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The Ministry for Foreign Affairs of the Republic of Iceland presents its compliments to the Embassy of the Republic of the Philippines and has the honour to acknowledge the Embassy's Note No. MEPA-16-2018 of 13 February 2018 concerning Icelandic law on marriage and divorce.

The law, no. 31/1993, can be found in Icelandic and English on the following websites:

Althingi, the Icelandic Parliament:
https://www.althingi.is/lagas/148a/1993031.html

The Icelandic Human Rights Centre:
http://www.humanrights.is/en/moya/page/law-in-respect-of-marriage-no-31-of-april-14th-1993

The Ministry for Foreign Affairs of the Republic of Iceland avails itself of this opportunity to renew to the Embassy of the Republic of the Philippines the assurances of its highest consideration.

Ministry for Foreign Affairs
Reykjavík, 27 February 2018

MINISTRY FOR FOREIGN AFFAIRS
REYKJAVIK

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DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

22 FEB 2019

JONATHAN A. HIPE
Signing Officer

RECEIVED
28 FEB. 2019
OSLO

Embassy of the Republic of the Philippines

Oslo

No. MEPA- 16 -2018

The Embassy of the Republic of the Philippines in Oslo presents its compliments to the Ministry for Foreign Affairs of the Republic of Iceland and has the honor to request the assistance of the esteemed Ministry in securing an official copy of the pertinent provisions of the laws of Iceland on marriage and divorce, preferably with an English translation and date of effectivity, for the reference of Philippine courts in hearing cases where reference is made to the laws of Iceland on marriage and divorce.

The Embassy would highly appreciate the esteemed Ministry's assistance on this matter in order to facilitate the speedy and efficient disposition of cases involving marriages where the parties are of two different nationalities.

The Embassy of the Republic of the Philippines in Oslo avails itself of this opportunity to renew to the Ministry for Foreign Affairs of the Republic of Iceland the assurances of its highest consideration.

13 February 2018
Oslo

The Ministry for Foreign Affairs of the Republic of Iceland

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Iceland's Law in Respect of Marriage No.31 of April 14th, 1993.

CHAPTER I
Sphere of Application, and General Provisions

A. Application
Article 1This Law shall apply to the union of one man and one woman in matrimony. It shall not apply to cohabitation of unmarried persons.

B. Equality of Spouses
Article 2

In their union of matrimony, the spouses shall be equal in every respect, and shall carry the same obligations towards each other and their children. They shall be faithful to each other, support each other, and together guard the interests of their home and family.
Spouses shall bring up their children jointly, care jointly for their needs, and aid each other in providing for the family by financial contributions, domestic work, and by other means.

C. Division of Responsibilities, and Financial Information
Article 3

The spouses shall, as practicable, share the work to be performed in the home and the financial outlays incurred on account of keeping a home and maintaining a family.
Married persons shall keep each other informed on their financial status and earnings.

D. Control of Assets and Liability for Debts
Article 4

Each married person shall have control of his or her assets and be responsible for his or her liabilities as further provided for by law.

E. Termination of Marriage
Article 5

A marriage shall be terminated upon the death of a spouse, annulment of marriage, or divorce.

F. Settlement of Assets and Liabilities when Severing the Financial Ties Between Married Persons
Article 6

Upon legal separation or divorce of spouses, or upon the death of either spouse, the net matrimonial property of each shall be divided into two equal parts, as further specified in this Law. Spouses may agree between themselves on the distribution of assets and liabilities on account of legal separation or divorce, and if such settlement is not reached, each spouse may

request that settlement of assets and liabilities take place by an official settlement procedure. Article 30 shall apply to settlement of assets and liabilities on account of annulment of marriage, and the provisions of Chapter XIII shall apply to such settlement without termination of marriage.

CHAPTER II
Impediments to Marriage

A. Legal Age for Marriage
Article 7

A man and a woman may marry when they have both attained the age of 18 years. The Ministry of Justice may permit the marriage of younger persons.

B. Marriage of a Person Deprived of Legal Competence
Article 8

A person deprived of legal competence can not enter into marriage without the guardian's approval. In case such approval is denied the matter may be referred to the Ministry of Justice, which may permit the marriage if it deems that the denial is unwarranted.

C. Consanguinity
Article 9

Persons related by direct descent may not intermarry, and the same shall apply to siblings.

D. Adoption
Article 10

Adoptive parents and adopted children may not marry each other, unless the adoption has first been annulled.

E. Bigamy
Article 11

Marriage of a person already married may not take place.

F. Settlement of Assets and Liabilities Between a Person Marrying Again, and the Former Spouse
Article 12

A person who has been married before may not marry again unless an official settlement procedure has been initiated or a private settlement procedure completed as regards the assets and liabilities of the person marrying and the former spouse. This shall not, however, apply if a system of separate property was exclusively in effect in the earlier marriage. The Ministry of Justice and Ecclesiastical Affairs may, in special circumstances, waive this requirement.

CHAPTER III
Examination of Impediments to Marriage

A. Subject of Examination
Article 13

Before a marriage is solemnized the persons to be married shall submit a certificate to the effect that an examination has taken place as regards possible impediments to marriage under Chapter II, and that their marriage would not be contrary to law.
The Ministry of Justice shall issue further provisions relating to such examination, including as regards documents which the persons to be married shall be required to submit when the above is being examined, such as birth certificates and documents evidencing termination of previous marriage.
The persons to be married shall provide a written declaration, upon their honour, to the effect that to their knowledge there are no impediments to their planned marriage. To assure this, the person to perform the marriage ceremony shall require that the persons wishing to marry submit a written declaration of two trustworthy persons who both vouch for the fact that there are no legal impediments to the planned marriage. The Ministry of Justice and Ecclesiastical Affairs may in very special circumstances waive this requirement, and also permit that such declaration be signed by only one such person.

B. Parties Conducting Examination –Refusal to Issue an Examination Certificate
Article 14

Examination of impediments to marriage shall be performed by persons empowered to perform marriage ceremonies in accordance with Chapter IV of this Law. Such examination shall take pace in the administrative district of the home of either person to be married. In case neither person to be married has a legal home in Iceland, the examination shall be performed in the administrative district where either is staying.
If a person empowered to perform a marriage ceremony refuses to issue a certificate to the effect that such examination has been completed, either person to be married may appeal against such decision to the Ministry of Justice and Ecclesiastical Affairs, under the principles of Article 132. If the Ministry accepts the view of the appellant the decision of the person empowered to perform the ceremony shall be invalidated, and marriage shall then be allowed on the basis of the Ministry's decision.

C. Certificate of Examination as a Prerequisite for Marriage –Exception in Case of Serious Illness
Article 15

A marriage ceremony may not take place unless a certificate to the effect that there are no legal impediments to the planned marriage has been issued by a person empowered to perform such ceremony. Such certificate must not be more than four months old.
In case either or both persons to be married are seriously ill a marriage ceremony may take place even if an examination of impediments to marriage has not been performed as required.
In case a person empowered to perform a marriage ceremony is aware of an impediment to marriage, such ceremony may not be performed, even if a valid certificate of examination has been issued.

CHAPTER IV
Solemnization of Marriage

A. Persons Empowered to Perform Marriage Ceremonies
1. General
Article 16

Marriage may take place before a minister of the church, a representative of a registered religious organization empowered to perform such ceremonies, cf. Article 17, or before a civil official so empowered.

