

VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,290, 26 ta' Lulju, 2024

Taqsim A

MALTA

ATT Nru XXVIII tal-2024

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jemenda l-Kodiċi Ċivili,
Kap. 16.**

ACT No. XXVIII of 2024

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Civil Code,
Cap. 16.**

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

26 ta' Lulju, 2024

ATT Nru XXVIII tal-2024

ATT sabiex jemenda l-Kodiċi Ċivili, Kap. 16.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 li jemenda l-Kodiċi Ċivili u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem imsejjaħ il-"Kodiċi".

Titolu fil-qosor.
Kap. 16.

2. Is-subartikolu (1) tal-artikolu 86 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 86 tal-Kodiċi.

(a) l-ewwel proviso tiegħu għandu jiġi mhassar; u

(b) fit-tieni proviso tiegħu l-kelma "wkoll" għandha tiġi mhassra.

3. Is-subartikolu (2) tal-artikolu 113 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 113 tal-Kodiċi.

(a) il-paragrafu (f) tiegħu għandu jiġi sostitwit bil-

paragrafu ġdid li ġej:

Kap. 602 "(f) "foster carer" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 2 tal-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv);"; u

(b) fil-paragrafu (h) tiegħu l-kliem "tax-Xogħol Soċjali" għandhom jiġu sostitwiti bil-kliem "tax-Xogħol Soċjali;" u minnufih wara għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

Kap. 495. "(i) "Servizz tal-Adozzjoni fi ħdan id-Direttorat Kura Alternattiva (Tfal u Żgħażaġġ)" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 2 tal-Att dwar l-Amministrazzjoni tal-Adozzjoni."

Żieda ta' artikolu ġdid fil-Kodiċi.

4. Minnufih wara l-artikolu 114 tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Ftehim ta' adozzjoni miftuħa.

114A. (1) Meta jsir rikors għal adozzjoni miftuħa, il-Qorti għandha tirreferi l-każ lis-Servizz tal-Adozzjoni fi ħdan id-Direttorat Kura Alternattiva (Tfal u Żgħażaġġ) li għandu jistieden il-partijiet kollha, inkluż l-Avukat tat-Tfal, il-persuna jew entità fdata bil-kura u kustodja tal-minuri, fejn din ma tkunx vestita fil-ġenituri, il-ġenituri u l-ġenituri adottivi prospettivi sabiex jiġi abbozzat il-ftehim ta' adozzjoni miftuħa.

(2) Il-ftehim ta' adozzjoni miftuħa għandu jiġi ppreżentat lill-Qorti għall-approvazzjoni sa mhux aktar tard minn tletin (30) jum ta' xogħol mid-data li fiha l-każ ikun ġie riferut lis-Servizz tal-Adozzjoni fi ħdan id-Direttorat Kura Alternattiva (Tfal u Żgħażaġġ).

(3) Meta ma jintlaħaq l-ebda ftehim hekk kif imsemmi fis-subartikolu (2), is-Servizz tal-Adozzjoni fi ħdan id-Direttorat Kura Alternattiva (Tfal u Żgħażaġġ) għandu javża lill-Qorti permezz ta' nota.

(4) Fil-każijiet imsemmija fis-subartikolu (3), il-Qorti għandha tirreferi l-każ lil medjatur tal-familja, li għandu jistieden lill-partijiet kollha għal laqgħa fi żmien għaxart (10) ijiem tax-xogħol:

Iżda l-partijiet kollha, inkluż il-persuna jew entità fdata bil-kura u kustodja tal-minuri, fejn din ma tkunx vestita fil-ġenituri, il-ġenituri u l-ġenituri adottivi prospettivi għandhom jipparteċipaw waqt tali medjazzjoni sabiex jiġi mfassal il-ftehim ta' adozzjoni miftuħa:

Iżda wkoll il-medjatur jista' jisma' lill-minuri, fejn il-minuri jkollu fehim biżżejjed, bil-preżunzjoni li l-minuri għandu biżżejjed fehim sakemm ma tingiebx prova kontra dan:

Iżda wkoll fejn il-partijiet ma jaqblux fuq il-ftehim ta' adożzjoni miftuħa, il-Qorti għandha tistabbilixxi data sabiex tisma' l-partijiet kollha u għandha tiddeċiedi dwar il-ftehim ta' adożzjoni miftuħa fid-digriet finali tagħha.

