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**Federal Act
on the Registered Partnership
between Same-Sex Couples
(Same-Sex Partnership Act, SSPA)**

of 18 June 2004 (Status as of 1 January 2018)

The Federal Assembly of the Swiss Confederation,

based on Articles 38 paragraph 2, 112 paragraph 1, 113 paragraph 1, 119 paragraph 2, 121 paragraph 1, 122 paragraph 1, 123 paragraph 1, 128 paragraph 1 and 129 paragraph 1 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 29 November 2002²,
decrees:

Chapter 1 General Provisions

Art. 1 Object

This Act regulates the establishment, effects and dissolution of registered partnerships between same-sex couples.

Art. 2 Principle

¹ Two persons of the same sex may register their partnership.

² They unite in a partnership with reciprocal rights and obligations.

³ Their civil status is: «in a registered partnership».

Chapter 2 Registration of the Partnership

Section 1 Requirements and Grounds for Refusing Registration

Art. 3 Requirements

¹ Both partners must have reached the age of 18 and be capable of judgement.

AS 2005 5685

¹ SR 101

² BBl 2003 1288

2 ...³

Art. 4 Grounds for refusing registration

¹ Direct relatives, siblings and half-siblings may not enter into a registered partnership.

² Both partners must prove that they are not already in a registered partnership or married.

Section 2 Procedure

Art. 5 Application

¹ The application for a registered partnership must be submitted to the civil register office at the domicile of one of the two partners.

² The two partners must appear in person. If this is clearly unreasonable for them, the preliminary procedure may be conducted in writing.

³ The two partners shall submit the necessary documents. They must explain in person to the civil register office that they meet all the conditions for registering a partnership.

⁴ Partners who are not Swiss citizens must provide evidence during the preliminary procedure that their residence in Switzerland is lawful.⁴

Art. 6 Examination

¹ The competent civil register office shall check whether the conditions for registration have been fulfilled and whether there are any grounds for refusal or circumstances which indicate that the application for registration is clearly not in accordance with the free will of the partners.⁵

² The civil registrar shall reject the application if either or both partners clearly do not wish to establish a domestic partnership, but wish to circumvent the regulations on the admission and residence of foreign nationals.⁶

³ In the cases referred to in paragraph 2, the civil registrar shall hear the partners and may obtain information from other authorities or third parties.⁷

³ Repealed by Annex No 8 of the FA of 19 Dec. 2008 (Adult Protection, Law of Persons, Law of Children), with effect from 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

⁴ Inserted by No II 2 of the FA of 12 June 2009 (Prohibition of Marriage in cases of Unlawful Residence), in force since 1 Jan. 2011 (AS **2010** 3057; BBl **2008** 2467 2481).

⁵ Amended by No 14 of the FA of 15 June 2012 on Measures against Forced Marriages, in force since 1 July 2013 (AS **2013** 1035; BBl **2011** 2185).

⁶ Inserted by Annex No II 5 of the FA of 16 Dec. 2005 on Foreign Nationals, in force since 1 Jan. 2008 (AS **2007** 5437; BBl **2002** 3709).

⁷ Inserted by Annex No II 5 of the FA of 16 Dec. 2005 on Foreign Nationals, in force since 1 Jan. 2008 (AS **2007** 5437; BBl **2002** 3709).

⁴ The civil registrar shall notify the competent authority of the identity of partners who have not provided evidence of their lawful residence in Switzerland.⁸

Art. 7 Form

¹ The civil registrar shall notarise the declaration of intent of both partners and have both sign the document.

² The notarisation of a registered partnership is public.

Art. 8 Implementing provisions

The Federal Council issues the implementing provisions.

Section 3 Nullity

Art. 9 Unlimited nullity

¹ Any person who has an interest may at any time bring an action before the court to have the registered partnership declared null and void if:

- a. either of the partners was not capable of judgement at the time the partnership was registered and has not become capable of judgement since then;
- b. the registration infringed Article 4;
- c.⁹ either of the partners does not wish to establish a domestic partnership, but wishes to circumvent the regulations on the admission and residence of foreign nationals;
- d.¹⁰ either of the partners did not give their free consent to the registration of the partnership;
- e.¹¹ either of the partners is a minor, unless the purpose of the registration meets the overriding interests of this partner.

² While a registered partnership is in existence, the action shall be instituted ex officio by the competent authority at the partners' place of residence. Insofar as this is compatible with their duties, the federal and cantonal authorities shall notify the authority responsible for the action if they have reason to believe that grounds for nullity exist.¹²

⁸ Inserted by No II 2 of the FA of 12 June 2009 (Prohibition of Marriage in cases of Unlawful Residence), in force since 1 Jan. 2011 (AS **2010** 3057; BBl **2008** 2467 2481).

