



ASSEMBLEIA DA REPÚBLICA

LAW NO. 40/2006 OF 25 AUGUST 2006

**LAW ON THE ORDER OF PRECEDENCE OF THE PROTOCOL OF THE
PORTUGUESE STATE**

Pursuant to Article 161 c) of the Constitution, the Assembleia da República decrees the following:

Section I
General Principles

Article 1
(Purpose)

- 1 – This Law regulates the hierarchy and protocol for senior public dignitaries.
- 2 – It also regulates the coordination with such a hierarchy of other dignitaries included within the scheme of state relationships and, in addition, the declaration of national mourning.

Article 2
(Scope of application)

This Law applies in the whole of the national territory and in Portuguese diplomatic and consular representations abroad.

Article 3
(Guarantee of pluralism)

- 1 – At official ceremonies and on other occasions involving representation of the state, the autonomous regions and local government, officeholders from various bodies, of the scope corresponding to the organizing body and from the level immediately below, should be present.
- 2 – The representation of bodies made up of various parties should always include members of the majority and the opposition.

Article 4
(Representation)

For the purposes of this Law, a senior figure may solely be represented by another under the terms of the specific legal provisions for such representation.

Article 5
(Primacy)

For senior public dignitaries, the order of precedence contained in this Law always has primacy, including at non-official ceremonies.

Article 6
(Presiding authority at official ceremonies)

- 1 – Official ceremonies are presided over by the body that organizes them.
- 2 – This Law provides for the specific exceptions in this respect.



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Section II ***Precedence***

Article 7 (Order of Precedence)

For protocol purposes, senior public dignitaries are ranked in the following order:

1. President of the Republic
2. President of the Assembleia da República
3. Prime Minister
4. Presidents of the Supreme Court of Justice and the Constitutional Court
5. Presidents of the Supreme Administrative Court and the Court of Auditors
6. Former presidents of the Republic
7. Ministers
8. President or secretary-general of the largest opposition party
9. Vice-presidents of the Assembleia da República and presidents of the parliamentary groups
10. Attorney General
11. Chief of the General Staff of the Armed Forces
12. Ombudsman
13. Representatives of the Republic to the Autonomous Regions of the Azores and Madeira
14. Presidents of the legislative assemblies of the Autonomous Regions
15. Presidents of the regional governments
16. Presidents or secretaries-general of the other parties represented in the Assembleia da República
17. Former presidents of the Assembleia da República and former prime ministers
18. Counsellors of state
19. Chairpersons of the standing committees in the Assembleia da República
20. Secretaries and under secretaries of state
21. Chiefs of the General Staffs of the Navy, Army and Air Force
22. Members of the Assembleia da República
23. Members of the European Parliament
24. Admirals and marshals
25. Heads of the Civil and Military Households of the President of the Republic
26. Presidents of the Economic and Social Council, the National Association of Portuguese Municipalities and the National Association of Parishes
27. Governor of the Bank of Portugal
28. Grand masters of the Portuguese honorific orders
29. Vice-president of the Supreme Judicial Council
30. Associate justices of the Constitutional Court
31. Associate justices of the Supreme Court of Justice, Supreme Administrative Court and Court of Auditors
32. Regional secretaries and under secretaries of the governments of the Autonomous Regions of the Azores and Madeira
33. Members of the legislative assemblies of the Autonomous Regions



