

**We the Captains Regent
of the Most Serene Republic of San Marino**

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 21 June 2021:

LAW no. 115 OF 24 JUNE 2021

**REGULATORY AMENDMENTS FOR THE COORDINATION OF LAW NO. 147
OF 20 NOVEMBER 2018 “REGULATING CIVIL REGISTERED
PARTNERSHIPS”**

Art.1

(Amendment to Article 12 of Law no. 147 of 20 November 2018)

1. Article 12 of Law no. 147 of 20 November 2018 shall be replaced by the following:

“Art.12

(Coordination provisions)

1. In order to ensure the effective protection of rights and the full performance of the obligations arising from a civil registered partnership, the provisions referring to marriage and the provisions containing the words "spouse", "spouses" or equivalent terms, wherever they appear in laws, acts having the force of law, regulations, administrative acts and collective agreements, shall also apply to the parties to a civil registered partnership.
2. The provision referred to in the preceding paragraph shall not apply to the provisions of Law no. 49 of 26 April 1986 which are not expressly referred to in this law.

“Art. 2

(Amendment to Article 9 of Law no. 147 of 20 November 2018)

1. Paragraph 4 of Article 9 of Law no. 147/2018 shall be amended as follows:

“4. In the event of inheritance by reason of the death of one of the parties, the surviving party shall enjoy the same rights that the legal system recognises for a spouse in the case of both statutory inheritance and intestate succession, in accordance with the rules set out in Title XIII of Law no. 49/1986.

Art. 3

(Integrations to Article 149 of the Criminal Code)

1. The heading of Article 149 of the Criminal Code shall be amended as follows:
"("Publicly", "social communications", "weapons", "public order", "prostitution", " narcotic substances", "public officials", "public document", "public seal", "marriage", "spouse")."

2. The following points 8 *bis*) and 8 *ter*) shall be added to Article 149 paragraph 2 of the Criminal Code:

"8 *bis*) for the purposes of the criminal law, "marriage" shall mean the union referred to in Title I of Law no. 49 of 26 April 1986 (Reform of family law), and subsequent amendments, or that referred to in Article 1 of Law no. 147 of 20 November 2018 (Regulating Civil Registered Partnerships). "Dissolution or termination of the civil effects of marriage" shall also mean the dissolution of a civil registered partnership.

8 *ter*) for the purposes of the criminal law, "spouse" shall mean a person bound by marriage or the party to a civil registered partnership."

Art. 4

(Amendment to Article 3, paragraph 1 of Law no. 147 of 20 November 2018)

1. Paragraph 1 of Article 3 of Law no. 147/2018 shall be amended as follows:

"1. Two persons may establish a civil registered partnership by means of a joint declaration made before the institutional officials provided for in Article 4 of Delegated Decree no. 61 of 29 April 2015 and in the presence of two witnesses. Upon request of the parties, the Registrar of the Vital Statistics Office shall set the date and place for the joint declaration. The Registrar of the Vital Statistics Office shall register the civil partnership acts".

Art. 5

(Amendment to Article 3 of Law no. 147 of 20 November 2018)

1. The following paragraph 1 *bis* shall be added to Article 3 of Law no. 147/2018:

"1 *bis*. Civil registered partnerships may be celebrated in the venues identified by Delegated Decree no. 61 of 29 April 2015 and Regulation no. 7 of 15 May 2015. The tax regime provided for in Article 5 of Delegated Decree no. 61/2015 shall apply to non-resident foreigners entering into a civil registered partnership."

Art. 6

(Amendment to Article 8, paragraph 2 of Law no. 147 of 20 November 2018)

1. Paragraph 2 of Article 8 of Law no. 147/2018 shall be amended as follows:

"2. Violence may be invoked by the victim or the Procuratore del Fisco as a cause for termination of the civil registered partnership contract even when violence or threats of violence are used by one of the parties against the other party, but also from a descendant or ascendant thereof."

Art. 7

(Entry into force)

1. This Law shall enter into force on the fifth day following that of its legal publication.

Done at Our Residence, on 24 June 2021/1720 since the Foundation of the Republic.

THE CAPTAINS REGENT
Gian Carlo Venturini – Marco Nicolini

THE MINISTER
OF INTERNAL AFFAIRS
Elena Toninini