

Formalisation of legal family formats in Hungary

by Eszter Polgari ¹

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

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

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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 Hungary

The answers concerning Hungary 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 Hungary by Eszter Polgari (Section 1)

Income, troubles and legal family formats in Hungary by Tamás Dombos (Section 2)

Parenting and legal family formats in Hungary by Eszter Polgari (Section 3)

Migration and legal family formats in Hungary by Tamás Dombos (Section 4)

Splitting up and legal family formats in Hungary by Eszter Polgari (Section 5)

Death and legal family formats in Hungary by Eszter Polgari (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.

The 1949 Constitution (Act no. XX of 1949) contained only a general reference to marriage without specifying the gender of the parties. Art. 15 said: “The Republic of Hungary shall protect the institutions of marriage and the family.”

The first challenge to the Constitutional Court in favour of marriage equality was submitted in the early 1990’s and was decided in 1995. In Decision no. 14/1995 (III. 13.) the Constitutional Court did not find the Family Code’s provision limiting marriage only to a man and a woman unconstitutional with reference to the traditional understanding of the institution. However, it quashed pro futuro the Civil Code’s provision that only allowed different-sex couples to live in domestic partnership (with 1 March 1996 as deadline).

The registered partnership act was first adopted in 2008, however it never entered into force. Initially it was going to be accessible to both different and same-sex couples. In Decision no. 154/2008 (XII. 17.) the Constitutional Court found that it was unconstitutional in relation to different-sex couples: the Court reasoned that the rights of registered partners were almost identical with those of spouses and Art. 15 of the Constitution prescribed a state of obligation of protecting marriage. With regard to same-sex couples the Court found the protection of equal human dignity necessitates recognition and no constitutional concerns could be raised in this context. The re-adopted act on registered partnership (Act no. XXIX of 2009) only applies to same-sex couples. The act also passed the second constitutional challenge (Decision no. 32/2010 (III. 25.)).

In 2010 the currently governing coalition (FIDESZ – Christian Democrats, both right wing) won two-third majority. On 1 January 2012 the newly adopted, conservative Fundamental Law entered into force. It replaced the old Constitution (Act no. XX of 1949). The original version of Art. I of the Fundamental Law then declared: “Hungary protects the institution of marriage as a life community based on the voluntary decision of a woman and a man, and family as the guarantee of the survival of the nation”.

On 23 December 2011 the cardinal law on the protection of families (Act No CCXI of 2011) was adopted which – for the first time – gave a legal definition of family. Art. 7 now reads as follows: “(1) Family is the relationship between natural persons in an economic and emotional community that is based on a marriage between a woman and a man, or on lineal descent, or on family-based guardianship. (2) Lineal descent is established by way of filiation or adoption.” In line with this definition a new provision on succession was also passed and it limited intestate succession to spouses and lineal and collateral kin (art. 8).

The exclusionary definition completely ignored the social reality where a growing number of couples live and raise children in domestic partnership and not in marriage. The Commissioner for Fundamental Rights challenged the family protection act before the Constitutional Court.

In Decision no. 43/2012 (XII. 20.) the Court found both Article 7 and 8 of the Family Protection Act unconstitutional. The decision primarily relies on the so-called sociological notion of family, which the Court defined as a “stable emotional and economic community, based on mutual care and aimed at a common goal”. The Constitutional Court continued by emphasizing that “(e)ven if the legislator chooses to elevate and set as example a preferred form of partnership by giving an abstract statutory definition, it follows from its duty of institutional protection that other forms of partnership recognized by law shall be afforded the same level of protection (...) The level of legal protection (institutional protection) guaranteed by legal norms in other fields of law cannot be lowered (not even implicitly) through providing a general – and in this case very narrow – definition of family also mentioned in the Fundamental Law.” The Court noted – following the art. 8 jurisprudence of the European Court of Human Rights – that same-sex couples also fall within the protection of family life.

While the legislature had the option to amend the family protection act in compliance with the Constitutional Court’s decision, it rather amended the text of the Fundamental Law. Art. L as modified by the Fourth Amendment (adopted on 25 March 2013, in force since 1 April 2013) reads as follows: “Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the survival of the nation. Family ties shall be based on marriage and/or the relationship between parents and children.”

1.17 - Literature (Open question)

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

It is important to note that the Constitutional Court quashed Article 8 of the Family Protection Act that prescribed special rules on inheritance in contradiction with the general rules contained in the Civil Code was not reintroduced by the Parliament and thus never entered into force.