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34. Commander General of the National Republican Guard and the National Director of the Public Security Police
35. Secretaries-general of the Presidency of the Republic, the Assembleia da República, the Presidency of the Council of Ministers and the Ministry of Foreign Affairs
36. Head of State Protocol
37. Presidents of the courts of appeal and equivalent courts; presidents of the Council of Portuguese University Rectors and the Coordinating Council of Polytechnic Institutes; and presidents of professional societies and associations governed by public law
38. Presidents of the Portuguese Academy of History and the Lisbon Academy of Science; rectors of universities and presidents of polytechnic institutes governed by public law
39. Members of the councils of the Portuguese honorific orders
40. Associate justices of the courts of appeal and equivalent courts and assistant attorneys general; vice-rectors of universities and vice-presidents of polytechnic institutes governed by public law
41. Mayors
42. Presidents of municipal assemblies
43. Civil governors
44. Heads of cabinet of the President of the Republic, the President of the Assembleia da República and the Prime Minister
45. Chairpersons, members and secretaries-general or the equivalent of councils, national councils, supreme councils, supervisory councils, national committees, high authorities, high commissions and regulatory bodies, by order of the institutions' years of existence; directors general and presidents of public institutions, by order of the respective ministries and, within these, of their organisational law; the Superintendent of the charity *Misericórdia de Lisboa* and the President of the Portuguese Red Cross
46. Admirals and general officers with command functions, according to their military hierarchy; operational commanders and commanders of the Military Zone, Maritime Zone and Air-space Zone of the Autonomous Regions of the Azores and Madeira
47. Directors of the National Defence Institute and the Institute of Higher Military Studies; commanders of the Naval School, Military Academy and Air Force Academy; vice-admirals/lieutenant-generals and rear admirals/major generals
48. Heads of cabinet of members of the government
49. Subdirectors-general and regional directors
50. District court judges and attorneys general of the Republic
51. Town and city councillors
52. Advisers, consultants and assistants to the President of the Republic, the President of the Assembleia da República and the Prime Minister
53. Presidents of parish authorities
54. Members of municipal assemblies
55. Presidents of parish assemblies and members of parish authorities and assemblies
56. Directors



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- 57. Heads of division
- 58. Advisers and assistants to government members

Article 8

(Equivalence)

1 – Senior public dignitaries not specifically mentioned in the list contained in the preceding article shall be associated with the positions of those whose material and territorial responsibilities are the closest.

2 – The spouses of senior public dignitaries, or those who live with them in a de facto relationship, provided they are invited to the ceremony, are accorded an equivalent place to those personages when they are accompanying them.

Article 9

(Election and seniority)

1 – When dignitaries have identical positions, precedence is given to the one whose entitlement results from election by the people.

2 – Among figures with equal entitlement, the longest in office has precedence, unless some other rule results from the provisions of the present Law.

Section III

Bodies that exercise sovereign power

Article 10

(President of the Republic)

1 – The President of the Republic has absolute precedence and presides at any official ceremony that he or she personally attends, with the exception of acts carried out in the Assembleia da República.

2 – In accordance with the Constitution, the President of the Republic is substituted by the President of the Assembleia da República, who, in such cases, as Interim President of the Republic, has the status of President of the Republic for protocol purposes.

3 – For the purposes of this Law, no one may represent the President of the Republic; accordingly, no personal delegate of his or hers has precedence over personages in a higher category.

Article 11

(President of the Assembleia da República)

1 – In the Assembleia da República, the president in office always presides, even if the President of the Republic is present.

2 – The President of the Assembleia da República presides at any official ceremony, provided that the President of the Republic is not attending in person, except in the case of acts carried out in the Supreme Court of Justice or the Constitutional Court.

3 – The President of the Assembleia da República is substituted and may name someone to represent him or her, in accordance with the Constitution and the Rules of Procedure, by one of the Vice-presidents of the Assembleia da República, who, in such cases, has the same status as the president for protocol purposes.

Article 12

(Prime Minister)



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- 1 – The Prime Minister presides at official ceremonies which neither the President of the Republic nor the President of the Assembleia da República is attending.
- 2 – The Prime Minister may be represented, in cases of absence or inability to attend, by a minister of his or her choice, who, in such cases, has the respective status for protocol purposes.

Article 13

(Presidents of the Supreme Court of Justice and the Constitutional Court)

The Presidents of the Supreme Court of Justice and the Constitutional Court always preside in their respective courts, except when the President of the Republic is present.

