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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Marzu 2020.

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 9th March 2020.

ATT biex iħassar l-Att dwar il-Koabitazzjoni, Kap. 571 tal-Ligijiet ta' Malta, u sabiex jirregola dwar il-koabitazzjonijiet u jipprovdi għall-ħwejjeġ li għandhom x'jaqsmu magħhom jew ancillari għalihom.

AN ACT to repeal the Cohabitation Act, Cap. 571 of the Laws of Malta, and to regulate cohabitations and to provide for other matters dealing with them or ancillary to them.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI

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ATT biex iħassar l-Att dwar il-Koabitazzjoni, Kap. 571 tal-Liġijiet ta' Malta u sabiex jirregola dwar il-koabitazzjonijiet u jipprovdi għall-ħwejjeġ li għandhom x'jaqsmu magħhom jew ancillari għalihom.

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

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TAQSIMA I

Preliminari

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 dwar il-Koabitazzjoni. Titolu fil-qosor.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort' oħra:- Tifsir.

"dar tal-koabitazzjoni" tfisser dik id-dar li fiha l-koabitanti jkunu joqogħdu flimkien, kemm jekk tkun tappartjeni lil koabitant minnhom jew lit-tnejn, fi kwalunkwe sehem bejniethom, u kemm

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jekk jokkupawha b'titolu ta' kera jew kwalunkwe titolu ieħor, kemm jekk daħlu għaliha flimkien kif ukoll separatament;

"koabitant" tfisser persuna illi kontinwament u abitwalment tgħix ma' persuna oħra fid-dar tal-koabitazzjoni bħala koppja, u li mal-istess persuna, tkun daħlet f'att pubbliku ta' koabitazzjoni, u li mhux diġà legalment marbuta ma' persuna oħra;

"komunjoni" għandu jkollha l-istess tifsira mogħtija lilha fit-Taqsima III;

"Ministru" tfisser il-Ministru responsabbli għall-ġustizzja;

Kap. 55.

"nutar" tfisser uffiċjal pubbliku bis-setgħat kollha mogħtija lilu mill-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili;

"Qorti" tfisser il-Qorti Ċivili (Sezzjoni Familja) jew xi Qorti oħra li minn żmien għal żmien tkun assenjata l-kompetenza li tiegħu konjizzjoni ta' materji familjari;

"Regolament dwar shubijiet reġistrati" tfisser ir-Regolament tal-Kunsill (UE) 2016/1104 tal-24 ta' Ġunju 2016 li jimplementa kooperazzjoni msaħħa fil-qasam tal-ġurisdizzjoni, il-liġi applikabbli u r-rikonoxximent u l-eżekuzzjoni ta' deċiżjonijiet f'materji tal-konsegwenzi patrimonjali ta' shubijiet reġistrati;

"ulied dipendenti" tfisser dawk l-ulied tal-koabitanti, jew ta' xi hadd minnhom, jew li fir-rigward tagħhom xi wieħed minnhom qiegħed jaġixxi *in loco parentis*, u li għad għandhom id-dritt illi jirċievu manteniment mingħand l-istess koabitanti:

Kap. 16.

Iżda *in loco parentis* tirreferi għall-koabitant li jkun qed jaġixxi *in loco parentis* fir-rigward ta' wild ta' haddieħor, minhabba l-koabitazzjoni tiegħu ma' ġenitur ta' dak il-wild, fejn il-ġenitur l-ieħor tal-istess wild ikun, f'xi żmien qabel jew matul il-koabitazzjoni, ġie nieqes jew ġie ddikjarat bħala persuna assenti skont id-dispożizzjonijiet ta' Titolu VII tal-Ewwel Ktieb tal-Kodiċi Ċivili, jew ma jkunx magħruf:

Kap. 16.

Iżda wkoll li dan ikun bla ħsara għall-obbligi tal-ġenituri naturali tal-wild u f'kull każ bla ħsara għad-dispożizzjonijiet tal-artikolu 149 tal-Kodiċi Ċivili.

TAQSIMA II

Kif tiġi kostitwita l-koabitazzjoni

Koabitazzjoni permezz ta' att pubbliku bejn il-partijiet.

3. (1) Persuni illi għandhom l-intenzjoni illi jikkoabitaw, jew persuni li diġà qegħdin jgħixu flimkien, u li jridu li d-dispożizzjonijiet

ta' dan l-Att ikunu applikabbli għalihom, għandhom jirregolaw il-koabitazzjoni tagħhom permezz ta' att pubbliku ta' koabitazzjoni skont id-dispożizzjonijiet ta' dan l-Att.

(2) Il-koabitazzjoni tidhol fis-seħħ mid-data tal-pubblikazzjoni tal-att pubbliku ta' koabitazzjoni fir-rigward tal-koabitanti, u minn meta jiġi insinwat fir-Registru Pubbliku fir-rigward ta' terzi.

4. (1) Att pubbliku ta' koabitazzjoni li jsir bejn:

Nullità tal-att
pubbliku.

(a) persuni li waħda minnhom ma tkunx għadha laħqet l-età ta' tmintax-il (18) sena, sakemm mhux awtorizzata skont il-liġi fit-termini tas-subartikolu (3);

(b) axxendent u dixxendent f'linja diretta;

(c) aħwa, kemm jekk mill-istess ġenituri, kif ukoll jekk minn wieħed mill-ġenituri biss;

(d) persuna li tadotta u l-persuna adottata;

(e) persuni li waħda minnhom ma tkunx tista' tagħti l-kunsens tagħha għall-att pubbliku minhabba li tkun ċivilment interdotta jew inabilitata, jew ma jkollhiex l-użu tar-raġuni;

(f) persuni, jew min minnhom, illi jkunu marbutin fi żwieġ jew f'unjoni ċivili, ma' xulxin jew ma' terzi, kemm f'Malta, kif ukoll fi kwalunkwe pajjiż ieħor;

(g) persuni, jew min minnhom, illi jkunu marbutin b'att pubbliku ta' koabitazzjoni preċedenti skont dan l-Att, ma' xulxin jew ma' terzi;

(h) persuni, jew min minnhom, illi jkunu marbutin b'koabitazzjoni registrata jew dikjarata unilateralment skont l-Att dwar il-Koabitazzjoni, ma' xulxin jew ma' terzi; jew

Kap. 571.

(i) persuni, jew min minnhom, illi għandhom relazzjoni ma' terzi li hija diġà regolata b'liġi barranija li tipprovdi għad-drittijiet u l-obbligi ta' bejniethom, irrispettivament mit-titolu tagħha,

ikun null u bla effett.

(2) Għall-finijiet tas-subartikolu (1), ir-relazzjoni ta' persuna adottata għandha titqies li teżisti kemm b'referenza għall-familja bijoloġika tagħha kif ukoll għall-familja adottiva tagħha.

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Kap. 255. (3) Għall-finijiet tas-subartikolu (1), l-artikolu 3 tal-Att dwar iż-Żwieg għandu japplika *mutatis mutandis* għal minuri bejn is-sittax (16) u t-tmintax-il (18) sena, li għandhom l-intenzjoni li jidhlu f'att pubbliku ta' koabitazzjoni.

