

Nru. 112

8. 4. 86

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Settembru, 1985.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 23rd September, 1985.

ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 23.

AN ACT further to amend the Civil Code, Cap. 23.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Kodiċi Ċivili (Kap. 23).

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1986 li jemenda l-Kodiċi Ċivili u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali". Titolu
fil-qosor.
2. Minnufih wara s-subartikolu (4) ta' l-artikolu 106 tal-liġi prinċipali għandu jiżdied is-subartikolu ġdid li ġej: Emenda ta'
l-artikolu 106
tal-liġi
prinċipali.

"(5) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, tifel naturali li jkun ġie magħruf b'ibnu mill-missier qabel l-ewwel ta' Jannar, 1966, u li ma jkunx ha kunjom missieru bis-saħħa tas-subartikolu (2) (b) ta' dan l-artikolu, jew id-dixxendenti ta' dak it-tifel, jistgħu jzommu l-kunjom. Li ma jkunx il-kunjom tal-missier, li dak it-tifel ikun ha u li jiġi dikjarat mill-Qorti li kien dejjem ġieb, u l-proviso tal-paragrafu (b) tas-subartikolu (2) ta' dak l-artikolu għandu japplika għal dik id-dikjarazzjoni."
3. Is-subartikolu (2) ta' l-artikolu 276 tal-liġi prinċipali hu b'dan imħassar. Emenda ta'
l-artikolu 276
tal-liġi
prinċipali.
4. Fis-subartikolu (2) ta' l-artikolu 315 tal-liġi prinċipali minflok il-kliem "Formula Ċ" għandhom jidhlu l-kliem "Formula ĊĊ". Emenda ta'
l-artikolu 315
tal-liġi
prinċipali.
5. Fis-subartikolu (1) ta' l-artikolu 2157 tal-liġi prinċipali, minflok il-kliem "barra mill-partikolaritajiet li jkun hemm fl-iskrizzjoni tal-kreditu jew jedd ċedut" għandhom jidhlu l-kliem "in-numru li jmiss u s-sena tar-reġistrazzjoni". Emenda ta'
l-artikolu 2157
tal-liġi
prinċipali.

Emenda ta' l-artikolu 2170 tal-liġi prinċipali.

- 6. L-artikolu 2170 tal-liġi prinċipali għandu jiġi emendat kif ġej:
 - (a) il-paragrafu (a) tiegħu għandu jiġi tassar;
 - (b) il-paragrafi (b), (c) u (d) tiegħu għandhom jiġu numerati mill-ġdid (a), (b) u (c) rispettivament; u
 - (c) fil-paragrafu (a) tiegħu, kif numerat mill-ġdid, minnufih wara l-kliem "in-numru li jmiss" għandhom jidhlu l-kliem "u s-sena".

Emenda ta' l-Iskeda li tinsab mal-liġi prinċipali.

- 7. Fit-Taqsima II ta' l-Iskeda li tinsab mal-liġi prinċipali, minflok il-kliem "FORMULA Ċ" relattivament għall-artikolu 315 ta' dik il-liġi, għandhom jidhlu l-kliem "FORMULA ĊĊ".

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa sabiex tifel naturali li jkun ġie magħruf b'ibnu mill-missier, ikun jista' jzomm il-kunjom, li ma jkunx dak tal-missier, li hu jkun ha u li jkun magħruf bih; sabiex l-istess atti ta' l-istat civili jkunu jistgħu jiġu reġistrati kemm f'Malta u kemm f'Għawdex; u sabiex il-kontenut ta' nota ta' referenza jkun jaqbel mal-Formula B tal-Kap. 93.

A BILL
entitled

AN ACT further to amend the Civil Code (Cap. 23).

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. This Act may be cited as the Civil Code (Amendment) Act, 1986 and shall be read and construed as one with the Civil Code, hereinafter referred to as "the principal law". Short Title.
2. Immediately after subsection (4) of section 106 of the principal law there shall be added the following new subsection:

“(5) Notwithstanding the provisions of subsection (1) of this section, a natural child acknowledged by the father, before the first day of January, 1966 and who has not assumed the surname of his father in virtue of subsection (2) (b) of this section, or the descendants of such child, may retain the surname, being a surname other than that of the father, which the child has assumed and which shall be declared by the Court that he has always borne, and the proviso to paragraph (b) of subsection (2) of this section shall apply to such declaration.”

Amendment of section 106 of the principal law.
3. Subsection (2) of section 276 of the principal law is hereby repealed. Amendment of section 276 of the principal law.
4. In subsection (2) of section 315 of the principal law for the words "Form C" there shall be substituted the words "Form CC". Amendment of section 315 of the principal law.
5. In subsection (1) of section 2157 of the principal law, for the words "besides the particulars stated in the registration of the debt or claim assigned" there shall be substituted the words "progressive number and the year of the registration,". Amendment of section 2157 of the principal law.

Amendment of section 2170 of the principal law.

6. Section 2170 of the principal law shall be amended as follows:
- (a) paragraph (a) thereof shall be deleted;
 - (b) paragraphs (b), (c) and (d) thereof shall be respectively renumbered (a), (b) and (c); and
 - (c) in paragraph (a) thereof, as renumbered, after the word "number" there shall be inserted the words "and the year".

Amendment of Schedule to the principal law.

7. In Part II of the Schedule to the principal law, for the words "FORM C" relating to section 315 of that law, there shall be substituted the words "FORM CC".

Objects and Reasons

The Object of this Bill is to allow a natural child who is acknowledged by the father, to retain the surname, not being that of the father, which he has assumed and with which he has been known; to obviate for the registration of the same acts of civil status both in Malta and in Gozo; and make the contents of a note of reference to conform to Form B of Cap. 93.