Article 14

(Ministers)

- 1 – Ministers are ranked according to the organizational legislation applying to the government.
- 2 – In diplomatic ceremonies, the Minister of Foreign Affairs has precedence over all others.
- 3 – In military ceremonies, the Minister of Defence has precedence over all others, except for those connected with the National Republican Guard, in which it falls to the Minister of Home Affairs.
- 4 – In ceremonies related to individual ministries, the respective minister has precedence.

Article 15

(Vice-presidents of the Assembleia da República)

- 1 – The precedence accorded to the Vice-presidents of the Assembleia da República, among themselves, corresponds to the representativity of their Parliamentary Group.
- 2 – The Vice-president substituting or representing the President of the Assembleia da República on account of the latter's absence, inability to attend or decision to delegate is entitled to the respective status for protocol purposes.

Article 16

(Senior Party and Parliamentary Leaders)

Presidents or secretaries-general of political parties represented in the Assembleia da República and the Presidents of the Parliamentary Groups are ranked according to their electoral representativity.

Article 17

(Senior Dignitaries from the Autonomous Regions)

- 1 – Throughout the national territory and in Portuguese diplomatic and consular representations abroad, protocol accords ministerial status to Representatives of the Republic and Presidents of Legislative Assemblies and Regional Governments.
- 2 – The provisions of the point above apply without prejudice to the order of precedence established in the present Law.
- 3 – The honours established in the legislation of each Autonomous Region for the presidents of the respective bodies of their own governments are protected.

Article 18



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(State Counsellors)

State counsellors not specifically mentioned in the Order of Precedence are ranked as follows, in accordance with the stipulations of the Constitution: personages named by the President of the Republic, according to the instrument of appointment; personages elected by the Assembleia da República, according to the respective election.

Article 19

(Chairpersons of Parliamentary Committees)

Chairpersons of standing committees in the Assembleia da República are ranked according to the provisions of the resolution that established those committees.

Article 20

(Secretaries and Under Secretaries of State)

1 – Secretaries and Under Secretaries of State are ranked according to the organizational legislation applying to the government.

2 – Secretaries and Under Secretaries of State may represent their ministers when the latter are absent or unable to attend.

Article 21

(Members of the Assembleia da República)

1 – Members of the Assembleia da República are ranked on the basis of their party's electoral representativity, according to the principle of proportionality.

2 – In the electoral constituency by which they were elected, Members' precedence among themselves depends on the order of their election, without prejudice to the order arising from the accumulation by any of them of another office or higher precedence provided for in the present Law.

Article 22

(Members of the European Parliament)

1 – Members of the European Parliament are ranked in conformity with the representation of their parties in the corresponding elections and, within each party, by order of their election.

2 – The office of Vice-president of the European Parliament gives precedence over the whole group, with officeholders being ranked, if there are several of them, in conformity with the representation of their Parliamentary Group.

Article 23

(Portuguese Honorific Orders)

1 – Grand Masters of Portuguese Honorific Orders are ranked according to the respective basic legislation: Ancient Military Orders, National Orders and Orders of Merit.

2 – The councils of the orders are ranked according to the same principle and, likewise, their members according to the respective instrument of appointment.

Article 24

(Senior Judges)



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Within each institution, Associate Justices of the Constitutional Court, the Supreme Court of Justice, the Supreme Administrative Court and the Court of Auditors are ranked by seniority in the exercise of their duties; they precede vice-presidents.

Section IV ***Autonomous Regions***

Article 25

(Representative of the Republic)

- 1 – In his or her respective Autonomous Region, the Representative of the Republic has overall precedence, which is forgone when the President of the Republic, the President of the Assembleia da República and the Prime Minister are present.
- 2 – No person can represent the Representative of the Republic.
- 3 – Under the terms of the Constitution, the Representative of the Republic is substituted by the President of the Legislative Assembly, who, for protocol purposes, then has the respective status.