Kamarás, É.K. (2003). Families based on homosexual partnerships and a different approach to the same-sex marriage debate. *Jura*, (1), 157-162.

Hungarian LGBT Alliance & Háttér Society (2011). Registered Partnership – Guide for Gay and Lesbian Couples. <http://en.hatter.hu/publications/registered-partnership-guide>.

Szeiber Erdős, O. (2006). Unmarried partnership in Hungary - Today and de lege ferenda. *Annales Budapest* 47, 315-339, available at: www.ajk.elte.hu/file/Annales_2006_16_Szeibert.pdf.

Szeibert, O. (2010). Az élettársak és vagyoni viszonyaik [Domestic partners and their property relations], HVG-Orac.

Dombos, T., & Polgári, E. (2013). Zavaros progresszió. Az Alkotmánybíróság a családok védelméről szóló törvényről. [Messy Progression: The Constitutional Court on the Family Protection Act] *Fundamentum*, 17(1), 55–62.

Láposy Attila, Katalin, S.-T., & Katalin, S. (2013). A család(fogalom) és más alapjogok: alkotmányjogi megközelítésből. [The (Definition of) Family and Other Basic Rights: From a Constitutional Perspective] *Családi Jog*, 11(1), 1–8.

Zsiros, A. (2013). A házasság alkotmányjogi védelme és az élettársi kapcsolat. [The Constitutional Protection of Marriage and the Domestic Partnership] *Publicationes Universitatis Miskolcensis. Sectio Juridica et Politica*, 31, 259–270.

Csúri, É. (2010). Párkapcsolati formák a hatályos magyar jogban. [Forms of Partnership in the

Current Hungarian Law] Közjegyzők Közlönye, 57(6), 1–34.

Bojnár, K. (2009). A házasság és a család alkotmányos védelme, különös tekintettel a regisztrált élettársi kapcsolatra. [The Constitutional Protection of Marriage and Family, with Special Regard to Registered Partnership] In Parlamenti ösztöndíjasok, 2007-2008. (pp. 53–77).

Halmi, G., Polgári, E., Sólyom, P., Uitz, R., & Verman, M. (2009). Távol Európától: kiemelt védelem alacsony színvonalon. [Away from Europe: Heightened Protection along Low Standards] Fundamentum, 13(1), 89–108.

Csúri, É. (2008). A házasság, az élettársi kapcsolat és a bejegyzett élettársi kapcsolat -I. [Marriage, Domestic Partnership and Registered Partnership – I.] Ügyvédek Lapja, 47(2), 33–37.

Csúri, É. (2008). A házasság, az élettársi kapcsolat és a bejegyzett élettársi kapcsolat - II. [Marriage, Domestic Partnership and Registered Partnership – II.] Ügyvédek Lapja, 47(3), 15–16, 18–22.

Hámori, A. (2008). Vélemény az azonos neműek “házasságáról”, a bejegyzett élettársi kapcsolat szabályozásáról - az Alkotmánybíróság határozatainak tükrében. [Opinion on Same-Sex “Marriage”, on the Regulation of Registered Partnership – in the Light of the Constitutional Court’s Decisions] Családi Jog, 6(1), 20–31.

