

STUDIES ON
MACAU
GAMING LAW

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CHAPTER 1

Gaming and Betting in the 1999 Macau Civil Code and Enforceability of Obligations

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A. INTRODUCTION

Gaming and betting are nominate contracts² that have been regulated by the 1999 Macau Civil Code³ along with the other contracts provided for in this

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2 The Portuguese and Chinese versions of this article, with main differences, were published in the Bulletin of the Faculty of Law of the University of Macau (Boletim da Faculdade de Direito da Universidade de Macau) no 25, 2008, p 65 ff, under the corresponding title in Portuguese (and Chinese), 'O jogo e a aposta no Código Civil de Macau de 1999 e a eficácia das obrigações'. The present text essentially corresponds to the second part of a more extensive study on contracts in special and gaming and betting contracts in the 1999 Macau Civil Code, which has already been published in the Portuguese language in the book *Estudos de Homenagem ao Professor Doutor António Ferrer Correia, ao Professor Doutor Vasco Lobo Xavier e ao Professor Doutor Orlando de Carvalho*, of the Faculty of Law of the University of Coimbra, Vol III, 2007. It now follows for publication in English, along with this introductory note and some necessary adjustments; however, it should be noted that this text was written in an attempt to cover the issues raised in both studies.

3 The Macau Civil Code was approved on 3 August 1999, and came into force on 1 November of the same year, less than two months before the transfer of sovereignty of Macau from the Portuguese Republic to the People's Republic of China, which took place on 20 December 1999, with the establishment of the Macau Special Administrative Region and with the entering into force of the Basic Law of the Macau Special Administrative Region and, among others, the Reunification Law.

In accordance with Arts 3 and 8 respectively of the abovementioned statutes, the laws, decrees, administrative regulations and other normative acts previously in force in Macau shall be maintained and adopted as legislation of the Macau Special Administrative Region, except for any that contravene the Basic Law of the Macau Special Administrative Region, the same happening in relation to the Civil Code.

The 1999 Macau Civil Code replaced the 1966 Macau Civil Code, which, by chance, followed from the 1966 Portuguese Civil Code, approved by Decree-Law no 47377, of November 25, 1966, extended to Macau by Administrative Regulation no 22869, of September 4, 1967, published in the BOM (Official Gazette of Macau) no 46 (second supplement), of November 23, 1967, along with the subsequent modifications that were extended to Macau and with the approved alterations that were only in force in Macau. See Civil Code, text in force in Macau, coordinated by JG Marques, Macau Foundation, 1997, as well as our *Lições Preliminares de Direito das Obrigações, 3.º Ano do Curso de Direito de 1997–1998, 1.3.*, and 'O Direito Civil em Macau', *Perspectivas*, 1997, no 2, p 175 ff.