

Formalisation of legal family formats in Sweden

by Hans Ytterberg ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

Edited by Kees Waaldijk,² Marie Digoix,³ Natalie Nikolina,² Giuseppe Zago,² Daniel Damonzé,² Arianna Caporali,³ Kamel Nait Abdellah ³

Published by INED, Paris, 2017, www.LawsAndFamilies.eu

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 1 – Formalisation)

© 2017 Hans Ytterberg

¹ Hans Ytterberg LL.M. (Director General of the Swedish Accident Investigation Authority, President of the Equal Opportunities Commission of the Kingdom of Sweden, Ombudsman against sexual orientation discrimination of the Kingdom of Sweden 1999-2008) is grateful for the useful comments that Kajsa Walleng LL.D. (biträdande jurist, Advokatfirman Tiberg & Co) made on an earlier version of the

answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



**Universiteit
Leiden**
The Netherlands

³ Institut national d'études démographiques, Paris, France, www.ined.fr.

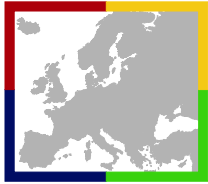


Recommended citation:

H. Ytterberg, 'Formalisation of legal family formats in Sweden', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu (question 1.x).

Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, www.familiesandsocieties.eu.



FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Sweden

The answers concerning Sweden can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Sweden by Hans Ytterberg (Section 1)

Income, troubles and legal family formats in Sweden by Kajsa Walleng (Section 2)

Parenting and legal family formats in Sweden by Hans Ytterberg (Section 3)

Migration and legal family formats in Sweden by Hans Ytterberg (Section 4)

Splitting up and legal family formats in Sweden by Hans Ytterberg (Section 5)

Death and legal family formats in Sweden by Kajsa Walleng (Section 6)

So this paper is based on **Section 1 (Formalisation)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 1.1 Legal family formats
- 1.2 Two siblings
- 1.3 With resident foreigner
- 1.4 With non-resident foreigner
- 1.5 Two foreigners
- 1.6 Two resident foreigners
- 1.7 Two non-resident foreigners
- 1.8 Start at registry
- 1.9 Start at public authority
- 1.10 Start at religious building
- 1.11 Contract
- 1.12 Statutory contract
- 1.13 Surname
- 1.14 Living together
- 1.15 Sex
- 1.16 General background regarding formalisation
- 1.17 Literature

In the following pages of this paper, first the answers to questions 1.16 and 1.17 are presented, followed by the answers to questions 1.1 to 1.15.

1.16 - General background regarding formalisation (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, constitutional, legal-cultural, religious, etc.) that may be relevant for the understanding of your answers above regarding formalisation, then please do so here.

–

1.17 - Literature (Open question)

Please list some relevant literature about the family formats concerned, especially in English and/or online (with web links).

–

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.01 - Legal family formats**

Which of the three legal family formats mentioned here are available to different-sex and/or same-sex couples?

(For the distinction between registered partnership and cohabitation, see section e of the [Guidance for experts answering questions in the questionnaire](#). If there are two or more formats available for informally cohabiting couples, then please mention these formats separately in the explanation to this question.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 No 1995	2015 No, but 2009	2015 Yes 2003	2015 Yes 2003
	No 0000	No 0000	Yes 1995	Yes 1988	Yes, but 1988
			No 0000	Yes 1974	No 1974
				No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 1(2) of chapter 1 of the Marriage Code (1987:230)[Äktenskapsbalk] as amended by law (2009:253), in force from 1 May 2009, https://www.notisum.se/rnp/sls/lag/19870230.htm. (All the www.notisum.se links to legal information on the internet are provided by the company NOTISUM, P.O. Box 146, SE-421 22 VÄSTRA FRÖLUNDA, Sweden.)</p>		<p>References to legal sources: Art. 1 of chapter 1 of the Registered Partnership Act (1994:1117) [Lag om registrerat partnerskap]. In force from 1 January 1995 until 30 April 2009, https://www.notisum.se/rnp/sls/lag/19941117.htm. Art.1 of the Act (2009:260) Repealing the Registered Partnership Act (1994:1117)[Lag om upphävande av lagen (1994:1117) om registrerat partnerskap], in force 1 May 2009. https://www.notisum.se/rnp/sls/lag/20090260.htm</p>		<p>References to legal sources: Art. 1 of the Cohabitation Act (2003:376)[Sambolag], in force from 1 July 2003, www.notisum.se/rnp/sls/lag/20030376.HTM. Art. 1 of the Joint Home of Cohabitants (Different-Sex) Act (1987:232) [Lag om sambors gemensamma hem], in force from 1 January 1988 to 30 June 2003. Single art. of the Homosexual Cohabitants Act (1987:813) [Lag om homosexuella sambor], in force from 1 January 1988 to 30 June 2003, www.notisum.se/rnp/sls/lag/19870813.htm. Art. 1 of the Joint Home of Unmarried Cohabiting Persons Act (1973:651) [Lag om ogifta samboendes gemensamma hem), in force from 1 January 1974 to 31 December 1987.</p>	
<p>Explanations and nuances: The Marriage Code was made gender neutral as from 1 May 2009.</p>		<p>Explanations and nuances: The Registered Partnership Act entered into force in 1995 and was open only to same-sex couples. When the gender neutral Marriage Code entered into force in 2009, the Act was repealed, but remains in force for those couples who had already registered their partnership under Swedish law before 1 May 2009.</p>		<p>Explanations and nuances: The present Cohabitation Act from 2003 is gender neutral. The Homosexual Cohabitants Act had a narrower scope of application than all the scattered statutory provisions applicable to different-sex cohabiting couples taken together. The Joint Home of Cohabitants (Different-Sex) Act of 1988 as well as the Joint Home of Unmarried Cohabiting Persons Act of 1974 applied to different-sex couples only. Before 1974 there were no statutory rules on cohabiting couples, regardless of sex.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.02 - Two siblings**

