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More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries. (Documents de travail n°125)

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Major legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners in Norway

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Symbols and words used in the national tables:

Applicable answer	Answer code	Colour	Points given for calculation of level of legal consequences
The legal consequence applies.	Yes	White	3 pt
The legal consequence applies in a limited way or not in all circumstances, or it can be contracted out of, or courts can set it aside using some general legal principle, etc.	Yes, but	Light pink	2 pt
The legal consequence only applies in a very limited way or in very few circumstances, or it can be established by contract, or by courts using some general legal principle, etc.	No, but	Middle pink	1 pt
The legal consequence does not apply.	No	Dark pink	0 pt
No information was available on this point, or the legal position is unclear.	Doubt	Middle pink	1 pt
The column is not applicable in the country, because this type of relationship is not legally recognised (yet).	X	Dark pink	0 pt

Additional information	Answer code
The legal consequence is only available after the specified number of years.	>x years
The legal consequence is only available after the specified number of months.	>x months
Year of entry into force of the legislation providing the legal consequence (or the particular relationship type), or year of supreme court decision establishing its existence. (Where two years are given, the first indicates the introduction of a more limited version of the consequence; where no year is given, the legal consequence mostly applies since the introduction of the particular relationship type, or already for a long time.)	(Year)

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Introduction

This chapter aims to represent the law as it stood early in 2004.

Translations of many Norwegian laws can be found at www.ub.uio.no/ujur/ulov/. This site also links to the current Norwegian text of these laws.

Civil marriage

The Marriage Act (lov om ekteskap) of 4 July 1991 No. 47, which entered into force 1 January 1993, contains the main provisions of civil marriage according to Norwegian law. The act contains procedural provisions regarding marriage and divorce (part I). The Act also regulates the property relationship between spouses both during marriage and by divorce; in fact most of the provisions in the Norwegian Marriage Act are provisions regarding the economic relationship between the spouses (part II), such as the right of disposal of property, liability of spouses for debts and agreements regarding property. Part II of the Marriage Act does also contain regulations on the division of assets in case of separation. Part III contains provisions of maintenance and spouse's pension.

The provisions in the Marriage Act of 1991, or similar provisions were earlier found in three different acts; the Act on Contraction and Dissolution of Marriage of 31 May 1931 No. 2, the Act on Spouses Property Relationships of 20 May 1927 No. 1, and finally the Probate Act of 21. February 1930. However, the main principles in Norwegian family law are the same in the present Marriage Act as it was under the previous regulations.

The Marriage Act is not exhaustive regarding legal consequences of marriage. E.g. the National Insurance Act of 28 February 1997 No. 19, regulates the question of statutory survivor's pension, and the right to take the other spouse's name is regulated in the Act Relating to Names of Natural Persons of 6 July 2002 No. 19. Other consequences of marriage are regulated in a broad spectre of acts and regulations in various fields of law.

The wording of the law is of course the main source of law in Norwegian law in fields of statutory law, as it is in most other countries. In Norway, the preparatory works of the acts are also of great importance as sources of law. There are also quite a few Supreme Court decisions on family law. Preparatory works and Court decisions can be found at www.lovdatab.no/. There is not much literature in English on Norwegian family law. The only reference I can give is P. Lødrup, 'Norway', in: C. Hamilton & A. Perry (eds.) *Family Law in Europe*, London/Edinburgh, 2002.

Registered partnership

The Act on Registered Partnerships for Homosexual Couples (partnerskapsloven) of 30 April 1993 No. 40, which entered into force 1 august 1993, was the first legislation in Norway that gave homosexual partners the possibility of having a formalized relationship with almost the same rights and liabilities as married couples have. Even though the relationship is not called a marriage, most of the provisions in the Marriage Act do apply also to registered partners.

The equal status of registered partnerships and marriages is emphasized in the Partnerships Act section 3. In the first paragraph of section 3, it says that 'registration of partnerships has the same legal consequences as entering into marriage, with the exceptions mentioned in section 4'. (Section 4 says that the Adoptions Act does not apply to registered partnerships). The main principle in the first paragraph is followed up in the second paragraph which says that 'the provisions in Norwegian legislation dealing with marriage and spouses shall be applied correspondingly to registered partnerships and registered partners'.