2. Ministers and Representatives of Registered Religious Organizations
Article 17

Religious solemnization of marriage shall be performed by the ministers of the National Church, and priests or other representatives of registered religious organizations in Iceland who have been empowered to perform such ceremonies by the Ministry of Justice and Ecclesiastical Affairs.
Clergymen as defined in Law no. 62/1990 shall be empowered to perform marriage ceremonies. The Ministry of Justice and Ecclesiastical Affairs, having received the proposals of the Bishop, shall decide whether other ministers of the National Church shall be empowered to perform such ceremonies.
Retired ministers of the National Church may perform marriage ceremonies provided this is allowed by a minister of the National Church who has performed an examination of impediments to marriage and assumed responsibility for entering the marriage into the church registry and for delivery of the necessary returns.
The Ministry of Justice and Ecclesiastical Affairs may authorize Icelandic ministers to perform marriage ceremonies abroad.

3. Civil Officials Empowered to Perform Marriage Ceremonies
Article 18

Civil marriage shall be entered into before a magistrate, or a magistrate's deputy who has legal training.

4. Authorization of Staff Members of Icelandic Embassies to Perform Marriage Ceremonies
Article 19

Following consultation with the Ministry of Justice and Ecclesiastical Affairs the Ministry of Foreign Affairs may issue provisions concerning authorization of staff members of Icelandic embassies who have diplomatic status to perform marriage ceremonies abroad, and similar provisions concerning authorization of Icelandic consuls in foreign countries.
The provisions of this Law relating to impediments to marriage, the examination thereof, and to marriage ceremonies, shall also apply to marriage ceremonies under Paragraph 1 above and Article 17, Paragraph 4.

5. Authorization of Persons Empowered to Solemnize Marriages Abroad, to Perform Marriage Ceremonies in Iceland
Article 20

Agreements with foreign states may provide that priests or ministers from those states or their consular officers, who have diplomatic status may perform marriage ceremonies in Iceland, if one or both of the persons to be married are nationals of the state in question.

6. Competence of Persons Empowered to Perform Marriage Ceremonies
Article 21

Relationship by blood, affinity or adoption between a person empowered to solemnize a marriage and a person to be married shall not affect the competence of the former to perform an examination of impediments to marriage or to perform the marriage ceremony.

B. The Right to Marry and the Duty of Ministers to Solemnize Marriages
Article 22

Persons wishing to marry have the right of being married by a competent civil official, irrespective of whether they are entitled to enter religious solemnization of marriage.
The Ministry of Justice and Ecclesiastical Affairs may, having received the Bishop's recommendations, issue provisions defining under what circumstances ministers shall be obliged to perform marriage ceremonies, and further as to when they are entitled to perform such ceremonies.

C. Where Marriage Ceremonies Shall Be Performed
Article 23

Unless otherwise agreed between the person performing the ceremony and the persons to be married, civil marriage shall take place at the office of the person performing the ceremony.
Unless otherwise agreed between the person performing the ceremony and the persons to be married, Christian marriage shall take place in church.

D. The Ceremony
Article 24

Marriage ceremonies shall be performed in the presence of two witnesses.
The person performing the ceremony shall ask each of the persons to be married, who both shall be present, whether they wish to enter into such union, and shall proclaim them husband and wife when they have answered affirmatively.
The Ministry of Justice and Ecclesiastical Affairs, having consulted the Bishop of Iceland and the Ministry of Foreign Affairs, shall issue provisions governing the conduct of civil and religious marriage ceremonies in further detail.

E. The Validity of a Marriage Ceremony
Article 25

A marriage ceremony shall be deemed valid if performed by a lawfully empowered person, provided the provisions of Article 24, Paragraph 2, have been observed.
In case a marriage ceremony is not valid under Paragraph 1 above the Ministry of Justice and Ecclesiastical Affairs may validate it, if the circumstances recommend this. This shall also apply in case either or both spouses are deceased.

F. The Keeping of Official Records, etc.
Article 26

The keeping of official records concerning marriages, and the delivery of returns in respect of marriages, shall be governed by the statutes and other legal provisions now in effect and later to be enacted or issued. The Ministry of Justice and Ecclesiastical Affairs may issue further provisions in this respect by regulation.
The above principles relating to marriages shall apply to marriages solemnized by ministers or other representatives of religious organizations, but in any other respect the rites and traditions applicable within the religious organization in question may be followed.

CHAPTER V
Annulment of Marriage

A. Possibility of Annulment
Article 27

A marriage incepted contrary to the provisions of Articles 9 or 11 shall be annulled by judgment, subject to the provisions of Article 116. A marriage in violation of Article 11 can not be invalidated if the earlier marriage has terminated before the action is brought.

Article 28

Either spouse may claim annulment of his or her marriage:
1. If the claimant was not in command of his or her reason at the time the union was proclaimed, or if his or her condition was in other respects such that the marriage could not be validly covenanted under law;
2. if the claimant was married to a person other than he or she had engaged to marry, or if the claimant had married without his or her intention;
3. if the other spouse had induced the claimant to marry by misrepresentation, or by keeping silent about facts of his or her life that would have deterred the claimant from the marriage had they been known;
4. if the claimant was married under duress.
Action for annulment can not be brought after six months have passed since the condition described under (1) above abated, since the claimant obtained knowledge of the cause for annulment under (2) or (3) above, or since duress under (4) above ceased. In any case such action can not be brought when three years have elapsed from the celebration of marriage.

B. The Legal Effects of Annulment
Article 29

Subject to statute provisions providing for other effects, annulment of marriage shall have the same effect as divorce.

C. Settlement of Assets and Liabilities by Reason of Annulment
Article 30

When a settlement of assets and liabilities takes place by reason of annulment of marriage, each spouse shall receive property of such value as corresponds to the property owned by that spouse before the marriage took place, with later additions by gifts or inheritance, and furthermore with the addition of the value of any property transferred by that spouse from separate property to matrimonial property. In case the total property of the spouses does not suffice to meet the claims thus made, the claims of both spouses shall be reduced in the same proportion. Any gifts from either spouse to the other intended to become the latter's separate property may be reclaimed.

D. Death of a Spouse Before a Voidable Marriage Has Been Annulled
Article 31

In case a spouse dies before his or her marriage, voidable under Article 27, has been annulled, the other spouse, or the successors to the estate of the deceased spouse, may request that the special provisions relating to settlement of assets and liabilities by reason of annulment of marriage be applied.
The same remedy shall also be available to a spouse entitled to bring legal action under Article 28, in case the other spouse has died before the marriage has been annulled, provided the time limitations for bringing such action have not been reached. If legal action for annulment has been brought before the death of a spouse, the successors to that spouse's estate may request that the special provisions relating to settlement of assets and liabilities by reason of annulment of marriage be applied.
Claims under Paragraphs 1 and 2 above shall be presented within 6 months from the date of the spouse's death.

Article 32

In case a spouse who has married in violation of Article 11 has died before such marriage has been annulled, any rights due to a third party in the nature of indemnity, maintenance, pension or other valuable rights designed to benefit a surviving spouse shall, unless there is clear evidence to the contrary, be presumed to be due the surviving spouse of the marriage with which the bigamous marriage conflicted.

CHAPTER VI
Separation and Divorce

A. Legal Separation
1. Mutual Agreement of Spouses to Seek Legal Separation
Article 33

If spouses are in agreement to seek legal separation, a permit for such separation shall be granted them.

2. Legal Separation Requested by One Spouse
Article 34

A spouse who considers that his or her marriage can not be continued shall be entitled to legal separation.

3. Termination of the Legal Effects of Legal Separation
Article 35

The effects of legal separation shall terminate if the spouses continue their cohabitation for more than a short period they may reasonably be deemed to need, particularly for removal and acquisition of a new home. The legal effects of separation shall also terminate if the spouses resume cohabitation later, except for an attempt of short duration to resume the union.