(5) Il-ftehim ta' adożzjoni miftuħa għandu jiġi ppreżentat lill-Qorti għall-approvazzjoni sa mhux aktar tard minn tletin (30) jum ta' xogħol mid-data li fiha l-każ ikun ġie riferut lill-medjatur tal-familja mill-Qorti.

(6) Il-Qorti tista' tordna li jsiru kwalunkwe tibdiliet fil-ftehim ta' adożzjoni miftuħa, jekk ikun fl-aħjar interess tal-minuri."

5. L-artikolu 115 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 115 tal-Kodiċi.

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu l-kliem "tmienja u erbgħin sena akbar" għandhom jiġu sostitwiti bil-kliem "ħamsin (50) sena akbar"; u

(ii) fil-paragrafu (b) tiegħu l-kliem "l-età maġġuri." għandhom jiġu sostitwiti bil-kliem "l-età maġġuri; jew" u minnufih wara għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

"(ċ) favur foster carer li jkun ħa ħsieb lill-persuna li ser tiġi addottata għal mill-inqas ħames (5) snin, jew tliet (3) snin preċedenti f'ċirkostanzi straordinarji skont l-artikolu 54 tal-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv).";

Kap. 602.

(b) is-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subparagrafu ġdid li ġej:

"(iii) favur foster carer li jkun ħa ħsieb lill-persuna li ser tiġi addottata għal mill-inqas ħames (5) snin, jew tliet (3) snin preċedenti f'ċirkostanzi straordinarji skont l-artikolu 54 tal-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv), jekk il-persuna li tkun ser tiġi addottata tagħti l-kunsens tagħha għall-adożzjoni;"

Kap. 602.

(ċ) fil-paragrafu (b) tas-subartikolu (3) tiegħu minnufih wara l-kelma "sena" għandhom jiġu miżjuda l-kliem "kif ukoll tal-missier naturali, jekk dan ikun irrikonoxxa lill-persuna li tkun ser tiġi addottata bħala l-wild tiegħu"; u

(d) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu minnufih wara l-kliem "kull persuna" għandhom jiġu miżjuda l-kliem "jew kwalunkwe entità oħra"; u

(ii) il-paragrafu (b) tiegħu għandu jiġi mħassar.

Emenda tal-artikolu 116 tal-Kodiċi.

6. Fis-subartikolu (1) tal-artikolu 116 tal-Kodiċi l-kliem "sitt ġimgħat" għandhom jiġu sostitwiti bil-kliem "tmien (8) ġimgħat".

Emenda tal-artikolu 118 tal-Kodiċi.

7. Is-subartikolu (2) tal-artikolu 118 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) il-kelma "tal-omm" għandha tiġi sostitwita bil-kliem "taż-żewġ ġenituri"; u

(b) fil-paragrafu (a) tiegħu l-kliem "sitt ġimgħat" għandhom jiġu sostitwiti bil-kliem "tmien (8) ġimgħat".

Żieda ta' artikolu ġdid fil-Kodiċi.

8. Minnufih wara l-artikolu 118 tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Tqegħid ta' minuri f'kura alternattiva qabel jingħata għall-adozzjoni.

Kap. 602.