The Partnerships Act has been amended several times, for example by the Act of 21 December 2000 No. 104 (citizenship and residence requirement) and by the Act of 15 June 2001 No. 36 (adoption). The right of registered partners to adopt is an issue that is discussed at high level in the Norwegian parliament, where more amendments are likely to come. An English translation of the Act up to the amendments of 2001 can be found in: K. Boele-Woelki & A. Fuchs (eds.), *Legal Recognition of Same-Sex Couples in Europe*, Antwerp, Intersentia, 2003, p. 218-219.

Informal cohabitation

There is no act that regulates the major consequences of informal cohabitation, such as the Marriage Act does for civil marriages and the Act on Registered Partnerships for Homosexual Couples does for registered partnerships. However, different-sex and same-sex informal cohabitation has been recognised in several laws. The regulations are very fragmentary, and you have to look up several acts and regulations to get an overview of the consequences of informal cohabitation. The Act Relating to the Joint Residence and Household when a Household Community Ceases to Exist, of 4 July 1991 No. 45, seems to be the only act that specifically regulates informal cohabitation.

The Norwegian government has set up an expert commission in connection to the legal aspects of informal cohabitation. Such commissions or expert panels are often set up when important acts are going to be revised, or when legislation is needed in a new area. The committee gives a draft bill or several draft bills and a

detailed report on the needs for legislation and the present state of the law in that specific field of law. These preparatory works are the first step of the legislation process in Norway. The preparatory works are printed in *Norges offentlige utredninger* (Public Reports of Norway) and published by the government. NOU 1999:25 *Samboerne og samfunnet* (The Cohabitants and the Community) contains all drafts to amendments to the present legislation. The draft can be found at www.lovdatab.no (only Norwegian text).

In this first step of the legislation process the committee has, among other things, proposed a legal definition of informal cohabitants. Today there are several definitions of informal cohabitants. Some definitions refer to a marriage-like relationship; other definitions emphasize the permanence of the relationship (they have a time limit, e.g. two years) or whether the parties have common children. The committee emphasizes that a definition must include relationships that are marriage-like and stable. The criteria presented by the committee are that the parties must be over 18 years of age, they are not married (to somebody else), they are not close relatives, they have a common household, and that there are only two of them. If they have common children, there is no requirement for permanence, but if they do not have any children together, the relationship must have lasted for more than two years. The two year limit is not randomly picked. Statistics show that informal cohabitants break up 14 times more often than married couples do in the first two years of the relationship, but only four times more often after four years of cohabitation. For the proposed criteria for a legal definition of informal cohabitants and the statistics, see NOU 1999:25, chapter 12.1. The two year limit is also the most frequent requirement in legislation that gives informal cohabitants and married couples equal rights.

The next step in the legislation process is a hearing based on the NOU and a report from the ministry in charge of the specific field of law containing draft bills to the Parliament (*Stortinget*). This second step is not yet reached for legislation on informal cohabitation. However, the preparatory works will probably lead to more legislation on informal cohabitants, and give them a more equal status to married couples (and registered partners).

Abbreviations

AA = Act on Adoption of 28 February 1986 No. 8.

PA = Act on Registered Partnerships for Homosexual Couples of 30 April 1993 No. 40.

MA = Marriage Act of 4 July 1991 No. 47.

NIA = National Insurance Act of 28 February 1997 No. 19.

Table A (Norway): Parenting consequences

	Civil marriage		Registered partnership		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)	Different-sex	Same-sex
1. When female partner gives birth, both partners automatically become legal parents	Yes	X	X	No	No, but	No
2. Medically assisted insemination is lawful for women in such a relationship	Yes	X	X	No	Yes, but	No
3. When only one partner is the parent of a child, both partners can have parental authority or responsibilities during their relationship	Yes, but	X	X	Yes, but	Yes, but	Yes, but
4. When only one partner is the parent of a child, the other partner can adopt it and thus become its second parent	Yes	X	X	Yes, but (2002)	No	No
5. Partners can jointly adopt a child	Yes	X	X	No	No	No
6. One partner can individually adopt a child	No, but	X	X	No, but	No, but	No, but
7. Partners can jointly foster a child	Yes	X	X	Yes	Yes	Yes
Level of legal consequences	5x3 + 1x2 + 1x1 = 18	7x0 = 0	7x0 = 0	1x3 + 2x2 + 1x1 + 3x0 = 8	1x3 + 2x2 + 2x1 + 2x0 = 9	1x3 + 1x2 + 1x1 + 4x0 = 6

