

Nagħti l-kunsens tiegħi.

(L.S.)

MARIE LOUISE COLEIRO PRECA
President

17 ta' April, 2014

ATT Nru. IX tal-2014

*ATT biex jirregola l-unjonijiet ċivili u biex jipprovdi dwar
ħwejjeġ li għandhom x'jaqsmu magħhom jew huma anċillari
għalihom.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati,
imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħareġ b'ligi
dan li ġej:-

1. It-titolu ta' dan l-Att hu Att tal-2014 dwar l-Unjonijiet Titolu fil-qosor.
Ċivili.

2. F'dan il-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx Tifsir.
xort'oħra -

"il-Ministru" tfisser il-Ministru responsabbli għar-Reġistru
Pubbliku;

"Reġistratur" għandu jkollha l-istess tifsira kif mogħti lilha fl-
Att dwar iż-Żwieġ, hawn iżjed 'il quddiem f'dan l-Att imsejjaħ "l-
Att"; Kap. 255.

"sieħeb" tfisser persuna, tkun ta' liema sess tkun, li tkun
marbuta b'unjoni ċivili;

"unjoni ċivili" tfisser unjoni ċivili ċelebrata skont id-
dispożizzjonijiet ta' dan l-Att;

"unjoni ta' stat ekwivalenti" tfisser kull unjoni li tinsab fil-lista
li l-Ministru b'regolamenti jista' joħroġ taħt dan l-Att.

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Twaqqif tal-unjonijiet ċivili.

3. (1) Hlief kif provdut f'dan il-Att, il-persuni kollha li jissodisfaw l-obbligi meħtieġa biex jidhlu fi żwieġ skont l-Att jistgħu jirreġistraw s-shubija tagħhom bħala unjoni ċivili.

(2) Reġistrazzjoni ta' shubija bħala unjoni ċivili hi permessa bejn żewġ persuni tal-istess sess jew ta' sess differenti.

Unjonijiet ċivili u ż-żwieġ.

4. (1) Hlief kif provdut f'dan l-Att, unjoni ċivili, darba tkun reġistrata, għandha *mutatis mutandis* ikollha l-effetti u l-konsegwenzi li jikkorrispondu fil-liġi ta' żwieġ ċivili magħmul skont l-Att.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1):

(a) l-artikoli 3 sa 16 (it-tnejn inklużi), 18 sa 20 (it-tnejn inklużi), 33, 34, 36(3) u 38 tal-Att għandhom *mutatis mutandis* japplikaw għal unjonijiet ċivili:

Iżda:

(i) riferenza għal "mart", "żewġ" u "raġel u mara" fl-artikolu 15(2) tal-Att għandha tinftiehem bħala riferenza għal imsieħba f'unjoni ċivili sakemm l-imsemmi subartikolu japplika għal unjonijiet ċivili; u

(ii) riferenza għal "jitwiieldu jew konċepiti" fl-artikolu 20(2) tal-Att għandhom jinftiehem li jinkludu wkoll tfal adottati minn imsieħba f'unjoni ċivili;

Kap. 16.

(b) l-artikoli 35 sa 66 (it-tnejn inklużi) u 66A sa 66N (it-tnejn inklużi) tal-Kodiċi Ċivili għandhom *mutatis mutandis* japplikaw għal l-unjonijiet ċivili.

Natura ta' unjonijiet ċivili.

5. Unjonijiet ċivili għandhom ikunu esklussivament ta' natura ċivili u għandhom isiru biss f'forma ċivili, kif stabbilit b'dan l-Att. Ir-reġistrazzjoni tal-Unjoni Ċivili hija essenzjali għall-validità tal-Unjoni Ċivili u l-effetti ċivili tal-istess unjoni.

Dispożizzjonijiet partikolari għal unjonijiet ċivili.

6. (1) Minkejja d-dispożizzjonijiet tal-artikolu 4, meta żwieġ ikun sar barra minn Malta bejn żewġ persuni tal-istess sess, l-artikolu 18 tal-Att għandu jinftiehem b'mod li jgħodd għal tali żwieġ.

(2) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (1), unjoni ta' stat ekwivalenti ċelebrata barra minn Malta għandha tkun valida għall-finijiet kollha tal-liġi f'Malta jekk:

(a) dwar il-formalitajiet tagħha, ikunu tħarsu l-formalitajiet meħtieġa għall-validità tagħha skont il-liġi tal-pajjiż fejn tkun saret l-unjoni ta' stat ekwivalenti; u

(b) dwar il-kapaċità tal-partijiet, kull waħda mill-persuni li tiffirma parti mill-unjoni ta' stat ekwivalenti tkun, skont il-liġi tal-pajjiż tad-domicilju rispettiv tiegħu jew tagħha, kapaċi li tidhol f'unjoni ta' stat ekwivalenti b'hal dik.