B. Divorce
1. Divorce Following Legal Separation
Article 36

In case both spouses are in agreement to seek divorce, they shall be entitled to divorce when six months have passed from the date a permit for legal separation was issued or judgment pronounced, provided the provisions of Article 35 do not apply.
Each spouse shall be entitled to divorce when one year has passed from the date a permit for legal separation was issued or judgment pronounced, provided the provisions of Article 35 do not apply.

2. Termination of Cohabitation
Article 37

If the spouses have discontinued their cohabitation by reason of their discord, each may claim divorce when they have lived separately for a period of a least two years.

3. Bigamy
Article 38

If either spouse has married in violation of Article 11, the other spouse may claim divorce in the case of the marriage with which the bigamous marriage conflicted.

4. Adultery
Article 39

In case either spouse commits adultery or evinces conduct analogous thereto the other spouse may claim divorce, provided that the spouse has not consented or contributed to the act, or waived his or her right to claim divorce on such grounds.
Divorce can not be claimed under Paragraph 1 on account of conduct evinced after legal separation has been granted.
Action shall be brought or a claim submitted within six months from when a spouse becomes aware of such offence, and in any case within two years from the time of its commission.

5. Physical Assault
Article 40

If it is established that one spouse has committed physical assault or a sexual offence directed against the other spouse or a child residing in their home, the other may claim divorce, provided the act was committed wilfully and, in the case of physical assault, resulted in injury or damage to the health of the victim.
The same shall apply if one spouse evinces conduct suited to cause serious fear that he or she will become guilty of conduct such as described in Paragraph 1 above.
Action shall be brought or a claim submitted within six months from when a spouse becomes aware of such conduct, and in any case within two years from the time of its commission.

C. Power of Resolution with Respect to a Claim for Separation or Divorce
Article 41

Permits for legal separation under Article 33 and divorce under Article 36, Paragraph 1, shall be granted by magistrates or their deputies with legal training.
A petition for separation or divorce under other provisions may be submitted to a magistrate if the spouses agree mutually to do so; if not, such petition must be submitted in court.
In case a magistrate decides not to grant a petition to issue a permit for legal separation or divorce his decision may be referred to the Ministry of Justice and Ecclesiastical Affairs, as provided for in Article 132. Such decision shall not prejudice the right of a party to refer the matter to the courts.

D. Conciliation
Article 42

Spouses who have decided to seek legal separation or divorce shall always be entitled to a conciliation procedure under this Article.
If either or both spouses have a child of minor age in their custody a conciliation procedure shall be obligatory. This shall not, however, apply if both spouses jointly seek divorce following legal separation, as contemplated in Article 36, Paragraph 1.
A conciliation attempt shall include an examination of the possibilities for continued marriage.
Conciliation shall be attempted by ministers or recognized representatives of religious organizations. In case either or both spouses are outside religious organizations, or if the spouses belong to different religious organizations, the magistrate or the judge, depending on the authority in charge of the matter, may attempt conciliation.
Persons attempting conciliation under this Article shall guard the secrecy of information concerning personal matters which they may obtain in the course of their efforts.
Conciliation shall generally have been attempted by a minister or a recognized representative of a religious organization in the six months preceding the commencement of legal action or the presentation of a claim for legal separation or divorce to a magistrate, or in any case before legal separation or divorce is granted.
If one spouse does not appear at a conciliation meeting despite having been notified two times, conciliation may be attempted with the other spouse only. Article 97, Paragraph 1 (a)-(e), of the Code of Civil Procedure, no. 91/1991, shall apply to lawful inability of spouses to attend a meeting of conciliation. If the spouses reside in different parts of the country, conciliation may be attempted with each spouse separately. In case one of the spouses resides abroad conciliation need not be attempted with that spouse.
The Ministry of Justice and Ecclesiastical Affairs may, by a regulation, decide that a conciliation procedure conducted by an institution for family counselling take the place of a conciliation procedure under this Article.

E. Terms of Legal Separation or Divorce
Article 43

Before legal separation or divorce is granted the magistrate or the judge shall endeavour to bring about a mutual agreement of the spouses concerning custody of children, support payments, and other terms. The spouses shall confirm their agreement on such matters before the magistrate or judge.
The provision of the first sentence of Paragraph 1 above shall not apply if divorce is claimed on the basis of previous legal separation, as provided for in Article 36, and the terms of the separation remain unchanged.
The Ministry of Justice and Ecclesiastical Affairs may issue further provisions with respect to efforts to bring about an agreement as provided for in Paragraph 1 above.

Article 44

The custody of and support payments for children when legal separation or divorce takes place shall be determined as provided for in the Law in respect of Children, and also alimony for a spouse as contemplated in Chapter VII. Before legal separation or divorce is granted an agreement shall either have been concluded with respect to settlement of assets and liabilities, or an official settlement procedure initiated.
Parents disagreement about custody and support payments for children shall not prevent that a divorce or a legal separation is granted upon a claim from either of them, provided other conditions are fulfilled.

F. Validity of the Terms of Legal Separation
Article 45

The terms of legal separation agreed on among the spouses, or otherwise laid down, shall also apply after divorce has been granted, provided no reservations were made at the time of legal separation. Alimony for a spouse shall, however, not be considered, unless a decision in that respect has been taken under Article 50, Paragraph 2.

CHAPTER VII
Responsibility of Spouses for the Maintenance of the Family

A. Maintenance Obligation in Matrimony
1. The Spouses' Joint Responsibility for Maintenance of the Family
Article 46

Spouses shall be jointly responsible for the maintenance of the family. Maintenance shall include any reasonable necessities for keeping the matrimonial home and fulfilling other common needs, for the upbringing and education of children, and for the personal needs of each of the spouses. As regards the maintenance of children, the provisions of the Law in respect of Children shall apply in other respects.
Any contribution of one spouse for the personal needs of the other shall become the matrimonial property of the recipient, unless there are particular legal considerations in favour of regarding such contributions as the recipient's separate property.

2. Maintenance Contributions
Article 47

Maintenance contributions of spouses shall be made in the form of monetary payments, domestic work or other support of the family. The contributions shall be shared among the spouses according to their capabilities and conditions.
In case the financial contribution of one of the spouses is insufficient to meet the personal needs of that spouse and the children, or of the home, that spouse may claim from the other such monetary contribution as is necessary, taking into consideration the capabilities and conditions of the parties, in a suitable amount each particular time.

3. Failure to Provide Maintenance
Article 48

In case one of the spouses fails in his or her duty under Articles 46 and 47 to provide maintenance that spouse shall, upon the request of the other, be ordered to pay a financial contribution to the other as provided for in Article 47, if this is deemed reasonable with a view to the facts of the matter.

4. A Magistrate's Decision on Financial Contributions for Maintenance
Article 49

Issues under Article 48, cf. Articles 46 and 47, shall be resolved by a magistrate, who shall order the payment of financial contributions by formal decision. A magistrate may, upon the request of either spouse, change his decision, if the circumstances have changed or if the facts of the matter recommend such change.
A magistrate may furthermore, upon the request of either spouse, change an agreement on financial contributions according to Articles 46 and 47, if the agreement is manifestly unreasonable, or if the situation of the spouses is substantially changed.
Financial contributions under Article 48 may only, save for very exceptional circumstances, be ordered for the year immediately prior to the presentation of the claim.

B. Alimony for a Spouse following Legal Separation or Divorce
1. Duty to Provide Maintenance
Article 50

The mutual obligation of spouses to maintain each other shall not be affected by legal separation. When legal separation takes place a decision shall be taken as to whether one spouse shall pay alimony to the other, and as to the amount of such alimony.
After divorce has been granted one spouse shall not be ordered to pay alimony to the other, save in very exceptional circumstances.