Jurisdiction: **Hungary**

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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 2014	2015 No 0000	2015 No 0000	2015 Yes 2009	2015 Yes 2014	2015 Yes 2014
Yes 1953			No 0000	Yes 1978	Yes 1996
Yes 1895				No, but 1973	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. 4:5 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. L of the Fundamental Law of Hungary (Magyarország Alaptörvénye), Article L (25 April 2011) (in force since 1 January 2012).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p> <p>Constitutional Court Decision no. 14/1995 (13 March 1995).</p>		<p>References to legal sources: Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p> <p>Constitutional Court Decision no. 154/2008 (17 December 2008).</p> <p>Constitutional Court Decision no. 32/2010 (25 March 2010).</p> <p>Act no. CLXXXIV of 2007 on Registered Partnership (2007. évi CLXXXIV. törvény, a bejegyzett élettársi kapcsolatáról) (never entered into force).</p>		<p>References to legal sources: Art. 6:514 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Types of Contracts) of Book Six (Contract Law) (in force since 15 March 2014).</p> <p>Art. 36/E-36/G of Act no. XLV of 2008 on Non-contentious Proceedings before Notaries (2008. évi XLV. törvény az egyes közjegyzői nemperes eljárásokról) as amended by Act no. XXIX of 2009 (in force since 1 January 2010).</p> <p>Article 685/A of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XLII of 1996 (in force between 19 June 1996 and 14 March 2014).</p> <p>Art. 578/G of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p> <p>Art. 685 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</p> <p>Constitutional Court Decision no. 14/1995 (13 March 1995).</p> <p>Views no. 94 of the Civil Law Collegium of the Supreme Court (1973).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Civil marriage was introduced in 1895, prior to that marriage was a religious ceremony.</p> <p>The Constitutional Court in 1995 declared that marriage is between a man and a woman according to the traditional understanding of the institution. The Fundamental Law explicitly declares that it protects the institution of marriage as a union of a man and a woman. (Article L).</p>		<p>Explanations and nuances: The Constitutional Court in 2008 ruled that the institution of registered partnership is unconstitutional for different-sex couples due to the constitutional protection of marriage. Registered partnership exclusively available to same-sex couples was found constitutional in 2010.</p>		<p>Explanations and nuances: Cohabitation between different-sex couples was recognised in the 1959 Civil Code in 1977 when cohabiting domestic partners were included in the list of relatives (art. 685). However, already from 1973 judicial practice accepted that domestic partnership was a family-like relationship and it carried the features of the so-called private law associations.</p> <p>The definition of domestic partnership was included in the Civil Code in 1988 "as a woman and a man living together in the same household forming an emotional and economic community outside marriage." (art. 578/G of the 1959 Civil Code). In 1995 the Constitutional Court found the provision limiting the recognition of cohabitation to different-sex couples unconstitutional. The Constitutional Court argued that "(a)n enduring union of two persons may realise such values that can call for legal acknowledgment on the basis of the equal human dignity of those affected, irrespective of the sex of the cohabiting partners."</p> <p>The 1959 Civil Code was amended accordingly in 1996 when art. 685/A was added: "(u)nless otherwise provided by legal regulation, domestic partnership shall be construed as two unmarried persons living together in an emotional and financial community in the same household."</p> <p>Since 2010 both different-sex and same-sex partners can register their cohabitation before a notary in the Registry of Partnership Declarations. The registration does not have constitutive effect, but may serve as a proof of the cohabitation.</p>	

Jurisdiction: **Hungary**

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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 1953	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 No 2014	2015 No 2014
No 1895			N/A 0000	Doubt 1996	Doubt 1996
				Doubt 1978	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. 4:12 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 8 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 15 March 2014).</p> <p>Art. 10 of Act no. XXXI of 1894 On the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p> <p>Art. 4:12 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 8 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 15 March 2014).</p>		<p>References to legal sources: Art. 6:514 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Types of Contracts) of Book Six (Contract Law) (in force since 15 March 2014).</p> <p>Art. 685/A of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XLII of 1996 (in force between 19 June 1996 and 14 March 2014).</p> <p>Art. 578/G of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p> <p>Art. 578 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act IV of 1977 (in force between 1 March 1978 and 31 December 1988).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Marrying a sibling is an invalidity ground.</p>		<p>Explanations and nuances: The reference rule contained in art. 3 of the Registered Partnership Act (RPA) stipulates that unless the RPA otherwise provides or explicitly excludes the application of it, the rules governing marriage shall be applied to registered partnerships as well, including the invalidity of marriages concluded between siblings contained in the Civil Code or previously in the Act on Family, Marriage and Guardianship.</p>		<p>Explanations and nuances: 'Doubt' because the 1959 Civil Code in 1977 did not explicitly exclude siblings from domestic partnership. However, the definition included in 1978 (a man and a woman living together in the same household in an emotional and economic community outside marriage) suggests that siblings who were barred from marriage could not benefit from the provision (art. 578).</p> <p>The 1996 amendment also formulates the definition of domestic partnership with reference to marriage without mentioning the preferred gender of the partners. However, the rules on acquiring property in proportion of the domestic partners' contribution duly applies to the relatives living in the same household (art. 578/G (2)).</p> <p>The 2013 Civil Code explicitly excludes siblings from domestic partnership: "it means when two persons are living together outside of marriage in an emotional and financial community in the same household (cohabitation), provided that neither of them is married, in a registered partnership or cohabiting with another person, and they are not related by linear descent or as siblings." (art. 6:514).</p> <p>The Criminal Code (since 1978) sanctions incest, which also supported the conclusion that despite the unclear wording of the 1959 Civil Code (as it was repeatedly amended) did not intend to include cohabiting siblings in the institution of domestic partnership.</p>	

