

CIVIL PARTNERSHIP REGISTRATION ACT

I. PRELIMINARY PROVISIONS

Article 1 Content of the Act

This Act shall define the procedure and conditions of the registration of same-sex civil partnership, legal consequences of such registration, the manner of termination of the registered civil partnership, the relationship between civil partners on termination of the registered same-sex civil partnership.

Article 2 Definition of registered same-sex civil partnership

The registered same-sex civil partnership (hereinafter referred to as civil partnership) is a relationship between two women or two men, who have registered as civil partners of each other before the competent authority in the manner prescribed by this Act.

II. CONDITIONS AND PROCEDURE FOR CIVIL PARTNERSHIP REGISTRATION

Article 3 Conditions

- (1) Two people are not eligible to register as civil partners of each other if:
- they are under 18 years of age,
 - either of them is already a civil partner or lawfully married,
 - they are relatives in straight line, siblings, children of siblings, uncles and nephews, aunts and nieces; this does not apply to relationships resulting from adoption.
 - they are guardian and his or her ward during the guardianship and adoptor and adoptee, foster parent and foster child during the time of fostering,
 - both or one of the prospective civil partners suffer from severe mental disability or incompetence.
- (2) Two persons may register a civil partnership if at least one of them is a citizen of the Republic of Slovenia.

Article 4 Free consent

- (1) Registration of a civil partnership shall not be valid without free consent of the prospective civil partners.
- (2) There is no free consent if the consent has been forced or given in error.
- (3) The consent is forced if a partner has consented to registration of a civil partnership out of fear caused by a serious threat.

(4) A consent concerning the identity of a civil partner is given in error if the civil partner thought that he or she was registering the civil partnership with the right person but registered the civil partnership with someone else, or registered the civil partnership with a specific person but not the person he or she pretended to be.

(5) A consent concerning the civil partner's essential characteristics is given in error when such characteristics would have dissuaded the other partner from registration of civil partnership if he or she had detected them, and when such characteristics make their joint life unbearable.

Article 5

Invalidity of registration and court jurisdiction for annulment of a civil partnership

(1) A civil partnership registered contrary to the provisions of Articles 3 and 4 of this Act is invalid.

(2) The right to appeal for annulment of the registration of a civil partnership shall appertain to the civil partners and to anyone who has a direct legal interest in the annulment of a civil partnership.

(3) In case that a civil partnership has been registered by a person under 18, the right to appeal for the annulment of the registration of a civil partnership shall appertain to the parents or the guardian of such person.

(4) In the cases referred to in paragraph 1 of Article 3 of this Act the State Prosecutor may appeal for the annulment of the registration.

(5) After cessation of a severe mental disability or incompetence, an appeal for annulment of a civil partnership registered during the severe mental disability or incompetence of either of the civil partners, may only be filed by one of civil partners.

(6) A claim for annulment of the civil partnership registration for reasons referred to in articles 3 and 4 of this Act may be lodged even after the termination of the civil partnership.

(7) District court shall have the jurisdiction over the trials in disputes relating to the annulment of registration of a civil partnership. Where a civil partnership has been annulled, the partnership shall cease to be effective as from the day when it has been annulled. In its decision on the annulment of the civil partnership the court shall determine whether either of civil partners knew the reason for which the civil partnership has not been validly registered.

(8) The court locally competent for the defendant party and the court having jurisdiction in the area in which civil partners had their latest permanent residence shall have the jurisdiction over the disputes referred to in the preceding paragraph.

(9) In respect of property relations and gifts in case of annulment of a civil partnership the provisions of this Act regulating property relations after the termination of a civil partnership shall apply.

Article 6 Registration procedure

(1) Persons who intend to register their civil partnership shall give a notice of proposed civil partnership at least 30 days before the intended registration to the administrative unit where they wish to register and shall submit the documents required for registration, as defined in the implementing regulation referred to in Article 7 of this Act.