(4) Il-Qorti ta' Ġurisdizzjoni Volontarja li taħtha tkun taqa' waħda mill-partijiet illi jkunu bi ħsiebhom jidhlu f'att pubbliku ta' koabitazzjoni tista', jekk tintwera raġuni valida biex isir dan, tiddispensa mid-dispożizzjonijiet tas-subartikolu 4(1)(d) u (e), u l-imsemmi digriet għandu jiġi anness mal-att.

Formalitajiet tal-att pubbliku.

5. (1) Kwalunkwe klawżola fl-att pubbliku ta' koabitazzjoni li b'xi mod tmur kontra xi dispożizzjoni ta' dan l-Att, jew li b'xi mod tiddisponi dwar kif għandha tiġi xolta tali koabitazzjoni, għandha titqies bħala nulla u bla effett.

(2) Il-partijiet għandhom jiddikjaraw quddiem in-nutar illi m'hemm xejn illi jipprekludihom milli jidhlu f'att pubbliku ta' koabitazzjoni validu skont dan l-Att, u n-nutar għandu l-obbligu li jniżżel din id-dikjarazzjoni fl-imsemmi att.

Kap. 16.

(3) Il-partijiet għandhom jipprovdu lin-nutar ċertifikat ta' *status* liberu maħruġ skont l-artikolu 251(3) tal-Kodiċi Ċivili, jew dokument ekwivalenti għalih debitament maħruġ mill-awtorità kompetenti barranija, skont il-każ, liema ċertifikat jew dokument għandu jkun maħruġ ufficialment mhux iktar minn disgħin (90) jum qabel id-data tal-pubblikazzjoni tal-att pubbliku ta' koabitazzjoni, u għandu jiġi meħmuż mal-istess att:

Iżda dak id-dokument ekwivalenti għaċ-ċertifikat ta' *status* liberu jrid ikun maħruġ minn awtorità kompetenti f'dak il-pajjiż li johroġ l-istess dokument.

(4) Il-partijiet għandhom jiddikjaraw quddiem in-nutar jekk kienx hemm att pubbliku ta' koabitazzjoni bejniethom fil-passat, liema kuntratt kien xolt, u n-nutar għandu l-obbligu li jniżżel din id-dikjarazzjoni fl-istess att.

(5) In-nutar illi quddiemu l-partijiet ikunu se jiffirmaw l-att pubbliku ta' koabitazzjoni għandu l-obbligu illi jfisser fid-dettall lill-partijiet il-konsegwenzi tal-imsemmi att, u l-klawsoli li l-partijiet jkunu qed jagħzlu li jintrabtu bihom, u għandu jiddikjara illi għamel dan fl-istess att.

(6) In-nutar li jippubblika l-att pubbliku ta' koabitazzjoni għandu, fi żmien ħmistax-il (15) jum tax-xogħol mid-data tal-att, jinsinwa l-istess att fir-Registru Pubbliku, fir-Registru miżmum għal tali skop mid-Direttur tar-Registru Pubbliku.

(7) Id-Direttur tar-Registru Pubbliku għandu johroġ ċertifikat ta' koabitazzjoni kif preskritt fl-Iskeda, fi żmien għoxrin (20) jum minn meta l-att pubbliku ta' koabitazzjoni jiġi insinwat fir-Registru Pubbliku, u kopja tan-nota tal-insinwa għandha tkun trażmessa lid-Direttur tar-Registru Pubbliku.

6. Id-dispożizzjonijiet tar-Regolament dwar shubijiet registrati għandhom japplikaw għal koabitazzjonijiet insinwati permezz ta' att pubbliku skont dan l-Att. Applikabbiltà tar-Regolament dwar shubijiet registrati.

7. (1) Fl-att pubbliku ta' koabitazzjoni, il-partijiet jistgħu jagħzlu li jiddikjaraw il-liġi applikabbli għall-koabitazzjoni tagħhom mis-segwenti: Għażla tal-liġi applikabbli.

(a) il-liġi tal-Istat fejn il-partijiet jew wiehed minnhom, jirrisjedu abitwalment fil-mument li jiġi konkluż l-att pubbliku ta' koabitazzjoni;

(b) il-liġi tal-Istat taç-ċittadinanza ta' xi wiehed mill-partijiet fil-mument li jiġi konkluż l-att pubbliku ta' koabitazzjoni; jew

(ċ) il-liġi tal-Istat li taht il-liġi tiegħu jkun gie kostitwit l-att pubbliku ta' koabitazzjoni.

(2) Fejn il-partijiet jonqsu milli jagħmlu l-imsemmija dikjarazzjoni, għandu jiġi preżunt illi l-liġi applikabbli hija dik Maltija.

8. Fl-att pubbliku ta' koabitazzjoni, il-partijiet għandhom jiddeċiedu dwar u jiddikjaraw, l-applikabbiltà tat-Taqsima III: L-inklużjoni jew l-esklużjoni tat-Taqsima III.

Iżda jekk il-partijiet jonqsu milli jagħmlu l-imsemmija dikjarazzjoni, għandu jiġi preżunt illi l-partijiet riedu jeskludu l-applikazzjoni tal-imsemmija Taqsima.

9. (1) Bla ħsara għall-artikolu 45A tal-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, il-koabitanti jistgħu, f'kwalunkwe żmien, jemendaw jew jikkorreġu l-att pubbliku ta' koabitazzjoni permezz ta' att pubbliku sussegwenti bl-awtorizzazzjoni tal-Qorti kompetenti: Emendi għall-att pubbliku. Kap. 55.

Iżda f'kull każ, il-Qorti għandha tassigura li ma jkun qiegħed jiġi emendat xejn li jmur kontra l-aħjar interess tal-ulied dipendenti, jew illi jpoġġi lil xi wiehed mill-koabitanti f'sitwazzjoni ta' vulnerabbiltà, skont il-każ.

(2) F'kull każ fejn il-Qorti tkun mitluba tagħti l-awtorizzazzjoni tagħha għal att korrettorju jew emenda għall-att pubbliku, għandha, jekk tikkunsidra illi huwa l-każ biex tassigura li dan mhux qiegħed isir

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b'abbuż ta' koabitant fil-konfront tal-ieħor, tisma` lill-koabitanti *viva voce*.

TAQSIMA III

Il-komunjoni tal-assi bejn il-koabitanti

Il-komunjoni tal-assi bejn il-koabitanti.

10. (1) Fl-att pubbliku ta' koabitazzjoni, il-partijiet jistgħu jistabbilixxu l-komunjoni tal-assi skont din it-Taqsima.

(2) Id-dritt ta' kull koabitant għall-komunjoni tal-assi jibda, bla ħsara għal kwalunkwe dispożizzjoni oħra tal-liġi, mid-data tal-pubblikazzjoni tal-att pubbliku ta' koabitazzjoni, u jispicċa max-xoljiment tal-koabitazzjoni.

X'jikkostitwixxi l-komunjoni tal-assi.