Notes to table A

A1 - In marriage, the mother's husband is automatically recognized as legal parent due to the *pater est* provision in art. 3 of the Children's Act of 8 April 1981 No. 6. In different sex informal cohabitation, the male partner has to admit to public authorities that he is the biological father to the child in order to be recognized as legal parent (art. 4). The partner in a lesbian relationship will never become legal parent when her partner gives birth.

A2 - The cohabitation has to be 'marriage-like', i.e. the couple must have lived together for some period of time or having children together (art. 2-2 of the Act on Biotechnology of 5 August 1994 No. 56). The act excludes same-sex couples because it is required that the inseminated female shall be married to or in a 'marriage-like' relationship with a man.

A3 - Both partners can have parental authority only if the other parent of the child is dead. Then the court can decide to give the authority to the remaining parent and his/her partner.

A4 - Registered partners cannot adopt the child if the child is originally adopted from a country that does not permit such adoption (art. 5a AA). Registered partners were given the right to adopt the other partner's children, with the exception mentioned above, by amendment of 2001, which is in force from 1 January 2002.

A5 - Art. 5 AA.

A6 - Married spouses can only adopt individually if the other spouse is mentally incapacitated or has disappeared (art. 5 AA). The AA does not exclude registered partners from adopting individually if the general provisions in art. 2 and 3 AA are fulfilled, neither does the Act exclude informal cohabitants from adopting individually. However, it must be said that individual adoptions are rather rare, and that it requires a special binding between the child and the adoptive parent, e.g. biological relationship or a previous foster parent relationship.

A7 - Persons selected as foster parents shall have a special aptitude for giving children a secure and good home (art. 4-22 (2) of the Act Relating to Child Welfare Services of 17 July 1992 No. 100). The act does not by its wording exclude same-sex couples but the practise from the children welfare authorities show that they are quite reluctant to let homosexual parents foster children that are not one of the partners' own children.

Table B - part one (Norway): Material consequences in private law

	Civil marriage		Registered partnership		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)	Different-sex	Same-sex
1. Properties of each partner are considered joint property	No	X	X	No	No	No
2. Debts of each partner are considered joint debt	No, but	X	X	No, but	No	No
3. In case of splitting up, statutory rules on alimony apply	Yes	X	X	Yes	No	No
4. In case of splitting up, statutory rules on redistribution of properties apply	Yes	X	X	Yes	Yes, but (1991)	Yes, but (1991)
5. In case of wrongful death of one partner, the other is entitled to compensation	Yes, but	X	X	Yes, but	Yes, but	Yes, but
6. When one partner dies without testament, the other is an inheritor	Yes	X	X	Yes	No	No
Level of legal consequences	3x3 + 1x2 + 1x1 + 1x0 = 12	6x0 = 0	6x0 = 0	3x3 + 1x2 + 1x1 + 1x0 = 12	2x2 + 4x0 = 4	2x2 + 4x0 = 4

Notes to table B - part one

B1 - Marriage entails no joining of properties and no limitation of the right of a spouse to dispose of what he or she owns when the marriage is contracted or later acquires (art. 31 MA). The same applies to registered partners (art. 3 PA). The same of course also applies to informal cohabitants.

B2 - The general rule regarding the liability of debts is that a spouse may not contract a debt which affects the other spouse unless this is specially authorized (art. 40 MA and art. 3 PA). However married couples and registered partners may on the liability of both spouses enter into ordinary agreements regarding the daily housekeeping and the upbringing of the children and ordinary agreements to cover the necessary requirements of individual spouse (art. 41 MA).

B3 - Chapter 16 MA.

B4 - Art. 62, 67 and 74 MA. There are special provisions regulating the common house, apartment, and movables. For informal cohabitants similar provisions are found in art. 2 of the Act Relating to the Right to the Joint Residence and Household when a Household Community Ceases to Exist of 4 July 1991 No. 45. This act does only apply to cohabitants who have lived together for more than two years or who have children together or are expecting children together (art.1).

