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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)

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*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 Constitution<sup>1</sup>,  
and having considered the Federal Council Dispatch dated 29 November 2002<sup>2</sup>,  
*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**

<sup>1</sup> Two persons of the same sex may register their partnership.

<sup>2</sup> They unite in a partnership with reciprocal rights and obligations.

<sup>3</sup> 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**

<sup>1</sup> Both partners must have reached the age of 18 and be capable of judgement.

AS 2005 5685

<sup>1</sup> SR 101

<sup>2</sup> BBl 2003 1288

2 ...<sup>3</sup>

#### **Art. 4** Grounds for refusing registration

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

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

### **Section 2 Procedure**

#### **Art. 5** Application

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

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

<sup>3</sup> 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.

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

#### **Art. 6** Examination

<sup>1</sup> 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.<sup>5</sup>

<sup>2</sup> 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.<sup>6</sup>

<sup>3</sup> 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.<sup>7</sup>

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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).

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

#### **Art. 7** Form

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

<sup>2</sup> 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

<sup>1</sup> 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.<sup>9</sup> 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.<sup>10</sup> either of the partners did not give their free consent to the registration of the partnership;
- e.<sup>11</sup> either of the partners is a minor, unless the purpose of the registration meets the overriding interests of this partner.

<sup>2</sup> 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.<sup>12</sup>

<sup>8</sup> 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).

<sup>9</sup> 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).

<sup>10</sup> 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).

<sup>11</sup> 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).

<sup>12</sup> 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

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

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

<sup>3</sup> If the claimant dies during the proceedings, an heir may continue the proceedings.

**Art. 11** Effects of the judgment of nullity

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

<sup>2</sup> 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. 12a**<sup>13</sup> Surname

<sup>1</sup> The partners are not required to change their surnames.

<sup>2</sup> 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

<sup>1</sup> 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)<sup>14</sup> apply *mutatis mutandis*.<sup>15</sup>

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>13</sup> 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).

<sup>14</sup> SR 210

<sup>15</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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

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

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

<sup>3</sup> 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

<sup>1</sup> Each partner is entitled to terminate cohabitation for good cause.

<sup>2</sup> 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.

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

<sup>3bis</sup> If a partner has adopted a minor child from the other partner, the court must take the necessary steps in accordance with Articles 270–327c CC<sup>16,17</sup>

<sup>4</sup> If circumstances change, at the request of either partner, the court shall modify the measures or revoke the same.

## **Section 2    Property Law**

### **Art. 18        Assets**

<sup>1</sup> Each partner has his or her own assets.

<sup>2</sup> Each partner shall be use his or her own assets to cover his or her own debts.

### **Art. 19        Proof**

<sup>1</sup> Any person who asserts that a specific object or asset is owned by one or other partner bears the burden of proof.

<sup>2</sup> If no such proof may be adduced, there is a presumption of co-ownership.

### **Art. 20        Inventory**

<sup>1</sup> Each partner may at any time require the other's cooperation in drawing up an inventory of their joint assets in the form of a public deed.

<sup>2</sup> Such an inventory is deemed accurate if made within one year of the inclusion of such assets under the regime.

### **Art. 21        Management mandate**

Where one partner expressly or tacitly entrusts management of his or her assets to the other, the provisions governing agency apply unless otherwise agreed.

### **Art. 22        Restriction of power to dispose of assets**

<sup>1</sup> To the extent required to ensure the partnership's financial security or fulfilment of a financial obligation arising from the registered partnership, at the request of either partner the court may make the other partner's power to dispose of certain assets conditional on the petitioning partner's consent and take protective measures.

<sup>2</sup> If the measure concerns immovable property, the court shall record it in the land register.

<sup>16</sup> SR 210

<sup>17</sup> Inserted by Annex No 1 of the FA of 17 June 2016 (Adoption), in force since 1 Jan. 2018 (AS 2017 3699; BBl 2015 877).

**Art. 23** Debts between partners

<sup>1</sup> If there are debts between the partners and the debtor has serious difficulties in repaying his or her debt, the debtor may request an extension of time, provided that this is reasonable for the other partner.

<sup>2</sup> The claim shall be secured, where circumstances so require.

**Art. 24** Allocation of co-ownership

Where one partner proves an overriding interest in an asset in co-ownership, notwithstanding any other legal measures available, he or she may request the undivided allocation of this asset in return for paying compensation to the other partner on dissolution of the registered partnership.

**Art. 25** Property agreement

<sup>1</sup> The two partners may enter into an agreement on specific arrangements for the event that the registered partnership is dissolved. In particular, they may agree that the assets be divided in accordance with Articles 196–219 of the Swiss Civil Code<sup>18,19</sup>

<sup>2</sup> Such agreements may not affect the statutory entitlements of the issue of a deceased partner.

<sup>3</sup> The property agreement must be drawn up and certified in due legal form, and signed by the parties and, where applicable, by the legal representative.

<sup>4</sup> Articles 185 and 193 CC apply accordingly.

**Section 3** Specific effects**Art. 26** Marriage

A person living in a registered same-sex partnership may not enter into a marriage.

**Art. 27** Children of the partner

<sup>1</sup> If a person has children, his or her partner shall provide him or her with reasonable assistance in the fulfilment of the duty of maintenance and in the exercise of parental authority and shall represent him or her if the circumstances so require. Parental rights, however, shall be respected in all cases.

<sup>2</sup> The guardianship authority may, subject to the requirements of Article 274a CC<sup>20</sup> grant rights of contact with the child in the event that the partners no longer cohabit and the registered partnership is dissolved.

