information

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