2. Resolution of Issues Concerning Alimony
Article 51

If an agreement on the payment of alimony under Article 50 can not be reached the matter shall be committed to the resolution of a magistrate, or to judicial resolution. If a case concerning legal separation or divorce has been committed to the resolution of a magistrate the magistrate shall resolve the question of alimony and the amount thereof. A court resolving a case concerning legal separation or divorce shall resolve the question of alimony, but the amount thereof shall be determined in a magistrate's decision.
A resolution under Paragraph 1 above shall be rendered with regard to the earning ability of the claimant and the financial capabilities of the other spouse. Any other relevant facts of the matter shall also be taken into account, including the duration of the marriage and any need of the claimant for education or rehabilitation, if applicable. The duty to pay alimony shall cease when the beneficiary marries again, or upon the death of either of the former spouses.
A court may, upon the request of a party, change its resolution concerning the duty to pay alimony, if circumstances are substantially changed or if the facts of the matter recommend

this.
The principles of Article 49, Paragraph 1, shall apply to changes made to a magistrate's decision.

3. Changes to an Agreement Providing for Alimony
Article 52

If spouses have agreed among themselves to pay alimony, or agreed on the amount thereof, their agreement may be changed by judgment if its continued implementation would clearly be unreasonable owing to changed circumstances.
Such legal action shall be brought within one year from the time a final judgment was rendered, or a permit issued, in the matter of the legal separation or divorce. These time limitations shall, however, not apply in case an attempt is made to set the agreement aside by invoking the general principles of the law of contracts.

CHAPTER VIII
Property of Spouses

A Survey of the Types of Property in Matrimony
Article 53

The property of spouses can be either matrimonial property or separate property, which may be created by contract or by statute.
Spouses may be joint owners of property. Each spouse may furthermore be owner of certain personal rights.

A. Matrimonial Property
Article 54

In the absence of specific provisions to the contrary the property of a spouse shall become his or her matrimonial property. This shall apply to property contributed by a spouse to the joint estate at the time of marriage or later, irrespective of the manner of legal acquisition.

B. Separate Property
Article 55

Separate property may be created by the provisions of a marriage settlement executed before or after celebration of marriage, cf. Articles 74, 75 and 76, or by the decision of a donor or a testator, cf. Article 77. Separate property may also be created by statute provisions, cf. Article 94 and the provisions of other enactments having such effect.

C. Property in Joint Ownership
Article 56

A spouse's interest in property in joint ownership of both spouses shall be his or her matrimonial property or separate property, depending on how the spouses' ownership rights are constituted.

D. Personal Rights
Article 57

The principles applying to matrimonial property shall, to the extent they do not conflict with the special provisions applicable with respect to the rights in question, apply to any rights that are not transferable or otherwise of a personal nature, provided such rights do not constitute separate property according to this Law or other statutes. Article 102 shall apply to the settlement procedures of these rights.

CHAPTER IX
The Proprietary Rights of Spouses

A. General Provisions
1. The Right of Disposition
Article 58

Each spouse shall have the right to make dispositions concerning his or her property and may, subject to other legal principles, make such property subject to contractual provisions.

2. Improper Exercise of Proprietary Rights
Article 59

Each spouse has the duty of exercising his or her proprietary rights, including any rights to property in joint ownership, in such manner as to prevent deterioration as a result of improper conduct.

B. Limitations of a Spouse's Proprietary Rights
1. Approval for Disposition of Real Property
Article 60

A spouse may not alienate or mortgage his or her real property, including a summer house, or lease or let out such property, without the written approval of the other spouse, if such property is intended to serve as a home of the family or for the purposes of occupation by either or both spouses. The same shall apply to a notice of termination as regards leasing of housing intended to serve as a home of the family, or for the purposes of the occupation of either or both spouses, and to subleasing of such housing.
The provisions of Paragraph 1 above shall apply to the alienation of shares or other instruments of title, or of rights, connected to such housing.

2. Approval for Disposition of Furnishings and Personal Property
Article 61

A spouse may not alienate, pledge or lease the furnishings of the matrimonial home or other personal property intended for the personal use of the other spouse or their children, or for the purposes of their common occupation, without the written approval of the other spouse.

3. Further Provisions Relating to Approval Under Articles 60 and 61
Article 62

The provisions of Articles 60 and 61 shall apply irrespective of whether the property in question is the matrimonial property or separate property of either spouse.
The provisions of Articles 60 and 61 shall also apply to property in the spouses' joint ownership, and also if the agreement to be concluded only relates in part to the other spouse's equity.
The provisions of Articles 60 and 61 shall also apply in case the spouses have discontinued their cohabitation, and also following legal separation or divorce, until a decision has been reached with respect to which spouse shall possess the valuables in question.
In case the spouse from whom an approval is required has been deprived of his or her personal or financial competence, or both, approval must be sought from the guardian.

Article 63

In case a spouse or a guardian declines to approve a disposition such as described in Articles 60 and 61, or if such approval can not be obtained without significant delay, the other spouse or his contracting party may request that a magistrate approve the action. The magistrate may then grant such approval if he deems this advisable.

4. Public Recordation of Dispositions Under Article 60
Article 64

If public recordation is requested of a disposition under Article 60 the instrument evidencing the measure shall contain a statement as to whether the issuer is married and whether the property is used or intended for use as the residence of his or her family or if it is used for or intended for the purposes of the occupation of the spouses.
The Ministry of Justice and Ecclesiastical Affairs may issue further provisions concerning examination of the matters mentioned in Paragraph 1 above.

5. Invalidation of Agreements Contrary to Articles 60 - 62
Article 65

If one spouse has made an agreement without the approval of the other spouse in a case where such approval was needed, that other spouse may have the agreement invalidated by judgment. This shall not, however, apply to dispositions under Article 61 if the contracting party establishes that he or she neither was aware nor should have been aware, at the time the

agreement was made, that the spouse lacked authority to do so.
Legal action shall be brought before six months have passed since the spouse whose approval was needed obtained knowledge of the agreement, and in any case within one year after the instrument was recorded or the personal property alienated, as the case may be.

6. Gifts for the Benefit of Third Parties
Article 66

If a spouse has presented a gift to a third party which is of excessive value by comparison to the economic status of the spouses and is not deemed to be natural or reasonable under the circumstances, the other spouse, or the successors to his or her estate, may claim that the disposition be invalidated, provided the recipient was aware or should have been aware that the spouse presenting the gift lacked authority to do so.
Legal action under Paragraph 1 above shall be brought within one year after the other spouse, or the successors to his or her estate, obtained knowledge of the gift, and in any case within three years after the gift was delivered.

CHAPTER X
Financial Obligations of Spouses.
Authority of One Spouse to Obligate the Other Financially

Article 67

Each spouse shall be liable for his or her own financial obligations, whether such obligations have been formed prior to celebration of marriage or later.

Article 68

One spouse can not obligate the other by contract unless this is expressly permitted by statute or in a mutual agreement of the spouses.

Article 69

While spouses remain cohabiting they may obligate each other with respect to third parties by any agreements as normally concluded on account of the keeping of a matrimonial home and on account of the needs of the children and the personal needs of the spouse concluding such agreements. This shall also apply to the leasing of housing intended for the matrimonial home. Such agreements shall, in the absence of evidence to the contrary, be deemed to have been concluded on the responsibility of both spouses.
If the other party was or should have been aware that the conclusion of such agreement was, under the circumstances, outside the scope of a spouse's authorization, the other spouse shall not be bound.