11. (1) Il-komunjoni tal-assi bejn il-koabitanti għandha tkun kostitwita biss mis-segwent:

(a) id-dar tal-koabitazzjoni, meta l-akkwist ikun sar wara l-att pubbliku ta' koabitazzjoni, kemm jekk l-akkwist ikun sar f'isem parti waħda mill-koabitanti, kif ukoll meta l-akkwist ikun sar bi flus jew ħwejjeġ oħra li kienu jappartjenu lil xi waħda mill-koabitanti minn qabel il-koabitazzjoni, jew li, wara l-koabitazzjoni, gew trasferiti lilha b'donazzjoni, b'wirt, jew b'titolu ieħor, bla ħsara għad-dritt tagħha li tiġi rimborzata l-ispejjeż li tkun għamlet għall-akkwist:

Izda l-imsemmija dar tal-koabitazzjoni ma għandhiex tidhol fil-komunjoni tal-assi jekk tkun giet trasferita bi kwalunkwe titolu lil wieħed mill-koabitanti qabel l-att tal-koabitazzjoni, minkejja li setgħet giet għand dik il-parti unikament wara l-koabitazzjoni:

Izda ukoll l-imsemmija dar ma għandhiex tidhol fil-komunjoni tal-assi kemm-il darba tkun giet trasferita lil xi waħda mill-koabitanti b'donazzjoni jew permezz ta' wirt, sew qabel, kif ukoll wara l-att tal-koabitazzjoni; u

(b) ħwejjeġ mobbli li jinsabu fid-dar tal-koabitazzjoni, li gew akkwistati wara l-att pubbliku ta' koabitazzjoni, ukoll jekk l-akkwist ikun sar f'isem parti waħda mill-koabitanti, kemm-il darba daww il-mobbli ma kinux għaddew lil xi koabitant b'donazzjoni, rigal personali jew gew devoluti fuqhom b'suċċessjoni mingħand terzi:

Izda għall-finijiet ta' dan l-artikolu, it-tifsira "mobbli" għandha tinkludi mobbli dekorattivi u ornamenti miżmuma fid-dar tal-koabitazzjoni u għandha teskludi flejjes, titoli, vetturi, dgħajjes, u kwalunkwe mobbli li inxtraw bl-iskop li jintużaw

esklussivament minn wieħed mill-koabitanti.

(2) Meta l-komunjoni tal-assi skont id-dispożizzjonijiet ta' dan l-artikolu tapplika bejn il-koabitanti, l-assi kollha li ma jaqgħux taħt is-subartikolu (1) ta' dan l-artikolu, għandhom jitqiesu bħala assi appartenenti lill-partijiet individwali.

12. L-artikoli 1322, 1323, u 1325 sa 1333 (it-tnejn inklużi) tal-Kodiċi Ċivili għandhom japplikaw *mutatis mutandis*, għall-komunjoni tal-assi bejn il-koabitanti, u kwalunkwe referenza għall-komunjoni tal-akkwisti bejn il-miżżewġin fl-imsemmija artikoli għandha titqies li tapplika għall-komunjoni tal-assi bejn il-koabitanti.

Applikabbiltà.
Kap. 16.

TAQSIMA IV

Drittijiet u dmirijiet bażiċi

13. (1) Il-koabitant għandu jibbenefika mid-drittijiet stipulati fis-subartikolu (2), u minn drittijiet oħra msemmija f'kwalunkwe liġi oħra bħala applikabbli għal-koabitanti.

Drittijiet tal-koabitanti.

(2) Id-drittijiet mogħtija lill-koabitant huma s-segweni, u cioè illi l-imsemmi koabitant:

(a) għandu jitqies bħala inkwilin għal kull finijiet u effetti tal-liġi fir-rigward ta' kull kirja tad-dar tal-koabitanti li giet kostitwita permezz ta' kuntratt minn xi wieħed mill-koabitanti, wara li jkun sar l-att pubbliku ta' koabitazzjoni skont dan l-Att;

(b) għandu jitqies li għandu l-istess drittijiet mogħtija lil persuna miżżewġa jew f'unjoni ċivili fejn jidhlu drittijiet relatati ma' xogħol u l-familja, inkluż drittijiet varji relatati mal-*leave*, kemm dawk id-drittijiet misjuba f'liġijiet primarji, dawk sussidjarji, kif ukoll f'kodiċijiet u prattiċi tax-xogħol, eskluż però d-dritt tal-*leave* sabiex wieħed jakkumpanja s-sieħeb tiegħu fuq korsijiet barra minn Malta sponsorjati mill-gvern;

(ċ) għandu d-dritt illi jieħu kwalunkwe deċiżjoni dwar il-kura medika tal-koabitant l-ieħor;

(d) mingħajr preġudizzju għad-dispożizzjonijiet tal-Kodiċi Ċivili, għandu, f'każ illi wieħed mill-koabitanti jiġi nieqes waqt il-koabitazzjoni, id-dritt ta' abitazzjoni ta' tmax-il (12) xahar fid-dar tal-koabitazzjoni, meta l-istess dar tal-koabitazzjoni tkun miżmuma f'proprietà assoluta jew b'enfitewsi mill-koabitant li ġie nieqes, kemm separatament kif ukoll f'imkien mal-koabitant superstiti:

Kap. 16.

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Iżda dan id-dritt ta' abitazzjoni jispiċċa jekk is-superstiti jikkuntratta żwieġ, unjoni ċivili jew jidhol f'koabitazzjoni ma' persuna oħra;

Iżda wkoll id-dritt mogħti permezz ta' dan il-paragrafu jibqa' japplika meta l-istess dritt ikollu l-effett li jnaqqas matul l-imsemmi perjodu, is-sehem riżervat li jmiss lil xi persuna oħra;

Kap. 318. (e) għandu d-dritt illi jkun intitolat għall-għajjnuna soċjali non-kontributorja meta jkun persuna li fl-opinjoni tad-direttur tas-servizzi soċjali jkun jgħix mal-kap tal-familja, daqslikieku kienu konjuġi fiż-żwieġ skont l-artikolu 30 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (f) għandu d-dritt għall-pensjoni tar-romol skont l-artikoli 31 sa 43 (it-tnejn inkluzi) tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (g) għandu d-dritt illi f'każ li l-koabitant l-ieħor jiġi nieqes, jagħmel talba għall-pensjoni tal-irtirar jekk kien qiegħed, jew kellu d-dritt li jiġi mantenut mill-koabitant li ġie nieqes skont l-artikolu 46 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (ħ) għandu d-dritt għall-ħlas tal-pensjoni tal-età meta ż-żewġ koabitanti jikkwalifikaw skont l-artikolu 66 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (i) għandu d-dritt li jirċievi benefiċċji soċjali bhala *foster carer* skont l-artikolu 76A tal-Att dwar is-Sigurtà Soċjali;

(j) għandu d-dritt għall-għajjnuna għall-mard meta l-koabitant ikun jgħix mal-kap tal-familja matul xi perjodu li matulu l-għajjnuna għall-mard tkun qiegħda tithallas jew tista' tithallas;

Kap. 318. (k) għandu d-dritt għall-benefiċċju għal dizimpjeg u għall-benefiċċju speċjali għal dizimpjeg jekk ikun qiegħed imantni lill-koabitant l-ieħor skont l-artikolu 30 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (l) għandu d-dritt għall-benefiċċju dwar il-maternità u l-benefiċċju għall-*leave* dwar il-maternità skont l-artikoli 71 u 72 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (m) għandu d-dritt għall-*allowance* supplimentari skont l-artikolu 73 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (n) għandu d-dritt għall-*allowance* tat-tfal skont l-artikoli 76, 80, 81 u 82 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318. (o) għandu d-dritt għall-*allowance* għal tfal fil-kura skont l-artikoli 76A, 80, 81 u 82 tal-Att dwar is-Sigurtà Soċjali;

(p) għandu d-dritt għall-*allowance* għal tfal b'dizabilità skont l-artikoli 77, 80, 81 u 82 tal-Att dwar is-Sigurtà Soċjali;

Kap. 318.

