

*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 16 November 2018:*

**LAW NO. 147 OF 20 NOVEMBER 2018**

**REGULATION OF CIVIL PARTNERSHIPS**

**Article 1**

*(Definition of civil partnership)*

1. A civil partnership shall be the contract by which a family-type community consisting of two adult individuals of the same or different sexes is regulated for the purpose of organizing their life together.

**Article 2**

*(Procedures preceding civil partnership)*

1. The two persons who intend to establish a civil partnership shall be subject to the procedures set forth in this Article.

2. Before a civil partnership can be established, banns shall be published in the special register kept at the Vital Statistics Office. The publishing of banns consists of the posting, on the notice board of the Vital Statistics Office and the Township Hall or the hall of the municipality of origin of the two persons who wish to establish a civil partnership, of an act indicating the first name, last name, place and date of birth, residence and citizenship of the persons establishing the civil partnership, as well as the place where they intend to celebrate it. The act shall also indicate the first and last name of the father and the first and last name of the mother of the persons establishing the civil partnership.

3. The Law Commissioner may grant exemption from the publishing of banns. The measure granting exemption from the publishing of banns shall be submitted by the person who requested it.

4. The banns shall be posted at least eight days in advance. Minutes of this procedure shall be registered in the appropriate field of requests for banns in the register of the Vital Statistics Office.

5. The Registrar, upon receiving the request for banns from the parties establishing the civil partnership, shall register it within twenty-four hours by arranging for it to be posted on the notice board referred to in paragraph 2.

6. The request for banns to establish a civil partnership shall be accompanied by the following documents:

- copy of the birth certificate and certificate of citizenship and residence of each of the two persons intending to establish the civil partnership. In the absence of the birth certificate, an affidavit may be submitted;
- single status certificate;
- affidavit declaring the absence of legal obstacles.

7. If the Registrar considers that he cannot proceed with the marriage banns shall issue a statement explaining the reasons for refusal. An appeal against the refusal shall be lodged with the Court.

8. The joint declaration referred to in Article 3 shall not be made before the fourth day after the publishing of the banns. If the joint declaration is not made within one hundred and eighty days after the publishing of the banns, the declaration shall be deemed not to have been made.

9. Parents, or in their absence, ascendants and collaterals within the second degree, may object to the civil partnership of their relatives for any reason provided by law that precludes the establishment. If one of the partners of the civil partnership is subject to guardianship or curatorship, the guardian or curator may object to the partnership.
10. The Procuratore del Fisco shall object to the establishment of the civil partnership if he is informed that one of the partners of the civil partnership suffers from mental illness but against whom disqualification proceedings have not been initiated, or if he is informed that there is any other obstacle, reported by anyone, to the establishment of the civil partnership.
11. The notice of objection shall be filed with the Law Commissioner and shall be notified in the form of a summons on the two persons intending to establish the civil partnership and the Registrar no later than the day before the date on which the joint declaration referred to in Article 3 is made.
12. An objection made by a person who has the right to do so shall suspend the establishment of the civil partnership until a judgement having the force of res judicata is issued.
13. If the objection is rejected, the objecting party may be ordered to pay damages.

### **Article 3**

#### *(Registration of the civil partnership)*

1. Two persons may establish a civil partnership by means of a joint declaration made before the Registrar or delegate thereof, and in the presence of two witnesses. Upon request of the parties, the Registrar shall set the date and place for the joint declaration. The Registrar of the Vital Statistics Office shall register the civil partnership acts.
2. If the contracting parties are foreigners or foreign residents, they may request the Registrar to forward the civil partnership act to the appropriate foreign office for the purpose of registering the partnership.
3. San Marino citizens or residents in San Marino who have established a civil partnership abroad may request the Registrar to register such partnership as a civil partnership.
4. San Marino citizens or residents in San Marino who have married abroad a person of the same sex may request the Registrar to register their marriage as a civil partnership.

### **Article 4**

#### *(Impediments to the establishment of a civil partnership)*

1. Impediments to the establishment of a civil partnership include:
  - a) the existence, for either party, of a marriage bond or a civil partnership;
  - b) the disqualification of one of the parties due to mental illness; if the request for disqualification is only pending, the establishment of the civil partnership shall be suspended until the disqualification proceedings are settled;
  - c) the existence between the parties of relationships of kinship, affinity and adoption; the existence of a conviction for consummated or failed or attempted murder of a spouse.
2. The presence of one of the impediments referred to in paragraph 1 shall entail the nullity of the civil partnership. A civil partnership established in breach of one of the impediments referred to in paragraph 1 of this Article may be challenged by each of the parties to the civil partnership, by the ascendants, the Procuratore del Fisco and all those who have a legitimate and present interest in challenging it.

### **Article 5**

#### *(Rights and duties arising from civil partnership)*

1. By establishing a civil partnership, the contracting parties shall acquire the same rights and duties. The civil partnership shall entail a mutual obligation of respect, moral and material assistance, cohabitation and collaboration.
2. Both parties shall be obliged, according to their means and possibilities, to contribute to the duties of common life. This contribution can be made not only in monetary terms but also in the form of active participation in communal life through household and family services.