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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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	X	X
Yes 1983			Yes 2009	X	X
Yes 1957			N/A 0000	X	X
Yes, but 0000				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 17 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 15 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 38 of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (in force since 1 July 1979).</p> <p>Art. 16 of Law Decree no. 23 of 1952 on the Entry into Force and Implementation of Act no. IV of 1952 on Marriage, Family and Guardianship, and on Certain Issues of Personal Law (1952. évi 23. törvényerejű rendelet - a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény hatálybalépése és végrehajtása, valamint a személyi jog egyes kérdéseinek szabályozása tárgyában) (in force between 1 January 1953 and 30 June 1979).</p> <p>Art. 3 of Law Decree no. 23 of 1952 on the Entry into Force and Implementation of Act no. IV of 1952 on Marriage, Family and Guardianship, and on Certain Issues of Personal Law (1952. évi 23. törvényerejű rendelet - a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény hatálybalépése és végrehajtása, valamint a személyi jog egyes kérdéseinek szabályozása tárgyában) (in force between 1 January 1953 and 1 October 1957).</p>		<p>References to legal sources: Art. 31 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/C of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p> <p>Art. 41/A of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (provision in force since 1 July 2009).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: 'Yes, but' because for marriages concluded with a "foreigner" the permission of the Council of Ministers of the People's Republic of Hungary had to be requested until 1957.</p> <p>The non-Hungarian national who wishes to marry in Hungary needs to certify that he/she meets the statutory conditions for marriage according to his/her personal law; no formal residence is required. In exceptional cases this requirement may be waived.</p>		<p>Explanations and nuances: The non-Hungarian national who wishes to enter into a registered partnership needs to certify that he/she meets the statutory conditions for registered partnership according to his/her personal law. If the institution of registered partnership is absent from the law of his/her home country, it will not be a legal obstacle for concluding a registered partnership in Hungary, provided that the non-Hungarian partner certifies that he/she would not be barred from marrying according to his/her personal law, and the future registered partner is a Hungarian national or Hungarian resident.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	X	X
Yes 1983			Yes 2009	X	X
Yes 1957			N/A 0000	X	X
Yes, but 0000				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 17 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 15 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 38 of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (in force since 1 July 1979).</p> <p>Art. 16 of Law Decree no. 23 of 1952 on the Entry into Force and Implementation of Act no. IV of 1952 on Marriage, Family and Guardianship, and on Certain Issues of Personal Law (1952. évi 23. törvényerejű rendelet - a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény hatálybalépése és végrehajtása, valamint a személyi jog egyes kérdéseinek szabályozása tárgyában) (in force between 1 January 1953 and 30 June 1979).</p> <p>Art. 3 of Law Decree no. 23 of 1952 on the Entry into Force and Implementation of Act no. IV of 1952 on Marriage, Family and Guardianship, and on Certain Issues of Personal Law (1952. évi 23. törvényerejű rendelet - a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény hatálybalépése és végrehajtása, valamint a személyi jog egyes kérdéseinek szabályozása tárgyában) (in force between 1 January 1953 and 1 October 1957).</p>		<p>References to legal sources: Art. 31 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/C of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p> <p>Art. 41/A of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (provision in force since 1 July 2009).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: 'Yes, but' because for marriages concluded with a "foreigner" the permission of the Council of Ministers of the People's Republic of Hungary had to be requested until 1957.</p> <p>The non-Hungarian national who wishes to marry in Hungary needs to certify that he/she meets the statutory conditions for marriage according to his/her personal law; no formal residence is required. In exceptional cases this requirement may be waived.</p>		<p>Explanations and nuances: The non-resident foreign national who wishes to enter into a registered partnership needs to certify that he/she meets the statutory conditions for registered partnership according to his/her personal law. If the institution of registered partnership is absent from the law of his/her home country, it will not be a legal obstacle for concluding a registered partnership in Hungary, provided that the non-Hungarian partner certifies that he/she would not be barred from marrying according to his/her personal law, and the future registered partner is a Hungarian national.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	X	X
Yes 1983			Yes 2009	X	X
Doubt 0000			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 23 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 20 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 38 of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (in force since 1 July 1979).</p> <p>Art. 12 of Law Decree no. 33 of 1963 on Registries and Marriage Procedures (1963. évi 33. törvényerejű rendelet az anyakönyvekről és a házasságkötési eljárásról) (in force between 1 January 1964 and 31 December 1982).</p>		<p>References to legal sources: Art. 35 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/C of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p> <p>Art. 41/A of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (provision in force since 1 July 2009).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Two non-Hungarians may marry in Hungary if they can certify that they are not legally barred from marriage according to their personal laws. The requirement for such certificate may be waived in exceptional cases (upon the decision of the county or the metropolitan government office). The certificate does not need to be submitted if the country of origin does not issue such documents.</p> <p>'Doubt' because the 1963 Law Decree did not explicitly allow foreigners to marry in Hungary, however, it refers to personal identification documents that may have been obtained only from abroad, and the text did not contain any qualification on the nationality of the future spouses.</p>		<p>Explanations and nuances: Non-Hungarian nationals who wish to enter into a registered partnership need to certify that they meet the statutory conditions for registered partnership according to their personal laws. If the institution of registered partnership is absent from the law of his/her home country, the registered partnership can be concluded in Hungary despite the missing certificate, provided that the partner from this country certifies that he/she would not be barred from marrying according to his/her personal law, and the future registered partner has Hungarian residence.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	X	X