(q) għandu d-dritt li l-ulied dipendenti tiegħu jgħixu mal-koabitanti fid-dar tal-koabitazzjoni, skont il-każ, sakemm ma jkunx hemm ordni xort'oħra mill-Qorti kompetenti abbażi ta' proċeduri preċedenti.

14. (1) Il-koabitanti għandu jkollhom drittijiet indaqs u għandhom jaqsmu r-responsabbiltajiet matul il-koabitazzjoni tagħhom, u għandhom ukoll id-dmir li jappoġġaw lil xulxin kemm moralment kif ukoll materjalment.

Drittijiet u dmirijiet reċiproċi tal-koabitanti.

(2) Il-koabitanti għandhom l-obbligu, kull wieħed minnhom skont il-mezzi u l-ħiliet tagħhom li jaħdmu kemm fid-dar tal-koabitazzjoni kif ukoll xort' oħra, kif jirrikjedu l-interessi tal-familja, li jmantnu lil xulxin u li jikkontribwixxu għall-ħtiġijiet tal-familja:

Izda dan l-obbligu tal-koabitanti għandu jieqaf max-xoljiment tal-koabitazzjoni.

15. (1) Il-koabitazzjoni timponi fuq il-koabitanti l-obbligu li jieħdu ħsieb, imantnu, jgħallmu u jedukaw lill-ulied dipendenti skont il-ħila, inklinazzjonijiet naturali u aspirazzjonijiet tal-ulied.

L-obbligu tal-koabitanti lejn l-ulied.

(2) L-obbligu li l-ġenituri għandhom li jipprovdu l-manteniment skont is-subartikolu (1), jinkludi ukoll l-obbligu illi, skont il-mezzi tagħhom, u fejn ma jkunx raġonevolment possibbli li l-ulied dipendenti, jew min minnhom, imantnu lilhom infushom kif xieraq, ikomplu jipprovdu manteniment adegwat lill-ulied li minħabba l-fatt li:

(a) jkunu studenti li qegħdin jipparteċipaw f'edukazzjoni, taħriġ jew tagħlim *full-time* u huma taħt l-età ta' tlieta u għoxrin sena (23); jew

(b) li jkollhom diżabilità, kif imfissra fl-Att dwar Opportunitajiet Indaqs għal Persuni b'Diżabilità, kemm jekk hija fiżika, mentali jew psikoloġika.

Kap. 413.

16. (1) Id-dar tal-koabitazzjoni għandha tkun stabbilita f'post li jintagħzel bi qbil bejn il-koabitanti skont il-ħtiġijiet tagħhom u l-interess ewlieni tal-familja nnifisha.

Id-dar tal-koabitazzjoni.

(2) Meta d-dar tal-koabitazzjoni, kollha kemm hi jew sehem minnha, tkun tappartjeni fi proprjetà jew b'xi titolu ieħor, lil parti waħda mill-koabitanti, dik il-parti tista' biss tittrasferixxi b'titolu *inter vivos* is-sehem tagħha fuq dik id-dar tal-koabitazzjoni:

(a) bil-kunsens tal-parti l-oħra; jew

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(b) meta dak il-kunsens ma jingħatax mingħajr raguni xierqa, bl-awtorità tal-Qorti kompetenti; jew

(ċ) b'irkant f'bejgħ ġudizzjarju fuq talba ta' xi kreditur ta' dik il-parti.

(3) Il-parti li ma tkunx tat il-kunsens tagħha għat-trasferiment tista' tintavola azzjoni għall-annullament tat-trasferiment li ma jkunx sar skont is-subartikolu (2), fi żmien sena (1) minn meta t-trasferiment ikun ġie reġistrat.

L-obbligu tal-
hlas tal-
utilitajiet.

17. F'każ li l-koabitazzjoni tiġi xolta, għandu jkun hemm preżunzjoni *iuris tantum* illi l-koabitanti għandhom id-dmir illi jhallsu l-utilitajiet kollha relatati mad-dar tal-koabitazzjoni fi kwoti ndaqs bejniethom għall-perjodu li kienu jirrisjedu fiha, irrispettivament mill-fatt illi l-kontijiet tal-utilitajiet jkunu jgħajtu lill-koabitant wiehed biss.

TAQSIMA V

Xoljiment tal-koabitazzjoni

Ix-xoljiment tal-
koabitazzjoni.

18. (1) Ix-xoljiment tal-koabitazzjoni ma tistax issir fliebi b'talba ta' wiehed mill-koabitanti fil-konfront tal-iehor, jew bil-kunsens ta' xulxin, kif stipulat fl-artikolu 22.

(2) It-talbiet kollha għax-xoljiment tal-koabitazzjoni għandhom isiru permezz ta' rikors quddiem il-Qorti, u bla hsara għad-dispożizzjonijiet tal-artikolu 14, id-dispożizzjonijiet tal-artikolu 37 tal-Kodiċi Ċivili għandhom japplikaw *mutatis mutandis*.

Kap. 16.

(3) Il-Qorti għandha, fid-digriet jew fis-sentenza tagħha dwar ix-xoljiment tal-koabitazzjoni, tordna lir-Registratur tal-Qrati sabiex, fiż-żmien stipulat mill-Qorti għal dan l-iskop, javża lid-Direttur tar-Registru Pubbliku bix-xoljiment tal-koabitazzjoni biex tali digriet jew sentenza jiġu reġistrati fir-Registru Pubbliku.

Talba unilaterali
għax-xoljiment.

19. (1) F'każ ta' talba għax-xoljiment tal-koabitazzjoni magħmula minn koabitant wiehed biss, ma jkunx meħtieġ illi f'tali talba, il-koabitant jattribwixxi lill-koabitant l-iehor xi htija li tkun wasslet biex issir l-istess talba.

(2) Il-koabitant li jkun qed jagħmel it-talba għax-xoljiment tal-koabitazzjoni, jista', flimkien mal-istess talba, u bla hsara għad-dispożizzjonijiet ta' dan l-artikolu u tal-artikolu 14, iressaq it-talbiet kollha illi huma applikabli għal kawża ta' separazzjoni skont is-Sub-Titolu III tal-Ewwel Titolu tal-Ewwel Ktieb tal-Kodiċi Ċivili.

Kap. 16.

(3) Il-Qorti għandha tisma' u tiddisponi minn dawn it-talbiet kif stipulat fid-dispożizzjonijiet imsemmija *mutatis mutandis*:

B'dan illi, mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-artikolu u tal-artikolu 14, il-koabitant l-ieħor jista' jressaq l-eċċezzjonijiet kollha illi jistgħu jitressqu f'kawża ta' separazzjoni.

(4) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 14, il-Qorti għandu jkollha *mutatis mutandis* is-setgħat kollha mogħtija lilha skont is-Sub-Titolu III tal-Ewwel Titolu tal-Ewwel Ktieb tal-Kodiċi Ċivili għal dak illi jirrigwarda l-ordnijiet li tista' tagħti *pendente lite*. Kap. 16.