118A. Fil-każijiet kollha fejn il-ġenituri ta' minuri juru l-intenzjoni li l-minuri jingħata għall-adozzjoni, bil-għan li tali minuri eventwalment jiġi addottat, id-Direttur (Ħarsien tat-Tfal) għandu jiġi notifikat u għandu jiġi mfassal kuntratt soċjali skont l-artikolu 12 tal-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv), liema pjan ta' ħarsien jista' jinkludi tqegħid temporanju ġewwa kura alternattiva għall-minuri bil-għan li jippermetti lill-ġenituri jifhmu l-effetti legali kollha li jirrizultaw mill-adozzjoni tal-minuri:

Iżda fejn applikabbli, id-Direttur (Ħarsien tat-Tfal) għandu jinvestiga jekk kwalunkwe membri oħra tal-familja estiża jkunux lesti li joffru kura xierqa lill-minuri."

Emenda tal-artikolu 119 tal-Kodiċi.

9. Is-subartikolu (4) tal-artikolu 119 tal-Kodiċi għandu jiġi

sostitwit b'dan is-subartikolu ġdid li ġej:

"(4) Jekk ikun fl-aħjar interess tal-minuri, il-Qorti għandha, meta tagħti d-digriet tal-adozzjoni, tawtorizza ftehim ta' adoxxjoni miftuħa li jkun ġie mfassal mill-partijiet flimkien mas-Servizz tal-Adoxxjoni fi hdan id-Direttorat Kura Alternattiva (Tfal u Żgħażaġh) jew quddiem medjatur, fejn il-ġenituri u, jew il-familja naturali tal-minuri għandhom iżommu kuntatt mal-minuri:

Iżda l-Qorti għandha tiżgura li l-ftehim tal-adoxxjoni miftuħa ġie mfassal bil-kunsens tal-partijiet kollha:

Iżda wkoll il-Qorti għandha tieħu inkonsiderazzjoni l-fehmiet tal-minuri jekk dan ikollu fehim biżżejjed:

Iżda wkoll adoxxjoni miftuħa tista' tinkludi, iżda ma għandhiex tkun limitata għall-aċċess fiżiku, kuntatt permezz ta' mezzi elettronici jew kwalunkwe forma oħra ta' korrispondenza:

Iżda wkoll kull ftehim ta' adoxxjoni miftuħa għandu jiġi mfassal bid-debita konsiderazzjoni għall-aħjar interess tal-minuri:

Iżda wkoll adoxxjoni miftuħa għandha tagħti dritt għall-aċċess bejn l-aħwa, anke meta wieħed mill-aħwa jkun ġie addottat:

Iżda wkoll il-minuri għandu jagħti l-kunsens tiegħu meta dan ikun għalaq l-età ta' hdx (11)-il sena:

Iżda wkoll kwalunkwe emendi fil-ftehim ta' adoxxjoni miftuħa ma għandu jkollhom l-ebda effett qabel ma jiġu awtorizzati mill-Qorti."

10. Is-subartikolu (2) tal-artikolu 120 tal-Kodiċi għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 120 tal-Kodiċi.

"(2) Wara rikors għal digriet ta' adoxxjoni ta' minuri, il-Qorti għandha tappunta Avukat tat-Tfal sabiex tiżgura li l-minuri huwa rrapprezentat b'mod xieraq u l-aħjar interessi tiegħu jiġu mħarsa."

11. Minnufih wara l-artikolu 120 tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fil-Kodiċi.

"Avukat tat-Tfal.

120A. Bla h̄sara għall-funzjonijiet tal-Avukat tat-Tfal taħt kwalunkwe liġi oħra, l-Avukat tat-Tfal għandu:

(a) jisma' x-xewqat u l-fehmiet tal-minuri;

(b) jippreżenta x-xewqat u l-fehmiet tal-minuri lill-Qorti hekk kif mgħoddija lill-minuri stess, jew minn professjonisti oħra li jaħdmu mal-minuri;

(ċ) jagħti parir u spjegazzjoni lill-minuri dwar il-proċeduri li jkunu għadhom għaddejjin u l-effetti li jista' jkollhom tali proċeduri;

(d) f'każijiet ta' adozzjoni miftuħa, jisma' x-xewqat u l-fehmiet tal-minuri rigward il-ftehim tal-adozzjoni miftuħa u jippreżenta tali fehmiet u xewqat, bil-fomm jew bil-miktub waqt il-proċeduri skont l-artikolu 114A."