Article 70

In case a spouse is unable to manage his or her financial affairs by reason of absence or illness the other spouse may, if needed for the support of the family and provided cohabitation has not been terminated, take any necessary measures on behalf of the other spouse with binding effect, in particular to collect his or her wages or income deriving from property, withdraw funds from his or her bank account, or receive payments from others and issue receipts for them, provided such agency has not been committed to another person. An agreement so concluded shall not be binding upon the spouse if the other party was or should have been aware that its conclusion was unnecessary under the circumstances.

CHAPTER XI
Agreements Between Spouses, etc.
Provisions Relating to Separate Property

A. General Provision
Article 71

Spouses can conclude agreements between themselves, subject to any limitations set by statute.
The provisions concerning support agreements between spouses are set out in Chapter VII, and the provisions concerning settlement of assets and liabilities are set out in Chapters XIII and XIV.

B. Gifts Between Spouses Before and After Celebration of Marriage
1. The Need for Marriage Settlement
Article 72

Gifts between persons given in contemplation of marriage, to become effective at time of marriage, and gifts between spouses, shall only be valid if a provision is made for them in a marriage settlement.
The above shall, however, not apply to ordinary gifts whose value is not excessive by comparison to the donor's economic situation, nor to gifts in the form of life insurance, annuity assurance, pension rights or similar security of support given by one spouse for the benefit of the other.
A provision to the effect that valuables later acquired by one spouse shall become the property of the other without consideration can not be validly included in a marriage settlement, nor made in any other legal form. This shall, however, not apply to ordinary furnishings in the matrimonial home.

2. The Access of Creditors to Gifts Between Spouses
Article 73

In case one spouse has extended a gift to the other, his or her creditor whose claim has not been satisfied shall have access to the gift or its value, if conclusive proof is not offered that the donor remained solvent in spite of his gift. If consideration has been provided in part, such consideration shall be subtracted from the value to which a creditor may have access. If the estate of a spouse who has extended a gift to the other spouse has been made the subject of bankruptcy proceedings, this provision shall only apply to the extent that invalidation of

the gift or transfer of title is not claimed by the estate.
The provisions of Paragraph 1 above shall not apply to gifts under Article 72, Paragraph 2.

C. Separate Property
1. Separate Property Created by Marriage Settlement
Article 74

Spouses or persons contemplating marriage may provide, by marriage settlement, that specified property shall be separate property of either. Separate property shall not, in the absence of specific provisions to that effect, be subject to distribution between the spouses upon separation or divorce, nor between a surviving spouse and the heirs of the other. Provisions creating separate property may be given an effect limited in time, and may be made subject to the condition that the spouses do not have a common legal heir.
The spouses may furthermore provide, by marriage settlement, that a particular property remain separate property during the lives of both and become matrimonial property upon the death of either spouse, or one spouse, whose name is stated.

Article 75

Subject to provisions included in a marriage settlement or to a decision of a donor or a testator, property exchanged for separate property, and any profits derived from such property, shall also become separate property.

Article 76

The provisions of a marriage settlement relating to separate property may be amended or abrogated by a new marriage settlement.

2. Separate Property Created by a Decision of a Donor or a Testator
Article 77

A donor or a testator may decide that a gift or inheritance, including inheritance due to heirs at law, shall remain separate property of the donee or heir, with such provisions as described in Article 74. To this, the principles of Article 75 shall apply. Decisions concerning inheritance shall be made by testament.
The spouses can not alter such decisions taken by a donor or testator, except if this is either permitted expressly or clearly follows from the disposition or testament in question.

D. Income Surplus
Article 78

A marriage settlement shall not be required for one spouse to hand over to the other, without consideration, up to one half of his or her income surplus during the preceding calendar year, provided this is done before the end of the next year after the income was earned. Such disposition shall be made by a conveyance in writing, signed by the spouse making the disposition in the presence of two witnesses, in order to make it binding for the spouse's

creditors. The amount of the income surplus shall be stated in the document. There must be no doubt that the spouse conveying valuables to the other spouse under this provision retains sufficient funds to honour his or her financial obligations.

E. The Right of a Spouse to Receive Payment for Work Performed for the Benefit of the Other Spouse's Business Operation
Article 79

A spouse who provides assistance to the other spouse in the course of the latter's business operation shall be entitled to suitable payment for the work performed, irrespective of whether this has been agreed on in advance, if such payment is deemed reasonable in the circumstances. Payment shall be claimed within the period of one year.

CHAPTER XII
Marriage Settlements

A. Form of Marriage Settlements
Article 80

Marriage settlements shall be executed in writing. The signatures of the persons to be married, or the spouses, as the case may be, shall be confirmed by a notary public, a professional district court or Supreme Court lawyer or lawyer's deputy, or by two witnesses, who shall be simultaneously present and shall write their names and national identification numbers on the document. In the testimony of the witnesses it shall be stated that the document in question is a marriage settlement. The witnesses must have legal competence and be competent to be witnesses under the provisions of the law on civil procedure.

B. Legal Competence of the Parties
Article 81

In case one of the spouses or the persons to be married lack legal competence, a marriage settlement shall also be confirmed in writing by the guardian.

C. Registration of a Marriage Settlement
Article 82

A marriage settlement shall not be valid as between the spouses and with respect to a third party unless registered in accordance with the provisions of this Law.

Article 83

Marriage settlements shall be registered in a Marriage Settlements Record, to be kept by magistrates.
Marriage settlements between persons not yet married shall be registered in the administrative district of their actual or planned legal domicile. A marriage settlement

between spouses shall be registered in the administrative district of their legal domicile. If the spouses do not have legal domicile in Iceland, their marriage settlement shall be registered in Reykjavík.
A new registration of a marriage settlement is not required in the case the married couple move to another administrative district.

Article 84

A marriage settlement shall be submitted for registration in two copies, an original and a duplicate or transcript, prepared and executed as provided for in Articles 5 and 6 of the Property Records Act, no. 39/1978, as applicable.
A marriage settlement submitted for registration shall be entered into a journal following examination of the document as provided for in Article 6 of the Property Records Act. Following registration in the journal the document, and its duplicate or transcript, shall be endorsed and noted with the date of its reception.

Article 85

A document shall be included in the Marriage Settlements Record when the magistrate has made certain that it is fit for registration. The provisions of Article 7, Paragraph 2, of Law no. 39/1978 shall apply in this respect, as applicable. A decision as to whether registration shall be granted or declined shall be taken as soon as possible.
When a marriage settlement has been registered in the Marriage Settlements Record the fact that this has been done, and the date it was submitted, shall be noted on the document. The document shall only be returned to the person requesting registration after this has been accomplished.
Registration shall have effect as from the date stated in the journal.
The Ministry of Justice and Ecclesiastical Affairs may issue, by regulation, further provisions concerning registration of marriage settlements.

Article 86

The Ministry of Justice and Ecclesiastical Affairs shall maintain a collective registry of all registered marriage settlements. A magistrate shall, immediately after a marriage settlement has been registered, forward to the Ministry a notification of the marriage settlement stating the names of the parties, their national identification numbers, their home addresses, and the date it was received for registration.
After the end of each month the entries made in the Ministry's marriage settlements registry during the preceding month shall be advertised in the Official Gazette.

Article 87

A marriage settlement relating to real property, a ship exceeding 5 gross tons in size, or a registered aircraft, shall, apart from registration in the marriage settlements registry, be registered by the magistrate in the record of encumbrances pertaining to the property in question, if the property is registered in the area of his office.

A marriage settlement relating to a property registered in another administrative area shall also be registered there.

D. Amendment and Revocation of Marriage Settlements
Article 88

Amendment and revocation of marriage settlements shall be governed by the principles provided for in the preceding Articles.