(5) Id-dispożizzjonijiet tal-artikoli 38, 40, 41, 44, 45, 48, 51, 52, 53 u 54(1) (inklużi) tal-Kodiċi Ċivili ma għandhomx japplikaw fir-rigward ta' azzjoni għax-xoljiment tal-koabitazzjoni. Kap. 16.

(6) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 14, id-dispożizzjonijiet tal-artikoli 46, 47, 54 (2), (3), (4), (7), u (9), 55A, 56, 56A, 57, u 61 (inklużi) tal-Kodiċi Ċivili għandhom japplikaw *mutatis mutandis*. Kap. 16.

20. L-azzjoni għax-xoljiment tal-koabitazzjoni tiġi estinta meta jkun hemm rikonċiljazzjoni bejn il-koabitanti. Rikonċiljazzjoni *pendente lite*.

21. Meta jiġi nieqes wieħed mill-koabitanti, tiġi estinta l-azzjoni għax-xoljiment, anke jekk il-mewt isseħħ wara li tkun saret it-talba. Meta wieħed mill-koabitanti jiġi nieqes.

22. (1) Ix-xoljiment tal-koabitazzjoni jista' jsir bil-kunsens reċiproku tal-koabitanti permezz ta' att pubbliku, prevja l-awtorizzazzjoni tal-Qorti permezz ta' digriet. Ix-xoljiment tal-koabitazzjoni bil-kunsens reċiproku.

(2) Il-Qorti għandha, qabel ma tagħti tali digriet, twissi lill-partijiet dwar il-konsegwenzi tax-xoljiment u tfittex li tirrikonċiljahom, u tista' tħassar, tvarja jew żżid dawk il-kundizzjonijiet li hija tikkunsidra xierqa fiċ-ċirkostanzi.

(3) Dan id-digriet għandu l-istess effetti ta' sentenza mogħtija mill-Qorti kompetenti, u għandu jordna lir-Registatur tal-Qrati sabiex, fiż-żmien stipulat mill-Qorti għal dan l-iskop, javża lid-Direttur tar-Registru Pubbliku bix-xoljiment tal-koabitazzjoni biex l-istess digriet jiġi registrat fir-Registru Pubbliku.

23. (1) Il-Qorti, meta tagħti d-digriet għax-xoljiment tal-koabitazzjoni, għandha tordna fl-istess digriet, f'idejn min għandha tkun il-kustodja tat-tfal. Ordni tal-Qorti dwar il-kustodja tat-tfal.

(2) Il-Qorti tista', f'kull żmien, fl-aħjar interess tat-tfal, tħassar jew tbiddel l-ordnijiet li tkun iddekretat dwarhom.

24. Id-dispożizzjonijiet tar-Regolamenti dwar il-Qorti Ċivili (Sezzjoni tal-Familja), il-Prim'Awla tal-Qorti Ċivili u l-Qorti tal-Maġistrati (Għawdex) (Ġurisdizzjoni Superjuri) (Sezzjoni tal-Familja) li L-applikabbiltà tal-L.S. 12.20.

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japplikaw għall-każijiet ta' firda personali, għandhom japplikaw *mutatis mutandis* għal kull azzjoni magħmula skont din it-Taqsima.

L-effetti fuq terzi.

25. Ix-xoljiment mill-koabitazzjoni ma għandu jkollu l-ebda effett fil-konfront ta' terzi ħlief minn dakinhar li s-sentenza jew l-att pubbliku, skont il-każ, jiġu insinwati fir-Registru Pubbliku.

TAQSIMA VI Dispożizzjonijiet Ġenerali

Dispożizzjonijiet ġenerali.

26. (1) Meta żewġ koabitanti jikkuntrattaw żwieġ jew unjoni ċivili bejniethom, l-att pubbliku ta' koabitazzjoni jiġi terminat *ipso facto* minn dak il-jum li fih jiġi kuntrattat l-istess żwieġ jew unjoni ċivili.

(2) Id-Direttur tar-Registru Pubbliku għandu jniżżel annotazzjoni ta' dan fuq iċ-Ċertifikat ta' Koabitazzjoni.

Drittijiet ta' terzi persuni.

27. Id-dispożizzjonijiet kollha ta' dan l-Att huma mingħajr preġudizzju għad-drittijiet ta' terzi persuni fil-konfront ta' kwalunkwe koabitant.

Kunflitt ta' interess.

28. Kull fejn, fil-Liġijiet ta' Malta, huwa kkunsidrat li hemm jew jista' jkun hemm kunflitt ta' interess minħabba affinità bejn żewġ persuni, fi kwalunkwe ċirkostanza, dan għandu jitqies illi japplika wkoll għall-koabitanti.

Setgħa tal-Ministru biex jagħmel regolamenti.

29. Il-Ministru jista' jagħmel regolamenti sabiex jimplementa u sabiex jagħti effett aħjar għad-dispożizzjonijiet ta' dan l-Att u mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, jista' jipprovdha għal kull haġa konsegwenzjali, inċidentali għal, jew konnessa, mad-dispożizzjonijiet ta' dan l-Att.

TAQSIMA VII Dispożizzjonijiet Tranzitorji

Applikabbiltà.

30. Minnufih wara d-dhul fis-seħħ ta' dan l-Att:

(a) id-dispożizzjonijiet kollha li jirregolaw il-koabitazzjoni *de facto* ma għandu jibqgħu jkollhom l-ebda effett legali, u kwalunkwe dritt jew responsabbiltà miksuba taht l-istess dispożizzjonijiet għandha tkun revokata iżda dan mingħajr preġudizzju għad-drittijiet diġà akkwiziiti minn terzi; u

(b) id-dispożizzjonijiet li jirregolaw il-koabitazzjonijiet kostitwiti permezz ta' dikjarazzjoni unilaterali għandhom jibqgħu fis-seħħ u għandhom japplikaw limitament għal dawk il-koabitazzjonijiet kostitwiti permezz ta' dikjarazzjoni unilaterali registrata qabel id-dhul fis-seħħ ta' dan l-Att.

31. (1) Dan l-Att ma għandux ikollu effett fuq dawk il-koabitazzjonijiet kostitwiti permezz ta' kuntratt li ġew registrati qabel id-dhul fis-seħh tal-istess Att, liema koabitazzjonijiet għandhom jibqgħu regolati mid-dispożizzjonijiet li kienu fis-seħh fiż-żmien li ġew kostitwiti u registrati.


Koabitazzjonijiet kostitwiti permezz ta' kuntratt.

32. Mingħajr preġudizzju għad-dispożizzjonijiet ta' din it-Taqsima, l-Att dwar il-Koabitazzjoni huwa b'dan imħassar, mingħajr preġudizzju għal dak kollu li sar jew naqas milli jsir tahtu.

Thassir tal-Att XV tal-2017. Kap. 571.

