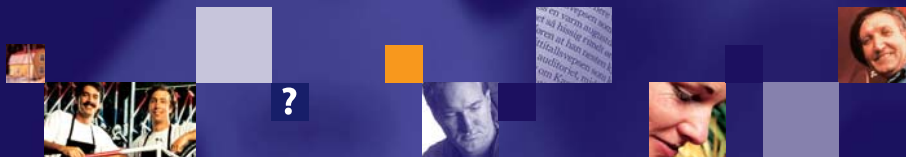


Registered partnership

Act of 30 April 1993 No. 40 relating to Registered Partnership



NORWEGIAN MINISTRY
OF CHILDREN AND EQUALITY

Act of 30 April 1993 No. 40 relating to Registered Partnership

Section 1 Two homosexual 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 apply correspondingly to the registration of partnerships. No person may contract a partnership if a previously registered partnership or marriage subsists.

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

A partnership may only be registered if:

1. at least one of the parties is a Norwegian national and one of them is resident in Norway. Being a national of Denmark, Iceland or Sweden is considered equivalent to being a Norwegian national. The King may decide that nationality of another country which has legislation on registered partnership that corresponds to Norwegian legislation shall be equivalent to Norwegian nationality.
2. at least one of the parties has been resident in Norway for two years immediately prior to registration.

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

Section 3 Registration of a partnership has the same legal consequences as contraction of a marriage, with the exceptions that follow from section 4.

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

Section 4 The provisions of the Adoption Act concerning spouses shall not apply to registered partnerships.

One of the registered partners may nevertheless adopt the other partner's child, cf. section 5 a, second paragraph, of the Adoption Act.

Section 5 Irrespective of the provision in section 419 a of the Civil Procedure Act, actions concerning the dissolution of registered partnerships that have been contracted in this country may always be brought before a Norwegian court.

Section 6 This Act shall enter into force on a date to be decided by the King.

Amended by the Act of 21 December 2000 No. 104 (in force from 1 March 2001 pursuant to the Decree of 21 December 2000 No. 1350).

Amended by the Act of 15 June 2001 No. 36 (in force from 1 January 2002 pursuant to the Decree of 15 June 2001 No. 612).

INTRODUCTION

The Act relating to Registered Partnership entered into force on 1 August 1993. The Partnership Act enables two homosexual persons of the same sex to enter into a registered partnership with one another. A registered partnership has the same legal consequences as a marriage, with the exception of the right to adopt children together. However, homosexual partners may adopt the other partner's child (stepchild adoption).

CONTRACTING A REGISTERED PARTNERSHIP

Before a partnership can be registered, compliance with the conditions for contracting the partnership must be verified. The procedure of making sure that the conditions have been satisfied is carried out by the population register, and the actual registration is carried out by a notary public.

City recorders (*byfogd*) or district courts (*tingrett*) are notaries public. Which authority you should contact depends on where you live in Norway.

CONDITIONS FOR REGISTERING A PARTNERSHIP

In order to enter into a registered partnership, both persons must be over 18 years of age and capable of managing their own affairs. If you are less than 18 years old or have been declared incapable of managing your own affairs, or if a provisional guardian has been appointed for you, the person with parental responsibility for you or your guardian must give his or her consent. If you are less than 18 years old, the county governor must also consent to registration of the partnership.

No one may enter into a partnership if they are still legally bound by a previous registered partnership or marriage.

At least one of the parties must be a Norwegian, Swedish, Danish, Finnish, Netherlands or Icelandic national and one of them must be resident in Norway in order to be able to register as partners. Foreign nationals who do not satisfy the requirement as regards nationality may enter into a registered partnership in Norway if at least one of the parties has been resident in Norway during the two years immediately prior to registration. However, two Norwegian nationals who are both resident in Sweden, for instance, may not enter into a registered partnership in Norway.

A foreign national who wishes to enter into a registered partnership in Norway must be a lawful resident of the country.

VERIFICATION OF COMPLIANCE WITH THE CONDITIONS FOR REGISTERED PARTNERSHIP

The population register in the town where one of the parties lives must make sure that the conditions for registering a partnership have been satisfied.

Before the population register can carry out verification, you must fill in the necessary forms and present any other documents that may be required. The forms (statement by the parties to the registered partnership and statement by the sponsor) may be obtained from the population register. The forms may also be found on the website of the Ministry of Children and Equality.

If both of you are foreign nationals, one of you must present documentary proof that you have been resident in Norway during the two years immediately prior to registration. The requirement as regards connection/residence is deemed to be satisfied if one of you can present documentary proof of having had a residence permit that can provide the basis for a settlement permit for the two years immediately prior to registration. If either of you is a foreign

national and does not live permanently in Norway, you must present a certificate from the authorities in your home country indicating your civil status. A foreign national must also present documentary proof that he or she is lawfully resident in this country. Whether or not a foreign national is lawfully resident in Norway is determined by the provisions of the Immigration Act. It is important to be aware that foreign nationals may be lawfully resident even if they do not have a residence permit, for example during the three-month period that a foreign national who does not require a visa is allowed to stay in Norway without special permission.