Article 89

When a marriage has been terminated each of the former spouses may request that their marriage settlement be removed from the marriage settlements registry. The heirs of a former spouse shall also have the same right. A request to this effect shall, however, not be granted before a settlement of assets and liabilities has been brought to a conclusion.

E. Information Concerning the Provisions of a Marriage Settlement
Article 90

Any person who so requests shall be entitled to information on the existence of a marriage settlement and on the provisions thereof.

CHAPTER XIII
Settlement of Assets and Liabilities
Without Legal Separation or Divorce

Article 91

A spouse may request that official settlement take place of assets and liabilities by reason of financial segregation between the spouses, even if their marriage is not terminated, in the following circumstances:
1. If the other spouse reduces his or her matrimonial property by financial mismanagement, misuse of the rights of ownership or other improper action, or provides aparticular reason to fear that this will happen; or
2. if the estate of the other spouse is received for bankruptcy proceedings.
Spouses may also request such settlement if they mutually agree to do so.

Article 92

A request according to Article 91 shall be in writing, and, if the spouses do not agree on a different arrangement, shall be addressed to the district court of the last common legal domicile of the spouses. As regards the treatment of the request and the settlement procedure, the provisions of Law no. 20/1991 in respect of Administration of Estates at Death, etc., Chapter XIV, shall apply.

Article 93

When a request under Article 91 is granted, the property of the spouses shall be distributed among them in accordance with the principles applying in case of legal separation and divorce.

Article 94

Any property acquired by a spouse after the time limit indicated in Article 101, Paragraph 1, shall become that spouse's separate property.

CHAPTER XIV
Settlement of Assets and Liabilities on Account of Termination of Marriage, etc.

A. Method of Settlement, etc.
1. Settlement Agreements
Article 95

Spouses may, by mutual agreement, conclude a settlement of assets and liabilities. The agreement evidencing the settlement shall be prepared in writing, and signed by the spouses or their representatives. The agreement shall be approved by a magistrate or judge. If the spouses possess no property their statement to this effect shall be confirmed by them or their representatives before the magistrate or judge having jurisdiction in the matter of their legal separation or divorce.
In case spouses have, in anticipation of their planned legal separation or divorce, concluded an agreement on a settlement of assets and liabilities, their agreement may be set aside in part or in its entirety by judgment, if it was manifestly unreasonable at the time it was concluded. Legal action for this purpose shall be brought within one year from the time a final judgment was rendered, or a permit issued, in the matter of the legal separation or divorce. These time limitations shall, however, not apply in case an attempt is made to set the agreement aside by invoking the general principles of the law of contracts.

2. Official Settlement Procedure
Article 96

In case either or both spouses have applied for legal separation or divorce, or if legal action has been brought for this purpose or for annulment of marriage, either or both spouses may request that an official settlement of their assets and liabilities take place in accordance with the provisions of the present Chapter and the provisions of Law no. 20/1991 in respect of Administration of Estates at Death, etc.
The provisions of the present Chapter governing the material aspects of the settlement procedure shall also apply to settlement of assets and liabilities by reason of the death of a spouse, as applicable.

Article 97

A request for an official settlement procedure in connection with legal separation or divorce shall be presented in writing and addressed to the district court indicated in Article 92; as regards treatment and procedure, the legal principles referred to in that Article shall apply.

Article 98

In the course of an official settlement procedure the spouses shall have the duty of declaring their assets and liabilities and of providing any information on their financial affairs to the person in charge of the procedure, that may be of importance.

B. Assets and Liabilities Subject to Settlement

1. Assets

Article 99

The settlement procedure shall encompass all the assets of each spouse, to the extent agreements on separate property, legal provisions on separate property, or the decisions of donors or testators do not lead to a different arrangement, and, furthermore, subject to the provisions of the present Chapter concerning property which shall be unaffected by the settlement procedure or may remain so unaffected if requested by a party. The settlement procedure shall, however, encompass separate property to the extent necessary in order to fulfil restitution claims, cf. Article 107, Paragraph 3.

2. Liabilities

Article 100

From the assets of each spouse a deduction shall be made of his or her liabilities, or the liabilities for which he or she is answerable in accordance with Law no. 20/1991, Article 109, cf. Article 104 of that Law.

3. Time Limit Applicable with Respect to Assets and Liabilities

Article 101

In the absence of an agreement providing for a different arrangement the status of assets and liabilities as defined in Articles 99 and 100 shall be determined as of the time a magistrate first took action on account of a request for a permit of legal separation or divorce, legal action was brought for legal separation, divorce or annulment of marriage, or a district court judge first took action on account of a request for an official settlement of the assets and liabilities of spouses as provided for in Chapter XIII. Property acquired by a spouse later, and income or profit derived from such property, shall not be included in the procedure. Nor shall liabilities incurred by a spouse after this point in time be included.
No deduction shall be made for liabilities originating in the acquisition of property not to be included in the settlement procedure, or in expenses relating to such property, even if incurred at a point in time earlier than specified in Paragraph 1 above.

4. Property Which May Be Exempted from the Settlement Procedure
Article 102

A spouse may request that the following property and valuables be exempted from the settlement procedure, irrespective of whether such property or valuables are his own or the other spouse's matrimonial property:
1. Chattels needed by that spouse in order to continue his or her occupation or education, or chattels obtained solely for the use of that spouse, provided their value is not so high that this would be deemed unreasonable towards the other spouse. The same shall apply in the case of chattels of emotional value for one spouse, or that spouse's relatives.
2. Interest acquired in public or private pension funds, and claims for pension or life insurance benefits according to policies which have no surrender value upon the request of one or both spouses.
3. Any valuable rights that are not transferable, or of a personal nature.
4. Damages, social security benefits or insurance indemnification for physical injury or loss of health that has led to permanent impairment of earning ability or has been awarded with a view to foreseeable future expenses caused by such injury or loss. The same shall apply to compensation awarded by reason of suffering or other nonfinancial loss.
In any case the above financial interests must have been in existence at the point in time indicated in Article 101, Paragraph 1, and must be separable. If the fact that the financial interest in question or the equivalent thereof is still available is due to contribu-tions made by the other spouse, the amount exempted from the settlement procedure may be reduced on the request of that spouse to the extent deemed reasonable.
5. Chattels acquired with a view to the needs of children. The spouse with whom a child resides may claim that such chattels be exempted from the settlement procedure.
The spouse receiving valuable interests or chattels in the above manner by virtue of their exemption from the settlement procedure shall overtake the liabilities that have originated in the acquisition thereof or are secured by the property in question. If the exemption of valuable interests or rights under points 2, 3 or 4 above is deemed unreasonable towards the other spouse, that spouse may be awarded monetary compensation which may, as the circumstances recommend, be paid in specified instalments.

C. The Principle of Division by Halves, and Exceptions
Article 103

Each of the spouses, or his or her estate at death, shall have a claim to one half of the net matrimonial property of the other, provided other statute provisions do not lead to a different arrangement.

Article 104

The principle of division into equal halves and the provisions concerning distribution of separate property can be subject to exception if a settlement of assets and liabilities would otherwise be manifestly unreasonable for either spouse. This shall apply, in particular, when considering the financial situation of the spouses and the duration of their marriage, or if one spouse has, at the time of marriage, contributed significantly more than the other to their joint estate or has later inherited property or received property by donation from another party.
The principle of division by halves can furthermore be subject to exception if either spouse

has, by work, contributions to the support of the family or otherwise provided significantly for an increase in the value of assets that would else have become the property of the other, or has otherwise contributed to an increase in the other spouse's property.
An exception under this Article from the principle of division by halves may also be employed in favour of the heirs of a spouse if this is particularly recommended with regard to their situation, and provided other conditions are fulfilled.

