

Content

Title :	Enforcement Law for Part IV, Family Law of the Civil Code CH
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Legislative :	1.Promulgated on January 24, 1931 2.Amended on September 25,1996 3.Amended on February 2, 2000 4.Amended on February 2, 2000 5.As amended on June 26, 2002 6.Amended on May 23, 2007 7.Amended on May 23,2008 8.Amended article 15 on December 30,2009 9.Amended on Dec 26,2012 10.Amended on January 13,2021

Article 1 Unless otherwise provided by the present ENFORCEMENT ACT, the provisions of the PART of FAMILY of the CIVIL CODE shall not apply to the family affairs that occurred before its coming into force; and unless otherwise provided by the present ENFORCEMENT ACT, the revised provisions shall not apply to that occurred before the revision as well.

Article 2 If before the coming into force of the PART of FAMILY of the CIVIL CODE, the extinctive prescription has been already completed or the remainder of the period of prescription is less than one year in accordance with the provisions of the PART of FAMILY of the CIVIL CODE, the right to claim may be enforced within one year from the date of the coming into force. But this shall not apply when the time, reckoning from the completion of the prescription to the coming into force of the PART of FAMILY of the CIVIL CODE, exceeds one half of the period of prescription as provided in the PART of FAMILY of the CIVIL CODE.
The provisions of the preceding paragraph shall apply mutatis mutandis to the extinctive prescription which has been already completed or the remainder of the period of prescription is less than one year in accordance with the revised provisions of the PART of FAMILY of the CIVIL CODE.

Article 3 The prescription provisions of the preceding article shall apply mutatis mutandis to the statutory period of nonprescriptive nature as provided in either before or after the revision of the PART of FAMILY of the CIVIL CODE; but if the statutory period is less than one year and the period has not yet expired upon the coming into force or revision of the PART of FAMILY of the CIVIL CODE, the period shall be reckoned from the date of its coming into force or revision.

Article 4 The provisions of the PART of FAMILY concerning agreements to marry, except that of Article 973, shall apply to the agreements to marry entered into before the coming into force of the PART of FAMILY of the CIVIL CODE as well.
The provisions of the second and third paragraphs of Article 977 of the revised CIVIL CODE shall apply to agreements to marry entered into before the revision of the PART of FAMILY of the CIVIL CODE.

Article 4-1 The 4 May 2007 amended Article 982 of the Civil Code shall take effect one year after the promulgation.
The amended Article 988 shall still be applicable to he or she who committed bigamy before the revision of this Civil Code.

Article 4-2	<p>The effective date of Article 973, 980, 981, 990, 1049, 1077, 1091, 1127 and 1128 of the Civil Code, which were revised on December 25, 2020, is January 1, 2023.</p> <p>Those who are married before the effective date of Article 990, 1077, 1091, 1127 and 1128 of the Civil Code, which were revised on December 25, 2020, and have not reached the eighteenth year of age after the effective date, the provisions before the amendment shall be applied until they reach the eighteenth year of age.</p>
Article 5	<p>The period specified in Article 987 of the CIVIL CODE during which a woman shall not remarry shall be reckoned from the date of the dissolution of her [former] marriage relationship as well, although the marriage relationship was dissolved before the coming into force of the PART of FAMILY of the CIVIL CODE.</p>
Article 6	<p>A person who got married before the coming into force of the PART of FAMILY of the CIVIL CODE, may not only apply to the provisions of Article 1004 of the CIVIL CODE, but may also adopt the statutory regime [of the matrimonial property] provided in the PART of FAMILY of the CIVIL CODE as his contractual regime.</p> <p>The provisions of Article 1010 of the revised CIVIL CODE shall also apply to the persons who got married after the coming into force and before the revision of the PART of FAMILY of the CIVIL CODE. The period set forth in the Subparagraph 5 of the said article expires if it has expired before the revision; if it has not expired, the period shall be reckoned with both the time elapsed before and after the revision.</p>
Article 6-1	<p>The husband and the wife, who got married before June 4, 1985 and applied the union property regime, acquired the real property in the name of the wife before the same date, and are in the following circumstances, shall apply the provisions of Article 1017 of the PART of FAMILY of the CIVIL CODE revised in 1985 after one year from the date of the coming into force of the revision of the present ENFORCEMENT ACT on September 6, 1996:</p> <p>(1) In the continuance of marriage relationship, and the real property is still registered in the name of the wife.</p> <p>(2) Divorced but the real property is still registered in the name of the wife.</p>
Article 6-2	<p>The separate property of or the contributed property owned at the time of getting married by the husband and the wife, who applied the union property regime before the coming into force of the revision in 2002, shall be deemed as the property acquired before marriage after the coming into force of the revision; the contributed property acquired during the continuance of marriage relationship shall be deemed as the property acquired in marriage after the coming into force of the revision.</p>
Article 6-3	<p>Where creditors have applied the court in announcing that debtors have changed to the separation of property regime or where a pending case brought by creditors in subrogated of debtors for requesting distribution of remainder of the property before the coming into force of the revision of December 7, 2012 shall apply the provisions after the coming into force of the revision.</p>
Article 7	<p>Facts which occurred before the coming into force of the PART of FAMILY of the CIVIL CODE and which constitute grounds for divorce in accordance with the provisions of the said PART may be took as grounds for an application for divorce unless the periods specified in Article 1053 or 1054 of the CIVIL CODE have expired.</p>
Article 8	<p>The provisions of the PART of FAMILY of the CIVIL CODE concerning the presumption and disavowal of legitimacy shall also apply to the children conceived before the coming into force of the PART of FAMILY of the CIVIL CODE.</p> <p>Persons who got married before the revision of the PART of FAMILY of CIVIL CODE and have made the agreement to assume the surname of mother according to the exception of the first paragraph of Article 1059 of the revised PART of FAMILY of the CIVIL CODE, may apply to change to assume the surname of the mother except his child has reached the majority or</p>