Is starting this type of relationship legally possible for two siblings?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 No, but 2009	2015 N/A 0000	2015 N/A 2009	2015 No, but 1974	2015 No, but 2003
	N/A 0000		No, but 1995	No 0000	No, but 1988
			N/A 0000		No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 3 of chapter 2 of the Marriage Act.</p>		<p>References to legal sources: Art. 3 of chapter 1 of the Registered Partnership Act.</p>		<p>References to legal sources: Art. 1 of the Cohabitation Act. Art. 1 of the Joint Home of Unmarried Cohabitants Act. Single art. para. 1 of the Homosexual Cohabitants Act. Art. 1 of the Joint Home of Unmarried Cohabiting Persons Act.</p>	
<p>Explanations and nuances: Half siblings as well as adopted siblings may marry after getting a special permission from the County Administrative Board [Länsstyrelsen].</p>		<p>Explanations and nuances: Half siblings as well as adopted siblings could register partnership after getting a special permission from the County Administrative Board [Länsstyrelsen]. No new partnerships can be registered since 1 May 2009 when the Registered Partnership Act was repealed.</p>		<p>Explanations and nuances: The wording of the Cohabitation Act, past and present versions for all couples, does not exclude two persons who are siblings or other close relatives, but in practice they are excluded since the Act applies only to two persons who live together “in a relationship as a couple” which is interpreted as a type of relationship which typically includes sexual relations.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.03 - With resident foreigner**

Is starting this type of relationship legally possible for a national citizen and a foreigner both residing in the country? (As to the meaning of "residing", see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2004	2015 Yes 2009	2015 N/A 0000	2015 N/A 2009	X	X
Yes, but 0000	N/A 0000		Yes 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1 of chapter 1 of the Certain International Legal Conditions regarding Marriage and Guardianship Act (1904:26 page 1) [lagen om vissa internationella rättsförhållanden rörande äktenskap och förmynderskap] as amended by law (2004:144) in force from 1 May 2004. https://www.notisum.se/rnp/sls/lag/19040026.htm		References to legal sources: Art. 1 and 2 of chapter 1 of the Registered Partnership Act.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Before 1 May 2004 the right to marry was dependent on the law of the state of citizenship of each of the spouses. After 2004 the right to marry is determined by Swedish law, as long as at least one of the spouses is either a Swedish citizen or is resident in Sweden.</p>		<p>Explanations and nuances: No new partnerships can be registered since 1 May 2009 when the Registered Partnership Act was repealed. The Registered Partnership Act required one of the partners to be either a Swedish citizen residing in the country or a resident since at least two years.</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.04 - With non-resident foreigner**

Is starting this type of relationship legally possible for a national citizen residing in the country and a foreigner residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2004	2015 Yes 2009	2015 N/A 0000	2015 N/A 2009	X	X
Yes, but 0000	N/A 0000		Yes 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1 of chapter 1 of the Certain International Legal Conditions regarding Marriage and Guardianship Act.		References to legal sources: Art. 1 and 2 of chapter 1 of the Registered Partnership Act.			
Explanations and nuances: See question 1.03.		Explanations and nuances: See question 1.03.			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.05 - Two foreigners**