Article 105

In case a spouse is, by reason of the limits set by his or her interest in the joint estate, unable to obtain furniture or other chattels indispensable for maintaining a home, that spouse may claim that his or her share be increased, if acquisition of such necessities by other means can not be expected.
The right of a spouse under Paragraph 1 above shall, however, be subordinate to the right of the other spouse to settle any liabilities for which he or she is answerable and which may be taken into account for the purposes of the settlement procedure.

D. Distribution to Cover Liabilities
Article 106

To each spouse, a sufficient amount of his or her matrimonial property shall be distributed to enable that spouse to settle his or her liabilities extant at the point in time to be used as a reference for that purpose as provided for in Article 101, Paragraph 1 of this Law, cf., also, the Administration of Estates Act, no. 20/1991, Article 109; subject to the provisions of Article 101, Paragraph 2, the share to be borne by each spouse in any joint liabilities shall also be included.
Liabilities incurred by one spouse by reason of financial mismanagement or other improper conduct shall only be taken into account under Paragraph 1 above to the extent the spouse in question lacks other means to settle such liabilities.

E. Restitution Claims
Article 107

In case a spouse has used his or her assets that should have been subject to distribution for increasing the value of assets which, by reason of an agreement of the parties, a decision of a donor or a testator, or a statute provision, will not be subject to distribution, or in order to acquire rights exempted from the settlement procedure under Article 102, points 1 or 3, the other spouse, or that spouse's estate at death, may claim restitution. The same shall apply to rights under Article 102, point 2, if appropriations for such purpose have exceeded ordinary and reasonable limits.
In case one spouse has reduced his or her matrimonial property or property in joint ownership of the spouses by misuse of the rights of ownership or other improper action, thus substantially decreasing the share which the other spouse could have claimed, that spouse, or his or her estate at death, may claim restitution from the matrimonial property of both the spouses at the time of settlement.
A claim under Paragraphs 1 or 2 above shall only be granted if the assets of the spouse against whom such claim is made cover that spouse's liabilities. Restitution may be claimed out of a spouse's separate property, if the value of his or her matrimonial property is

inadequate to cover the claim.
A restitution claim that can not be fulfilled at the time of settlement can not be brought up later.
In case a restitution claim under the present Article is granted, a decision may be made that the amount involved be paid in further specified instalments.

F. Allocation
Article 108

When official settlement takes place of assets and liabilities by reason of financial segregation between spouses, each spouse may request an allocation of his or her share at appraisement value.
In case both spouses request the allocation of the same property, the claim of the spouse whose matrimonial property the asset in question is shall take precedence. Nevertheless, in the following circumstances a spouse may claim allocation of an asset which is the other spouse's matrimonial property, if the claimant is deemed in greater need:
1. In the case of real property intended as residence of that spouse and his or her children;
2. the same shall apply to a summer house, if allocation to that spouse is deemed more important, in particular with a view to the interests of the children of the spouses;
3. in the case of a business enterprise exclusively or predominantly operated by that spouse;
4. the same shall apply to equipment and other business-related chattels, if reasonable with a view to that spouse's continued business operation;
5. in the case of furniture, household goods and other chattels that have been in the matrimonial home, provided this is deemed reasonable and serves to enable that spouse to maintain a home.
In other respects, allocation shall be governed by the Administration of Estates Act.

Article 109

One spouse may be allocated an asset at appraisement value even if its value exceeds that spouse's share, provided that spouse is deemed in greater need of the asset in question, cf. the provisions of Article 108. The spouse benefiting from such allocation shall compensate the other spouse, or that spouse's heirs, for the excess value. In special circumstances the estate administrator may decide, in particular with a view to the financial situation of the party to whom an asset is allocated, that the amount in question be paid by instalments over a specified period, secured as he may require and subject to the interest terms specified by him. Any dispute in this respect shall be subject to the procedures provided for in Law no. 20/1991, Article 112.

G. A Spouse's Renunciation of His or Her Entitlement
Article 110

When a settlement is effected of assets and liabilities a spouse shall be free to renounce his or her right to assets to which he or she is entitled, provided there is no reason to believe that the spouse may become unable to fulfil the financial liabilities for which he or she is answerable at that time.

H. Legal Separation Terminated
Article 111

In case spouses resume their cohabitation after legal separation, resulting in the conclusion of a settlement of assets and liabilities, has been granted, the provisions of Article 104, Paragraph 1, shall apply to property distributed to a spouse and subsequently contributed again to the joint estate of the spouses, if a settlement of assets and liabilities is later effected between the spouses, or between one spouse and the heirs of the other.

I. Leasing Rights
Article 112

If, in the course of a legal separation or divorce procedure, the spouses disagree as to which of them shall retain the right to lease residential housing, the magistrate or judge, as the case may be, shall decide which of the spouses shall remain in the capacity of lessee, in particular taking into account the needs of the spouses and their children.
In the case of an official settlement procedure the administrator shall decide, in the manner provided for in the preceding Paragraph, who shall remain in the capacity of lessee.

CHAPTER XV
Legal Procedure in Matrimonial Action etc.

A. Matrimonial Action Defined
Article 113

Matrimonial action under the present Chapter shall encompass the following:
1. Action brought for annulment of marriage.
2. Action brought for legal separation or divorce.
3. Action brought for resolution of validity or invalidity of marriage.
4. Action brought for resolution of whether the legal effects of legal separation have terminated.

B. Jurisdiction
Article 114

Matrimonial action may be brought in Iceland in the following circumstances:
1. If the defendant resides in Iceland;
2. if the plaintiff resides in Iceland and has been a resident of Iceland for the preceding two years, or has resided earlier in Iceland for a period of that duration;
3. if the plaintiff is an Icelandic national, and it is established that he is, by reason of his nationality, prevented from bringing such action in the country of his residence;
4. if both spouses are Icelandic nationals and the defendant does not object that the matter be committed to the resolution of an Icelandic court;
5. if divorce is claimed on the basis of preceding legal separation, and such permit has been granted or judgment awarded in Iceland.
Actions brought for annulment of marriage may be brought in Iceland if the solemnization of

marriage took place in Iceland.
The provisions of international agreements to which Iceland is a party shall, however, take precedence over the provisions of the present Article.

C. Venue
Article 115

The action shall be brought in the defendant's home venue. In case the defendant does not have a home venue in Iceland the action shall be brought in the home venue of the plaintiff. The parties may agree on a different venue.
In case there is no venue under Paragraph 1 above the action shall be brought before such court as the Ministry of Justice may decide.

D. The Parties
Article 116

Matrimonial action can only be brought by one of the spouses.
Action for annulment of marriage in accordance with Articles 9 and 11 may, however, be brought by the Ministry of Justice and Ecclesiastical Affairs, or by either spouse. If a claim for annulment is based on the provisions of Article 11 the action may also be brought by the spouse of the previous marriage with which the bigamous marriage conflicted.

E. Procedure
Article 117

Subject to any exceptions as provided for by statute matrimonial court action shall be governed by the principles of civil procedure.
If neither the defendant's domicile nor his residence are known the judge may appoint him a representative. This shall also apply in case the defendant is domiciled or resides in a foreign country and a summons can not be served on him, or when neither the defendant himself nor an empowered person appears in court at the time the case is filed and any other particular considerations recommend the appointment of a representative. The representative shall consult his principal if possible. The judge shall determine the amount of the principal's fee, which shall be paid by the State Treasury. The judge may order the defendant to reimburse the State Treasury partially or totally for the costs defrayed on account of representation, if this is deemed reasonable.
In the resolution of a matter subject to matrimonial action, the judge shall observe that any necessary procedural requirements are fulfilled.
Marriage can not be terminated by settlement in court.