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SKEDA
(Artikolu 5)

REGISTRU PUBBLIKU  PUBLIC REGISTRY

ĊERTIFIKAT TA' KOABITAZZJONI
CERTIFICATE OF COHABITATION

TAGHRIF DWAR IL-KOABITANTI <i>PARTICULARS OF THE COHABITANTS</i>	KOABITANT (1) / <i>COHABITANT (1)</i>		KOABITANT (2) / <i>COHABITANT (2)</i>	
Isem u kunjom <i>Name and surname</i>				
Data u lok tat-twelid <i>Date and place of birth</i>				
Dokument ta' identifikazzjoni <i>Identification document</i>				
Isem u kunjom ill-ġenituri, inkluż il-kunjom fit-twelid <i>Name and surname of parents, including their surname at birth</i>	Il-ġenitur (1a) <i>The parent</i>	Il-ġenitur (2a) <i>The parent</i>	Il-ġenitur (1b) <i>The parent</i>	Il-ġenitur (2b) <i>The parent</i>
Dar tal-koabitazzjoni <i>Cohabitation home</i>				
Data tal-bidu tal-koabitazzjoni <i>Commencement date of cohabitation</i>				
ANNOZZAZZJONIJIET <i>ANNOTATIONS</i>				
Firma tad-Direttur jew ta' uffiċjal ieħor li jagħmel floku <i>Signature of the Director or other officer authorised to act in his stead.</i>	Data tar-registrazzjoni tal-Att pubbliku <i>Registration date of public Deed</i>	Numru progressiv ta' Registrazzjoni <i>Progressive number of Registration</i>		

TAQSIMA VIII
Emendi Konsegwenzjali

33. L-artikolu 196 tal-Kodiċi Kriminali, għandu jiġi sostitwit kif ġej: Sostituzzjoni tal-artikolu 196 tal-Kodiċi Kriminali. Kap. 9.

"Bigamija.

196. Min:

(a) mill-miżżewġin;

(b) mill-išhab f'unjoni ċivili; jew

(ċ) mill-koabitanti f'koabitazzjoni registrata jew dikjarata unilateralmment skont l-Att dwar il-Koabitazzjoni, jew insinwata permezz ta' att pubbliku, skont l-Att tal-2020 dwar il-koabitazzjoni,

Kap. 571.

Att_ tal-2020.

filwaqt li jkun fis-seħħ żwieġ, unjoni ċivili jew koabitazzjoni valida li jkollha l-effetti legali skont il-liġi, jikkuntratta żwieġ, unjoni ċivili, jew koabitazzjoni oħra, jeħel meta jinsab ħati, il-piena ta' priġunerija minn tlettax-il (13) xahar sa' erba' (4) snin."

34. L-artikolu 196A tal-Kodiċi Kriminali, għandu jiġi mħassar.

Thassir tal-artikolu 196A tal-Kodiċi Kriminali. Kap. 9.

35. L-artikolu 114 tal-Kodiċi Ċivili, għandu jiġi emendat kif ġej:

Emenda tal-artikolu 114 tal-Kodiċi Ċivili. Kap 16.

(a) is-subartikolu (2) tiegħu, għandu jiġi sostitwit b'dan li ġej:

"(2) Digriet ta' adozzjoni jista' jingħata fuq ir-rikors ta' żewġ konjuġi jew ta' šhab f'unjoni ċivili jew ta' koabitanti li l-koabitazzjoni tagħhom tkun regolata permezz ta' kuntratt skont l-Att dwar il-Koabitazzjoni, jew ta' koabitanti li jgħixu flimkien u li l-koabitazzjoni tagħhom tkun insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni, u jawtorizzahom flimkien biex jadottaw persuna u ma jistax jingħata fir-rigward ta' rikors ta' konjuġi, sieħeb jew koabitant wieħed biss:

Kap. 571.

Abbozz Nru 120 tal-2020.

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- Kap. 571.
Abbozz Nru 120 tal-2020.
- Iżda, meta l-persuna li tkun ser tiġi adottata tkun il-wild naturali ta' wiehed mill-konjuġi, sieheb f'unjoni ċivili jew koabitant registrat skont l-Att dwar il-Koabitazzjoni, jew koabitant li l-koabitazzjoni tiegħu tkun insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni, f'dik eventwalità, bla ħsara għad-dispożizzjonijiet tal-artikolu 115(3)(ċ), id-digriet ta' adozzjoni jista' jingħata minkejja li r-rikors isir biss mill-ġenitur naturali tal-persuna li tkun se tiġi adottata u l-Qorti ma tkunx marbuta li titlob jew tikkunsidra r-rakkomandazzjoni tal-Bord għall-Adozzjoni."; u
- (b) fis-subartikolu (3) tiegħu, il-kliem "u koabitanti *de facto* jew registrati", għandhom jiġu sostitwiti bil-kliem; ", koabitanti li l-koabitazzjoni tagħhom tkun registrata skont l-Att dwar il-Koabitazzjoni u koabitanti li l-koabitazzjoni tagħhom tkun insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni".
- Kap. 571.
Abbozz Nru 120 tal-2020.
- 36.** Il-paragrafu (ii) tas-subparagrafu (a) tas-subartikolu (2) tal-artikolu 115 tal-Kodiċi Ċivili, għandu jiġi sostitwit kif ġej:
- "(ii) favur il-ġenitur u l-konjuġi, is-sieheb f'unjoni ċivili jew il-koabitant li l-koabitazzjoni tiegħu tkun registrata skont l-Att dwar il-Koabitazzjoni, jew il-koabitant li l-koabitazzjoni tiegħu tkun insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni, kemm-il darba l-persuna li ser tkun adottata kienet għexet mal-imsemmija applikanti minn tal-inqas ħames (5) snin konsekuttivi u tagħti l-kunsens tagħha għall-adozzjoni; jew".
- Kap. 571.
Abbozz Nru 120 tal-2020.
- Emenda tal-artikolu 115 tal-Kodiċi Ċivili.
Kap 16.
- 37.** Fis-subartikolu (1) tal-artikolu 238 tal-Kodiċi Ċivili, minflok il-kliem "erba' registri", għandhom jidhlu l-kliem "ħames (5) registri", u minnufih wara l-kliem "u r-raba' wiehed biex fi jitniżżlu l-atti tal-mewt", għandhom jidhlu l-kliem ", ieħor biex fih jitniżżlu l-atti tal-mewt, u l-ħames wiehed biex fih jitniżżlu l-atti tal-koabitazzjoni.".
- Emenda tal-artikolu 238 tal-Kodiċi Ċivili.
Kap. 16.
- Emenda tal-artikolu 301 tal-Kodiċi Ċivili.
Kap. 16.
Kap. 517.
Abbozz Nru 120 tal-2020.
- 38.** Fil-paragrafu (d) tal-artikolu 301 tal-Kodiċi Ċivili, minnufih wara l-kliem "f'unjoni ċivili", għandhom jidhlu l-kliem " f'koabitazzjoni registrata skont l-Att dwar il-Koabitazzjoni, jew insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni".