(2) The administrative unit shall ensure that the conditions for registration defined in this Act have been met. If it is established that the conditions for the validity of registration under this Act have not been met, the administrative unit shall refuse to carry out registration by its written decision. The Ministry of the Interior shall decide on appeals against the administrative unit decisions.

(3) The prospective civil partners shall simultaneously and in personal capacity upon oral agreement give a written declaration before the authorized person of the administrative unit, appointed by the head of the administrative unit, to the effect that they wish to register their civil partnership.

(4) Before signing the declaration referred to in the preceding paragraph, the authorized person shall ask the civil partners whether they wish to have their civil partnership registered and inform them of the legal consequences of the registration by reading the provisions of Article 8 of this Act before they give oral consent.

(5) A civil partnership shall be considered validly registered on the day when civil partners have signed the declaration referred to in paragraph 3 of this article.

(6) After the consent of civil partners and signing the declaration, a civil partnership shall be entered into the register of same-sex civil partnerships kept with the administrative unit.

Article 7 Register of same-sex civil partnerships

(1) Minister, responsible for labour, family and social affairs shall issue, in agreement with the minister responsible for internal affairs, an implementing regulation prescribing the form of the declaration referred to in paragraph 3 of Article 6 and the form of the application for the partnership termination referred to in paragraph 2 of Article 25 of this Act, the manner of keeping the register, the documents required for registration and the content of civil partnership registration and termination certificates, the conditions to be met by the authorized person referred to in paragraph 3 of Article 6 of this Act, the minimum standards for the official premises and their furnishing.

(2) Data referred to in paragraph 4 shall be collected, processed and used for the purposes of demonstrating conditions for registration and for proving the status of civil partners in civil partnership, and shall be filed for unlimited period of time.

(3) Certificates issued on the basis of entries in the register of same-sex civil partnerships shall have the character of public documents.

(4) An entry in the register shall comprise: full name of civil partner, indication of sex, national population register number, date and place of civil partnership registration; annulment or

termination of civil partnership; citizenship of civil partners and address of a permanent or temporary residence of the partners.

III. LEGAL CONSEQUENCES OF CIVIL PARTNERSHIP REGISTRATION

Article 8

Scope of rights and obligations

(1) By virtue of civil partnership registration civil partners have the right to subsistence and maintenance, the right to jointly owned property and regulation of property relations within civil partnership, the occupancy right, the right to inherit a part of jointly owned property from the deceased partner and the right to obtain information about the health condition of the sick partner and to visit him or her in the healthcare institutions.

(2) Civil partners are bound to mutual respect, trust and assistance.

Article 9

Property

(1) The property owned by a civil partner at the registration of a civil partnership, remains his or her own property and he or she shall dispose of it freely.

(2) The property obtained by civil partners by work during civil partnership shall be their jointly owned property.

Article 10

Jointly owned property

(1) Jointly owned property of civil partners shall be managed and disposed of jointly and by agreement.

(2) Civil partners may agree that only one of them shall manage such property or a part of it, or that he or she shall manage and also dispose of it respecting the interest of the other civil partner.

(3) An agreement in respect of managing the jointly owned property shall be made by means of a notarial protocol.

(4) Either of civil partners may withdraw from such an agreement at any time, but may not do so at a time unfavourable for the other civil partner.

Article 11

Management of property

Unless agreed otherwise, civil partner who has been entrusted with the management, may also dispose of jointly owned property or a part of it within the framework of regular management.

Article 12
Prohibition of alienation or encumbering

A civil partner may not dispose of his or her unspecified share of the jointly owned property by legal business between the living, and in particular, he or she may not alienate or encumber it.

Article 13
Land registration

Rights on real estate which is a jointly owned property of civil partners shall be entered into the land register in the name of both civil partners as their jointly owned property by unspecified shares.

Article 14
Liability

(1) A civil partner shall be liable for obligations which he or she had before a civil partnership registration and for obligations which he or she undertakes after the registration with his or her separate property and his or her own share in jointly owned property.