### **Article 6**

#### *(Certification of the civil partnership)*

1. The civil partnership shall be certified by a specific document issued by the Registrar certifying the establishment of the partnership. Such document shall contain the personal data of the parties, the date and place of establishment of the civil partnership, and the property regime of the partnership.
2. The parties may not derogate through their agreements either the rights or duties provided by law as a result of the civil partnership.

### **Article 7**

#### *(Property regime of the partnership)*

1. In the absence of a different property agreement, the property regime of the civil partnership shall be the separation of property. The regime of community property may be agreed upon between the parties by a declaration made before the Registrar at the time the partnership is established or by a subsequently drafted notarial authentic instrument and shall be recorded in the margin of the act of civil partnership.
2. If the parties opt for the community property regime, the provisions of Articles 90 to 107 of Law no. 49/1986 shall apply insofar as they are compatible.
3. In the event of civil partnerships or marriages between persons of the same sex established abroad, within sixty days of their transcription as a civil partnership at the Vital Statistics Office of the Republic of San Marino, the parties to the civil partnership, citizens of San Marino or residents in San Marino, shall declare before the Registrar, also through a special attorney, which property regime they intend to apply to the partnership. After this period has elapsed without the parties having opted and for the period prior to the declaration, the separation of property regime shall apply.
4. If the persons referred to in the preceding paragraph are of different nationality or are not San Marino citizens, they shall also declare before the Registrar, within the same time limit, under which law they intend the property relations of the union to be regulated. In the absence of an express declaration to this effect, the property relations of the civil partnership shall be regulated by San Marino law.

### **Article 8**

#### *(Dissolution of the civil partnership)*

1. When the conduct of one of the parties to the civil partnership causes serious harm to the physical or moral integrity or freedom of the other party, the judge, on application of the party or the Procuratore del Fisco, may adopt by decree one or more measures deemed useful to stop the harmful conduct.

2. Violence may be invoked by the victim or the Procuratore del Fisco as a ground for annulment of the civil partnership contract also when violence or threats of violence come not only from one of the parties against the other party, but also from a descendant or ascendant thereof.

3. The civil partnership shall cease by joint or unilateral will of the parties, as well as by marriage or death or declaration of presumed death of one of them.

In the case of a consensual dissolution, the joint declaration shall be submitted to the Registrar, who shall make the necessary notes in the margin of the civil partnership act.

4. The dissolution of the civil partnership shall take effect for the cohabitants and third parties from the moment the Registrar registers the consensual declaration of dissolution in the margin of the civil partnership document.

5. In the event of a unilateral termination by either party, the provisions of Title XI of Law no. 49 of 26 April 1986 shall apply insofar as they are compatible.

### **Article 9**

*(Provisions applicable to the civil partnership relation)*

1. The rules that grant married spouses the right to residence and citizenship shall also apply to the parties to a civil partnership.

2. Social security and pension regulations, including survivor's and indirect pensions, granted to married spouses shall also apply to the parties to a civil partnership.

3. All the rights and duties incumbent on married spouses in relation to health care shall be extended to the parties to the civil partnership.

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 grants to the spouse in the case of both testate and intestate succession.

5. In choosing the support administrator, the guardianship judge shall opt, where possible, for the party to the civil partnership. Disqualification or incapacitation may also be requested by the party to the civil partnership, who shall submit an application for revocation of the court order when the reason for it ceases.

### **Article 10**

*(Provisions for cohabiting minors)*

1. The recognition of children born within the civil partnership shall be carried out in accordance with the provisions on filiation laid down in Law no. 49 of 26 April 1986.

2. If the minor natural child of one of the parties to the partnership, born before the establishment of the partnership, is recognised during the registered partnership by the natural parent, the Law Commissioner, having assessed the circumstances and heard both the child who has reached the age of sixteen and the other parent, shall decide on the child's custody and take measures to protect the minor's moral and material interests.

3. If the natural child who is a minor is recognised prior to the civil partnership, his inclusion in the family of one of the parents, after consultation with the other parent, shall be subject to the consent of the other party to the civil partnership, unless the child was already cohabiting with the parent at the time of the civil partnership or the other party knew of the existence of the natural child.

### **Article 11**

*(Prohibition of discrimination and processing of personal data)*

1. Under no circumstances may their status as a civil partnership be a reason or source of discrimination for one or both of the parties to the civil partnership.

2. The processing of personal data, whether contained in acts, records or any other documents, shall be done in accordance with the current data protection legislation, while ensuring respect for the privacy and dignity of the civil partners.

**Article 12**

*(Coordination provisions)*

1. For the sole purpose of ensuring the effectiveness of application of this rule, the rights and duties arising from provisions set forth in laws, acts having the force of law, regulations, as well as administrative acts, shall also apply to each of the parties to the civil partnership, limited to what is established in this Law.

**Article 13**

*(Implementing regulations)*

1. Within ninety days of the entry into force of this Law, a delegated decree shall issue regulations establishing the procedures necessary for the keeping of vital statistics records and the issuance of the certification referred to in Article 6.

2. Any provision contrary to this Law shall also be repealed.

**Article 14**

*(Entry into force)*

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

*Done at Our Residence, on 20 November 2018/1718 since the Foundation of the Republic*

THE CAPTAINS REGENT  
*Mirco Tomassoni - Luca Santolini*

MINISTER  
THE MINISTER OF INTERNAL  
AFFAIRS  
*Guerrino Zanotti*