Article 26

(President of a Legislative Assembly)

- 1 – The President of a Legislative Assembly is placed directly after the Representative of the Republic.
- 2 – The President of a Legislative Assembly always presides over its sessions and any acts that it organizes, unless the President of the Republic or the President of the Assembleia da República is present.
- 3 – The President of a Legislative Assembly is substituted and may be represented by a vice-president, to whom protocol then accords the status of president.

Article 27

(President of a Regional Government)

The President of a Regional Government directly succeeds the President of a Legislative Assembly.

Article 28

(National and Regional Ceremonies)

- 1 – At national ceremonies, Representatives of the Republic to the Autonomous Regions and Presidents of Legislative Assemblies and Regional Governments are ranked according to their seniority in office.
- 2 – Senior public dignitaries in either of the Autonomous Regions have the same protocol status in the other as their counterparts, directly succeeding the corresponding position.

Article 29

(Senior Dignitaries of the Republic)

The senior dignitaries mentioned in Article 7 as having precedence over regional secretaries, but not yet specifically referred to, immediately succeed the President of the Regional Government, in the respective order, when in an Autonomous Region.

Article 30



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(Regional Secretaries)

- 1 – Regional secretaries are ranked among themselves in accordance with the provisions of the governing legislation for the Regional Government, preceding vice-presidents, if there are any.
- 2 – Excluding the cases provided for in Article 29, regional secretaries immediately succeed the President of the Regional Government.
- 3 – The regional secretary who substitutes the President of the Regional Government, for reasons of the latter's absence, inability to attend or decision to delegate, has the respective status for protocol purposes.

Section V

Local Authorities

Article 31

(Mayors)

- 1 – In their municipality, mayors have the same status for protocol purposes as ministers.
- 2 – Mayors preside over all acts carried out in town or city halls or organized by their town or city councils, except when the President of the Republic, the President of the Assembleia da República or the Prime Minister are present; in the Autonomous Regions, the Representative of the Republic, the President of the Legislative Assembly and the President of the Regional Government also have precedence.
- 3 – In national ceremonies taking place in their municipality, mayors immediately succeed figures with ministerial status and, if there is a presiding panel, shall have a place on it, on the appropriate terms.
- 4 – In ceremonies in the Autonomous Regions carried out in their municipality, mayors immediately succeed regional secretaries and, if there is a presiding panel, shall have a place on it, on the appropriate terms.

Article 32

(Presidents of Municipal Assemblies)

- 1 – In their municipality, presidents of municipal assemblies immediately succeed the mayor.
- 2 – Presidents of municipal assemblies always preside when they are in session, unless the President of the Republic, the President of the Assembleia da República or the Prime Minister is present; and, in addition, in the Autonomous Regions, the Representative of the Republic, the President of the Legislative Assembly or the President of the Regional Government.

Article 33

(Presidents of Parish Authorities and Assemblies)

As democratically elected representatives of the people, presidents of parish authorities and assemblies have the same status in their electoral constituency as mayors and presidents of municipal assemblies, with the latter being added to the dignitaries mentioned in Articles 31 and 32, to whom they must cede precedence.

Section VI

Other Dignitaries



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Article 34

(Senior Foreign and International Dignitaries)

The same protocol applies to dignitaries from foreign states and international organizations as applies to their counterparts in Portugal.

Article 35

(Senior Dignitaries from the European Union)

1 – When in Portugal, the President of the European Parliament immediately succeeds the President of the Assembleia da República and, likewise, dignitaries from the European Parliament their Portuguese counterparts.

2 – The President of the European Council comes immediately after the Prime Minister, except if he or she is the head of state, in which case the position is immediately after the President of the Republic.

3 – The President of the European Commission immediately follows the Prime Minister and, likewise, European Commissioners their Portuguese ministerial counterparts.

