

In Norway questions regarding the dissolution of a marriage are regulated by the provisions of the Marriage Act of 4 July 1991 No. 47.

Pursuant to section 21 of the Marriage Act, each of the spouses may demand a divorce when they have been separated for at least one year after the licence for separation was granted. Pursuant to section 22 of the Marriage Act, each of the parties may demand a divorce if they have not lived together for two years.

As a basic rule, decisions regarding Norwegian divorces are made by the administrative authorities, and not by a court of law. This follows from section 27 of the Marriage Act. In accordance with this provision, the authority to make decisions in cases regarding separation and divorce as a rule lies with the county governor. The reason that the county governor has been given broad decision-making authority is that the Act gives a spouse the right to demand a divorce after one year of separation or two years of actually living apart, if both parties agree that the condition with regard to living apart has been satisfied.

If the county governor finds that the conditions for divorce have been fulfilled, he may make an administrative decision granting a divorce licence. Because the decision may be reversed, however, the actual licence document is not handed over to the parties concerned until the decision is final, i.e. when the time limit for appealing the decision has expired, when the decision has been affirmed by the appeal body, or when the right to appeal the decision has been waived.

The divorce becomes effective when the county governor has made an administrative decision in the case, unless the decision is appealed and the appeal results in a change in the decision. The county governor's decision regarding divorce may be appealed to the Directorate of Children, Youth and Family Affairs. The time limit for appealing the decision is three weeks from the date when the decision is served on the parties. The decision made by the Directorate of Children, Youth and Family Affairs is final and cannot be appealed.

Under section 30 of the Marriage Act, when a decision regarding divorce is final, no party may claim that it is invalid on the grounds of a procedural error or on other grounds.

As mentioned above, in most cases a decision regarding divorce is made by the administrative authorities. However, the decision is made by a court in the following cases:

- Application for divorce on account of abuse
- Dissolution of a marriage entered into between persons who are too closely related
- A bigamous marriage
- Application for divorce after two years of actually living apart if the parties do agree that the conditions have been fulfilled
- If a guardian demands a divorce on behalf of a spouse who has a serious mental illness or is severely mentally disabled
- Cases where the marriage is ruled invalid on account of force
- Application for divorce after two years of actually living apart, or after one year of separation, if the application is made in a divorce case that is brought before the court on other grounds, or in connection with a case concerning an issue pursuant to the Marriage Act or an issue pursuant to the Children Act regarding children of the marriage, which is related to the demand for divorce.