

Law nº 57/2008

of the 4th September

Creates the Ordem dos Psicólogos Portugueses and approves its Statute

The Assembly of the Republic, decrees, pursuant to sub-heading c) of Article 161 of the Constitution, the following:

Article 1

Object

The Ordem dos Psicólogos Portugueses is created and its Statute approved, as published in an addendum to the current law, and forms an integral part of it.

Article 2

Professions Covered

The Ordem dos Psicólogos Portugueses covers psychology professionals, who, in accordance with the respective Statute and applicable legal provisions, practice professionally as psychologists.

Article 3

Duties

1 — The duties of the Ordem dos Psicólogos Portugueses are as follows:

- a) To defend the general interests of its users;
- b) To represent and defend the general interests of the profession;
- c) To regulate the access to and practice of the profession;
- d) To exclusively grant professional titles;
- e) To grant, pursuant to the Statute, professional specialist titles;
- f) To create the professional register and maintain it updated;
- g) To exercise disciplinary power over members;
- h) To be of service to members, with regard to professional practice, namely with regard to information and professional training;
- i) To collaborate with other Public Administration bodies in the pursuit of goals in the public interest which are related to the profession;
- j) To participate in the creation of legislation relating to the profession in question;
- l) To participate in professional accreditation processes and in the assessment of courses providing access to the profession;
- m) Any others that are undertaken by law.

Article 4

Administrative Tutelage of the Ordem dos Psicólogos Portugueses

The administrative tutelage powers of the Ordem dos Psicólogos Portugueses laid down in Law nº 6/2008, of the 13th February, and in the respective Statute, are practiced by the member of the Government responsible for the health sector.

Article 5

Registration with the Ordem dos Psicólogos Portugueses

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1 — Psychology professionals, may, within a period of 11 months from the approval of this Statute, apply to register with the Order.

2 — The acceptance or refusal of the application is subject to a two thirds majority by the members of the Foundation Committee and can only be refused pursuant to Article 51 of the Statute of the Order, in an addendum to this law.

Article 6

Entry into Force

This law enters into force 30 days following its publication.

Approved on 18th July 2008.

The President of the Assembly of the Republic, *Jaime Gama*.

Promulgated on the 25th August 2008.

Let it be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Ratified on the 26th August 2008.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*.

ANNEX

STATUTE OF THE ORDEM DOS PSICÓLOGOS PORTUGUESES

CHAPTER I

Nature, Scope and Mission

Article 1

Nature

1 — The Ordem dos Psicólogos Portugueses, hereinafter referred to as Order, is the public professional association which represents psychology professionals who, in compliance with the rulings of this Statute and the applicable legal provisions, practice professionally as psychologists.

2 — The Order is a legal person governed by public law and in exercising its public authority, practices the necessary administrative acts for the performance of its duties and approves the regulations foreseen in the law and herein.

3 — With the exception of the cases foreseen in the law, the acts and regulations of the Order are not subject to government approval.

4 — The Order has its own assets and finances, as well as budgetary autonomy.

5 — Financial autonomy includes the power to set the amount of the monthly or annual fee for its members, under the terms of the law.

Article 2

Scope, Head Office and Regional Offices

1 — The Order is national in scope.

2 — Notwithstanding that set forth in paragraph 1, the Order may include regional and local structures, which it directs to undertake its duties in the field in question.

3 — The Order's head office is in Lisbon and it has regional offices in the North, Centre, South and autonomous regions.

Article 3

Mission

The Order's mission is to exercise control of and access to the profession of psychologist, as well as to develop technical and ethical standards and exercise disciplinary power over its members, within the framework of an autonomous disciplinary structure.

Article 4

Principles of Action

The Order acts in accordance with the principles of legality, equality, proportionality, justice and impartiality.

Article 5

Logo

The Order is entitled to use its own logo and stamps, in accordance with the templates to be approved by the Assembly of Representatives, upon proposal submitted by the Board.

CHAPTER II

The Order's Structure

SECTION I

General Provisions

Article 6

Territoriality and Power

1 — The Order has national and regional bodies and is entitled to establish professional specialty colleges.

2 — The duties of the bodies are defined in accordance with the scope or specialisation of the subjects.

Article 7

National Bodies

The Order's national bodies are:

- a) The Assembly of Representatives;
- b) The Board;
- c) The President;
- d) The Judicial Committee;
- e) The Audit Committee.