Is starting this type of relationship legally possible for two foreigners, only one of whom is residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2004	2015 Yes 2009	2015 N/A 0000	2015 N/A 2009	X	X
Yes, but 0000	N/A 0000		Yes, but 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1 of chapter 1 of the Certain International Legal Conditions regarding Marriage and Guardianship Act.		References to legal sources: Art. 1 and 2 of chapter 1 of the Registered Partnership Act.			
Explanations and nuances: See question 1.03.		Explanations and nuances: See question 1.03.			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.06 - Two resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2004	2015 Yes 2009	2015 N/A 0000	2015 N/A 2009	X	X
Yes, but 0000	N/A 0000		Yes, but 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1 of chapter 1 of the Certain International Legal Conditions regarding Marriage and Guardianship Act.		References to legal sources: Art. 1 and 2 of chapter 1 of the Registered Partnership Act.			
Explanations and nuances: See question 1.03.		Explanations and nuances: See question 1.03.			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.07 - Two non-resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2004	2015 Yes, but 2009	2015 N/A 0000	2015 N/A 2009	X	X
Yes, but 0000	N/A 0000		No 1995	X	X
			N/A 0000	X	X
<p>References to legal sources: Art. 1(2) of chapter 1 of the Certain International Legal Conditions regarding Marriage and Guardianship Act.</p> <p>Judgment (final) of the Administrative Court of Appeal [Kammarrätten] in Stockholm, 6 November 2014 in case no. 862-14.</p>		<p>References to legal sources: Art. 1 and 2 of chapter 1 of the Registered Partnership Act.</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Before 1 May 2004 the right to marry was dependent on the law of the state of citizenship of each of the spouses. As of 2004, in case none of the spouses is neither a Swedish citizen nor resident in Sweden, the right of each of them to enter into the marriage shall be considered according to the law of each person's state of nationality or state of habitual residence. Each spouse may choose one of those two foreign jurisdictions. Upon a joint request by the spouses their right to marry may, however, instead be considered with reference only to the rules of the Swedish Marriage Code if there are reasons for this worthy to be taken into account. In a final judgment, the Administrative Court of Appeal in Stockholm has ruled that the interests of two Irish citizens of the same sex, non-resident in Sweden, to be able to marry here constituted such weighty reasons, since their Swedish marriage would be recognized as a registered partnership (civil union) in Ireland, and thus no limping legal situation would occur. Had that not been the case the outcome may have been the reverse.</p>		<p>Explanations and nuances: See question 1.03.</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.08 - Start at registry**

Can you legally start this type of relationship at the registry of births, marriages and deaths (État civil, Standesamt)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 2009	2015 N/A 0000	2015 N/A 2009	X	X
	N/A 0000		No 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1-3 of chapter 4 of the Marriage Code.		References to legal sources: Art. 1 and 6-8 of the Registered Partnership Act.			
Explanations and nuances: Marriage is legally entered into through a wedding ceremony before an authorised wedding officiant.		Explanations and nuances: A registered partnership was legally entered into through a wedding ceremony before an authorised wedding officiant.			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.09 - Start at public authority**

Can you legally start this type of relationship at another public authority (e.g. notary public, local population administration, court)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2009	2015 Yes 2009	2015 N/A 0000	2015 N/A 2009	X	X
Yes 0000	N/A 0000		Yes 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1-3 of chapter 4 of the Marriage Code.		References to legal sources: Art. 1 and 6-8 of the Registered Partnership Act.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Marriage is legally entered into through a wedding ceremony before an authorised wedding officiant. Such officiants may hold an individual authorisation by the County Administrative Board (Länsstyrelsen) or be authorised as a part of their role in a religious congregation.</p> <p>Before 2009 weddings could also take place at the District Courts.</p>		<p>Explanations and nuances: A registered partnership was legally entered into through a wedding ceremony, either at the District Court or before an authorised wedding officiant, holding an individual authorisation by the County Administrative Board (Länsstyrelsen).</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.10 - Start at religious building**

Can you legally start this type of relationship at a church, synagogue, mosque or other religious building?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 N/A 2009	X	X
	N/A 0000		No 1995	X	X
			N/A 0000	X	X
References to legal sources: Art. 1-3 of chapter 4 of the Marriage Code.		References to legal sources: Art. 1 and 6-8 of the Registered Partnership Act.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Marriage is legally entered into through a wedding ceremony before an authorised wedding officiant. Such officiants may hold an individual authorisation by the County Administrative Board (Länsstyrelsen) or be authorised as a part of their role in a religious congregation. All officiants are authorised to perform all weddings but officiants of religious congregations can decline to perform any particular wedding for whatever reason. Before 2009 weddings could also take place at the District Courts.</p>		<p>Explanations and nuances: A registered partnership was legally entered into through a wedding ceremony, either at the District Court or before an authorised wedding officiant, holding an individual authorisation by the County Administrative Board (Länsstyrelsen).</p>			

