

THE NORWEGIAN ACT OF REGISTERED PARTNERSHIP FOR HOMOSEXUAL COUPLES

30-abril-1993

Section 1:

Two persons of the same sex may register their partnership, with the legal consequences which follow from this act.

Section 2:

Chapter 1 of the Marriage Act, concerning the conditions for contracting a marriage, shall have corresponding application to the registration of partnerships. No person may contract a partnership if a previously registered partnership or marriage exists.

Chapter 2 of the Marriage Act, on verification of compliance with conditions for marriage, and chapter 3 of the Marriage Act, on contradiction of a marriage and solemnization of a marriage, do not apply to the registration of a partnership.

A partnership may only be registered if one or both of the parties is domiciled in the realm and at least one of them has Norwegian nationality.

Verification of compliance with the conditions and the procedure for the registration of partnership shall take place according to rules laid down by the Ministry.

Section 3:

Registration of partnerships has the same legal consequences as entering into marriage, with the exceptions mentioned in Section 4.

The provisions in Norwegian legislation dealing with the marriage and spouses shall be applied correspondingly to registered partnerships and registered partners.

Section 4:

The provisions of the Adoption Act concerning spouses shall not apply to registered partnerships.

Section 5:

Irrespective of the provision in Section 419a of the Civil Procedure Act, actions concerning the dissolution of registered partnerships that have been entered into in this country may always be brought before a Norwegian court.

Section 6:

The Act shall enter into force on a date to be decided by the King.

Section 7:

From the date on which the Act enters into force, the following amendments to other Acts shall come into force:

1. The Penal Code, No. 10, of 22 May 1902 is amended as follows:

Section 220 shall read:

Any person who enters into a marriage that is invalid pursuant to §§ 3 or 4 of the Marriage Act, or who enters into a partnership that is invalid pursuant to § 2, first paragraph, second sentence of the Partnership Act, shall be liable to imprisonment for a term not exceeding 4 years. If the spouse or partner was not aware that the marriage or partnership had been entered into contrary to the above-mentioned provisions, he or she shall be liable to imprisonment for a term not exceeding 6 years. Complicity shall be penalized in the same way.

Any person who causes or is accessory to causing a marriage or partnership had been entered into contrary to the above-mentioned provisions, he or she shall be liable to imprisonment for a term not exceeding 6 years. Complicity shall be penalized in the same way.

Any person who causes or is accessory to causing a marriage or **registered partnership** that is invalid because of the forms used, to be entered into with any person who is not aware of its invalidity shall be liable to imprisonment for a term not exceeding 4 years.

Section 338 shall read:

Any person who enters into a marriage or *partnership pursuant to the Act relating to registered partnership* in such a way as to set aside the provisions in force concerning the requirements for a valid marriage or *the requirements* concerning the registration of a valid partnership, dispensation or other statutory conditions, or is accessory thereto, shall be liable to fines.

2. The Marriage Act, No.47, of 4 July 1991 is amended as follows:

Section 4 shall read:

No person may contract a marriage if a previous marriage or **registered partnership** exists.

Section 7, first paragraph, litra e shall read:

e. Each of the parties to the marriage shall solemnly declare in writing whether he or she has previously contracted a marriage or a **registered partnership**. If so, proof shall be presented that the earlier marriage or **registered partnership** has been terminated by death or divorce, or has been dissolved pursuant to section 24.

Proof that the former spouse or **registered partner** is dead is, as a rule, presented in the form of a certificate issued by a domestic or foreign public authority. If such a certificate cannot be obtained, the parties may submit their information and evidence to the appropriate probate judge, cf. Section 8, second cf. first paragraph, of the Probate Act. If administration of the estate does not come under the jurisdiction of a Norwegian probate court, the sigue may may be brought before the probate judge at the place where the fulfilment of the conditions for marriage is verified. The probate court will by order decide whether the evidence shall be accepted. An interlocutory appeal against the order may be made by the party against whom the decision is made. If the evidence is accepted, the probate court shall notify the County Governor, who may make an interlocutory appeal against the order.

Proof that the marriage or **registered partnership** has ended in divorce or been dissolved pursuant to section 24 may be given by presenting the licence or judgement duly certified to be final. The question whether a marriage may be contracted in Norway on the basis of a foreign divorce shall be decided by the Ministry pursuant to the provisions of section 4 of Act No.38 of 2 June 1978.

Section 7, first paragraph, litra j, first paragraph shall read:

j. Each of the parties to the marriage shall provide a sponsor who shall solemnly declare that he or she knows the said party, and shall state whether the said party has previously contracted a marriage or **registered partnership** and whether the parties to the marriage are related to each other as mentioned in section 3.

Section 8, first, second and third paragraphs shall read:

Any person who has previously been married or **has been a partner in a registered partnership** must produce proof that the estate of the parties to the previous marriage or **registered partnership** has been submitted to the probate court for administration, or produce a declaration from the former spouse or **former partner** or heirs stating that the estate is being divided out of court.

This does not apply if a declaration is presented from the previous spouse or **partner** stating that there were no assets in the marriage or **registered partnership** to be divided, or from the heirs of the deceased spouse or **partner** stating that they consent to the survivor remaining in possession of the undivided estate.

If the previous marriage or registered partnership was dissolved in a way other than by death, and if more than two years have elapsed since it was dissolved, it is sufficient that the person who wishes to contract a new marriage states that the estate was divided, or that there was nothing to divide between the spouses or *partners*.