(2) Both civil partners shall be jointly liable for obligations binding on both partners according to general regulations, for obligations created in connection with the jointly owned property and for obligations which one civil partner undertakes for the current needs of civil partnership, with jointly owned property, as well as with their separate property.

(3) A civil partner shall have the right to claim from the other civil partner the refund of the amount that was overpaid relating to his or her share of debt when repaying the debt encumbering both civil partners.

Article 15
Determination of the debtor's share and the pre-emptive right

(1) By virtue of a final judgement, a creditor may demand that a court determines the debtor's share in jointly owned property and then demand attachment of such share.

(2) If the sale of the share, which a civil partner has in the jointly owned property, is allowed in execution proceedings, the other civil partner has the right to purchase that share before all other buyers, at the price that shall be determined according to enforcement regulations.

Article 16
Division of property

(1) During the civil partnership, jointly owned property may be divided by agreement or at the request of either of the civil partners.

(2) To the conclusion of such agreement the provisions of paragraph 2 of Article 33 of this Act shall apply.

Article 17
Proportion of share

(1) If civil partners cannot agree on the proportion of their respective shares in jointly owned property, they may demand that the court takes its decision to that effect applying the provisions of paragraph 2 of Article 34 and Article 35 *mutatis mutandis*.

(2) When dividing jointly owned property, it shall be considered that the shares of civil partners in the jointly owned property are equal, although the partners may prove that they have contributed to the jointly owned property in different proportion.

Article 18
Conclusion of contracts

(1) Civil partners may conclude any legal business between them that may also be concluded with other persons, and establish rights and obligations on such basis.

(2) Contracts on property relations between civil partners during civil partnership must be concluded in the form of a notarial protocol.

Article 19
Right to subsistence

A civil partner who has insufficient means of subsistence and is not able to acquire same through his or her separate property and through his or her work or is unable to work or through no fault of his or her own is unemployed, has the right to be supported by the other civil partner during civil partnership.

Article 20
Occupancy rights and tenancies

(1) Civil partners shall decide on the place of residence by agreement.

(2) During civil partnership civil partners may only by agreement alienate, encumber or rent the flat, which is their jointly owned property, or establish easement or any other right on the flat, which may obstruct its use.

(3) If only one of the civil partners is the tenant of a flat, he or she shall not terminate the landlord and tenant relationship without the written consent of the other civil partner.

(4) If civil partners referred to in paragraphs 2 and 3 of this article cannot reach an agreement or if one of the civil partners refused to give consent without justified reason, the court shall, at the proposal of the other civil partner, decide on his or her request in a non-litigious proceeding. In its decision, the court shall take into account the "housing needs" of civil partners, their legitimate interests and other circumstances of the case.

Article 21
Rights in case of illness

(1) In case of illness of a civil partner the other civil partner has the right to be kept informed of his/her illness, the course of treatment and other particulars relating to the condition of the sick

civil partner and is entitled to make decisions in respect of his/her treatment if he or she is unable to do so.

(2) If one of the civil partners has been hospitalized, the other partner has the right to visit him/her in the medical institution, unless this is prohibited by regulations or decrees issued pursuant to the regulations.

Article 22 Inheritance

(1) If one of the civil partners dies, the surviving civil partner shall have the right to inheritance of jointly owned property in the proportion specified by this Act.

(2) If the decedent has children, the property referred to in the preceding paragraph shall be inherited equally by the surviving civil partner and the decedent's children.

(3) When the decedent had no children, the surviving civil partner shall inherit the total share of jointly owned property.

(4) Separate (personal) property of the decedent shall be inherited in accordance with the general regulations on inheritance. General regulations on inheritance shall apply in case of inheritance of a share of jointly owned property of the decedent, unless otherwise provided by this Act.

(5) The inheritance procedure under this Act shall come under the jurisdiction of a local court.