Żieda ta' artikolu ġdid fil-Kodiċi.

12. Minnufih wara l-artikolu 121 tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Notifika tad-digriet ta' adozzjoni.

121A. Malli jingħata digriet ta' adozzjoni, kopja għandha tiġi notifikata lill-Awtorità Ċentrali:

Iżda f'każ ta' adozzjonijiet lokali, kopja tad-digriet tal-adozzjoni għandha tiġi notifikata wkoll lid-Direttorat tal-Kura Alternattiva (Tfal u Żgħażaġħ)."

Emenda tal-artikolu 124 tal-Kodiċi.

13. Fit-tielet proviso tal-artikolu 124 tal-Kodiċi l-kliem "isem ġdid." għandhom jiġu sostitwiti bil-kliem "isem ġdid;" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Iżda wkoll meta l-persuna li tkun ser tiġi addottata jkollha fehim biżżejjed, hi tista' tagħzel li żżomm l-isem tal-familja bijoloġika tagħha u tassumi l-kunjom tal-ġenitur jew ġenituri adottivi tagħha, skont il-każ, skont id-dispożizzjonijiet ta' dan il-Kodiċi."

Emenda tal-artikolu 125 tal-Kodiċi.

14. Fis-subartikolu (2) tal-artikolu 125 tal-Kodiċi l-kliem "tarikorrent." għandhom jiġu sostitwiti bil-kliem "adottat skont id-dispożizzjonijiet tal-artikolu 124."

Emenda tal-artikolu 127A tal-Kodiċi.

15. Artikolu 127A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "u, jew dettalji tal-familja naturali tal-persuna adottata u, jew tat-tqegħid ta' adozzjoni" għandhom jiġu mħassra; u

(b) minnufih wara s-subartikolu (1) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(1A) Persuna li tkun adottat jew persuna adottata li tkun għalqet is-sittax (16)-il sena għandu jkollha d-dritt li tagħmel talba formali lill-Awtorità Ċentrali sabiex titlob

dettalji tal-familja naturali tal-persuna adottata u, jew tat-tqeghid ta' adozzjoni:

Iżda tali informazzjoni għandha tingħata biss fil-preżenza ta' professjonist li jkun jaħdem fis-settur soċjali, li jkollu l-ħiliet meħtieġa."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 258 tal-15 ta' Lulju, 2024.

DAVID AGIUS
Deputy Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

A 590

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

26th July, 2024

ACT No. XXVIII of 2024

AN ACT to amend the Civil Code, Cap. 16.

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:-

- Short title. **1.** The short title of this Act is the Civil Code (Amendment) Act, 2024 and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as the "Code".
- Cap. 16.
- Amendment of article 86 of the Code. **2.** Sub-article (1) of article 86 of the Code shall be amended as follows:
- (a) the first proviso thereof shall be deleted; and
 - (b) in the second proviso thereof the word "further" shall be deleted.
- Amendment of article 113 of the Code. **3.** Sub-article (2) of article 113 of the Code shall be amended as follows:
- (a) paragraph (f) thereof shall be substituted by the

following new paragraph:

Cap. 602. (f) "foster carer" shall have the same meaning as assigned to it in article 2 of the Minor Protection (Alternative Care) Act;"; and

(b) in paragraph (h) thereof, the words "Profession Act." shall be substituted by the words "Profession Act;" and immediately after there shall be added the following new paragraph:

Cap. 495. (i) "Adoption Service within the Directorate for Alternative Care (Children and Youth)" shall have the same meaning as assigned to it in article 2 of the Adoption Administration Act."

