



Dutch Civil Code

Book 1 Law of Persons and Family Law

Title 1.5A Registered partnership

Article 1:80a Requirements for a registered partnership

- **1.** A person may, at the same time, only be united in a registered partnership with one other person, either of the same or of another gender.
- **2.** Persons who enter into a registered partnership may at the same time not already be married to someone.
- **3.** The registration of a registered partnership takes place by means of a certificate of registration of partnership drawn up by a Registrar of Civil Status.
- **4.** Persons who intend to enter into a registered partnership with each other must give notice of this to the Registrar of Civil Status of the municipality where the domicile of one of them is located, under submission of data about their civil status, and if they previously had been united in another registered partnership or marriage, with indication of the names of the former partner or of the former spouse. Where both prospective registered partners, of whom at least one has the Dutch nationality, have their domicile outside the Netherlands, but intend to enter into a registered partnership with each other in a Dutch municipality, the formal notice of registered partnership must be given to the Registrar of Civil Status of the municipality of The Hague. Articles 1:43, paragraph 2, 3 and 4, and 1:46 apply accordingly.
- **5.** The registration of an intended registered partnership may be interrupted if the prospective partners do not possess the requirements to enter into such a partnership or when the objective of the prospective partners or of one of them is not the fulfilment of the duties which the law connects to a registered partnership, but obtaining access to the Netherlands. Articles 1:51, 1:52, 1:53 paragraph 2 and 3, and 1:54 up to and including 1:56 apply accordingly to such an interruption. The Public Prosecution Service has a duty to interrupt an intended registered partnership if it has become aware of one of the impediments to it as defined in Articles 1:31, 1:32 and 1:41 and in paragraph 1 and 2 of the present Article. A Registrar of Civil Status who is aware of the existence of one of the impediments to a registered partnership as referred to in the previous sentence, may not cooperate in the drawing up of a certificate of notice of registered partnership nor in the registration of such a partnership, even if no interruption of the intended registered partnership has taken place.
- **6.** Articles 1:31, 1:32, 1:35 up to and including 1:39, 1:41, 1:44 up to and including 1:49, 1:58, and 1:62 up to and including 1:66 apply accordingly to the registration of a registered partnership.
- **7.** Articles 1:69 up to and including 1:73, 1:74, 1:75 up to and including 1:77 paragraph 1 and 2 apply accordingly to an annulment of a registered partnership.
- **8.** Articles 1:78 and 1:79 apply accordingly to the proof of the existence of a registered partnership.

Article 1:80b Rights and duties of the partners (marital property regime)

Titles 1.6, 1.7 and 1.8 of this Book apply accordingly to a registered partnership, with the

exception of what is provided for in regard of a legal separation.

Article 1:80c The end of a registered partnership

- **1.** A registered partnership ends:

a. when one of the registered partners dies;

b. in the event that a missing person, who in accordance with the provisions of Section 2 and 3 of Title 18 of this Book has been declared presumably death or death, nevertheless appears to be alive on the day on which the left behind registered partner has entered into a new registered partnership or marriage: by registration of this new registered partnership or, respectively, by the contracting of this marriage;

c. with mutual consent: by registration through the Registrar of Civil Status of a dated declaration, signed by both registered partners and one or more solicitors or notaries, that expresses that and at which moment the registered partners have made an agreement with regard to the termination of their registered partnership;

d. by dissolution at the request of the registered partners or of one of them;

e. by conversion of a registered partnership into a marriage.

- **2.** If the registered partnership has been entered into in the Netherlands, the Registrar of Civil Status is always entitled to make a registration of a declaration as meant in paragraph 1, under point (c). If the registered partnership has been entered into outside the Netherlands, the Registrar of Civil Status is only entitled to make a registration of a declaration as meant in paragraph 1, under point (c), if the requirements of Article 4 paragraph 4 of the Code of Civil Procedure are met with regard to the jurisdiction of the court in the event of the dissolution of the registered partnership.

- **3.** It is not possible to terminate a registered partnership with mutual consent as meant in paragraph 1, under point (c), if the partners:

a. exercise, whether or not jointly, authority over one or more of the children which they have together;

b. jointly exercise authority over one or more children pursuant to Article 1:253sa or 1:253t.

Article 1:80d Termination of a registered partnership with mutual consent

- **1.** The agreement on the termination of a registered partnership as referred to in Article 1:80c, under point (c), must include at least the declaration of the registered partners that their registered partnership has irretrievably broken down and that they want to terminate it. Furthermore, this agreement must include, although not under penalty of nullity:

a. the maintenance payment on behalf of the registered partner who does not have sufficient means to provide for his own maintenance and who is reasonably not able to acquire such means himself;

b. which of the registered partners will be the lessee (tenant) of the residential space that was their main residence or which of the registered partners has the right, during a period to be determined in the agreement, to use the house and the household effects that belong to one or both of them or which belong to a third person but which they are entitled to use;

c. the division of any community of property entered into by the registered partners by means of the registration of their registered partnership or an equalisation as agreed upon pursuant to the conditions as meant in Title 8 of this Book;

d. the settlement or equalisation of entitlements to pension benefits.

- **2.** Articles 1:155, 1:157 paragraph 4 and 6, 1:158, 1:159, paragraph 1 and 3, 1:159a, 1:160 and 1:164 apply accordingly to a termination of a registered partnership with mutual consent.

- **3.** The declaration, meant in Article 1:80c, under point (c), will be registered only in the Registers of Civil Status if it has reached the Registrar of Civil Status at the latest three months

after the agreement was contracted.

Article 1:80e Dissolution of the registered partnership

- **1.** Articles 1:151, 1:153, 1:155, 1:157 up to and including 1:160, 1:164 and 1:165 apply accordingly to the dissolution of a registered partnership as referred to in Article 1:80c, under point (d).
- **2.** The dissolution of a registered partnership is effectuated by registration of a court order in the Registers of Civil Status, executed at the request of the registered partners or of one of them. Article 1:163 paragraph 3 applies accordingly.

Article 1:80f Former registered partners who again enter into a new registered partnership with each other

If parties, whose earlier registered partnership has ended, enter into a registered partnership with each other once more or enter into a marriage with each other, then all legal effects of the previously ended registered partnership will, by operation of law, take effect again as if that former registered partnership had never ended. Nevertheless, the validity of juridical acts performed between the moment of registration of the ending of the first registered partnership and the registration of the new registered partnership or marriage, will be considered in accordance with the situation at the moment on which they were performed.

Article 1:80g Conversion of a registered partnership into a marriage

- **1.** When two persons give notice to the Registrar of Civil Status that they would like their registered partnership to be converted into a marriage, the Registrar of Civil Status of the domicile of one of them may draw up a certificate of conversion to that effect. If the registered partners are domiciled outside the Netherlands and want to convert their registered partnership into a marriage in the Netherlands, while at least one of them is of Dutch nationality, then the conversion will take place by the Registrar of Civil Status of the municipality of The Hague.
- **2.** Articles 1:65 and 1:66 apply accordingly.
- **3.** A conversion has the effect that the registered partnership ends and that the marriage starts as from the moment on which the certificate of conversion has been registered in the Marriage Register. The conversion does not affect any possible legal familial relationships with children born before this conversion.

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