If either of you has previously contracted a registered partnership or marriage, you must show proof that the partnership or marriage has been terminated by death or divorce.

This may be proved, for instance, by presenting a copy of the divorce licence. If your previous registered partnership or marriage was dissolved abroad, the dissolution must be approved by the county governor in order to be valid in Norway. Proof must also be presented that

the estate has been submitted to the probate court for administration, or a declaration must be presented from the former partner/spouse or the heirs stating that the estate is being divided out of court. If two years have passed since the divorce, it is sufficient that you fill out and submit the special form concerning division of the estate. The population register will issue a certificate stating that compliance with the conditions for registered partnership has been verified and that there is nothing to prevent registration from taking place.



REGISTRATION

The ceremony is held in the premises used for such purposes by the notary public. Registered partnerships may be contracted at the Norwegian Embassy in Stockholm, Brussels, Madrid, Copenhagen and the Hague (as of June 2006).

Registration is carried out by the notary public (a judge or a deputy judge), who reads out a text that emphasizes the significance of the act. When both parties have declared their willingness to enter into a registered partnership with one another, the partnership is declared to be lawfully contracted.

After the partnership has been declared to be lawfully contracted, the partners and two witnesses must sign the document confirming registration of the partnership.

If either of the parties has any special wishes regarding the ceremony, such as an exchange of rings, or the reading of a poem, this must be agreed in advance with the notary public.

The notary public sends notification of the registration of the partnership to the population register in the municipality in which the youngest partner was resident before registration. The population register issues a certificate of registered partnership and sends it to the partners.

LEGAL CONSEQUENCES OF REGISTERED PARTNERSHIP

Apart from the right to have the partnership solemnized and the right to adopt children together, the provisions in Norwegian legislation dealing with marriage and spouses apply correspondingly to registered partnership and registered partners. This means that registered partners have the same rights and duties as married couples in relation to one another and to society. Even if the provisions of the Adoption Act regarding spouses do not apply to registered partners, one of the registered partners may nevertheless adopt the other partner's child (stepchild adoption).

The status of a registered partnership abroad is explained in a separate section below.

IMPORTANT ISSUES

Two persons who have contracted a registered partnership will be considered one another's next of kin under all circumstances.

If you wish to change your name in connection with the registration of your partnership, you must fill in the form for notification of change of name and send it to the population register.

The provisions of the Adoption Act regarding spouses do not apply to registered partners. This means that two persons who have contracted a registered partnership will not be able to adopt children together. However, one of the registered partners may adopt the other partner's child (stepchild adoption). Furthermore, only married couples and heterosexual cohabitants whose relationship is similar to marriage may conceive children by means of assisted insemination.

A foreign national who is not resident in Norway may be granted a residence permit on condition that he or she contracts a registered partnership in this country. Naturally, the other conditions for a residence and work permit must also be satisfied.

A person who has contracted a registered partnership may not enter into a new partnership or marriage until the previous partnership has been dissolved by divorce or death. Under Norwegian law, bigamy is a criminal act. A registered partnership will not normally have legal consequences in countries that do not recognise homosexual partnerships/marriages. Authorities in some countries will regard the person in question as unmarried and may permit him or her to contract a marriage. However, any person who contracts a marriage abroad despite the fact that he or she is legally bound by an existing registered partnership may be convicted of bigamy in Norway.

Two persons who have entered into a registered partnership

have the same rights and obligations as a married couple. This is particularly significant in relation to the National Insurance Act. Among other things, this means that a single parent who enters into a registered partnership will lose his or her right to an extra family allowance. A registered partner who supports the other partner and who receives a disability or old-age pension is entitled to a supplement for the supported partner. If both persons are pensioners, their basic pension when they become registered partners will be lower than the pension they received as single persons or cohabitants. A surviving registered partner may also be entitled to a survivor's pension from the National Insurance Scheme.

When you contract a registered partnership, this will affect any private or collective insurance you may have. This applies both to non-life insurance, including "combined" insurance which also comprises liability and legal aid insurance, and to personal insurance, i.e. life insurance, accident insurance and sickness insurance. However, insurance contracts vary considerably depending on the type of insurance. Your insurance company must inform you about the scope of the individual insurance policy.

The provisions of the Taxation Act apply to registered partners in the same way as to spouses. This means that a partner who supports the other partner is entitled to be placed in the Class 2 income tax category. Registered partners are entitled to inherit each other's estates in the same way as spouses. Inheritance tax is computed in the same way as for spouses.

