

# Formalisation of legal family formats in Iceland

by Hrefna Friðriksdóttir <sup>1</sup>

*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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<sup>1</sup> Professor Hrefna Friðriksdóttir (University of Iceland) is grateful for the useful comments that Erna Kristín Blöndal (PhD student at the University of Iceland) made on an earlier version of the answers in this section of the database.

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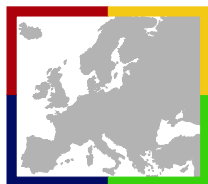


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# FamiliesAndSocieties

## 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](http://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](http://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 Iceland

The answers concerning Iceland 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](http://www.LawsAndFamilies.eu)):

### Formalisation of legal family formats in Iceland by Hrefna Friðriksdóttir (Section 1)

### Income, troubles and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 2)

### Parenting and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 3)

### Migration and legal family formats in Iceland by Erna Kristín Blöndal (Section 4)

### Splitting up and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 5)

### Death and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 6)

So this paper about Iceland 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).

–

**Fridriksdottir H. and Waaldijk K. (2005): Major legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners in Iceland. In: Kees Waaldijk (ed.), More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners – A comparative study of nine European countries, INED, Institut National D'Études Demographiques, Paris.**

**Fridriksdottir, H. (2014). The Nordic Model: Same-sex families in Love and Law. In: D. Gallo, L. Paladini and P. Pustorino (Eds.), Same-sex Couples before National and International Jurisdictions (pp 160-181). Heidelberg: Springer.**

Jurisdiction: **Iceland**

Source: H. Friðriksdóttir, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 2010	2015 No 0000	2015 No, but 2010	2015 Yes 0000	2015 Yes 2006
	No 0000		Yes 1996		No, but 0000
			No 0000		
<b>References to legal sources:</b> Marriage Act no. 31/1993, as amended by law no. 65/2010, in force from 27 June 2010.		<b>References to legal sources:</b> The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, allowing same sex partners to register their partnership. This Act was repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010.		<b>References to legal sources:</b> There is no general law on cohabitation.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>            Since the Registered partnership Act no. 87/1996 was repealed it is impossible to enter into a registered partnership. According to art. 141 of the Marriage Act no. 31/1993, as amended by law no. 65/2010, it is possible for already registered partners to change their partnership into marriage. This does not happen automatically and registered partners are not obliged to do this. According to art. 141(3) registered partnerships established under Act no. 87/1996 have the same legal consequence as marriages.</p>		<p><b>Explanations and nuances:</b>            Cohabitation has evolved since before and around the middle of the 20th century, gradually attaching legal rights and obligations to some forms of non marital cohabitation. As an example, our first comprehensive legislation on social security from 1946 equated married and unmarried couples to a certain extent. Until 2006 such legal provisions in general only applied to different-sex partners, with a few exceptions.</p> <p>According to the law on domicile no. 21/1990, as amended by law no. 65/2006, in force from 27 June 2006, both different-sex and same-sex partners can register their cohabitation with Registers Iceland, effectively introducing cohabitation equality as the general rule.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 0000	2015 No 2010	2105 N/A 0000	2015 N/A 2010	2015 No 0000	2015 No 2006
	N/A 0000		No 1996		N/A 0000
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 9 of the Marriage Act no. 31/1993.</p> <p>Marriage became available for same-sex partners by law no. 65/2010, in force from 27 June 2010.</p>		<p><b>References to legal sources:</b>            The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, allowing same-sex partners to register their partnership, but with the same impediments that applied to entering into marriage, effectively banning registered partnership between siblings. This Act was repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010.</p>		<p><b>References to legal sources:</b>            Art. 7(3) of the law on domicile no. 21/1990, as amended by law no. 65/2006, in force from 27 June 2006.</p>	
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>            According to art. 7(3) of the law on domicile no. 21/1990 all the impediments to marriage, such as the ban on marriage between siblings, apply for those wishing to register their cohabitation with Registers Iceland. There is no general law on cohabitation but rights and obligations afforded cohabiting partners in different legislation would never be considered applicable to siblings living together.</p> <p>Until 2006 provisions on legal rights and obligations for cohabiting partners in general only applied to different-sex partners. According to the law on domicile no. 21/1990, as amended by law no. 65/2006, in force from 27 June 2006, both different-sex and same-sex partners can register their cohabitation with Registers Iceland, effectively introducing cohabitation equality as the general rule.</p>	



Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 0000	2015 Yes 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		Yes 1996	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> Art 14 of the Marriage Act no. 31/1993. Marriage became available for same-sex partners by law no. 65/2010, in force from 27 June 2010.		<b>References to legal sources:</b> The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, but was repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Before marriage can take place the partners must submit documentation to verify that there are no impediments to the marriage according to the Icelandic Marriage Act no. 31/1993, such as a birth certificate, certificate of marital status and documentation regarding former divorce or widow/widower status. Original documents in other languages than English and the Scandinavian languages have to be accompanied by a translation. The foreigner may be required to present a certificate issued in his/her country confirming that there are no impediments to the planned marriage in the home country. In spite of this a foreigner from a country without marriage equality would not be prevented from marrying an Icelandic citizen of the same sex in Iceland.</p>		<p><b>Explanations and nuances:</b>                      According to the Icelandic Registered Partnership Act no. 87/1996 (repealed in 2010) same-sex partnership could only be registered if two conditions were cumulatively fulfilled: a) at least one of the individuals was an Icelandic national (or a national of a Nordic country or a country with similar legislation); and b) both individuals had to have resided in Iceland for the two years preceding the registration.</p>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 0000	2015 Yes 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		No 1996	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> See question 1.01.  Also art. 14 of the Marriage Act no. 31/1993 and Regulation on marriage impediments no. 55/2013.		<b>References to legal sources:</b> See question 1.01.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Before marriage can take place the partners must submit documentation to verify that there are no impediments to the marriage according to the Icelandic Marriage Act no. 31/1993, such as a birth certificate, certificate of marital status and documentation regarding former divorce or widow/widower status. Original documents in other languages than English and the Scandinavian languages have to be accompanied by a translation. The non-resident foreigner may be required to present a certificate issued in their country confirming that there are no impediments to the planned marriage in the home country. In spite of this a foreigner from a country without marriage equality would not be prevented from marrying an Icelandic citizen of the same-sex in Iceland.</p>		<p><b>Explanations and nuances:</b>            According to the Icelandic Registered Partnership Act no. 87/1996 (repealed in 2010) a same-sex partnership could only be registered if two conditions were cumulatively fulfilled: a) at least one of the individuals was an Icelandic national (or a national of a Nordic country or a country with similar legislation); and b) both individuals had resided in Iceland for the two years preceding the registration.</p>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 0000	2015 Yes 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		No 1996	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> See 1.01. Also Art 14 of the Marriage Act no. 31/1993 and Regulation on marriage impediments no. 55/2013.		<b>References to legal sources:</b> The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, allowing same-sex partners to register their partnership. This Act was repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Before marriage can take place the partners must submit documentation to verify that there are no impediments to the marriage according to the Icelandic Marriage Act no. 31/1993, such as a birth certificate, certificate of marital status and documentation regarding former divorce or widow/widower status. Original documents in other languages than English and the Scandinavian languages have to be accompanied by a translation. The foreigners may be required to present a certificate issued in their country confirming that there are no impediments to the planned marriage in the home country. In spite of this a foreigner from a country without marriage equality would not be prevented from marrying a person of the same sex in Iceland.</p>		<p><b>Explanations and nuances:</b>                      According to the Icelandic Registered Partnership Act no. 87/1996 (repealed in 2010) same-sex partnership could only be registered if two conditions were cumulatively fulfilled: a) at least one of the individuals was an Icelandic national; and b) both individuals had to have resided in Iceland for the two years preceding the registration. For the purposes of the Registered Partnership persons of Danish, Norwegian or Swedish nationality did enjoy the same rights as Icelandic nationals. The same did apply to nationals from Finland and the Netherlands from 2004, according to regulation no. 681/2004.</p>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 0000	2015 Yes 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		No, but 1996	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> See 1.01. Also Art 14 of the Marriage Act no. 31/1993 and Regulation on marriage impediments no. 55/2013.		<b>References to legal sources:</b> The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, allowing same-sex partners to register their partnership. This Act was repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Before marriage can take place the partners must submit documentation to verify that there are no impediments to the marriage according to the Icelandic Marriage Act no. 31/1993, such as a birth certificate, certificate of marital status and documentation regarding former divorce or widow/widower status. Original documents in other languages than English and the Scandinavian languages have to be accompanied by a translation. The partners may be required to present a certificate issued in their country confirming that there are no impediments to the planned marriage in the home country. In spite of this same-sex foreigners from a country without marriage equality would not be prevented from marrying in Iceland.</p>		<p><b>Explanations and nuances:</b>                      According to the Icelandic Registered Partnership Act no. 87/1996 (repealed in 2010) same-sex partnership could only be registered if two conditions were cumulatively fulfilled: a) at least one of the individuals was an Icelandic national; and b) both individuals had to have resided in Iceland for the two years preceding the registration. For the purposes of the Registered Partnership persons of Danish, Norwegian or Swedish nationality did enjoy the same rights as Icelandic nationals. The same did apply to nationals from Finland and Holland from 2004, according to regulation no. 681/2004.</p>			



