

**DECREE-LAW No. 6/2012
of 6th February**

**FIFTH AMENDMENT TO
DECREE-LAW No. 15/2008, OF 4th
JUNE GOVERNING PENSIONS OF
NATIONAL LIBERATION
COMBATANTS AND MARTYRS**

Decree-law no. 15/2008 of 4th June governing pensions of National Liberation Combatants and families of Martyrs establishes extended deadlines to apply for pensions and to appeal corresponding decisions. The purpose of this option was to ensure that all potential beneficiaries, even in more remote areas of the country, would have access to the pensions process.

With more than three years having elapsed since the onset of the pensions process, conditions are now in place to reduce such deadlines, rendering such process speedier without however affecting access by the beneficiaries.

Thus, the Government decrees that the following shall be considered law under the legal regime established by way of Law no. 3/2006 of 12th April, altered by Law no. 9/2009, of 19th July and by Law no. 2/2011, of 23rd March and under the terms of sub-paragraphs j) and p) of paragraph 1 of article 115 and of sub-paragraph d) of article 116 of the Constitution:

**Article 1
Amendments**

Articles 36, 37 – A, 39, 40 and 42 of Decree-law no. 15/2008, of 4th June shall be drafted as follows:

**“Article 36”
Proceedings**

1. (...)
2. (...)
3. The application for pensions shall be submitted within a maximum time limit of forty-five (45) days from:
 - a) The official opening date of the period for the reception of applications by the responsible authority;
 - b) The date of the death of the national liberation combatant who is the beneficiary of the special subsistence pension or the special retirement pension; or
 - c) The date of loss of entitlement to the survival pension by the single holder, under the terms of paragraph 7 of article 7 – A.
4. (...)

Article 37

Rejection of the application

1. (...)
2. (...)
3. The application shall be rejected when the applicant, requested to eliminate the shortcomings under the terms of paragraph 1, does not do so within the time limit of thirty days.
4. (...)

Article 39

Complaint

1. (...)
2. (...)
3. A complaint may be lodged within a time limit of thirty days from the publication of the notices referred to in paragraph 2 of article 38 and shall be accompanied by the reasons for the complaint and the evidence justifying the reversibility of the decision.

4. (...)

The Prime Minister

Article 40

Internal and judicial appeal

1. (...)

2. (...)

3. An internal appeal may be lodged within a time limit of thirty days from the publication of the notices referred to in paragraph 2 of article 38 and in paragraph 4 of article 39, and shall be accompanied by the reasons for the appeal and the evidence justifying the reversibility of the decision.

Minister of Social Solidarity

Maria Domingas Fernandes Alves

4. (...)

Promulgated on 6/2/2012

5. (...).

To be published

Article 42.

Allegation of false information

1. (...)

The President of the Republic

2. (...)

3. A contestation may be lodged within a time limit of thirty days from the publication of the notices referred to in paragraph 2 of article 38 and shall be accompanied by the reasons for the contestation and the evidence justifying the reversibility of the decision.

José Ramos-Horta

4. (...).”

Article 2

Effectiveness

The regime established in this diploma shall be applicable retroactively to legal relations previously established and which are still in force, as far as acquired rights are concerned.

Article 3

Entry into Force

The present diploma shall come into force on the day immediately following its publication.

Approved in Council of Ministers on 14th December 2011