4 – European Union judicial and administrative dignitaries should receive similar treatment to that provided for in the numbers above.

Article 36

(Senior Diplomatic Dignitaries)

1 – Foreign ambassadors accredited in Lisbon, when a separate place cannot be reserved for them, immediately follow the Secretary-General of the Ministry of Foreign Affairs; they are ranked among themselves according to seniority in the presentation of credentials, with the traditional precedence of the Apostolic Nuncio as Dean of the Diplomatic Corps being observed.

2 – When on a duly announced official visit to the Autonomous Regions or to districts or municipalities on the mainland of the Republic, foreign ambassadors accredited in Lisbon have the right to the same treatment as ministers.

3 – On the occasion of official visits by high-level foreign delegations, the ambassador of the country in question forms part of the company of the dignitary that presides over it, occupying, with identical honours, the position immediately after those treated in it as ministers.

4 – When in Portugal, Portuguese ambassadors accredited in foreign countries are treated in the same way, for protocol purposes, as foreign ambassadors.

5 – Diplomatic representatives of a lower rank than ambassador are considered equal to Portuguese diplomats of the same category and the latter, in turn, to other state servants of an identical level.

6 – Consuls general, consuls and vice-consuls in the career service precede honorary consuls and vice-consuls; they are all ranked, in each category, by seniority based on the date of their letters patent.

7 – In diplomatic representations abroad, the appropriate officeholder always presides, except when the President of the Republic, the President of the Assembleia da República, the Prime Minister or the Minister of Foreign Affairs is present.

8 – In visits by Portuguese delegations headed by dignitaries with the status of ministers for protocol purposes, the latter have precedence in all external acts of the respective programme.



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Article 37

(Relatives of Foreign Heads of State)

The relatives of foreign heads of state should be treated as special guests of the President of the Republic and placed close to him or, in his absence, to the person who, by virtue of his or her highest rank for protocol purposes, is presiding.

Article 38

(Religious Authorities)

When invited to official ceremonies, religious authorities are accorded the treatment appropriate to the dignity and representativity of the duties that they carry out; they are ranked according to their respective representation in Portuguese society.

Article 39

(University Authorities)

1 – University vice-rectors and presidents of polytechnic institutes preside at the acts carried out in their institutions, except when the President of the Republic or the President of the Assembleia da República attends.

2 – Deputations of academic congregations who take part in official ceremonies come directly after their vice-chancellors or presidents.

Article 40

(Civil Society Dignitaries)

When invited to official ceremonies, the leaders of employers' and trade union confederations and any other civil society bodies occupy places appropriate to their importance and representativity.

Article 41

(Civil Governors)

1 – In their districts, civil governors directly follow the president of the municipal assembly for the municipality where the ceremony is taking place, except when they are expressly representing a member of the government invited to preside, in which case they shall assume the duty to preside.

2 – In official ceremonies connected with safety, protection and relief, if no members of the government are present, the civil governors in the respective districts assume the position of ministers for protocol purposes, thus preceding the mayor of the municipality where such ceremonies take place.

Section VII

National Mourning

Article 42

(Announcement)

1 – The government announces a period of national mourning, its length and its scope, in the form of a decree.



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2 – A period of national mourning is declared on the death of the President of the Republic, the President of the Assembleia da República and the Prime Minister, as well as of former Presidents of the Republic.

3 – National mourning is also observed on the death of a personage, or the incidence of an event, of exceptional significance.

Section VIII ***Final Provisions***

Article 43

(Revocation)

This Law revokes the principles of any earlier legislation or regulatory enactments establishing an order of precedence for protocol purposes that differs from or counters those in the present Law.

Article 44

(Entry into force)

This Law comes into force on the thirtieth day following its publication.

Approved on 20 July 2006.

The President of the Assembleia da República, Jaime Gama.

Promulgated on 11 August 2006.

Let it be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 12 August 2006.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.