Article 23 Non-existence and loss of right to inheritance

(1) A partner shall not have the right to inheritance of a share of jointly owned property, if civil partnership with the decedent has been annulled or terminated pursuant to the provisions of this Act, or if civil partnership has permanently terminated either by fault of the surviving partner or in agreement with the decedent.

(2) A civil partner shall not have the right to inheritance if the decedent had filed an application for termination of the civil partnership and if the civil partnership has been terminated after his or her death pursuant to paragraphs 3 and 4 of Article 25 of this Act, or when a civil partnership with the decedent has been annulled after decedent's death for the reason which the surviving civil partner was aware of at the registration of civil partnership.

Article 24 Obligation of mutual assistance

(1) During the civil partnership the civil partners shall be obliged to offer assistance to each other.

(2) Mutual assistance that civil partners are obliged to provide to each other consists of reciprocal assistance in nursing and care in case of illness of one of the civil partners, material aid and other forms of support in the civil partnership.

IV. TERMINATION OF A CIVIL PARTNERSHIP

Article 25 Termination procedure

- (1) Civil partnership terminates on the death of one of the civil partners, on declaration of one of the civil partners as dead or by virtue of a final decision on the termination of civil partnership.
- (2) An application for the termination of civil partnership using the form prescribed in paragraph 1 of Article 7 of this Act, shall be submitted by one or both civil partners to the authority, by which the civil partnership was registered.
- (3) The authority referred to in the preceding paragraph shall decide on the application for termination of a civil partnership by means of an administrative decision. The Ministry of the Interior shall decide on the appeals against the decision of the administrative unit.
- (4) A civil partnership shall terminate on the day when the decision becomes final. Within 7 days from the day when the decision became final, the authorized person shall enter the fact about the civil partnership termination into the register referred to in Article 7 of this Act.

V. LEGAL CONSEQUENCES OF CIVIL PARTNERSHIP TERMINATION

Article 26 Right to maintenance

- (1) On termination of a civil partnership the civil partner who has insufficient means of subsistence and is not able to acquire same through his or her property and through his or her work or is unable to work or through no fault of his or her own is unemployed, has the right to be supported by the other civil partner.
- (2) In case of termination of a civil partnership, civil partners may conclude a maintenance agreement in the form of enforceable notarial act.

Article 27 Specification of maintenance

- (1) Maintenance shall be determined according to the needs of the person entitled and the possibilities of the person liable.
- (2) Maintenance shall be determined as monthly amount and paid in advance; it may be due from the time of filing the maintenance suit.
- (3) Exceptionally, the maintenance may be determined as a single amount or in any other manner if this is justified by special reasons.
- (4) The maintenance determined in the manner referred to in the preceding paragraph must not significantly deteriorate the situation of the person entitled, which he or she would experience if he or she received maintenance in advance as monthly amounts, nor may it impose too heavy a burden on the person liable.

Article 28
Priority of subsistence

After the termination of the partnership a partner is not liable to support the other partner if that would jeopardize subsistence of his or her children or his or her own living.

Article 29
Alteration of maintenance

The court may, at the request of the person entitled or the person liable, increase, reduce or abolish the maintenance determined by an instrument permitting its enforcement if needs of the person entitled or possibilities of the person liable, which served as a basis for determining the maintenance have changed or if the person entitled has committed a criminal offence against the person liable.

Article 30
Maintenance adjustment

(1) The maintenance determined by an executory title shall be adjusted annually according to the consumer price index of the Republic of Slovenia. The adjustments are carried out in March, taking into account the cumulative increase in consumer prices since the month of last determination or adjustment. The coefficient of maintenance adjustment shall be published by the minister responsible for labour, family and social affairs in the Uradni list Republike Slovenije (Official Gazette of the Republic of Slovenia).

(2) The court or a notary is obliged to send a court settlement, a final judicial decision or an enforceable notarial protocol to the competent social work centre, unless some other mode of adjustment has been agreed upon.