Article 8

Regional Bodies

The bodies of the regional offices are:

- a) The Regional Assembly;
- b) The Regional Board.

Article 9

Professional Specialty Colleges

In each professional specialty college there is a professional specialty council.

Article 10

Performance of Duties

1 — Notwithstanding the provisions in the following paragraph, or payment by the Order for any representation or travel expenses while at the Order's service, the performance of professional duties for the Order's bodies is not remunerated.

2 — By deliberation by the Assembly of Representatives, permanent executive positions may be remunerated.

SECTION II

Elections

Article 11

Election Committee

In the elections for the national and regional bodies the Board of the Assembly of Representatives undertakes the duties of the Election Committee.

Article 12

Candidatures

1 — Lists for the national and regional bodies are presented before the respective President of the Board of the Assembly of Representatives.

2 — Each list must be signed by a minimum of 100 full members for the national bodies and 30 for the regional bodies and must include the names of all the candidates for each of the bodies, with the declaration of acceptance.

3 — Candidatures are presented until the 15th September of the year immediately prior to the subsequent three-year term.

Article 13

Electoral Registers

1 — Electoral registers must be affixed at the national head office 45 days prior to the date of the electoral assembly.

2 — Any voting member may lodge a complaint with the Election Committee about an irregular registration or omission on the electoral register, within 15 days after the register has been affixed and the Committee will make a decision about the complaint within 48 hours.

Article 14

Electoral Commission

1 — The Electoral Commission is comprised of the President of the Presiding Board of the Assembly of Representatives and by three representatives from each of the competing lists, and begins duties twenty four hours after the candidatures have been presented.

2 — The representatives from each of the competing lists must be indicated together with the submission of the respective candidatures.

3 — The duties of the Electoral Commission are:

- a) To oversee the election process and resolve any issues that arise within its framework;
- b) To prepare reports on irregularities detected and present them to the Election Committee;
- c) To offer the different lists of candidates the use of the support made available by the Order's Board.

Article 15

Suppression of Irregularities

1 — The election committee must verify if there are any irregularities within five days after the closing date for the submission of the candidates' lists.

2 — With a view to amending any irregularity found, the documentation shall be returned to the first signee on the list, who should correct it within three working days.

3 — After the deadline in paragraph 2 above has passed without the correction being made to the candidatures, the Election Committee shall reject them within the following twenty four hours.

Article 16

Ballot Papers

1 — The ballot papers are edited by the Order and overseen by the Election Committee.

2 — The ballot papers and the candidates' lists are sent to all electoral assembly members up to 10 working days prior to the date set for the electoral act and are available at the place of voting.

Article 17

Identity of the Voters

Voters are identified by means of their professional certificate or, in its absence, their identity card or any other identifying document which has a photograph, which the ballot table deems acceptable.

Article 18

Voting

1 — The elections are universal suffrage.

2 — Only members who are fully exercising their rights are entitled to vote.

3 — In the case of voting by correspondence, ballots should be placed in a closed registered envelope with an accompanying letter signed by the voter with a photocopy of their professional certificate.

4 — Voting by proxy is not permitted.

Article 19

Election date

1 — The elections for the national and regional bodies take place during the last quarter of the year immediately prior to the subsequent three year term.

2 — The date is the same for all bodies.

Article 20

Mandates

1 — The members of the elective bodies are elected for a term of three years.

2 — The re-election of members of national or regional bodies for a third consecutive term for the same position is not permitted.

3 — The mandate and how the members of specialty councils are elected are listed in separate regulations

Article 21

Ballot Assemblies

For election purposes, there must be at least the same number of ballot assemblies as regional offices, in addition to the ballot table at the national head office.

Article 22

Complaints and Appeals

1 — Voters can lodge a complaint regarding irregularities in the electoral act, which should be submitted to the Election Committee within three days after voting has closed.

2 — The Election Committee must assess the complaint within forty eight hours and the decision be informed to the appellant in writing and affixed at the Order's head office.

3 — An appeal against the decision by the Election Committee can be lodged with the Judicial Committee, within eight working days counting from the date on which the appellants were informed of the decision by the Election Committee.

4 — The Judicial Committee is called for such purpose by the respective president, within the following eight days.

Article 23

Election Financing

The Order subsidises election expenses for an amount to be set by the Board.

Article 24

Taking Office

All elected bodies shall take office within one month after elections have been held.