B5 - It depends on whether the partner or spouse actually was supported economically by the deceased, regardless of any statutory obligation to support (see P. Lødrup, *Lærebok i erstatningsrett* (Law on torts), Oslo, 1995, p. 396 et seq.).

B6 - Art. 6 etc. of the Inheritance Act of 3 March 1972 No. 5.

Table B - part two (Norway): Positive material consequences in public law

	Civil marriage		Registered partnership		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)	Different-sex	Same-sex
7. Relationship can result in lower property tax	Yes	X	X	Yes	No	No
8. Relationship can result in lower income tax	Yes	X	X	Yes	No	No
9. Public health insurance of one partner covers medical costs of other partner	Yes	X	X	Yes	Yes, but	No, but
10. Relationship can have positive impact on basic social security payment in case of no income	No, but	X	X	No, but	No, but	No, but
11. Relationship can have positive impact on statutory old age pension	No	X	X	No	No	No
12. When one partner dies, the other can get a statutory survivor's pension	Yes	X	X	Yes	Yes, but	No, but
13. Surviving partner pays no inheritance tax (or less than a mere friend would)	Yes	X	X	Yes	Yes, but (2002)	No, but (2002)
Level of legal consequences	5x3 + 1x1 + 1x0 = 16	7x0 = 0	7x0 = 0	5x3 + 1x1 + 1x0 = 16	3x2 + 1x1 + 3x0 = 7	4x1 + 3x0 = 4

Notes to table B - part two

B7 - There are two classes of tax payers: class 1 and class 2. Class 2 does only apply to married (and registered) couples. Married and registered partners can decide for themselves whether to be taxed as class 1 or class 2 tax payers. The major difference between tax payers of class 1 and class 2, is that when a couple are taxed as class 2 tax payers, their joint income and joint allowances are summed up and subject to common assessment. The class 2 tax may be lower than class 1, but the total effect depends on the total economy of the family, and on which allowances can be made. See the Parliament's tax decisions for the year 2003 (tax decisions are taken annually by the Parliament (Stortinget); according to the Norwegian Constitution (Grunnloven of 17 May 1814) and constitutional doctrine, tax decisions are not considered as legislation but as plenary decisions).

B8 - A married or registered couple can choose whether to have separate or common assessment. It will depend on their income whether separate or common assessment gives the highest income tax (art. 2-10 to 2-12 of the Tax Act of 26 March 1999 No. 14).

B9 - Public health insurance covers medical costs for married spouses and registered partners. Public health insurance covers medical costs of the other cohabitant only if the couple have children together, previously have had children together or previously have been married (or registered partners) (art.1-5 NIA). (Only the last alternative will apply to same-sex cohabitants.)

B10 - See note B8 old / B16 new - It depends on the municipality social welfare office's discretionary power.

B11 - See note to B10 old / B17 new - Married spouses, registered partners, and cohabitants if the couple have children together, previously have had children together or previously have been married (or registered partners), get less pension than singles (art. 3-2, 3-3, 19-5 and 1-5 NIA).

B12 - Married and registered partners may have survivor's pension pursuant to chapter 17 of the NIA. The same applies to cohabitants if the couple have children together, previously have had children together or previously

have been married (or registered partners) (art. 1-5 NIA). (Only the last alternative will apply to same-sex cohabitants.)

B13 - Surviving married partners are exempted from paying any inheritance tax (art. 4(3) of the Act Relating to Inheritance Duty and Duty on Certain Gifts of 19 June 1964 No. 14). The same applies to surviving registered partners (art. 3(2) PA). By Act of 28 June 2002 No. 49, art. art 4(3) of the Act Relating to Inheritance Duty and Duty on Certain Gifts was amended, and the present provision applies to informal cohabitants (same-sex and different-sex). Informal cohabitation is defined in art. 47a, which refers to art. 1-5 NIA, i.e. informal cohabitants who have children together, who previously have had children together, or who previously have been married (or registered partners). Only the last alternative will apply to same-sex cohabitants.