Yes 1983			Yes 2009	X	X
Doubt 0000			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 23 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 20 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 38 of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (in force since 1 July 1979).</p> <p>Art. 12 of Law Decree no. 33 of 1963 on Registries and Marriage Procedures (1963. évi 33. törvényerejű rendelet az anyakönyvekről és a házasságkötési eljárásról) (in force between 1 January 1964 and 31 December 1982).</p>		<p>References to legal sources: Art. 35 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/C of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p> <p>Art. 41/A of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (provision in force since 1 July 2009).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Two non-Hungarians may marry in Hungary if they can certify that they are not legally barred from marriage according to their personal laws. The requirement for such certificate may be waived in exceptional cases (upon the decision of the county or the metropolitan government office). The certificate does not need to be submitted if the country of origin does not issue such documents.</p> <p>'Doubt' because the 1963 Law Decree did not explicitly allow foreigners to marry in Hungary, however, it refers to personal identification documents that may have been obtained only from abroad, and the text did not contain any qualification on the nationality of the future spouses.</p>		<p>Explanations and nuances: Non-Hungarian nationals who wish to enter into a registered partnership need to certify that they meet the statutory conditions for registered partnership according to their personal laws. If the institution of registered partnership is absent from the law of his/her home country, the registered partnership can be concluded in Hungary despite the missing certificate, provided that the partner from this country certifies that he/she would not be barred from marrying according to his/her personal law, and the future registered partner has Hungarian residence.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2014	X	X
Yes 1983			Yes, but 2009	X	X
Doubt 0000			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 23 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 20 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 38 of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (in force since 1 July 1979).</p> <p>Art. 12 of Law Decree no. 33 of 1963 on Registries and Marriage Procedures (1963. évi 33. törvényerejű rendelet az anyakönyvekről és a házasságkötési eljárásról) (in force between 1 January 1964 and 31 December 1982).</p>		<p>References to legal sources: Art. 35 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/C of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p> <p>Art. 41/A of Law Decree no. 13 of 1979 on Private International Law (1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról) (provision in force since 1 July 2009).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Two non-Hungarians may marry in Hungary if they can certify that they are not legally barred from marriage according to their personal laws. The requirement for such certificate may be waived in exceptional cases (upon the decision of the county or the metropolitan government office). The certificate does not need to be submitted if the country of origin does not issue such documents. 'Doubt' because the 1963 Law Decree did not explicitly allow foreigners to marry in Hungary, however, it refers to personal identification documents that may have been obtained only from abroad, and the text did not contain any qualification on the nationality of the future spouses.</p>		<p>Explanations and nuances: Non-Hungarian nationals not residing in the country may conclude registered partnership if they certify that they meet the statutory conditions of registered partnership according to their personal laws, which means that their home countries need to recognise the institution of registered partnership. No exemption from this requirement is afforded if none of them has residence in Hungary.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	X	X
Yes 1983			Yes 2009	X	X
Yes 1895			N/A 0000	X	X
No 0000				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:5 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 15 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 15 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 12 of Law Decree no. 33 of 1963 on Registries and Marriage Procedures (1963. évi 33. törvényerejű rendelet az anyakönyvekről és a házasságkötési eljárásról) (in force between 1 January 1964 and 31 December 1982).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1952 and 14 March 2014).</p>		<p>References to legal sources: Art. 31 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/A of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Persons who intend to marry each other need to personally notify any registrar operating within the country. Marriages recognised by the state can be established only in a registry office or in front of the registrar in an approved outside venue.</p> <p>Before 1895 only religious ceremonies existed.</p>		<p>Explanations and nuances: The partners who wish to enter into a registered partnership need to personally notify the registrar of a district centre (i.e. settlements that have a document office), and the relationship can be established only in a registry office or in front of the registrar in an approved outside venue.</p> <p>Establishing registered partnership is ceremonial and open to the public - as is marriage. The formal elements of the ceremony are the same as those of marriage.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 No 1991	2015 N/A 0000	2015 N/A 0000	2015 No 2009	X	X
Yes 1953			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 17 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 15 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Law Decree no. 33 of 1963 on Registries and Marriage Procedures (1963. évi 33. törvényerejű rendelet az anyakönyvekről és a házasságkötési eljárásról) (in force between 1 January 1964 and 31 December 1982).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 22 July 1991).</p>		<p>References to legal sources: Art. 31 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p> <p>Art. 26/C of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p>			
<p>Explanations and nuances: Since 1991 the law provides that the ceremony be performed before a registrar in the registry office or in an approved outside venue.</p> <p>Before 1991 the executive committee of the local council could authorise one of its members to act as a registrar.</p>		<p>Explanations and nuances: The law provides that the ceremony be performed before a registrar in the registry office or in an approved outside venue.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 No 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2014	X	X
No 1952			No 2009	X	X
No 1895			N/A 0000	X	X