Article 118

In matrimonial actions the court shall be closed to the public unless the judge decides otherwise with the approval of the parties.

F. Anonymity etc.
Article 119

Without permission from the judge no disclosure may be made to the public of any information concerning the proceedings in a matrimonial action other than the judgment itself. A violation of this provision shall be subject to fines.
When publication of a judgment in a case of this nature takes place, including publication under the auspices of the court, names shall not be disclosed, nor shall any infor-mation be disclosed which may indicate the identity of the parties.

G. The Death of a Party
Article 120

Matrimonial action can not be brought after the death of either spouse.
If either spouse dies before the judgment in a matrimonial action is pronounced, the litigation shall be cancelled. This shall also apply in the case of appeal.

H. Dismissal and Termination
Article 121

If a case is dismissed or terminated without the plaintiff's motion the plaintiff may bring another action within one month, even if the originally prescribed period for bringing action has then expired.

I. Appeal and Renewed Action
Article 122

Appeal may be made with regard to the individual aspects of a case.
Neither party may marry again until the period for appeal has ended, except if the opposite party, including, if applicable, the Ministry of Justice and Ecclesiastical Affairs, has waived the right of appeal in writing.
Action can not be renewed after the period for appeal has expired.

CHAPTER XVI
Resolution of Issues under this Law by Administrative Procedure

A. Competence
Article 123

Administrative authorities shall be competent to resolve issues involving connections to foreign countries in the following circumstances:
1. If the party against whom a claim is directed resides in Iceland;
2. if the parties are Icelandic nationals and the party against whom a claim is directed approves that the issues be resolved in Iceland;
3. if divorce is claimed on the basis of preceding legal separation, and such permit has been granted in Iceland.
The provisions of international agreements to which Iceland is a party shall, however, take precedence over the provisions of Paragraph 1 above.

B. Administrative Area of Resolution
Article 124

A matter in dispute shall be resolved in the administrative area where the person against whom a claim is directed resides. If that person does not reside in Iceland the matter shall be resolved in the administrative area where the claimant resides. The spouses can mutually decide to have the matter resolved in another administrative area.
The Ministry of Justice shall decide in which administrative area a matter shall be resolved if neither the person against whom a claim is directed nor the claimant resides in Iceland, or if it is for other reasons not clear where the matter shall be resolved in accordance with the foregoing provisions.

C. Duty to Provide Guidance
Article 125

The magistrate shall provide the parties with guidance as regards their rights and duties having a bearing on the matter at issue.

D. Conciliation Procedure
Article 126

The magistrate shall attempt to conciliate the parties before rendering a decision on a matter in dispute.
If the parties reside or stay in different administrative areas conciliation may be attempted where each of them resides or stays.

E. The Requests of the Parties, and Collection of Evidence
Article 127

The parties shall present a clear formulation of the requests submitted by them to the administrative authority and collect the evidence which the administrative authority deems necessary. The administrative athority may also collect evidence on its own initiative, if needed.
If the petitioner repeatedly fails to heed the summons or recommendations of the administrative authority concerning evidence to be submitted, the administrative authority may decline to pass resolution in the matter.
In case the respondent fails repeatedly to heed the summons or recommendations of the administrative authority concerning evidence to be collected, the case shall be resolved on the basis of the requests and evidence on hand.

F. The Parties' Access to Documents and Evidence
Article 128

The parties to a case shall be entitled to make themselves familiar with documents and other evidence concerning the case. This right, however, does not extend to material prepared by the administrative authority for its own use in connection with the procedure.

G. The Parties Right to State their Views
Article 129

The parties shall be afforded the opportunity of stating their views before a decision is rendered; the administrative authority may set a definite period for this purpose.

H. Form and Content of Decision
Article 130

The decision of the administrative authority shall be in writing. The matter at issue and the conclusion, with the reasons leading thereto, shall be stated, including legal arguments on which the conclusion is based, and other relevant points, including appeal and enforcement measures, if applicable.

I. Notification of Decision
Article 131

The decision of the administrative authority shall be sent to the parties by registered letter, served by one process server, or otherwise notified in a manner providing proof of the notification.

J. Administrative Appeal
Article 132

The decision of a magistrate may be appealed to the Ministry of Justice within two months as from its date.
In his decision, a magistrate may provide that appeal shall suspend the legal effects thereof.
Parties who have been granted a divorce permit may not marry again until the period for appeal has expired, except if they have waived the right of appeal in writing.

CHAPTER XVII
Entry into Effect, Conflict of Laws, and Repealed Statutes

Article 133

This Law shall enter into effect 1 July 1993.
The Ministry of Justice and Ecclesiastical Affairs shall issue a regulation and other provisions with respect to the implementation of this Law in the individual aspects.
The Ministry shall take particular measures for introducing to the public the substance of this Law.

Article 134

The provisions of Article 25, Paragraph 2, shall also apply to marriages celebrated before the entry into effect of this Law.

Article 135

A claim for legal separation or divorce presented before the entry into effect of this Law shall be subject to the procedure provided for in the previous Law. If requested by both spouses the provisions of the present Law can, however, be applied.
Court action for legal separation or divorce brought before the entry into effect of this Law shall be subject to the previous Law, unless both spouses request that the provisions of the present Law be applied, as provided for in the 2nd sentence of Paragraph 1 above.
In case marriage is annulled after the entry into effect of this Law the legal effects of the annulment shall be governed by the provisions of the present Law. The same shall apply to the legal effects of legal separation and divorce.

Article 136

Subject to Article 41, divorce on the basis of legal separation granted under the previous Law shall be governed by that Law.

Article 137

Changes made to a decision in respect of support rendered before the entry into effect of this Law shall be subject to the provisions of the present Law.
The same shall also apply to changes made to support agreements.

Article 138

The provisions of Chapter XX of the Administration of Estates Act, no. 20/1991, shall apply in the case an official settlement procedure concerning the assets and liabilities of spouses has not been brought to a conclusion before the entry into effect of this Law.

Article 139

1. The provisions of Law no. 20/1923, Article 12, shall be applied to agreements concluded prior to the entry into effect of this Law.
2. The provisions of Law no. 20/1923, Articles 20 and 21, shall be applied to agreements concluded prior to the entry into effect of this Law, including as regards a spouse's approval.
3. The provisions of Law no. 20/1923, Article 23, Paragraph 2, shall be applied to income derived from separate property which has accrued prior to the entry into effect of this Law.
4. The provisions of Law no. 20/1923, Articles 26 and 27, shall be applied to agreements concluded and commitments undertaken prior to the entry into effect of this Law.
5. The validity of marriage settlements concluded before the entry into effect of this Law shall be assessed in accordance with the provisions of Law no. 20/1923, Chapter V, as later amended. As regards the legal effects of marriage settlements, the provisions of the present Law shall apply.

Article 140

When this Law enters into effect the Law in respect of Inception and Termination of Marriage, no. 60/1972, with amendment Laws no. 17/1973; 64/1979; 132/1989 and 39/1992, cf. also Law no. 25/1961, is repealed. At the same time the Law in respect of Rights and Duties in Matrimony, no. 20/1923, Chapters I-VII and IX-XI, and Law no. 10/1962 amending that Law, is repealed.

Source: Ministry of Justice and Ecclesiastical Affairs, http://eng.domsmalaraduneyti.is/laws-and-regulations/nr/112.

http://www.humanrights.is/en/moya/page/law-in-respect-of-marriage-no-31-of-april-14th-1993

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22 FEB 2019

JONATHAN A. HIPE
Signing Officer