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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 0000	2015 Yes 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		No 1996	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> See 1.01. Also Art 14 of the Marriage Act no. 31/1993 and Regulation on marriage impediments no. 55/2013.		<b>References to legal sources:</b> The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, allowing same-sex partners to register their partnership. This Act was repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Before marriage can take place the partners must submit documentation to verify that there are no impediments to the marriage according to the Icelandic Marriage Act no. 31/1993, such as a birth certificate, certificate of marital status and documentation regarding former divorce or widow/widower status. Original documents in other languages than English and the Scandinavian languages have to be accompanied by a translation. The foreigners may be required to present a certificate issued in their country confirming that there are no impediments to the planned marriage in the home country. In spite of this a foreigner from a country without marriage equality would not be prevented from marrying a person of the same sex in Iceland.</p>		<p><b>Explanations and nuances:</b>                      According to the Icelandic Registered Partnership Act no. 87/1996 (repealed in 2010) same-sex partnership could only be registered if two conditions were cumulatively fulfilled: a) at least one of the individuals was an Icelandic national; and b) both individuals had to have resided in Iceland for the two years preceding the registration. For the purposes of the Registered Partnership persons of Danish, Norwegian or Swedish nationality did enjoy the same rights as Icelandic nationals. The same did apply to nationals from Finland and Holland from 2004, according to regulation no. 681/2004.</p>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		No 1996	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> Art. 16 of the Marriage Act no. 31/1993.  For same-sex marriage see question 1.01.		<b>References to legal sources:</b> See question 1.01.			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 0000	2015 Yes 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		Yes 1996	X	X
			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      According to art. 16 of the Marriage Act no. 31/1993 civil marriages are performed by District Commissioners. A marriage may also be performed by a representative of a registered life stance organization, registered in accordance with law no. 108/1999, amended by law no. 6/2013, on registered religious and life stance organizations, empowered by the Ministry of the Interior to perform such ceremonies.</p> <p>For same-sex marriage see 1.01.</p>		<p><b>References to legal sources:</b>                      According to art. 4 of the Registered Partnership Act no. 87/1996 (repealed in 2010) registered partnerships could be performed by District Commissioners.</p>			
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b></p>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 2010	2015 N/A 0000	2015 N/A 2010	X	X
	N/A 0000		Yes 2008	X	X
			No 1996	X	X
			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      According to art. 16 and 17 of the Marriage Act no. 31/1993, religious solemnization of marriage is performed by the ministers of the National church and priests or other representatives of a registered religious organization, registered in accordance with law no. 108/1999, amended by law no. 6/2013, on registered religious and life stance organizations, empowered by the Ministry of the Interior to perform such ceremonies.</p> <p>For same-sex marriage see question 1.01.</p>		<p><b>References to legal sources:</b>                      See question 1.09.</p> <p>Art 4. of the Registered Partnership Act no. 87/1996 (repealed in 2010) was amended by law no. 55/2008, in force from 27 June 2008, allowing ministers of the National church and priests or other representatives of a registered religious organization to register partnerships.</p>			
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b></p>			

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 2010	2015 N/A 0000	2015 Yes, but 2010	2015 Yes 0000	2015 Yes 2006
	N/A 0000		Yes 1996		No, but 0000
			N/A 0000		