Yes 0000				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:5 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1952 and 14 March 2014).</p> <p>Art. 15 of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (in force between 1 January 1983 and 30 June 2014).</p> <p>Art. 12 of Law Decree no. 33 of 1963 on Registries and Marriage Procedures (1963. évi 33. törvényerejű rendelet az anyakönyvekről és a házasságkötési eljárásról) (in force between 1 January 1964 and 31 December 1982).</p> <p>Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 31 of Act no. I of 2010 on Registration Procedures (in force since 1 July 2014).</p> <p>Art. 26/A of Law Decree no. 17 of 1982 on Registries, Marriage Procedures and Bearing Names (1982. évi 17. törvényerejű rendelet az anyakönyvekről, a házasságkötési eljárásról és a névviselésről) (provision in force between 1 July 2009 and 30 June 2014).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Since 1895 marriage is a civil institution, which may only be concluded before a registrar (or between 1953 and 1991 an authorised member of the executive committee of the local council). No religious ceremonies are recognised and religious marriages have to be accompanied by a civil ceremony.</p>		<p>Explanations and nuances: Registered partnership may only be concluded before a registrar located in the district centres (i.e. settlements with a document office) or in front of a registrar in an approved outside venue.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 Yes 2014
Yes 1987			Yes 2009	Yes 0000	Yes 0000
No 1953			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:63-4:68 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (provision in force between 1 July 1987 and 14 March 2014).</p>		<p>References to legal sources: Art. 4:63 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (provision in force between 1 July 1987 and 14 March 2014).</p> <p>Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 6:515 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Certain Contracts) of Book Six (Contracts) (in force since 15 March 2014).</p> <p>Art. 200 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) (in force between 1 May 1960 and 14 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Since 1987 spouses and future spouses may arrange their relationship in terms of property by means of a marital agreement for the duration of their matrimonial relationship. Unless otherwise provided in such agreement, marital community of property exists between the spouses during their marriage.</p> <p>The marriage contract is considered valid if executed in an authentic document or in a private document countersigned by an attorney.</p> <p>A marriage contract is effective towards third parties if the contract is recorded in the national register of marriage contracts, or if the spouses are able to prove that third party was aware or should have been aware that such contract existed, including its contents.</p> <p>Between 1953 and 1987 the law explicitly contained that the parties cannot in whole or in part deviate from the statutory matrimonial property regime.</p>		<p>Explanations and nuances: The Act on Registered Partnership contains a general reference rule mandating the application of legal norms on marriage and married couples on registered partners as well - with the exception of cases specified in the law. Rules on marital agreements duly apply in registered partnerships as well, there is no difference between married and registered partners in this regard.</p>		<p>Explanations and nuances: According to the 2013 Civil Code domestic partners may arrange their relationship in terms of property in a contract for the duration of their relationship. The contract is valid if concluded in an authentic instrument or in a private document countersigned by an attorney. Unless otherwise provided in the partnership contract, the partners are considered to be independent in their property acquisitions during the partnership.</p> <p>Prior to 2014 there was no legal provision explicitly authorising partnership agreements, however, cohabiting partners were free to conclude contracts between each other according to the general rules of contracts (they could agree on any matter not regulated otherwise by law).</p> <p>The partnership contract is effective towards third parties if the contract is recorded in the national register of partnership contracts, or if the partners are able to prove that the third party was aware, or should have been aware that such contract existed, including its content.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 Yes 2014
Yes 1987			Yes 2009	No 0000	No 0000
No 0000			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:63-4:68 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (provision in force between 1 July 1987 and 14 March 2014).</p>		<p>References to legal sources: Art. 4:63 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (provision in force between 1 July 1987 and 14 March 2014).</p> <p>Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 6:515 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Certain Contracts) of Book Six (Contracts) (in force since 15 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The 2013 Civil Code only contains some general provisions on the marital contracts. Parties to the marriage and spouses may arrange their relationship in terms of property by means of a marital agreement for the duration of their matrimonial relationship. Unless otherwise provided in such agreement, marital community of property exists between the spouses during their marriage.</p> <p>If the spouses lived in cohabitation before getting married and fail to conclude a contract, the statutory property regime, i.e. marital community of property comes into effect retrospectively dating to the establishment of cohabitation.</p> <p>A marriage contract is valid if executed in authentic instrument or in a private document countersigned by an attorney.</p> <p>The legislation between 1987 and 2014 (Act no. IV of 1952 as amended in 1986) conditioned the validity and binding force of marital agreements upon being included in an authorised document or countersigned by an attorney.</p> <p>Between 1953 and 1987 the law explicitly contained that the parties cannot in whole or in part deviate from the statutory matrimonial property regime.</p>		<p>Explanations and nuances: The Act on Registered Partnership contains a general reference rule mandating the application of legal norms on marriage and married couples on registered partners as well - with the exception of cases specified in the law. Rules on marital agreements duly apply in registered partnerships as well, there is no difference between married and registered partners in this regard.</p>		<p>Explanations and nuances: Similarly to marital agreements, the 2013 Civil Code only contains general rules. Domestic partners may arrange their relationship in terms of property in a contract for the duration of their relationship.</p> <p>The contract is valid if concluded in an authentic instrument or in a private document countersigned by an attorney. Unless otherwise provided in the partnership contract, the partners are considered to be independent in their property acquisitions during the partnership.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 No 0000	2015 No 0000
Yes 2004			N/A 0000		
Yes, but 1953					