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.11 - Contract**

Can the partners make a contract (with or without third-party effect) to organise their relationship, for example with regard to property or personal obligations? (Think of prenuptial contracts and cohabitation contracts.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 Yes 1995	2015 Yes 2003	2015 Yes 2003
	N/A 0000		N/A 0000	Yes 1988	Yes 1988
				Yes 1974	No 0000
				No 0000	
References to legal sources: Chapter 6-13 of the Marriage Code.		References to legal sources: Art. 1 of chapter 3 of the Registered Partnership Act.		References to legal sources: Art. 9-19 and 20 (primarily) of the Cohabitation Act, and materially corresponding rules in the older legislation (see question 1.01).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: Cohabitation did not exist as a legal family format before 1988 (same-sex) and 1974 (different-sex) respectively. Therefore No before those years.	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.12 - Statutory contract**

Are there specific statutory rules regarding such a contract?

(See question 1.11 about the possibility for the partners to make a contract to organise their relationship.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 Yes, but 2009	2015 Yes 2003	2015 Yes 2003
	N/A 0000		Yes 1995	Yes 1988	Yes 1988
			N/A 0000	Yes 1974	No 0000
				No 0000	
References to legal sources: See question 1.11.		References to legal sources: See question 1.11.		References to legal sources: See question 1.11.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: Cohabitation did not exist as a legal family format before 1988 (same-sex) and 1974 (different-sex) respectively. Therefore No before those years.	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.13 - Surname**

Can (or must) one partner use or have the surname of the other partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1983	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 2009	2015 No 1974	2015 No 1988
No, but 0000	N/A 0000		Yes, but 1995	No 0000	No 0000
			N/A 0000		
References to legal sources: Art. 9-10 and 24 of the Names Act (1982:670) [Namnlag], in force 1 January 1983, https://www.notisum.se/rnp/sls/lag/19820670.htm		References to legal sources: Art. 1 of chapter 3 of the Registered Partnership Act. Art. 9-10 and 24 of the Names Act.		References to legal sources: Art. 9-10 and 24 of the Names Act.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Spouses can decide to take the surname of one of them as their common surname. The spouse who has thus taken the surname of the other may keep her or his own former surname as a 'middle name'. If they have chosen to each keep their own surname, one of them (but not both) may still take the surname of the other and use it as a 'middle name'. Both spouses can not use the surname of the other (i.e. they can not swap surnames with each other. Before 1983, the woman could take her husband's surname but not the other way around. There were no possibilities to carry "middle names".</p>		<p>Explanations and nuances: The legal effects of a registered partnership were identical to those of a marriage - as far as is relevant for this question.</p>		<p>Explanations and nuances: The rules of the Names Act do not apply to cohabitation.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.14 - Living together**

Do partners in this type of relationship have a duty to live together in the same house?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 2009	2015 N/A 0000	2015 No 1995	2015 Yes 1974	2015 Yes 1988
	N/A 0000		N/A 0000	No 0000	No 0000
References to legal sources:		References to legal sources:		References to legal sources: Art. 1 of the Cohabitation Act (see question 1.01).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is no requirement for married couples to live together.</p>		<p>Explanations and nuances: The legal effects of a registered partnership were identical to those of a marriage - as far as is relevant for this question. There is and were no requirement for registered partners to live together.</p>		<p>Explanations and nuances: The Cohabitation Act's definition of cohabitants include that they are steadily living together in a relationship as a couple and that they share the same household [Med sambor avses två personer som stadigvarande bor tillsammans i ett parförhållande och har gemensamt hushåll.] Also the older acts on cohabitation (different-sex)and the Homosexual Cohabitants Act (see question 1.01) contained the same requirement.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Formalisation of legal family formats in Sweden". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SE-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.15 - Sex**

Does the law require relationships of this type to be sexual or intimate?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 2009	2015 N/A 0000	2015 No 1995	2015 No, but 1974	2015 No, but 1988
	N/A 0000		N/A 0000	No 0000	No 0000
References to legal sources:		References to legal sources:		References to legal sources: Art. 1 of the Cohabitation Act. Bill 2002/03:80 introducing a new Cohabitation Act [Prop. 2002/03:80 Ny sambolag].	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is no such requirement.</p>		<p>Explanations and nuances: There is no such requirement.</p>		<p>Explanations and nuances: The Act's definition of cohabitants include that they are living together as a couple ['bor tillsammans i ett parförhållande'], which means that the relationship shall be of the kind in which sexual relations typically play a part. There is, however, no requirement for such relations to actually take place in the individual case. Also the older acts on cohabitation (different-sex) and the Homosexual Cohabitants Act (see question 1.01) contained the same requirement.</p>	