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 53, 74, 75, 76 and 80 of the Marriage Act no. 31/1993.</p> <p>For same-sex marriage see question 1.01.</p>		<p><b>References to legal sources:</b>            See question 1.01.</p>		<p><b>References to legal sources:</b>            There is no general law on cohabitation but it is generally recognized that cohabiting partners can enter into contracts with regard to property. The Supreme Court of Iceland recognized to a certain extent an implicit contract between different-sex cohabitants as early as 1955.</p> <p>For same-sex partners see 1.01.</p>	
<p><b>Explanations and nuances:</b>            According to art. 53 of the Marriage Act no. 31/1993 the property of spouses can be either matrimonial property or separate property. Separate property is in general contingent on a formal marriage settlement, according to art. 74, created by spouses or persons contemplating marriage. Gifts (other than ordinary gifts) between spouses are only valid if a provision is made for them in a marriage settlement, art. 75. Marriage settlements shall be executed in writing and confirmed by a public authority, art. 80. The provisions of a marriage settlement can only be amended or abrogated by a new marriage settlement, art. 76.</p>		<p><b>Explanations and nuances:</b>            According to art. 141 of the Marriage Act registered partnerships established under the law no. 87/1996 may still exist, but are governed by the provisions of the Marriage Act. According to art. 5 of the Registered Partnership Act no. 87/1996 (repealed in 2010) the applicable provisions relating to spouses applied directly to registered same-sex partners.</p>		<p><b>Explanations and nuances:</b>            There are no precedents dealing with contracts between same-sex cohabiting partners until the law established equal cohabitation in 2006.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 2010	2015 N/A 0000	2015 Yes, but 2010	2015 No 0000	2015 No 0000
	N/A 0000		Yes 1996		
			N/A 0000		
<b>References to legal sources:</b> See question 1.11.		<b>References to legal sources:</b> See question 1.11.		<b>References to legal sources:</b> See question 1.11.	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> According to art. 141 of the Marriage Act registered partnerships established under the law no. 87/1996 may still exist, but are governed by the provisions of the Marriage Act.		<b>Explanations and nuances:</b>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 No, but 0000	2015 No, but 2010	2015 N/A 0000	2015 No, but 2010	2015 No 0000	2015 No 0000
	N/A 0000		No, but 1996		
			N/A 0000		
<b>References to legal sources:</b> Art. 8 of the Personal Names Act no. 45/1996.  For same-sex partners see question 1.01.		<b>References to legal sources:</b> See question 1.01.		<b>References to legal sources:</b> There is no law regarding names in case of cohabitation.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The traditional rule on surnames in Iceland is that every person calls him/herself by a patronymic or matronymic so that one of the identification (first) names of his/her father or his/her mother is used as a surname, with the suffix "son" in the case of a man or "dottir" in case of a woman. "No but" because some people have a family name and according to art. 7 a person can take the family name of his/her spouse as a middle name.</p>		<p><b>Explanations and nuances:</b>                      According to art. 141 of the Marriage Act registered partnerships established under the law no. 87/1996 may still exist, but are governed by the provisions of the Marriage Act. According to art. 5 of the Registered Partnership Act no. 87/1996 (repealed in 2010) the applicable provisions relating to spouses applied directly to registered same-sex partners.</p>		<p><b>Explanations and nuances:</b></p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 Yes, but 0000	2015 Yes, but 2010	2015 N/A 0000	2015 Yes, but 2010	2015 Yes, but 0000	2015 Yes, but 2006
	N/A 0000		Yes, but 1996		? 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 7 of the law on domicile no. 21/1980.  For same-sex marriage see question 1.01.		<b>References to legal sources:</b> See question 1.01.		<b>References to legal sources:</b> Art. 7(3) of the law on domicile no. 21/1980 requiring registered cohabitants to have the same formal domicile.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> "Yes but" because according to art. 7 of the law on domicile no. 21/1980 married partners are obliged to have the same formal domicile but one of them can effectively live elsewhere.</p>		<p><b>Explanations and nuances:</b> According to art. 141 of the Marriage Act registered partnerships established under the law no. 87/1996 may still exist, but are governed by the provisions of the Marriage Act. According to art. 5 of the Registered Partnership Act no. 87/1996 (repealed in 2010) the applicable provisions relating to spouses applied directly to registered same-sex partners.</p>		<p><b>Explanations and nuances:</b> According to the law on domicile no. 21/1990, as amended by law no. 65/2006, in force from 27 June 2006, both different-sex and same-sex partners can register their cohabitation with Registers Iceland, effectively introducing cohabitation equality as the general rule. Only registered cohabiting partners are legally required to have the same formal domicile. Registration is not an absolute requirement for cohabiting partners to have various rights and obligations. There is no general law on cohabitation but the theoretical definition of cohabitation generally requires the partners to share a household.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Formalisation of legal family formats in Iceland". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-IS-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 2010	2015 N/A 0000	2015 No 2010	2015 No, but 0000	2015 No, but 2006
	N/A 0000		No 1996		No 0000
			N/A 0000		
<p><b>References to legal sources:</b> The Marriage Act does not require sexual or other intimacy.</p> <p>For same-sex marriage see question 1.01.</p>		<p><b>References to legal sources:</b> See question 1.01.</p>		<p><b>References to legal sources:</b> There is no general law on cohabitation.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>                      According to art. 141 of the Marriage Act registered partnerships established under the law no. 87/1996 may still exist, but are governed by the provisions of the Marriage Act. According to art. 5 of the Registered Partnership Act no. 87/1996 (repealed in 2010) the applicable provisions relating to spouses applied directly to registered same-sex partners. Neither the Marriage Act nor the Registered Partnership Act requires sexual or other intimacy.</p>		<p><b>Explanations and nuances:</b>                      The theoretical definition of cohabitation generally requires an intimate and personal relationship, but there is no requirement for a sexual relationship.</p> <p>For same-sex cohabitation see question 1.01.</p>	