Article 25

Dismissal, Resignation and Suspension

1 — Members of the bodies of the Order are entitled to resign from the mandate for which they have been elected.

2 — Any member of the Order's bodies may request a temporary suspension from duties, for duly justified reasons, however, the suspension period cannot exceed six months.

3 — Notice of the resignation from or suspension of the mandate must be given to the Presidents of the respective bodies, as well as to the President of the Board of the Assembly of Representatives.

4 — An exception to paragraph 3 above is the resignation of the *Bastonário* or President, which should be submitted to the President of the Board of the Assembly of Representatives.

5 — The resignation of over half the members elected for a particular body, after all the replacements have been made by the respective alternates elected, makes it mandatory for elections to be held for the body in question.

SECTION III

National Bodies

Article 26

Assembly of Representatives

The Assembly of Representatives is comprised of 50 members and elected by universal suffrage and the system of proportional representation, within the territories to which the regional bodies correspond, pursuant to Article 2 herein.

Article 27

Duties of the Assembly of Representatives

It is the duty of the Assembly of Representatives to:

- a) Elect and dismiss the Board, pursuant to this Statute;
- b) Approve the budget, activity plan, report and accounts, proposals to alter the Statute, approve regulations, fees and rates, create specialty colleges or sign protocols with counterpart associations upon proposal by the Board.

Article 28

Operation

1 — The Assembly of Representatives meets ordinarily:

- a) For the election of the Board of the Assembly of Representatives and the Judicial Committee;
- b) For the approval of the budget and activity plan, as well as the Management report and accounts.

2 — The Assembly of Representatives meets extraordinarily whenever circumstances deem it necessary to do so and when convened by the President of his own initiative or at the request of the Board, regional Boards or a minimum of one third of its members;

3 — If at the time of the start of the Assembly of Representatives at least half of the full members are not present, the Assembly shall start an hour later, with the presence of any number of members.

4 — The Assembly of Representatives convened to discuss the vote on the management report and accounts, shall take place until the end of March in the year immediately after the financial year in question.

Article 29

Call for Meeting

1 — A meeting of the Assembly of Representatives is called by the President via notice sent by post to each of the full members at least 15 days prior to the date set for the assembly.

2 — The agenda, time and place where the assembly shall take place should be included in the notice letter.

Article 30

Presiding Board of the Assembly of Representative

The Presiding Board of the Assembly of Representatives is comprised of the President and two secretaries.

Article 31

Board

The Board is comprised of the President, who is the head, two Vice-Presidents, a Treasurer, a Secretary and an even number of voting members, with a minimum of four.

Article 32

Duties

It is the duty of the Board to:

- a) Decide on the acceptance of applications for registration or order their cancellation, at the member or applicant's request or upon decision by the Judicial Committee;
- b) To create and maintain updated a register of all psychologists;
- c) To propose the creation of the framework of professional psychology specialties, to propose Foundation Committees for the Specialty Colleges and submit the access conditions, internal and electoral regulations and submit them for approval by the Assembly of Representatives;
- d) To undertake the decisions made by the Assembly of Representatives;
- e) To prepare and approve regulations;
- f) To manage the Order's national activity;
- g) To promote the establishment of regional offices and coordinate their activity;
- h) To provide, directly or via committees set up for such purpose, opinions and information to public and private bodies, within the framework of the Order's powers;
- i) To collect fees and undertake the expenses foreseen in the budget;
- j) To prepare and present the annual plan and report, accounts and budget to the Assembly of Representatives.

Article 33

Operation

1 — The Board meets ordinarily once a month and extraordinarily when convened by the President.

2 — The board can only deliberate validly if over half its members are present.

3 — Deliberations are by majority vote of the members present, with the President being entitled to the casting vote.

Article 34

President

The *Bastonário* is the President of the Board.

Article 35

Duties

It is the duty of the President to:

- a) Represent the Order in and out of court, namely before sovereign bodies and community and international organisations;
- b) To preside over the Board, with the casting vote;
- c) To perform and order the performance of the deliberations made by the Board and other national bodies;
- d) To perform the duty of the Board in emergency situations in which such duty is delegated onto him;
- e) To ensure the normal operation of the Order's services, in respect to the Law, the Statute and respective regulations;
- f) To appoint the Vice-President who shall replace him in his absence.

Article 36

Eligibility

For the candidature of the position of the President it is required for the full member to have practiced professionally for a minimum of 10 years.