4. Immediately after article 114 of the Code there shall be added the following new article:

Addition of a new article to the Code.

"Agreement of open adoption.

114A. (1) When an application for an open adoption is made, the Court shall refer the case to the Adoption Service within the Directorate of Alternative Care (Children and Youth) who shall invite all parties, including the Children's Advocate, the person or entity entrusted with the care and custody of the minor, where this is not vested in the parents, the parents and the prospective adoptive parents to draw up an agreement of open adoption.

(2) The agreement of open adoption shall be presented to the Court for approval by not later than thirty (30) working days from the date when the case is referred to the Adoption Service within the Directorate of Alternative Care (Children and Youth).

(3) When no agreement is reached as referred to in sub-article (2), the Adoption Service within the Directorate of Alternative Care (Children and Youth) shall notify the Court by means of a note.

(4) In the cases referred to in sub-article (3), the Court shall refer the case to a family mediator, who shall invite all parties for a meeting within ten (10) working days:

Provided that all parties, including the person or entity entrusted with the care and custody of the minor, where this is not vested in the parents, the parents and the prospective adoptive parents shall participate during such mediation to draw up an agreement of open adoption:

Provided further that the mediator may hear the minor, where the minor has sufficient understanding, with the presumption that the minor has sufficient understanding unless proof is brought to the contrary:

Provided further that where parties disagree on the agreement of open adoption, the Court shall set a date to hear all parties and shall decide upon the agreement of open adoption in its final decree.

(5) The open adoption agreement shall be presented to the Court for approval by not later than thirty (30) working days from the date when the case is referred to a family mediator by the Court.

(6) The Court may order that any changes are made to the open adoption agreement, if it is in the best interest of the minor."

Amendment of article 115 of the Code.

5. Article 115 of the Code shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) in paragraph (a) thereof the words "forty-eight years than" shall be substituted by the words "fifty (50) years older than"; and

(ii) in paragraph (b) thereof the words "attained majority." shall be substituted by the words "attained majority; or" and immediately after there shall be added the following new paragraph:

"(c) in favour of a foster carer who has fostered the person to be adopted for at least the preceding five (5) years, or three (3) years in extraordinary circumstances in accordance with article 54 of the Minor Protection (Alternative Care) Act.";

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(b) sub-paragraph (iii) of paragraph (a) of sub-article (2) thereof shall be substituted by the following new sub-paragraph:

"(iii) in favour of a foster carer who has fostered the person to be adopted for at least the preceding five (5) years, or three (3) years in extraordinary circumstances in accordance with article 54 of the Minor Protection (Alternative Care) Act, if the person to be adopted consents to the adoption;"

Cap. 602.

(c) in paragraph (b) of sub-article (3) thereof immediately after the word "age" there shall be added the words "as well as the natural father, if he has acknowledged the person to be adopted as his child"; and

(d) sub-article (4) thereof shall be amended as follows:

(i) in paragraph (a) thereof immediately after the words "any person" there shall be added the words "or any other entity"; and

(ii) paragraph (b) thereof shall be deleted.

6. In sub-article (1) of article 116 of the Code the words "six weeks" shall be substituted by the words "eight (8) weeks". Amendment of article 116 of the Code.

7. Sub-article (2) of article 118 of the Code shall be amended as follows: Amendment of article 118 of the Code.

(a) the word "mother" shall be substituted by the words "both parents"; and

(b) in paragraph (a) thereof the words "six weeks" shall be substituted by the words "eight (8) weeks".

8. Immediately after article 118 of the Code there shall be added the following new article: Addition of new article to the Code.

"Placing a minor in alternative care before being given up for adoption.

Cap. 602.

118A. In all cases where the parents of a minor show their intention that the minor is given up for adoption, with the aim that such minor is eventually adopted, the Director (Child Protection) shall be notified and a social contract in accordance with article 12 of the Minor Protection (Alternative Care) Act shall be drawn up, which care plan may include a temporary placement in alternative care for the minor with the aim of allowing the parents to understand all the legal effects that result from the adoption of the minor:

Provided that where applicable, the Director (Child Protection) shall investigate whether any members of the extended family are willing to provide adequate care to the minor."

9. Sub-article (4) of article 119 of the Code shall be substituted Amendment of article 119 of the Code.

by the following new sub-article:

"(4) If it is in the minor's best interest, the Court shall, when making the adoption decree, authorise an agreement of open adoption which has been drawn up by the parties together with the Adoption Service within the Directorate of Alternative Care (Children and Youth) or before a mediator, where the parents and, or the natural family of the minor shall maintain contact with the minor:

Provided that the Court shall ensure that the agreement of open adoption was drawn up with the consent of all parties:

Provided further that the Court shall take into consideration the views of the minor if he possesses sufficient understanding:

Provided further that an open adoption may include, but shall not be limited to physical access, contact through electronic means or any other form of correspondence:

Provided further that every open adoption agreement shall be drawn up with due consideration to the minor's best interest:

Provided further that open adoption shall give the right of access between siblings, even when one of the siblings has been adopted:

Provided further that the minor shall give his consent when he has attained the age of eleven (11) years:

Provided further that any amendments to the agreement of open adoption shall not have any effect before they are authorised by the Court."

Amendment of article 120 of the Code.

10. Sub-article (2) of article 120 of the Code shall be substituted by the following new sub-article:

"(2) Following an application for an adoption decree of a minor, the Court shall appoint a Children's Advocate to ensure that the minor is adequately represented and his best interests are safeguarded."

Addition of a new article to the Code.

11. Immediately after article 120 of the Code there shall be added the following new article:

"Children's Advocate.

120A. Without prejudice to the functions of the Children's Advocate under any other law, the Children's Advocate shall:

- (a) hear the wishes and views of the minor;
- (b) submit the wishes and views of the minor to the Court as relayed to him by the minor himself, or by other professionals working with the minor;
- (c) give advice and explanation to the minor on the ongoing proceedings and the effects that such proceedings may have;
- (d) in cases of open adoption, hear the wishes and views of the minor regarding the agreement of open adoption and submit such wishes and views, either orally or in writing during proceedings in accordance with article 114A."

12. Immediately after article 121 of the Code there shall be added the following new article:

Addition of a new article to the Code.

"Service of adoption decree. 121A. Upon an adoption decree being made, a copy shall be served upon the Central Authority:

Provided that in case of local adoptions, a copy of the adoption decree shall also be served upon the Directorate of Alternative Care (Children and Youth)."

13. In the third proviso to article 124 of the Code the words "new name." shall be substituted by the words "new name:" and immediately after there shall be added the following new proviso:

Amendment of article 124 of the Code.

"Provided further that where the person to be adopted has sufficient understanding, he may choose to retain his biological family name and assume the surname of the adopter or adoptive parents, as the case may be, in accordance with the provisions of this Code."

14. In sub-article (2) of article 125 of the Code the words "of the applicant." shall be substituted by the words "adopted in accordance with the provisions of article 124."

Amendment of article 125 of the Code.

15. Article 127A of the Code shall be amended as follows:

Amendment of article 127A of the Code.

(a) in sub-article (1) thereof the words "and, or details of the adopted person's natural family and, or adoption placement" shall be deleted; and

(b) immediately after sub-article (1) thereof there shall be added the following new sub-article:

"(1A) An adopter or an adopted person who has

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attained the age of sixteen (16) years shall have the right to file a formal request to the Central Authority to request details of the adopted person's natural family and, or of the adoption placement:

Provided that such information should only be given in the presence of a professional working in the social field, who possesses the necessary skills."

Passed by the House of Representatives at Sitting No. 258 of the 15th July, 2024.

DAVID AGIUS
Deputy Speaker

ELEANOR SCERRI
Clerk of the House of Representatives