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:27 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 25 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. XLIV of 2002 (provision in force between 1 January 2004 and 14 March 2014).</p> <p>Art. 26 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 31 December 2003).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p> <p>Art. 49-52 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p>		<p>References to legal sources: Art. 49-52 of Act no. I of 2010 on Registration Procedures (2010. évi I. törvény az anyakönyvi eljárásról) (in force since 1 July 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The 2013 Civil Code sets out the options the spouses may choose with regard to their married names. They can:</p> <p>a) keep their birth names or the name immediately before the time of marriage;</p> <p>b) bear the other spouse's surname with their own given names (if the name of the husband is Kovács Péter and the wife's maiden name Varga Anna, they can choose to be called Kovács Péter and Kovács Anna or Varga Péter and Varga Anna); or</p> <p>c) use both of their surnames merged together as their married name (Kovács-Varga Péter and Kovács-Varga Anna or Varga-Kovács Péter and Varga-Kovács Anna).</p> <p>The wife additionally may choose:</p> <p>a) to bear the husband's full name with an indication of marital status, possibly with her maiden name attached (Kovács Péterné or Kovács Péterné Varga Anna); or</p> <p>b) to bear the husband's surname with an indication of marital status and with her maiden name attached (Kovácsné Varga Anna).</p> <p>'Yes, but' because before 2004 the 1952 Family Code did not allow the husband to take the wife's surname as a married name, while the wife could choose either to bear the husband's full name or his surname with an indication of marital status, or take his surname with her own given name. The wife could also keep her maiden name after marriage. The Code between 1954 and 1974 prescribed even fewer options for the wife; however, she was always entitled to keep her maiden name.</p>		<p>Explanations and nuances: The Act on Registered Partnership explicitly denies registered partners the right to take each other's names; this is one of the few differences between registered partnership and marriage.</p> <p>However, the general procedure for changing one's name is open to them upon paying the required fees. Changing the name according to the non-marriage related rules results in changing the birth name and will not result in a separate spousal name for the partners.</p>		<p>Explanations and nuances: Domestic partners do not have the right to take each other's name, but upon paying the required fee they may change their name and take the partner's name according to the general procedure. Changing the name according to the non-marriage related rules results in changing the birth name and will not result in a separate spousal name for the partners.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Formalisation of legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2014	2015 Yes, but 2004	2015 Yes, but 2004
No 1987			No 2009	Yes 1978	Yes 1996
Yes 1953			N/A 0000	Yes 1973	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: Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Chapter II of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 25 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (provision in force between 1 January 1953 and 1 July 1987).</p>		<p>References to legal sources: Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Chapter II of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 6:514 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Types of Contracts) of Book Six (Contract Law) (in force since 15 March 2014).</p> <p>Art. 685/A of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XLII of 1996 (in force between 19 June 1996 and 14 March 2014).</p> <p>Art. 578/G of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p> <p>Art. 578 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 31 December 1988).</p> <p>Supreme Court Judgement no. Legf.Bir.Pfv.II. 21.744/2004.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Spouses do not have a legal duty to live together in the same house in a matrimonial relationship. However, not living in the same household has implications on the property regime between the spouses, and the entitlements they may claim after divorce.</p> <p>Art. 25 of the 1952 Family Code contained the following rule: "The spouses choose their house in agreement with each other." The provision was in force until 1987.</p>		<p>Explanations and nuances: The Act on Registered Partnership contains a general reference rule mandating the application of legal norms on marriage and married couples on registered partners as well - with the exception of cases specified in the law. The living arrangements of the registered partners is not an exception to the rule, thus similarly to marriage, no duty of cohabitation applies.</p>		<p>Explanations and nuances: The 2013 Civil Code defines domestic partnership with reference to cohabitation: "it means when two persons are living together outside of marriage in an emotional and financial community in the same household (cohabitation), provided that neither of them is married, in a registered partnership or cohabiting with another person, and they are not related by linear descent or as siblings."</p> <p>After 1989 the 1959 Civil Code contained the same definition: until 1996 it was, however, limited to different-sex couples only.</p> <p>In 2004 the Supreme Court in a case established that the objective circumstances are decisive and the partners who had two separate apartments in two different countries and spent only a few weeks together each year may be sufficient for establishing cohabitation taking into consideration the other particularities of the case.</p> <p>'Doubt' because the law failed to offer a clear definition prior to the 1988 amendment of the Civil Code.</p>	