Table B - part three (Norway): Negative material consequences in public law

	Civil marriage		Registered partnership		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)	Different-sex	Same-sex
14. Relationship can result in higher property tax	No	X	X	No	No	No
15. Relationship can result in higher income tax	No	X	X	No	No	No
16. Relationship can have negative impact on basic social security payment in case of no income	No, but	X	X	No, but	No, but	No, but
17. Relationship can have negative impact on statutory old age pension	Yes	X	X	Yes	Yes, but	No, but
Level of legal consequences	1x3 + 1x1 + 2x0 = 4	4x0 = 0	4x0 = 0	1x3 + 1x1 + 2x0 = 4	1x2 + 1x1 + 2x0 = 3	2x1 + 2x0 = 2

Notes to table B - part three

B14 - The Parliament's tax decisions for the year 2003.

B15 - See note B8 - A married or registered couple can choose whether to have separate or common assessment. It will depend on their income whether separate or common assessment gives the highest income tax (art. 2-10 to 2-12 of the Tax Act of 26 March 1999 No. 14).

B16 - It depends on the municipality social welfare office's discretionary power.

B17 - Married spouses, registered partners, and cohabitants if the couple have children together, previously have had children together or previously have been married (or registered partners), get less pension than singles (art. 3-2, 3-3, 19-5 and 1-5 NIA).

Table C (Norway): Other legal consequences

	Civil marriage		Registered partnership		Informal cohabitation	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)	Different-sex	Same-sex
1. One partner can have or use surname of the other	Yes	X	X	Yes	Yes, but	Yes, but
2. Foreign partner of resident national is entitled to a residence permit	Yes	X	X	Yes	>2 years: Yes (1990)	>2 years: Yes (1990)
3. Relationship makes it easier for foreign partner to obtain citizenship	No	X	X	No	No	No
4. In case of criminal prosecution, one partner can refuse to testify against the other	Yes	X	X	Yes	Yes, but	Yes, but
5. When one partner uses violence against other partner, specific statutory protection applies	Yes	X	X	Yes	Yes	Yes
6. In case of accident or illness of one partner, the other is considered as next of kin for medical purposes (even without power of attorney)	Yes	X	X	Yes	Yes	Yes
7. Organ donation from one living partner to the other is lawful	Yes	X	X	Yes	Yes	Yes
8. When one partner dies, the other can continue to rent the home	Yes	X	X	Yes	Yes, but (1991)	Yes, but (1991)
9. Partners have a duty to have sexual contact	No	X	X	No	No	No
Level of legal consequences	7x3 + 2x0 = 21	9x0 = 0	9x0 = 0	7x3 + 2x0 = 21	4x3 + 3x2 + 2x0 = 18	4x3 + 3x2 + 2x0 = 18

Notes to table C

C1 - Married spouses and registered partners may use the surname of the other; art. 4 (1)(1) of the Act Relating to Names of Natural Persons of 6 July 2002 No. 19. The same applies to informal cohabitants who have children together or have been living together for more than two years (art. 4(2)).

C2 - Art. 9 of the Immigration Act of 24 June 1988 No. 64. This article uses the concept of 'closest members of the family', which is defined by art. 23(b) of an administrative regulation of 21 December 1990 (No. 1028); this definition includes informal cohabitants who have been living together for more than two years and who intend to keep on living together.

C3 - The provisions on citizenship do not say anything about this question.

C4 - Married spouses and registered partners can refuse to testify against the other (art. 122 of the Criminal Procedure Act of 22 May 1981 No. 25). The same applies to persons living together in a marriage like relationship; i.e. informal cohabitants who have for some period of time lived together or have children (or are expecting children) have the same status as married couples and registered partners.

C5 - Art. 228 of the General Civil Penal Code art. 228. ('Civil' is in contrast to military; there also is a military criminal code.)

C6 - Art. 3-3 of the Act of 2 July 1999 No. 63. The legal situation on this point was the same prior to 1999.

C7 - Art. 1 of the Transplantation Act of 9 February 1973 No 6. The act does not say anything about couples or partners.