7. Unjoni ċivili, fejn wieheċ mill-imsieħba ikun marbut bi żwieġ jew b'unjoni ċivili preċedenti, jew b'unjoni oħra ta' stat legali ekwivalenti li tkun giet ikkuntrattata barra minn Malta, tkun nulla.

Unjoni ċivili
nulla.

8. Meta koppja tal-istess sess fejn waħda mill-partijiet tkun ċittadina ta' Malta, tkun iżżewġet jew dahlet f'unjoni ta' stat ekwivalenti f'pajjiż barra minn Malta qabel id-dhul fis-seħħ ta' dan l-Att u waħda mill-persuni fil-koppja tkun ċittadin ta' pajjiż mhux Stat Membru fl-Unjoni Ewropea, ir-residenza legali tal-imsemmi ċittadin ta' pajjiż terz f'Malta għandha titqies li bdiet mid-data uffiċjali taż-żwieġ jew tal-unjoni ta' stat ekwivalenti.

Dispożizzjoni
transitorja.

9. F'sitwazzjonijiet fejn id-drittijiet u l-obbligi tal-imsieħba ċivili m'humiex ċari, għandu jsir kull sforz biex jiġi żgurat illi d-determinazzjoni ta' dawk id-drittijiet u l-obbligi tkun tali li tekwi-parhom għal dawk li jgawdu il-konjuġi.

Ekwi-parazzjoni
ta' drittijiet u l-
obbligi.

10. (1) Il-Ministru jista' b'regolamenti jistabbilixxi l-lista ta' unjonijiet ta' stat ekwivalenti għal-unjonijiet ċivili:

Setgħa li jsiru
regolamenti.

Izda dawk l-unjonijiet biss li fil-fehma tal-Ministru huma unjonijiet ta' stat ekwivalenti għal unjonijiet ċivili kif provdut għalihom b'dan l-Att jistgħu jiġu mnizzla fir-regolamenti.

(2) Il-Ministru għandu jneħhi mir-regolamenti kull unjoni li fil-fehma tiegħu m'għadhiex unjoni ta' stat ekwivalenti.

11. Minnufih wara s-subartikolu (10) tal-artikolu 4 tal-Kodiċi Ċivili għandu jizdied dan is-subartikolu ġdid li ġej:

Emenda tal-
artikolu 4 tal-
Kodiċi Ċivili.
Kap. 16.

"(11) L-imsieħba f'unjoni ċivili kuntrattata skont l-Att tal-2014 dwar l-Unjonijiet Ċivili jistgħu, meta japplikaw għall-pubblikazzjoni tat-tnidijiet relatati mal-unjoni ċivili, jagħzlu li:

(a) jieħdu, għat-tnejn li huma, kunjom ta' xi wieheċ mill-imsieħba tal-unjoni ċivili jew il-kunjomijiet taż-żewġ imsieħba fl-ordni li jagħzlu għat-tnejn li huma; jew

(b) jzommu kunjomhom:

Izda jekk l-ebda għażla ma tkun giet espressa, hekk kif meħtieġ skont dan is-subartikolu, l-imsieħba tal-unjoni ċivili għandhom iżommu kunjomhom."

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Żjieda tal-artikolu 100B ġdid fil-Kodiċi Ċivili.
Kap. 16.

12. Minnufih wara l-artikolu 100A tal-Kodiċi Ċivili għandu jiżdied l-artikolu ġdid li ġej:

"Il-filjazzjoni f'unjonijiet ċivili.

100B. (1) It-tfal addottati konguntivament minn imsieħba f'unjoni ċivili kuntrattata bejn persuni tal-istess sess skont l-Att tal-2014 dwar l-Unjonijiet Ċivili jew rikonoxxuta mill-istess Att għandhom, minkejja d-dispożizzjonijiet l-oħra ta' dan il-Kodiċi jew ta' kull liġi oħra, ikunu rikonoxxuti għall-finijiet u l-effetti tal-liġi bħala li għandhom ġenituri tal-istess sess u d-drittijiet u l-obbligi kollha tal-ġenituri lejn uliedhom u tal-ulied lejn il-ġenituri taht dan il-Kodiċi jew taht kull liġi oħra għandhom japplikaw għal dawk it-tfal u l-ġenituri.

(2) Meta persuna tkun mitluba, taht xi liġi jew miżura amministrattiva, biex tiddikjara l-isem u xi partikularitajiet oħra tal-omm jew tal-missier, persuna li tkun ġiet adottata miż-żewġ imsieħba ta' unjoni ċivili kif imsemmi fis-subartikolu (1) ikollha l-jedd li tiddikjara l-ismijiet jew l-partikularitajiet l-oħra taż-żewġ imsieħba fl-imsemmija unjoni ċivili minflok l-imsemmija partikularitajiet tal-omm jew tal-missier."