Jurisdiction: **Hungary**

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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 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2014	2015 Yes 2014	2015 Yes 2014
No 1953			No 2009	Yes 1978	Yes 1996
No 1895			N/A 0000	Yes 1973	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. 4:5 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Chapter II of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IV of 1986 (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 6:514 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Types of Contracts) of Book Six (Contract Law) (in force since 15 March 2014).</p> <p>Article 685/A of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XLII of 1996 (in force between 19 June 1996 and 14 March 2014).</p> <p>Art. 578/G of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p> <p>Art. 578 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Similarly to the 1894 law, neither the 2013 Civil Code, nor the 1952 Family Code contains or contained reference on the nature and content of the relationship the spouses need to live in.</p>		<p>Explanations and nuances: The Act on Registered Partnership contains a general reference rule mandating the application of legal norms on marriage and married couples on registered partners as well - with the exception of cases specified in the law. The nature of the relationship of the registered partners is not among the statutory exceptions, the relevant provisions on marriage duly apply: since neither the 2013 Civil Code, nor the 1952 Family Code contains reference to the nature or content of the relationship the registered partners need to live in.</p>		<p>Explanations and nuances: The 2013 Civil Code defines domestic partnership with reference to cohabitation: "it means when two persons are living together outside of marriage in an emotional and financial community in the same household (cohabitation), provided that neither of them is married, in a registered partnership or cohabiting with another person, and they are not related by linear descent or as siblings." Emotional community implies intimate relationship.</p> <p>Since 1989 the 1959 Civil Code contained the same definition; until 1996 it was, however, limited to different-sex couples only.</p> <p>'Doubt' because the law failed to offer a clear definition prior to the 1988 amendment of the Civil Code.</p>	