C8 - Widows, widowers and widowed registered partners may continue to rent the home (art. 8-2 of the Tenancy Act of 26 March 1999 No 17). The same applies to informal cohabitants who have lived together for more than two years or who have children together or are expecting children together (art. 1 of the Act Relating to the Right to the Joint Residence and Household when a Household Community Ceases to Exist of 4 July 1991 No. 45).

C9 - Neither married couples, registered partners nor informal cohabitants have a duty to have sexual contact. However, in order to be registered partner it is provided that you are homosexual (PA art 1), but this does off course not imply that you are obliged to be sexually active. If a spouse, registered partner or informal cohabitant, by force compels his or her partner to perform sexual activities, this may constitute a rape under Norwegian law.

Table D (Norway): Types of discrimination by employers or service providers that are prohibited in anti-discrimination legislation

	Between married spouses and registered partners	Between married spouses and informal cohabitants	Between registered partners and informal cohabitants	Between same-sex and different-sex partners (with same status)
1. With respect to housing	Yes (1993)	No	No	Yes (1981)
2. With respect to life insurance	Yes (1993)	No	No	Yes (1981)
3. With respect to health insurance	Yes (1993)	No	No	Yes (1981)
4. With respect to medically assisted insemination	No	No	No	No
5. With respect to other services	Yes (1993)	No	No	Yes (1981)
6. With respect to an occupational survivor's pension	Yes (1998)	No	No	Yes (1998)
7. With respect to other spousal benefits in employment	Yes (1998)	No	No	Yes (1998)

Notes to table D

D1 - Discrimination because of homosexual lifestyle is a punishable offence (art. 349a of the General Civil Penal Code, as amended by the Act of 8 May 1981 No. 14)

D2 - See note D1.

D3 - See note D1.

D4 - Art. 2-2 of the Act on Biotechnology of 5 August 1994 No. 56.

D5 - See note D1.

D6 - Employment discrimination because of homosexual lifestyle is forbidden by Art. 55a of the Worker Protection and Working Environment Act (Lov om arbeidsmiljø) of 4 February 1977, as amended by the Act of 30 April 1998 No. 24.

D7 - See note D6.

Table E (Norway): Types of couples that qualify for starting a civil marriage or registered partnership in the country itself

		Civil marriage		Registered partnership	
		Different-sex	Same-sex	Different-sex	Same-sex (1993)
Resident national with:	1. Resident national	Yes	X	X	Yes
	2. Non-resident national	Yes	X	X	Yes
	3. Resident foreigner	Yes	X	X	Yes
	4. Non-resident foreigner	Yes, but	X	X	Yes, but
Non-resident national with:	5. Non-resident national	Yes	X	X	No
	6. Resident foreigner	Yes	X	X	Yes, but
	7. Non-resident foreigner	Yes, but	X	X	No
Resident foreigner with:	8. Resident foreigner	Yes	X	X	Yes, but (2001)
	9. Non-resident foreigner	Yes, but	X	X	Yes, but (2001)
Non-resident foreigner with:	10. Non-resident foreigner	Yes, but	X	X	No
11. Sister or brother with sister or brother		No	X	X	No
12. Parent with child		No	X	X	No

Notes to table E

E1 - Chapter 1 MA and art. 2 PA regulate these questions. People are qualified for starting a civil marriage or registered partnership if the general requirements (age 18, not close relatives, not mentally incapacitated, not already married, not already registered as partner) are fulfilled. For civil marriage there are no restrictions concerning the residence or citizenship of the parties involved; however non-resident foreigners who wish to marry or register as partners in Norway, must be there on a legal basis (art. 5a MA; see P. Lødrup, 'Norway', in: C. Hamilton & A. Perry (eds.) *Family Law in Europe*, London/Edinburgh, 2002, p. 497). For partnership registration at least one of the partners must be a habitual resident in Norway; this residency must have lasted for at least two years prior to the registration, unless the resident partner has Norwegian, Swedish, Danish, Icelandic, Finnish or Dutch citizenship (art. 2(3) PA).

E2 - See note E1.

E3 - See note E1.

E4 - See note E1.

E5 - See note E1.

E6 - See note E1.

E7 - See note E1.

E8 - See note E1.

E9 - See note E1.

E10 - See note E1.