Article 37

Enforcement

1 — For the Order to be legally bound, the signatures of the President and another acting member are required.

2 — The Board may grant power of attorney for particular acts, stating the scope and time frame of such powers granted.

Article 38

Joint and Several Liability

1 — Members of the bodies are jointly liable for the acts performed during the course of their mandate.

2 — Members exempt from this liability are those who were not present whereupon such deliberation was taken or if they were present, they expressly voted against the deliberation in question.

Article 39

Judicial Committee

The Judicial Committee is comprised of five members and assisted by a legal consultant, in that one of the members is the President and the others are voting members.

Article 40

Duty

It is the duty of the Judicial Committee to:

a) Ensure the compliance of the law, the Statute and internal regulations, by both the bodies of the Order and all of its members;

b) Give an opinion on proposals for regulations;

c) Instruct and judge all the disciplinary proceedings brought against members;

d) Draw up the minutes of meetings held.

Article 41

Operation

1 — The Judicial Committee assembles at the Order's head office when convened by its President.

2 — Deliberations are by majority vote, with the President having the casting vote.

Article 42

Audit Committee

The Audit Committee is comprised of one President and two voting members, one of whom is obliged to be a Chartered Accountant.

Article 43

Duties

It is the duty of the Audit Committee to:

a) Examine and issue an opinion on the annual accounts to be presented by the Board to the Assembly of Representatives;

b) Submit suggestions to the Board that it deems to be of interest;

c) Assess the minutes drawn up in Board meetings;

d) Draw up the minutes of its meetings.

SECTION IV

Regional Offices

Article 44

Regional Bodies

1 — The Regional Assembly is comprised of all the members who are registered with the Order whose professional address is situated in the geographical area within the scope of the regional office.

2 — The Regional Board is comprised of one President and an even number of voting members with a minimum of two.

Article 45

Duty

1 — It is the duty of the Regional Assembly to:

a) Elect its presiding board and members of the Regional Board;

b) Approve the budget, activity plan and accounts of the Regional Board;

c) To deliberate on matters of regional scope of its own initiative or at the request of the Regional Board.

2 — It is the duty of the Regional Board to:

a) Represent the Order in the geographical area in question; namely before public bodies that perform their duties there, whenever it is ordered to do so by the Board;

b) To put the deliberations of the Assembly of Representatives and Regional Assembly into practice. As well as the directives from the Board;

c) To exercise the powers delegated by the Board;

d) To comply with the budget for the regional office;

e) To manage regional services;

f) To prepare and present the annual report and accounts approved by the Regional Assembly to the Board;

g) To deliberate on any matter, providing it is not included in the specific duties of the remaining bodies.

SECTION V

Professional Specialty Colleges

Article 46

Specialties

1 — Specialty colleges may be created whenever a particular subject is deemed to have particular technical and scientific characteristics, the importance of which requires specialised knowledge or professional practice.

2 — Each college is comprised of all the members for whom such specialty is recognised.

Article 47

Foundation Committee

1 — Whenever a professional specialty college is formed, the Board must nominate a Foundation Committee comprised of a President, a Secretary and three Voting Members, with a deadline in which to prepare a proposal for the access conditions and internal and electoral regulations to be submitted for approval by the Assembly of Representatives.

2 — Once the access conditions and internal and electoral regulations have been approved, the Foundation Committee shall proceed to register psychologists who fulfill the conditions stipulated for the title of specialist, after which the election process shall begin.

Article 48

Specialty Council

1 — Each professional specialty college is run by a specialty council, comprised of a President, Secretary, and three Voting Members elected for three years by the members of the specialty in question, in accordance with specific regulations approved by the Board.

2 — The President must have at least five years professional experience in the specialty in question.

Article 49

Duty

It is the duty of the Specialty Council to:

- a) Propose to the Board the criteria for awarding the title of Specialist Psychologist;
- b) To award the title of Specialist Psychologist within the particular domain of the professional practice of psychology in question;
- c) To prepare and maintain updated the general framework for Specialist Psychologists;
- d) To foster closer scientific and professional relationships within the national and international framework of each specialty;
- e) To endeavour for the scientific, technical and professional enhancement of its members;
- f) To draw up the minutes of the meetings held.

CHAPTER III

Members

SECTION I

Registration

Article 50

Mandatory Nature

The title of psychologist, its use and professional practice, in any activity sector, requires registration with the *Ordem dos Psicólogos* as a Full Member.