<sup>18</sup> SR 210

<sup>19</sup> Second sentence amended by Annex No 1 of the FA of 17 June 2016 (Adoption), in force since 1 Jan. 2018 (AS 2017 3699; BBl 2015 877).

<sup>20</sup> SR 210

**Art. 27a**<sup>21</sup> Adoption of step-children

Where a person has adopted the minor child of his or her partner, Articles 270–327c CC<sup>22</sup> apply by analogy.

**Art. 28**<sup>23</sup> Adoption and reproductive medicine

Persons who live in a registered partnership are not permitted to adopt together or to undergo medically assisted reproductive procedures.

**Chapter 4 Judicial Dissolution of a Registered Partnership****Section 1 Requirements****Art. 29** Joint application

<sup>1</sup> If both partners request the dissolution of the registered partnership, the court shall hear the parties and examine whether the request is based on free will and mature reflection and whether an agreement on the dissolution can be approved.

<sup>2</sup> If this is the case, the court shall pronounce the dissolution of the registered partnership.

<sup>3</sup> The partners may jointly request that the court decide in the dissolution judgement on those effects of the dissolution which they cannot agree on.

**Art. 30** Right to bring the action

Either partner may demand the dissolution of the registered partnership if the partners have been living separately for at least one year at the time the action is brought.

**Section 2 Consequences****Art. 30a**<sup>24</sup> Surname

The person who has changed their surname on the registration of the partnership retains that surname following dissolution; he or she may at any time declare before the civil registrar the wish to revert to the name by which he or she was known prior to the registration of the partnership.

<sup>21</sup> Inserted by Annex No 1 of the FA of 17 June 2016 (Adoption), in force since 1 Jan. 2018 (AS 2017 3699; BBl 2015 877).

<sup>22</sup> SR 210

<sup>23</sup> Amended by Annex No 1 of the FA of 17 June 2016 (Adoption), in force since 1 Jan. 2018 (AS 2017 3699; BBl 2015 877).

<sup>24</sup> Inserted by No II 2 of the FA of 30 Sept. 2011 (Names and Citizenship), in force since 1 Jan. 2013 (AS 2012 2569; BBl 2009 7573 7581).



**Art. 31** Inheritance law

<sup>1</sup> Once the registered partnership is dissolved, the partners' statutory right to inherit from each other no longer applies.

<sup>2</sup> No rights may be claimed based on testamentary dispositions executed before the dissolution proceedings were brought.

**Art. 32** Division of the common home

<sup>1</sup> If for good cause a person must remain in the common home, the court may transfer the rights and obligations under the tenancy agreement to that person provided this is not inequitable for the other.

<sup>2</sup> The previous tenant is jointly and severally liable for payment of the rent up to the date on which the tenancy ends or may be terminated pursuant to the tenancy agreement or by law, but for a maximum period of two years. If an action is brought to recover rent due, he or she is entitled to set off the amount paid against any maintenance payments in instalments equal to the amount of the monthly rent.

<sup>3</sup> If the home belongs to one of the partners, the court may, on the conditions under paragraph 1, grant the other person a right of residence for a fixed term in return for reasonable compensation or set-off against maintenance payments. Where new and compelling reasons so require, the right of residence may be restricted or revoked.

**Art. 33** Occupational pension scheme

The withdrawal benefits acquired under the occupational pension scheme throughout the registered partnership are divided in accordance with the occupational pension scheme regulations under divorce law.

**Art. 34** Maintenance payments

<sup>1</sup> After the dissolution of the registered partnership, each partner is basically responsible for his or her own maintenance.

<sup>2</sup> A person who, due to the division of duties, has been unable or had limited opportunity to work during the registered partnership, may demand appropriate maintenance payments from their partner until they can maintain themselves from their own gainful activity.

<sup>3</sup> Furthermore, a person may demand appropriate maintenance payments if they become indigent due to the dissolution of the registered partnership and the partner can be expected to pay the maintenance payments in the overall circumstances.

<sup>4</sup> Article 125 paragraphs 2 and 3 as well as 126–134 CC<sup>25</sup> is otherwise applicable *mutatis mutandis*.<sup>26</sup>

<sup>25</sup> SR 210

<sup>26</sup> Amended by Annex No 1 of the FA of 17 June 2016 (Adoption), in force since 1 Jan. 2018 (AS 2017 3699; BBl 2015 877).

**Art. 35<sup>27</sup>****Chapter 5 Final Provisions****Art. 36** Amendment of current legislation

The amendment of current legislation is regulated in the Annex.

**Art. 37** Coordination with amendments to other legislation

...<sup>28</sup>

**Art. 37a<sup>29</sup>** Transitional provision to the Amendment of 30 September 2011

If the partnership was registered before the Amendment of 30 September 2016 of the Swiss Civil Code comes into force, the partners may, within one year of this amendment coming into force declare to the civil registrar that they wish bear the surname of one of the partners as the family surname.

**Art. 38** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council shall determine the commencement date.

Commencement date: 1 January 2007<sup>30</sup>

<sup>27</sup> Repealed by Annex 1 No II 4 of the Civil Procedure Code of 19 Dec. 2008, with effect from 1 Jan. 2011 (AS **2010** 1739; BBl **2006** 7221).

<sup>28</sup> The coordination provisions may be consulted under AS **2005** 5685.

<sup>29</sup> Inserted by No II 2 of the FA of 30 Sept. 2011 (Names and Citizenship), in force since 1 Jan. 2013 (AS **2012** 2569; BBl **2009** 7573 7581).

<sup>30</sup> FCD of 9 Dec. 2005.

*Annex*  
(Art. 36)

## **Amendment of current legislation**

The federal acts listed below are amended as follows:

...<sup>31</sup>

<sup>31</sup> The amendments may be consulted under AS 2005 5685.