E11 - Art. 3 MA prohibits marriage between sisters and brothers. According to art. 2(1) PA this also applies to partnership registration.

E12 - Art. 3 MA prohibit marriage between parent and child. According to art. 2(1) PA this also applies to partnership registration.

Table F (Norway): Authority for starting a civil marriage or registered partnership

	Civil marriage		Registered partnership	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)
1. Registry of births, marriages and deaths	No	X	X	No
2. Local population administration	No	X	X	No
3. Church	Yes	X	X	No
4. Court	No	X	X	No
5. Private person with special authorisation	No, but	X	X	No, but
6. Public notary	Yes	X	X	Yes
7. Administrative magistrate	No	X	X	No

Notes to table F

F1 - The Registry of births, marriages and deaths has no authority to start a marriage or registered partnership in Norway. They are merely a register, and a branch of the local tax authorities.

F2 - See note F1.

F3 - Civil marriages may be started in a church (art. 12 MA). The churches are not available for entering a registered partnership (art. 2(2) PA). It was a part of the compromise in the Norwegian parliament when the PA was passed, that the church should not have anything to do with the ceremony, and that the word marriage was reserved for the regular civil marriage.

F4 - The courts have the authority to end marriages and registered partnerships, but not to start them.

F5 - In areas where there are a very long distance to the nearest church or public notary, the government may give private persons a special assignment for starting marriages.

F6 - Art. 12 MA. The *notarius publicus* is an ordinary judge who also is competent to do marriages and partnership registrations.

F7 - Not applicable.

Table G (Norway): Means of ending a marriage or registered partnership

	Civil marriage		Registered partnership	
	Different-sex	Same-sex	Different-sex	Same-sex (1993)
1. By court decision (after joint or individual petition)	Yes, but	X	X	Yes, but
2. By mutually agreed contract (outside court)	No	X	X	No
3. Unilaterally by one partner (outside court)	No	X	X	No
4. By conversion of marriage into registered partnership, or vice versa (outside court)	No	X	X	No
5. By one registered partner marrying a third person (or starting a registered partner with a third person)	No	X	X	No
6. By the registered partners marrying each other (or by the married partners starting a registered partnership together)	No	X	X	No
7. By administrative decision (after joint or individual petition)	Yes	X	X	Yes

Notes to table G

G1 - In Norwegian divorce law, the courts rarely have a role to play (for example in cases of domestic violence, or where the marriage or partnership is void; see art. 23 and 24 MA and art. 3(2) PA). See P. Lødrup, 'Norway', in: C. Hamilton & A. Perry (eds.) *Family Law in Europe*, London/Edinburgh, 2002, p. 504-506.

G2 - See G7.

G3 - See G7.

G4 - Marriage must be with partners of different sex and registered partnership must be with partners of same sex.

G5 - Idem.

G6 - Idem.

G7 - After one year of separation (or after two years of cessation of cohabitation), either spouse or registered partner (or both spouses/partners jointly) can ask the County authorities (*Fylkesmannen*) for a divorce by administrative decision (art. 21 and 22 MA and art. 3(2) PA).

Some literature in English

- Maarit Jänterä-Jareborg, 'Registered partnerships in private international law: the Scandinavian approach' in: K. Boele-Woelki & A. Fuchs (eds.), *Legal Recognition of Same-Sex Couples in Europe*, Antwerp: Intersentia, 2003, p. 137-158.
- Peter Lødrup, 'Norway', in: Carolyn Hamilton & Alison Perry (eds.) *Family Law in Europe* (second edition), London/Edinburgh: Butterworths, 2002, p. 493-519.
- Yuval Merin, *Equality for Same-Sex Couples. The legal recognition of gay partnerships in Europe and the United States*, Chicago/London: The University of Chicago Press, 2002, p. 80-94.
- Tone Sverdrup, 'Norway', in: K. Boele-Woelki, B. Braat & I. Sumner (eds.), *European Family Law in Action, Volume I - Grounds for Divorce*, Antwerp: Intersentia, 2003.
- Tone Sverdrup, 'Norway', in: K. Boele-Woelki, B. Braat & I. Sumner (eds.), *European Family Law in Action, Volume II - Maintenance between Former Spouses*, Antwerp: Intersentia, 2003.