Article 51

Registration

1 — Persons who are entitled to register with the Order are the following:

- a) Psychology graduates who have undertaken higher education (Bachelor's and Master's degrees) in Psychology;
 - b) Psychology graduates who have completed a four or five year-long degree course, prior to the 31st December 2007;
 - c) National professionals from other European Union Member States who hold the academic and professional qualifications legally required to practice the profession in their respective State of origin;
 - d) Nationals from other States that under conditions of reciprocity obtain equivalence under the terms of the law in force.
- 2 — To become a full member of the Order, a professional internship has to be undertaken.

3 — The registration of professional psychologists is refused if the applicant has failed to provide evidence of higher academic training which includes accredited curricular training and practice in the field of psychology, and does not provide evidence of practising psychology professionally, with the exception of the dismissal foreseen in sub-heading d) of n.º 1 of Article 72.

4 — Registration with the Order may be in any of the specialties recognised by it.

Article 52

Professional Internships

1 — To become a full member of the Order, it is mandatory for the member in question to undertake a professional internship which is promoted and organised by the respective Order.

2 — The professional internship has a duration of:

- a) 12 months for graduates who have undertaken a Bachelor's and Master's degree in Psychology including a curricular internship;
- b) 12 months for Psychology graduates who have undertaken a four or five-year degree course, including a curricular internship;
- c) 18 months for Psychology graduates who have undertaken a four-year degree course, not including curricular internship.

3 — Professional internships are governed by separate regulations to be prepared by the Board and submitted for approval to the Assembly of Representatives during the first semester of the Order's operation.

Article 53

Professional Certificate

1 — Upon the acceptance of the application for registration, a professional certificate is issued by the President.

2 — The professional certificate template is to be submitted for approval by the Assembly of Representatives.

3 — In order to obtain the professional certificate, a pass is required in the professional internship.

Article 54

Suspension and Cancellation

1 — Members of the Order are suspended if:

- a) They are subject to the disciplinary measure of suspension;
- b) They request suspension of their own initiative;
- c) Members find themselves in a situation which is incompatible with the professional practice of psychologist.

2 — Registration with the Order is cancelled for members who:

- a) Are subject to the disciplinary measure of dismissal;
- b) Voluntarily cease to practice professionally and inform the Board of their wishes;

3 — In the case that the sentence applied is the prohibition to practice professionally, registration with the Order ceases immediately.

Article 55

Non-payment of Fees

The non-payment of fees for a period exceeding one year, under the terms to be set forth in a regulation, results in the person being barred from participating in electoral acts for the bodies of the Order.

SECTION II

Categories

Article 56

Categories of Members

The Order has Full members, Associate members, Honorary members and Fellow members.

Article 57

Full Members

Full Members are Psychology professionals who fulfill the requirements set forth herein and have undertaken a professional internship.

Article 58

Associate Members

The following are accepted as Associate Members:

- a) Portuguese citizens who are Psychology graduates who practice their profession abroad;
- b) Members of foreign counterpart associations who confer equal treatment to members of the Order.

Article 59

Honorary Members

1 — Honorary members are individuals or companies who practice or have practised an activity which is recognised as being in the public interest and has contributed towards dignifying and increasing the prestige of the profession of psychologist and is deemed to be worthy of such distinction.

2 — The status of Honorary Member is granted upon proposal by the Board and its approval by the Assembly of Representatives.

Article 60

Fellow Members

1 — Fellow members are legal persons who have contributed towards the Order and are deemed to be worthy of such distinction.

2 — The status of Fellow Member is granted upon proposal by the Board and its approval by the Assembly of Representatives.

SECTION III

Members' Rights and Duties

Article 61

Rights of Full Members

The rights of Full Members are:

- a) To practice the profession of psychologist;
- b) To have the Order's support in defending their professional rights and interests;
- c) To be informed about all the studies, provisions and opinions relating to the practice of the profession;
- d) To request the award of levels of qualification, such as specialist titles;
- e) To suggest and discuss the creation of specialties;
- f) To benefit from editorial activity and use the services offered by the Order;
- g) To elect and be elected for the bodies of the Order;

h) To participate in activities and perform any duties within the scope of the Order, pursuant to the Statute;

i) To participate and benefit from the social, cultural, leisure and scientific activity of the Order.

