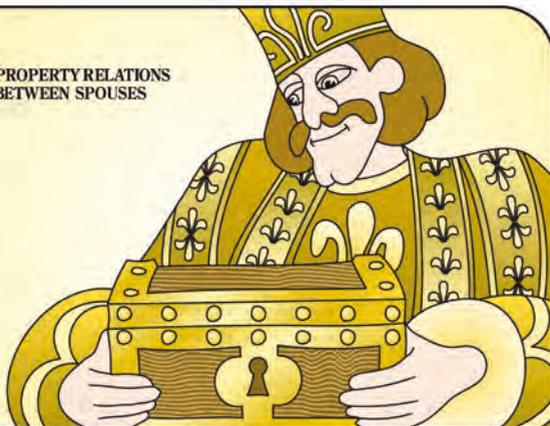


PROPERTY RELATIONS  
BETWEEN SPOUSES



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NORWEGIAN MINISTRY  
OF CHILDREN AND EQUALITY

# PROPERTY RELATIONS BETWEEN SPOUSES

Information on property relations between spouses according to the Marriage Act (Act no. 47 of 4 July 1991).

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# INTRODUCTION

People say that one of the advantages of getting married is that the relationship becomes subject to legal rules. In many ways, this is true. Especially if the marriage ends in separation or divorce, legal rules can help to prevent disputes and make it easier to divide the property. It is of course important to know the rules if the marriage breaks down, but such knowledge can also be useful during marriage or even beforehand. Some scope does for instance exist to agree on other arrangements than those which follow from the law.

There is a great deal in a marriage which is more important than legal rules. We believe nevertheless that knowledge of one's own and one's spouse's legal position helps to lay the foundations for a good relationship.

Legal texts are not always easy to understand. That is one reason why we have issued this little folder, containing information on some of the main points concerning property relations between spouses according to the Marriage Act which came into force on 1 January 1993. The Act also applies to marriages which were contracted earlier, but not if cohabitation on was terminated before 1 January 1993.

In this folder, we shall be considering how the legal rules affect the spouses Hedda (the wife) and Morten (the husband). The rules are of course the same whether the examples relate to Hedda or to Morten.

Note that we shall only be concerned with relations between the spouses, not those between them and their children. You should also bear in mind that the legislative assembly, the Storting, can change the law. If there are points in this presentation that are of special interest to you, and you want to make sure that the rules we mention here still apply, consult a lawyer (see «Advice and aid» on p. 19).

# PROPERTY RELATIONS IN MARRIAGE

## Support obligations

In a marriage, the spouses are jointly responsible for meeting the expenses and doing the work necessary for the joint housekeeping, raising the children, and meeting the spouses' own needs. Both Hedda and Morten are obliged to do their best to contribute to the support of the family. How they do so depends on their individual aptitudes and the arrangements they agree on. The law lays down that work in the home is just as valuable a contribution to the support of the family as the contribution of wages.

Spouses are obliged to give each other the information needed to be able to assess their financial position. They are also entitled to obtain copies of their joint or each other's separate tax assessments from the tax office, and to demand information from banks and other financial institutions.

Each spouse is under an obligation to contribute so that the family has a reasonably good standard of living compared to other families in similar circumstances. There is no obligation beyond that, on Morten to work overtime, or on Hedda to draw on her capital, to raise the family's standard of living still further.

If Morten is in paid employment and Hedda works at home, Morten will not have met his share of the support obligations by paying for the family's food and clothing and other living expenses. Hedda is entitled to a reasonable amount with which to meet her own needs, for instance for membership fees, books and sports equipment. The money she saves out of that amount, or the things she buys, are entirely her own.

If a spouse fails to meet his or her support obligations, he or she can be ordered to make a regular maintenance payment to

### MUTUAL SUPPORT OBLIGATIONS

### RIGHT TO INFORMATION

### EXTENT OF THE SUPPORT OBLIGATION

### FAILURE TO MEET SUPPORT OBLIGATIONS

**A SPOUSE MAY NOT CONTRACT A DEBT WHICH COMMITS THE OTHER SPOUSE**

**EXEPTIONS**

**WHERE NOTHING HAS BEEN DECIDED TO THE CONTRARY, SPOUSES HAVE JOINT PROPERTY**

the other spouse. Although this no doubt applies most often in the event of separation or divorce (see the folder «Separation and Divorce»), maintenance payments can also be ordered during marriage. A lawyer or a family counselling service can give you more details.

## **Liability for debt**

It is important to realise that as a general rule, a spouse is only liable for a debt which he or she has contracted. A creditor can in other words only demand payment out of the assets of the spouse who contracted the debt.

In the case of debts contracted in connection with purchases to meet normal everyday household needs and the children's and spouses needs, however, both spouses are liable. This applies even though the spouses have not agreed on all the purchases, provided the items or goods are such as most people would consider *necessary*.

Similarly, the spouses are jointly liable for the rent of the family's residence. Even if Hedda is entered as the lessee in the contract with the landlord, Morten is also responsible for seeing that the rent is paid.

## **Joint property**

A large majority of married couples in Norway have joint property. The rule is that spouses have joint property unless they have agreed on separate property. Many are not fully aware of what joint property implies, and this may not be so important as long as the marriage lasts. As we shall see, the question of whether spouses have joint or separate property assumes importance especially when a marriage ends in divorce or death.

The property spouses own when they marry, and the property they acquire while married, is included in what is known as joint property.

Joint property has no bearing on whether it is Hedda or Morten, or both, who can be said to *own* an item.