(3) The social work centre shall notify in writing the person entitled and the person liable on each adjustment and a new maintenance amount. The notification of the social work centre shall be, together with the final court decision, court settlement or executable notarial protocol, the executory title.

Article 31
Court jurisdiction for the specification of maintenance

(1) Within six months from the day of termination of the partnership the dependent partner may require the maintenance in a suit with the court.

(2) Adjudication in disputes referred to in the preceding paragraph is the jurisdiction of the district court, which has the territorial jurisdiction over the defendant party, and of the district court in the territory of which the partners had their latest permanent residence.

(3) In a suit referred to in the first paragraph, a partner may request a maintenance after the termination of partnership only if the reasons for the subsistence existed already at the time of termination of the partnership and also exist when a partner requests a maintenance.

(4) A court may reject a maintenance request, if the payment of the maintenance to the person entitled would be unfair to the person liable, considering the reasons for which the partnership has become unbearable, or if the person entitled has committed a criminal offence against the

person liable prior to or during the partnership termination proceedings or after the termination of partnership.

Article 32

Cessation of the right to maintenance

The right to maintenance shall cease if the person entitled who has been receiving it, obtains the assets or his or her own income which are sufficient for the subsistence, if he or she carries out registration of a new partnership, matrimonial relationship or lives in a common-law union.

Article 33

Division of jointly owned property

- (1) Jointly owned property shall be divided if a partnership is terminated or annulled.
- (2) In case of partnership termination the partners may conclude an agreement on the division of jointly owned property in the form of an enforceable notarial protocol.

Article 34

Determination of the share of the jointly owned property

- (1) If the partners cannot agree on the proportion of their respective shares of the jointly owned property, they may demand that a court makes its decision to that effect applying the provisions of paragraph 2 of Article 17 of this Act *mutatis mutandis*.
- (2) In the proceeding referred to in the preceding paragraph a court shall consider not only the income of each partner but also other circumstances, such as the assistance that a partner provides to the other partner, household work, concern for maintaining the property and any other form of work and cooperation in managing, maintaining and increasing the jointly owned property.

Article 35

Exemption of property

- (1) Prior to determining each partner's share of the jointly owned property, the partners' debts and claims against this property shall be established.
- (2) When dividing the jointly owned property, a partner shall be allocated - at his or her request for the benefit of his or her share - particularly those items which are intended for performing his or her trade or profession or which enable him or her to make living, and items intended exclusively for his or her personal use.

Article 36

Gifts

- (1) The ordinary gifts, which the partners have given to each other, either prior to or during the partnership need not be returned.

(2) Other gifts, especially those that are disproportionate to the financial state of the giver, must be returned in the same condition as they were at the time when the reasons for termination of partnership arose.

(3) Instead of the alienated gifts, the value or the things received in return, shall be returned.

Article 37

Rental right to dwelling place

(1) If after the termination or annulment of the civil partnership the partners fail to reach an agreement on the tenancy of the dwelling place to which one or both partners have a rental right, the matter shall be decided by the court at the proposal of the other partner in a non-litigious civil procedure. In its decision the court shall take into account the housing needs of the partners, their legitimate interests and other circumstances of the case.

(2) If the partner who is the tenant of the flat dies or has been declared dead, the other partner, who is a party to the lease contract and actually lives in the dwelling place, shall be entitled to require of the landlord to conclude a lease contract with him or her.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 38

Issuing the implementing regulation and establishing a register

(1) The minister responsible for labour, family and social affairs shall issue the implementing regulation referred to in Article 7 of this Act within six months from the entry into force of this Act.

(2) Minister responsible for labour, family and social affairs in cooperation with the minister responsible for internal affairs shall make provisions for the establishment of a register of same-sex civil partnerships and for entry into the register within six months from the entry into force of the regulation referred to in the preceding paragraph.

Article 39

Entry into force of the Act

This Act shall enter into force on the fifteenth day from its publication in Uradni list Republike Slovenije; its application shall start one year from its entry into force.