Article 62

Duties of Full Members

The duties of Full Members are:

- a) To participate in the activity of the Order;
- b) To strictly respect the principles defined in the Code of Conduct;
- c) To provide the collaboration requested by commissions and task forces;
- d) To contribute towards the good standing of the Order and seek to widen its scope of influence;
- e) To perform the duties for which they have been appointed;
- f) To comply with and ensure the compliance of the deliberations of the bodies of the Order;
- g) To pay fees and other regulatory charges;
- h) To maintain their professional competence;
- i) To act in support of the defense of the collective interests of the members of the Order.

Article 63

Rights and Duties of Associate Members

1 — The rights of Associate Members are those listed in Article 61 c) and f).

2 — The duties of Associate Members are those set forth in Article 62 b) and d).

Article 64

Rights of Honorary Members

The rights of honorary members are those listed in Article 61 c).

CHAPTER IV

Financial Regime

Article 65

Income

The Order's income is the following:

- a) Fees paid by members;
- b) Income from the sale of its publications;
- c) Donations, inheritances, legacies and grants;
- d) Income from assets that it owns;
- e) Income from activities and projects;
- f) Other income from its own assets or provision of services.

Article 66

Expenses

Expenses of the Order are set up expenses, staff expenses, maintenance expenses, operation expenses and all such expenses necessary to achieve its objectives.

CHAPTER V

Disciplinary Regime

Article 67

Principle of Responsibility

1 — Members of the Order are answerable disciplinarily pursuant to the terms herein and the disciplinary regulations.

2 — Disciplinary responsibility is independent from civil and criminal responsibility.

Article 68

Exercising Disciplinary Action

The Judicial Committee, the Board and the Public Prosecutor's office can initiate disciplinary procedures.

Article 69

Disciplinary Violations

1 — A disciplinary violation is any action or omission which consists in the fraudulent failure to comply with the duties set forth in the Statute, Code of Conduct or regulations, by any member of the Order.

2 — Any individual or company may bring to the Order's attention acts liable to be deemed to be disciplinary violations by registered psychologists.

Article 70

Expiry of Disciplinary Responsibility

1 — Disciplinary violations expire within a period of five years counting from the time the act took place or the last act was carried out in the case of continued practise.

2 — If the violations are also deemed to be criminal, they expire within the same period as in the criminal procedure, if the latter is longer.

3 — Disciplinary responsibility also expires, if, from the notice to any of the Order's bodies, relevant disciplinary action does not begin within a period of nine months.

4 — The expiry of disciplinary violations is only considered pursuant to paragraph 1 above with regard to disciplinary violations committed after the establishment of the Order.

Article 71

Cessation of Disciplinary Responsibility

Disciplinary responsibility remains in force during the period of suspension from the Order, and does not cease with the request for the cancellation of the registration with the Order, nor with expulsion, for infractions previously committed.

Article 72

Disciplinary Sanctions

1 — The disciplinary sanctions that may be applied are the following:

- a) Warning;
- b) Registered reprimand;
- c) Suspension up to a maximum of six months;
- d) Expulsion.

2 — The sanction listed in sub-heading *a*) is applied to a member who does not comply with any instruction or order given to him by any of the bodies.

3 — The sanction listed in sub-heading *b*) is applied to a member who commits a disciplinary violation in the case of gross negligence or if he re-commits the violation mentioned in the previous paragraph.

4 — The sanction listed in sub-heading *c*) is applied to a member who commits a disciplinary violation that seriously affects the dignity and standing of the profession.

5 — The sanction listed in sub-heading *d*) is applicable when on account of the nature of the profession, the disciplinary violation has placed the life and physical integrity of persons at risk, or it is gravely damaging to the honour or property of third parties or equivalent values.

6 — The application of any of the sanctions mentioned in paragraph 1 above to a member who holds a position in the Order's bodies results in the dismissal from such position.

Article 73

Gradation

In the application of sanctions, the professional and disciplinary history of the defendant, the level of culpability to the extent of the seriousness of the consequences of the violation and all other aggravating or attenuating circumstances must be taken into account.

Article 74

Appeals

1 — Of the decisions made jointly by the Board and Judicial Committee, there is no right to appeal within the scope of the Order, notwithstanding the following provisions.

2 — The acts practised by the bodies of the Order allow a hierarchical appeal to be lodged, within the period permitted of eight working days, when another specific period is not set.

3 — Acts practised by the bodies of the Order may lodge a judicial appeal with the administrative courts under the general terms of the law.