- 39.** Fil-Formula G fit-Tieni Parti tal-Ewwel Skeda tal-Kodiċi Ċivili, wara l-kliem "f'unjoni ċivili", għandhom jidhlu l-kliem "f'koabitazzjoni".
- Emenda tal-Ewwel Skeda tal-Kodiċi Ċivili. Kap. 16.
- 40.** Fil-Formula O fit-Tieni Parti tal-Ewwel Skeda tal-Kodiċi Ċivili, minflok il-kliem "miżżewweġ/miżżewġa jew le, armel jew armla", għandhom jidhlu l-kliem "miżżewweġ/miżżewġa, f'unjoni ċivili, f'koabitazzjoni, armel/armla, jew għażeb/xebba".
- Emenda tal-Ewwel Skeda tal-Kodiċi Ċivili. Kap 16.
- 41.** Il-paragrafu (e) tas-subartikolu (1) tal-artikolu 50 tal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, għandu jiġi sostitwit b'dan li ġej:
- Emenda tal-artikolu 50 tal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 55.
- "(e) kull att pubbliku ta' koabitazzjoni;"
- 42.** Fl-artikolu 6 tal-Att dwar iż-Żwieġ, il-kliem "jew koabitazzjoni reġistrata jew dikjarata unilaterament skont l-Att dwar il-Koabitazzjoni", għandhom jiġu sostitwiti bil-kliem, "koabitazzjoni reġistrata jew dikjarata unilaterament skont l-Att dwar il-Koabitazzjoni, jew koabitazzjoni insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni".
- Emenda tal-artikolu 6 tal-Att dwar iż-Żwieġ. Kap. 255. Kap 571. Abbozz Nru 120 tal-2020.
- 43.** L-artikolu 32 tal-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti, għandu jiġi emendat kif ġej:
- Emenda tal-artikolu 32 tal-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti. Kap. 364.
- (a) fis-subparagrafu (iv) tas-subartikolu (3) tiegħu, il-kliem "tal-konjuġi li miet.", għandhom jiġu sostitwiti bil-kliem "tal-konjuġi li ġie nieqes; jew";
- (b) minnufih wara s-subparagrafu (iv) tiegħu, għandhom jiżdiedu s-subparagrafi ġodda li ġejjin:
- "(v) bejn koabitanti li l-koabitazzjoni tagħhom hi insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni, meta dawn l-assi jiġu assenjati bejniethom bħala konsegwenza tax-xoljiment tal-koabitazzjoni:
- Abbozz Nru 120 tal-2020
- Iżda, f'dawn iċ-ċirkostanzi l-frażi "proprjetà immobbli", għandha tinkludi wkoll proprjetà immobbli li s-sid tagħha tkun kumpannija li tkun tappartjeni kompletament lil xi wiehed mill-imsemmija koabitanti jew lilhom it-tnejn;
- (vi) bejn koabitanti li l-koabitazzjoni tagħhom hi insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni max-xoljiment tal-komunjoni bejn l-imsemmija koabitanti;
- Abbozz Nru 120 tal-2020

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(vii) bejn koabitanti li l-koabitazzjoni tagħhom tkun insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni, kemm jekk teżisti l-komunjoni tal-*inter vivos* tad-dar tal-koabitazzjoni jew parti minnha, ta' xi wieħed minnhom jew tat-tnejn; jew

(viii) meta jiġi nieqes wieħed mill-koabitanti, li l-koabitazzjoni tagħhom tkun insinwata permezz ta' att pubbliku skont l-Att tal-2020 dwar il-Koabitazzjoni, mal-qsim ta' xi proprjetà komuni li jkollhom bejniethom il-koabitanti, kemm jekk l-istess proprjetà tkun tal-komunjoni kif ukoll xort'oħra, bejn min mill-konjuġi jibqa' superstiti u l-werrieta tal-koabitant li ġie nieqes."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jiġi mħassar l-Att dwar il-Koabitazzjoni (Kap. 571) u sabiex jipprovdi għall-emendi konsegwenzjali fl-liġijiet oħra relatati mal-koabitazzjoni.

**A BILL
entitled**

AN ACT to repeal the Cohabitation Act, Cap. 571 of the Laws of Malta and to regulate cohabitations and to provide for other matters dealing with them or ancillary to them.

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: -

ARRANGEMENT OF THE ACT

		Articles
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**PART I
Preliminary**

1.
The short title of this Act is the Cohabitation Act, 2020.
Short title.
2.
In this Act, unless the context otherwise requires:
Interpretation.

"cohabitant" means a person who is continually and habitually living with another person in the cohabitation home as a couple, and who enters into a public deed of cohabitation with the other person, provided that he is not already legally bound to

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another person;

"cohabitation home" means that home within which the cohabitants live together, belonging to either one of the cohabitants or to both of them, in whichever portion, and whether or not they possess it by title of lease or any other title, whether jointly or separately;

"community" shall have the meaning assigned to it in Part III;

"Court" means the Civil Court (Family Section) or any other Court which from time to time, shall have the competence to decide on family matters;

"dependent child" means the children of the cohabitants, or of any one of the cohabitants, or in regard to whom any one of them is acting *in loco parentis*, and who still have the right to receive maintenance from the said cohabitants:

Cap. 16.

Provided that *in loco parentis* refers to the cohabitant who acts *in loco parentis* with regard to another person's child, by reason of the cohabitation of such person with a parent of that child, where the other parent of that child shall have, at any time before or during the cohabitation, died or was declared as an absentee according to the provisions of Title VII of Book First of the Civil Code, or is unknown:

Cap. 16.

Provided also that this shall be without prejudice to the obligations of the natural parents of the child and shall in any case be without prejudice to the provisions of article 149 of the Civil Code.

"Minister" means the Minister responsible for justice;

Cap. 55.

"notary" means a public official vested with all the powers conferred to him by the Notarial Profession and Notarial Archives Act;

"Regulation on registered partnerships" means Council Regulation (EU) 2016/1104 of the 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships.

PART II**Establishment of a cohabitation**

3. (1) Persons who have the intention of cohabiting, or persons who are already cohabiting, and who want to be governed by the provisions of this Act, shall regulate their cohabitation by means of a public deed of cohabitation in conformity with the provisions of this Act.

Cohabitation by means of a public deed between the parties.

(2) The cohabitation shall have effect from the date of the publication of the public deed of cohabitation with regard to the cohabitants, and from when it is enrolled in the Public Registry with regard to third parties.

4. (1) A public deed of cohabitation made between:

Nullity of the public deed.

(a) persons, one of whom has not attained the age of eighteen (18) years, unless that person is so authorised by law in terms of sub-article (3);

(b) ascendants and descendants in the direct line;

(c) siblings, from the same parents, or from one of the parents;

(d) the person adopting and the adoptee;

(e) persons, one of whom is unable to give his consent for the public deed due to civil interdiction or incapacitation, or the lack of the use of reason;

(f) persons, one of whom, or both, who are married or are in a civil union, either between themselves or with third parties, whether in Malta, or in any other country;

(g) persons, one of whom, or both, who are bound by a previous public deed of cohabitation in accordance with this Act, together or with third parties;

(h) persons, or any one of them, who are bound by a registered or unilaterally declared cohabitation in accordance with the Cohabitation Act, together or with third parties;

Cap. 571.

(i) persons, or any one of them, who are in a relationship with third parties which is already regulated by a foreign law that provides for the rights and obligations between themselves, irrespective of its title,

shall be null and void.

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(2) For the purposes of sub-article (1), the relationship of an adopted person shall be considered to exist both with reference to that person's biological family as well as with his adoptive family.

Cap. 255.

(3) For the purposes of sub-article (1), article 3 of the Marriage Act shall apply *mutatis mutandis* to minors between sixteen (16) and eighteen (18) years, who intend to enter into a public deed of cohabitation.

(4) The Court of Voluntary Jurisdiction under which one of the parties intending to enter into a public deed of cohabitation falls may, if good cause is shown, refrain from applying the provisions of sub-articles 4(1)(d) and (e), and the said decree shall be annexed to the act.