Żjieda tal-artikolu 295A ġdid fil-Kodiċi Ċivili.
Kap. 16.

13. Minnufih wara l-artikolu 295 tal-Kodiċi Ċivili għandu jiżdied l-artikolu ġdid li ġej:

"Att ta' unjoni ċivili.

295A. (1) Id-dispożizzjonijiet ta' dan is-Sub-titolu għandhom *mutatis mutandis* japplikaw għal unjonijiet ċivili kuntrattati skont l-Att tal-2014 dwar l-Unjonijiet Ċivili.

(2) Att ta' unjoni ċivili għandu jkun skont kif stipulat fil-Formula EE fit-Taqsima II tal-Ewwel Skeda li tinsab ma' dan il-Kodiċi."

Żjieda tal-Formula EE ġdida mat-Taqsima II tal-Ewwel Skeda mal-Kodiċi Ċivili.
Kap. 16.

14. Fit-Taqsima II tal-Ewwel Skeda li tinsab mal-Kodiċi Ċivili, minnufih wara l-Formula E għandha tiżdied din il-Formula ġdida li ġejja.

"FORMULA EE

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Emenda fil-Kodiċi Kriminali. Kap. 9.

15. Minnufih wara l-artikolu 196 tal-Kodiċi Kriminali għandu jiżdied l-artikolu ġdid li ġej:

"Bigamija li tinvolvi unjoni ċivili.

196A. Ir-reat previst fl-artikolu 196 jiġi mwettaq ukoll u l-pieni provduti f'dak l-artikolu għandhom japplikaw ukoll għal kull sieheb, f'unjoni ċivili li tkun ġiet kuntrattata jew li tkun rikonoxxuta taħt l-Att tal-2014 dwar l-Unjonijiet Ċivili, illi filwaqt li unjoni ċivili valida tkun fis-seħħ jidhol f'unjoni ċivili oħra jew fi żwieġ u għal kull persuna li waqt żwieġ validu tikkuntratta unjoni ċivili."

Emenda tal-artikolu 244 tal-Kodiċi Ċivili. Kap. 16.

16. L-artikolu 244 tal-Kodiċi Ċivili għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, minnufih wara l-kliem "żwieġ", għandhom jiżdiedu l-kliem ", unjonijiet ta' stat ekwivalenti,"; u

(b) fis-subartikolu (1) tiegħu, minnufih wara l-kliem "ta' żwieġ," għandhom jiżdiedu l-kliem "ta' unjoni ta' stat ekwivalenti kif imfissra fl-Att dwar l-Unjonijiet Ċivili".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 141 tal-14 ta' April, 2014.

ANĠLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.) MARIE LOUISE COLEIRO PRECA
President

14th April, 2014

ACT No. IX of 2014

AN ACT to regulate civil unions and to provide for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Civil Unions Act, 2014. Short title.
2. In this Act, unless the context otherwise requires - Interpretation.

"civil union" means the civil union celebrated in accordance with the provisions of this Act;

"the Minister" means the Minister responsible for the Public Registry;

"partner" means a person, of either sex, who is bound by a civil union;

"Registrar" shall have the same meaning as assigned to it in the Marriage Act, hereinafter referred to as "the Act"; Cap. 255.

"union of equivalent status" means any of the unions found in the list which the Minister by regulations may issue under this Act."

3. (1) Save as provided in this Act, all persons fulfilling the requirements to enter into marriage in accordance with the Act may register their partnership as a civil union. Establishment of civil unions.

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(2) Registration of a partnership as a civil union shall be permissible between two persons of the same or of different sex.

Civil unions and marriage.

4. (1) Save as provided in this Act a civil union, once registered, shall *mutatis mutandis* have the corresponding effects and consequences in law of civil marriage contracted under the Act.

(2) Without prejudice to the generality of sub-article (1):

(a) articles 3 to 16 (both included), 18 to 20 (both included), 33, 34, 36(3) and 38 of the Act shall *mutatis mutandis* apply to civil unions:

Provided that:

(i) the reference to "wife", "husband" and "man and wife" in article 15(2) of the Act shall be construed as a reference to partners in a civil union insofar as the said sub-article applies to civil unions; and

(ii) the reference to "born or conceived" in article 20(2) of the Act shall be construed as also including children adopted by partners in a civil union;

Cap. 16.

(b) articles 35 to 66 (both included) and 66A to 66N (both included) of the Civil Code shall *mutatis mutandis* apply to civil unions.

Form of civil unions.

5. Civil unions shall only be contracted in the form established by this Act. The registration of a Civil Union is essential for the validation of the said Civil Union and the civil effects of the same union.