CHAPTER VI

Professional Ethics

Article 75

General Principles

During the practice of their professional activity, psychologists should abide by the following general principles:

- a) To act with professional independence and impartiality;
- b) To honour and dignify the profession;
- c) To place their skills at the service of public interest;
- d) To be committed to establishing a social cooperation dynamic with the aim of improving individual and collective well-being;
- e) To defend and ensure professional secrecy is maintained;
- f) To demand from members and employees respect for confidentiality;
- g) To use the appropriate scientific instruments required for the practice of his profession;
- h) To be aware of and act in accordance with the legal and regulatory rulings;
- i) To comply with the incompatibility standards set forth in the law.

Article 76

General Duties

The psychologist, in practicing his professional activity, must:

- a) Refrain from sanctioning documents or making statements that incorrectly result in benefitting himself or another person;
- b) Avoid distorting the interpretation of the explicit or implicit content of technical documents which support the profession, with the aim of deluding the good faith of another person;
- c) Defend the profession's ethical principles and refuse to participate or collaborate in any service or project that is deemed to be damaging to it;
- d) Exercise his professional activity within fields of psychology for which he has not received specific training;
- e) Refuse any interferences in the practice of his activity that place at stake technical-scientific or ethical aspects of professional conduct, whichever his duties and hierarchical position may be or wherever he carries out his activity;
- f) Refrain from using specific professional materials, for which he has not received appropriate training, that he is aware are outdated or inappropriate to be applied in the specific context.

Article 77

Code of Ethics

The Order creates and maintains updated the Code of Ethics for Portuguese psychologists.

Article 78

Incompatibilities

The psychologist may not:

- a) Hold more than one position simultaneously in the statutory bodies of the Order;
- b) Practice any professional activities undertaken simultaneously with his role as psychologist that lead to any ambiguity with regard to the practice of the profession or that make it difficult to define the boundaries of such practice;
- c) Simultaneously hold positions in the Statutory bodies of the Order and leading functions in the civil service and any other position with which there is a clear conflict of interest;
- d) Hold positions of a trade union nature;
- e) All the other activities mentioned in the Code of Ethics.

Article 79

Professional Secrecy

Psychologists are subject to professional secrecy in all that refers to facts disclosed by clients within the framework of any professional matters.

Article 80

Duties towards the Order

Psychologists, in practising their profession, must:

- a) Comply with this Statute and the Order's regulations;
- b) Comply with the Order's deliberations;
- c) Collaborate in the assignments given by the Order and perform the duties for which they have been elected;
- d) Pay fees due on time to the Order and that have been set under the terms herein;
- b) Maintain any form of collaboration when necessary.

- e) Give notice, within a period of 30 days, of any change of professional address.

Article 81

Reciprocal Duties between Psychologists

Psychologists, in practising their profession, must:

- a) Respect their colleagues' work;
- b) Maintain any type of collaboration when necessary.

CHAPTER VII

Final and Transitional Provisions

Article 82

Foundation Committee

1 — Until the first elections are held, the Order is temporarily managed by a Foundation Committee.

2 — The Foundation Committee is comprised of five members, one of whom is the President.

3 — The Foundation Committee is nominated by the member of the Government responsible for the health sector, within 60 days following the application of interested professional associations.

4 — The mandate of the Foundation Committee is for a term which cannot exceed one year from the date of their nomination, and ceases with the investiture of the Order's national bodies, upon the President taking office.

Article 83

Duties of the Foundation Committee

1 — The Foundation Committee is responsible for:

- a) Preparing the necessary internal regulations for the Order's operation, namely with regard to the electoral acts in question;
- b) To promote registration with the Order pursuant to the law and this Statute;
- c) To create and maintain updated the national register of psychologists;
- d) To manage the activity of the Order on a national level and in accordance with this Statute;
- e) To prepare electoral acts and call the first elections for the national and regional bodies of the Order, until 30 days prior to the end of its mandate;
- f) To carry out all the acts necessary for the establishment and normal operation of the Order;
- g) To swear in the President-elect and provide an account of the mandate undertaken.

2 — In order to carry out its duties, the Foundation Committee is governed by the provisions set forth in this Statute, with the necessary adaptations.

Article 84

Exemption from Professional Internship

Graduates who have undertaken a four or five-year degree course including a curricular internship, who provide evidence of the professional practice of psychology for a minimum period of 18 months until the nomination of the Foundation Committee of the Order under the terms to be defined by it, are exempt from undertaking the professional internship.