has got married.

The provisions of the second paragraph of Article 1063 of the revised CIVIL CODE shall also apply to the child conceived or born before the revision of the PART of FAMILY of the CIVIL CODE.

Article 8-1	A husband and wife who has been disallowed to bring an action to disavowal due to the elapse of the period as stipulated under Paragraph 2, Article 1063 of the Civil Code before the 4 May 2007 amendment, may bring an action within two years after the amended Article 1063 would take effect.
Article 9	The relationship between a "sih-zih" or "sih-nyu" established before the coming into force of the PART of FAMILY of the CIVIL CODE and his or her adoptive parents, shall be the same as between a legitimate child and his parents.
Article 10	<p>The provisions of the PART of FAMILY of the CIVIL CODE concerning the child born out of wedlock shall apply from the date of the coming into force of the said PART to the child born out of wedlock before the coming into force of the PART of FAMILY of the CIVIL CODE.</p> <p>The provisions of Article 1067 of the revised CIVIL CODE shall also apply to a child born out of wedlock before the revision of the PART of FAMILY of the CIVIL CODE.</p>
Article 11	If the adoptive relationship effected before the coming into force of the PART of FAMILY of the CIVIL CODE, from the date of the coming into force, it produces the same effect as provided in the said PART.
Article 12	<p>Facts which occurred before the coming into force of the PART of FAMILY of the CIVIL CODE and which constitute grounds for the termination of adoptive relationship in accordance with the provisions of the said PART may be taken as grounds for an application for the termination of adoptive relationship.</p> <p>Facts which occurred after the coming into force and before the revision of the PART of FAMILY of the CIVIL CODE and which constitute grounds for the termination of adoptive relationship in accordance with the provisions of the fifth paragraph of Article 1080 of the revised CIVIL CODE may be taken as grounds for an application for the termination of adoptive relationship.</p>
Article 13	The rights and duties between parents and children shall be governed by the provisions of the PART of FAMILY of the CIVIL CODE as revised from the date of the coming into force of the said PART as revised.
Article 14	The provisions of the PART of FAMILY of the CIVIL CODE as revised shall apply as from the date of the coming into force of the said PART as revised to the rights and duties of the guardian instituted before such coming into force.
Article 14-1	The guardian appointed according to Article 1094 before the coming into force of the revision on January 14, 2000 shall still apply the provisions of the second to the fourth paragraphs of the same article after the coming into force of the revision.
Article 14-2	All, including rules made for guardians prior to the promulgation of the amendment, May 2, 2008, of chapter 4 of the enforcement act of the part of family of the Civil Code, shall apply new rules after the new rules come into force.
Article 14-3	The effective date of provisions of the amendment, promulgated on May 2, 2008, of chapter 4 of the enforcement act of the part of family of the Civil Code is 18 months after promulgation.
Article 15	<p>The present Enforcement Act comes into force as from the date of the coming into force of the Part of FAMILY of the Civil Code.</p> <p>The revised articles of the part of family of the civil code and the revision of the present enforcement act come into force as from the date of their promulgation, except for those who have set effective dates. And Article 1131 and Article 1133 of the Civil Code which were revised on December 15, 2009 shall take effect from the date of November 23, 2009.</p>