Provisions particular to civil unions.

6. (1) Notwithstanding the provisions of article 4, with regard to a marriage celebrated abroad by two persons of the same sex, article 18 of the Act shall be construed in such a manner as to be applicable to such marriage.

(2) Without prejudice to the provisions of sub-article (1), a union of equivalent status celebrated abroad shall be valid for all purposes of law in Malta if:

(a) as regards the formalities thereof, the formalities required for its validity by the law of the country where the union of equivalent status is celebrated are observed; and

(b) as regards the capacity of the parties, each of the persons forming the union of equivalent status is, by the law of the country of his or her respective domicile, capable of

entering into such a union of equivalent status.

7. A civil union contracted between persons either of whom is bound by a previous marriage or civil union, or by another union of equivalent legal status contracted outside Malta shall be void.

Void civil union.

8. Where a same sex couple, one of whom is a citizen of Malta, has contracted a marriage or a union of equivalent status before the coming into force of this Act, in a country outside Malta and either of the persons in the couple is a citizen of a country which is not a Member State of the European Union, the legal residence of the said third country national in Malta shall be deemed to have commenced as from the official date of the marriage or of the union of equivalent status.

Transitory provision.

9. In situations where the rights and obligations of civil partners are unclear, every effort shall be made to ensure that the determination of such rights and obligations is such that equates them to those enjoyed by spouses.

Equation of rights and obligations.

10. (1) The Minister may by regulations provide the list of unions of equivalent status to civil unions:

Power to make regulations.

Provided that only those unions which in the opinion of the Minister are unions of equivalent status to civil unions as provided for by this Act may be listed in the regulations.

(2) The Minister shall remove from the regulations any union which in his opinion is no longer a union of equivalent status.

11. Immediately after sub-article (10) of article 4 of the Civil Code there shall be added the following new sub-article:

Amendment to article 4 of the Civil Code. Cap. 16.

"(11) Partners in a civil union contracted according to the Civil Unions Act, 2014 may, when applying for the publication of banns relating to the civil union elect to:

(a) adopt for both of them the surname of one of the partners to the civil union or the surnames of both of the partners in the order they chose for both; or

(b) retain their own surname:

Provided that if no choice is expressed in accordance with this sub-article the partners to a civil union shall retain their own surnames."

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Addition of new article 100B to the Civil Code. Cap. 16.

12. Immediately after article 100A of the Civil Code there shall be added the following new article:

"Parenthood in civil unions.

100B. (1) Children adopted jointly by partners to a civil union contracted between persons of the same sex under the Civil Unions Act, 2014 or recognised by the said Act shall, notwithstanding the other provisions of this Code or of any other law, be recognised for all intents and purposes of law as having parents of the same sex and all rights and obligations of parents towards their children and of children towards their parents under this Code or under any other law shall apply to such children and parents.

(2) Whenever a law or administrative measure requires a person to declare the name or other particulars of the mother or the father, a person adopted jointly by partners in a civil union as referred to in sub-article (1) shall be entitled to declare the names or other particulars of the two partners in the said civil union instead of the said particulars of the mother or the father."

Addition of new article 295A to the Civil Code. Cap. 16.

13. Immediately after article 295 of the Civil Code there shall be added the following new article:

"Act of civil union.

295A. (1) The provisions of this Sub-title shall *mutatis mutandis* apply to civil unions contracted under the Civil Unions Act, 2014.

(2) An act of civil union shall be in the form stipulated in Form EE in Part II of the First Schedule to this Code."

Addition of new Form EE to Part II of the First Schedule of the Civil Code. Cap. 16.

14. In Part II of the First Schedule of the Civil Code, immediately after Form E there shall be added the following new Form:

"FORM EE

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Amendment of
the Criminal
Code.
Cap. 9.

15. Immediately after article 196 of the Criminal Code, there shall be added the following new article:

"Bigamy
involving a
civil union.

196A. The offence provided for in article 196 shall also be committed and the punishments provided in the said article shall also apply to any partner to a civil union contracted or recognised under the Civil Unions Act, 2014 who during the subsistence of a valid civil union contracts a second civil union or a marriage and to any person who during the subsistence of a valid marriage contracts a civil union."

Amendment of
article 244 of
the Civil Code.
Cap. 16.

16. Article 244 of the Civil Code shall be amended as follows:

(a) in the marginal note thereof, immediately after the word "marriages", there shall be added the words ", unions of equivalent status,"; and

(b) in sub-article (1) thereof, immediately after the word "marriage", there shall be added the words ", union of equivalent status as defined in the Civil Unions Act".

Passed by the House of Representatives at Sitting No. 141 of the 14th April, 2014.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives
