



Non-compliance with fuel management (cleaning of land) provisions - rights of neighbours

One of the most frequent questions raised at seminars and direct to SCA is "what can we do as a neighbour if a land owner refuses to clean their land or cannot be contacted to ask them to do this?"

The law is fairly complex on this subject and readers are advised to initially raise this with your local council requesting that the land should be cleaned.

The law concerning this is in Decree law 124/2006 - 28th June - Section II - "Life and Property Defence - Secondary Network of Fuel management tracks" i.e. cleaning land. Article 15 provisions 2- 5 as follows apply:

"2. Owners, tenants, users or entities that hold any title to land adjoining buildings, namely homes, workshops, yards, warehouses, factories and other equipment are required to carry out the fuel management (land cleaning) within a range of 50m around those buildings or facilities measured from the outside of the building wall, in accordance with standards listed in the annex of the present law decree that it is an integral part.

3. In the event of non-compliance with the provisions of the preceding paragraphs (in Article 15) the local council notifies the entities responsible for the work.

4. Once the non-compliance is verified, the local council can perform the fuel management work with a provision of reimbursement, therefore triggering the necessary mechanisms for reimbursement of the expenditure incurred.

5. In the absence of intervention, and in accordance with the provisions of the preceding paragraphs, between the 15th April each year and until October 30th, the owners and other entities who hold a title for any administration of housing, yards, warehouses, workshops, factories and other social services and equipment can replace the owners and other forest producers by fuel management provided for in the preceding paragraph, by notifying the owners and, in the absence of a reply in 10 days, by displaying a notice at the work site, within a period of not less than 20 days.

6. In the case of replacement, the owners and the other forest producers are obliged to allow access of the owners or managers of the neighbouring buildings to their land and to compensate them for any expenses incurred in the fuel management."

Please note: That the original legislation in Portuguese is the approved legal authority and can be downloaded on this page.