THE FINANCIAL RELATIONSHIP BETWEEN PARTNERS

The provisions concerning community property, separate property and the obligation to pay maintenance also apply to registered partners.

Special rules regarding residences and joint household goods apply to registered partners in the same way as to spouses. If one of the partners wishes to mortgage, lease out or sell the residence or "ordinary" common household goods, he or she must have the consent of the other partner. For transactions concerning the residence, consent must be obtained in writing. For household goods, however, the other partner's verbal consent is sufficient.

The Ministry of Children and Equality has, in collaboration with the Ministry of Justice, published a brochure entitled *Det økonomiske forholdet mellom ektefeller* (Property Relations between Spouses - available in Norwegian only), which explains the most important rules. Although the brochure refers only to spouses, it also applies to registered partners. The brochure may be found on the website of the Ministry of Children and Equality.

YOUR STATUS AS REGISTERED PARTNER ABROAD

A registered partnership contracted in Norway is not normally recognized in countries that do not have comparable legislation. This means that a registered couple who take up residence in a country that does not have comparable legislation will be treated as single persons.

A temporary stay abroad does not affect the legal civil status of registered partners. This means that travel insurance



taken out in the name of one of the partners and his or her family, which under Norwegian law covers the registered partner, is also valid abroad. However, it may be difficult to convince a hospital in another country of this. It is therefore recommended that both names be specified on the insurance certificate that you take with you when you travel.

DISSOLVING A REGISTERED PARTNERSHIP

Problems can crop up in every relationship. Assistance is available from a variety of sources to help you understand your problems and perhaps solve them.

You can contact a family counselling service office, which is staffed by experts in a number of fields. You may also consult a doctor, psychologist, social worker or lawyer. Ministers who take a positive view of homosexual cohabitation may also be willing to provide counselling. In addition, the health authorities and social welfare offices can offer counselling and assistance to partners who are in the process of separating.

PROCEDURE FOR DISSOLVING A REGISTERED PARTNERSHIP

A registered partnership is dissolved in the same way as a marriage, i.e. the partners cease to live together, separate and divorce one another.

SEPARATION

Each of the registered partners may demand a separation. Separation licences are granted by the county governor.

The provisions regarding compulsory mediation apply to cou-

ples who have children of their partnership under 16 years of age. When one partner has adopted the other partner's child as his or her stepchild, the partners must attend mediation proceedings before they may apply for separation or divorce on the ground that they have ceased to cohabit.

Applications for separation are dealt with by the county governor. During the period of separation, you are technically still registered partners. Therefore, you may not enter into a new partnership or marriage during this period.

DIVORCE

Each of the registered partners may demand a divorce when they have been separated for at least one year.

Each of the registered partners may also demand a divorce if they have not cohabited for at least two years. Almost all applications for divorce are dealt with by the county governor.

It is only in special cases, such as when divorce is demanded on grounds of abuse or bigamy, that divorce cases are brought before a court.

The Ministry of Children and Equality has published a brochure entitled *Separation and Divorce*, which contains further information. This brochure was written before the Registered Partnership Act entered into force and thus only refers to spouses. However, it applies correspondingly to registered partners. You may obtain the brochure from the county governor's office. It may also be found on the website of the Ministry of Children and Equality.



ADVICE AND ASSISTANCE

Free legal aid is a programme established to help people with low incomes. This programme offers free legal advice, i.e. it covers the costs of seeking advice from a lawyer. Free legal aid also covers the costs of lawyer's and court fees in connection with a court case, if you have a low income. For further information concerning the free legal aid programme, contact the county governor's office in your county, or a lawyer.

Counselling Service for Gays and Lesbians

Olafiklinikken, Grensen 5-7,
0159 Oslo
Tel. +47 22 08 29 50 (for appointments)

Norwegian Association for Lesbian and Gay Liberation (LLH)

Kongensgt. 12
P.O. Box 948 Sentrum, 0104 Oslo
Tel. +47 23 10 39 39

The Norwegian Gay Health Committee

Kongensgt. 12
P.O. Box 1004 Sentrum, 0104 Oslo
Tel. +47 23 35 72 00

Juss-Buss

Arbinsgt. 7, 0253 Oslo
Tel. +47 22 84 29 00

Legal Advice for Women (JURK)

P.O. Box 2691 Solli, 0204 Oslo
Tel. +47 22 84 29 50

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Brochures published by the Ministry of Children and Equality:

Separation and Divorce

Det økonomiske forholdet mellom ektefeller (Property Relations between Spouses - available in Norwegian only)

Mediation for parents

Relevant legislation:

Act of 30 April 1993 No. 40 relating to Registered Partnership

Act of 4 July 1991 No. 47 relating to Marriage

Act of 3 March 1972 No. 5 relating to Inheritance

Act of 17 June 1966 No. 12 relating to the National Insurance Scheme

Copies of these acts may be purchased at or ordered through a bookstore.