⁹ Inserted by Annex No II 5 of the FA of 16 Dec. 2005 on Foreign Nationals, in force since 1 Jan. 2008 (AS **2007** 5437; BBl **2002** 3709).

¹⁰ Inserted by No I 4 of the FA of 15 June 2012 on Measures against Forced Marriages, in force since 1 July 2013 (AS **2013** 1035; BBl **2011** 2185).

¹¹ Inserted by No I 4 of the FA of 15 June 2012 on Measures against Forced Marriages, in force since 1 July 2013 (AS **2013** 1035; BBl **2011** 2185).

¹² Last sentence inserted by No I 4 of the FA of 15 June 2012 on Measures against Forced Marriages, in force since 1 July 2013 (AS **2013** 1035; BBl **2011** 2185).

Art. 10 Limited nullity

¹ Either partner may bring an action before the court to have the registered partnership declared null and void on the grounds of vitiated consent.

² The action for nullity must be filed within six months of acquiring knowledge of vitiated consent, but no later than five years after registration.

³ If the claimant dies during the proceedings, an heir may continue the proceedings.

Art. 11 Effects of the judgment of nullity

¹ The registered partnership shall cease to be valid on the date on which the judgment of nullity takes legal effect.

² Inheritance claims shall lapse retroactively. Otherwise, the provisions on the effects of legal dissolution apply *mutatis mutandis*.

Chapter 3 Effects of the Registered Partnership**Section 1** General Rights and Obligations**Art. 12** Support and consideration

The two partners shall offer each other support and show consideration for each other.

Art. 12a¹³ Surname

¹ The partners are not required to change their surnames.

² When registering the partnership, however, they may declare to the registrar that they wish to use the surname of one of the partners as their common name.

Art. 13 Living expenses

¹ The two partners shall each contribute, as far as they are able, to the proper maintenance of their partnership. In addition, Articles 163–165 of the Civil Code (CC)¹⁴ apply *mutatis mutandis*.¹⁵

² If they cannot agree, the court shall on request determine the financial contributions towards maintenance. The contributions may be claimed for the future and for the year before filing the claim.

³ If a partner does not fulfil his or her duty of maintenance, the court may instruct his or her debtors to make the payments in whole or in part to the other partner.

¹³ Inserted by No II 2 of the FA of 30 Sept. 2011 (Names and Citizenship), in force since 1 Jan. 2013 (AS 2012 2569; BBI 2009 7573 7581).

¹⁴ SR 210

¹⁵ Second sentence inserted by Annex No 1 of the FA of 17 June 2016 (Adoption), in force since 1 Jan. 2018 (AS 2017 3699; BBI 2015 877).

Art. 14 Joint home

¹ A partner requires the express consent of the other partner in order to terminate a lease, sell the joint home, or restrict the rights to the joint living area through other legal transactions.

² If consent cannot be obtained or is refused for no valid reason, the matter may be taken to court.

Art. 15 Representation of the partnership

¹ While cohabiting, both partners represent the partnership with regard to their day-to-day needs.

² A partner may represent the partnership with regard to the other needs of the union only if:

- a. authorised so to do by the other person or by court order; or
- b. the interests of the partnership brook no delay and the other person is unable to consent due to illness, absence or other similar reasons.

³ Each partner is personally liable for his or her own actions and, to the extent that these do not exceed his or her powers of representation in a manner apparent to third parties, also renders the other person jointly and severally liable for such actions.

⁴ If a partner exceeds his or her power to represent the partnership or proves incapable of exercising it, at the other partner's request the court may revoke such power in whole or in part. The revocation is effective towards third parties acting in good faith only if it has been made public by order of the court.

Art. 16 Obligation to provide information

¹ The partners must provide each other with information on their respective incomes, assets and debts.

² On request, the court may order a partner or a third party to furnish the information required and to produce the necessary documents.

³ This does not apply to any information held by lawyers, solicitors, doctors, clergy and their auxiliary staff which is subject to professional confidentiality.

Art. 17 Termination of cohabitation

¹ Each partner is entitled to terminate cohabitation for good cause.

² On request, the court must:

- a. determine the monetary contributions which the partners owe each other;
- b. issue rules on the use of the home and the household effects.

³ A partner may also make such request if the other partner refuses to cohabit without good cause.