Formalities of
the public deed.

5. (1) Any clause of the public deed of cohabitation that in any way breaches any provision of this Act, or that in any way provides for the manner in which such cohabitation shall be dissolved, shall be considered as null and void.

(2) The parties must declare before the notary that there is nothing precluding them from entering into a valid public deed of cohabitation in accordance with this Act, and the notary is obliged to record this declaration in the said deed.

Cap. 16.

(3) The parties shall provide the notary with a free status certificate issued in accordance with article 251(3) of the Civil Code, or an equivalent document duly issued by the competent foreign authority, as the case may be, and such certificate or document shall be officially issued not more than ninety (90) days prior to the publication date of the public deed of cohabitation, and shall be attached to the said deed:

Provided that the document equivalent to a free status certificate shall be issued by the competent authority in that country which issued the said document.

(4) The parties must declare before the notary if they had already entered into any previous public deed of cohabitation together, which act was dissolved, and the notary is obliged to record this declaration in the said deed.

(5) The notary before whom the parties are signing the public deed of cohabitation is obliged to explain in detail to the parties the consequences of the said act, and the clauses by which the parties choose to be bound, and shall declare that he has explained the same in the said deed.

(6) The notary who publishes the public deed of cohabitation shall, within fifteen (15) working days from the date of the deed, enrol the said

deed in the Public Registry, in the Register kept for such purpose by the Director of the Public Registry.

(7) The Director of the Public Registry shall issue a certificate of cohabitation as prescribed in the Schedule, within twenty (20) days from the enrolment date of the public deed of cohabitation in the Public Registry, and a copy of the note of enrolment shall be transmitted to the Director of the Public Registry.

6. The provisions of the Regulation on registered partnerships shall apply to cohabitations enrolled by virtue of a public deed in terms of this Act. Applicability of the Regulation on registered partnerships.

7. (1) In the public deed of cohabitation, the parties may decide to declare the applicable law to their cohabitation from the following: Choice of applicable law.

(a) the law of the State where the parties or one of them, habitually resides at the time that the public deed of cohabitation is concluded;

(b) the law of a State of nationality of either one of the parties at the time the public deed of cohabitation is concluded; or

(c) the law of the State under whose law the public deed of cohabitation was constituted.

(2) If the parties fail to make such a declaration, it shall be presumed that the applicable law is Maltese Law.

8. In the public deed of cohabitation, the parties shall decide upon and declare, the applicability of Part III: The inclusion or exclusion of Part III.

Provided that if the parties fail to make such a declaration, it shall be presumed that the parties intended to exclude the application of the said Part.

9. (1) Without prejudice to article 45A of the Notarial Profession and Notarial Archives Act, the cohabitants may, at any time, amend or correct the public deed of cohabitation by means of a subsequent public deed with the authorisation of the competent Court: Amendments to the public deed. Cap. 55.

Provided that in any case, the Court shall ensure that there is nothing in the amendments that runs contrary to the best interest of the dependent children, or that puts any one of the cohabitants in a vulnerable situation, as the case may be.

(2) In every instance where the Court is requested to give its authorisation for a deed of correction or amendment to the public deed, it shall, if it feels that it is appropriate to ensure that this is not being

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done abusively by one cohabitant against the other, hear the cohabitants *viva voce*.

PART III

Community of assets between cohabitants

Community of assets between cohabitants.

10. (1) In the public deed of cohabitation, the parties may establish the community of assets in accordance with this Part.

(2) Saving any other provision of the law, the right of every cohabitant to the community of assets commences from the date of the publication of the public deed of cohabitation, and ceases upon the dissolution of the cohabitation.

What constitutes the community of assets.

11. (1) The community of assets between the cohabitants shall only comprise the following:

(a) the cohabitation home, when the acquisition is made after the public deed of cohabitation, even though the acquisition is made in the name of one cohabitant only, and even when the acquisition was made by moneys or other things which either of the cohabitants possessed prior to the cohabitation, or which, after the cohabitation, were transferred to him under any title of donation, succession, or other title, saving the right of such cohabitant to deduct the sum disbursed for the acquisition of such property:

Provided that the said cohabitation home shall not be included in the community of assets if it was transferred to either of the cohabitants under any title before the cohabitation, notwithstanding that such cohabitant may have been vested with the possession of the property only after the cohabitation:

Provided also that the said home shall not be included in the community of assets when it was transferred to either of the cohabitants by donation or succession, before or after the deed of cohabitation; and

(b) movables found in the cohabitation home, acquired after the public deed of cohabitation, even when such acquisition is made in the name of one cohabitant only, unless those movables were given to either of the cohabitants by a donation, personal gift or devolved upon them by succession from third parties:

Provided that in this article, "movables" shall include the ornamental and decorative movables kept at the cohabitation home, and shall exclude moneys, securities, vehicles, boats, and any movable which is purchased with the purpose of being used

exclusively by one cohabitant.

(2) When the community of assets in accordance with the provisions of this article applies between cohabitants, all assets which do not fall under sub-article (1) of this article, shall be considered as assets belonging to the individual party.

12. Articles 1322, 1323, and 1325 to 1333 (both inclusive) of the Civil Code shall apply *mutatis mutandis* to the community of assets between cohabitants, and any reference to the community of assets between spouses in the said articles shall be deemed to be referring to the community of assets between cohabitants. Applicability.
Cap. 16.

PART IV

Basic rights and duties

13. (1) A cohabitant shall enjoy from the rights listed under sub-article (2), and from other rights referred to in any other law as being applicable to cohabitants. Rights of
cohabitants.

(2) The rights conferred to a cohabitant are the following, namely that the said cohabitant:

(a) shall be considered as a tenant for all intents and purposes of the law with regard to any lease of the cohabitation home constituted by contract by either of the cohabitants, after the drawing up of the public deed of cohabitation in accordance with this Act;

(b) shall be regarded as having the same rights granted to a person who is married or in a civil union in terms of rights related to labour and family, including various rights related to leave, whether rights found in primary and subsidiary laws or under codes and working practices, excluding however the right of leave to accompany one's partner to courses sponsored by the government abroad;

(c) shall have the right to take all decisions relating to the medical care of the other cohabitant;

(d) without prejudice to the provisions of the Civil Code shall have, in the event that one of the cohabitants dies during the cohabitation, the right of habitation for twelve (12) months over the cohabitation home, where the said cohabitation home is held in full ownership or emphyteusis by the deceased cohabitant, either separately or jointly with the surviving cohabitant: Cap. 16.

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Provided that, this right of habitation shall cease, if the survivor contracts a marriage, civil union or enters into cohabitation with another person:

Provided also that, the right conferred in this paragraph shall subsist even where such right has the effect of reducing during the said period, the reserved portion due to any other person;

Cap. 318. (e) shall have the right to be entitled to non-contributory social assistance when the cohabitant is a person, who in the opinion of the Director of Social Services is living with the head of the family, as if they were spouses in marriage in accordance with article 30 of the Social Security Act;

Cap. 318. (f) shall have the right to a widow's pension under articles 31 to 43 (both inclusive) of the Social Security Act;

Cap. 318. (g) shall have the right upon the death of the other cohabitant, to apply for a retirement pension if he had been, or was entitled to be maintained by the deceased cohabitant under article 46 of the Social Security Act;

Cap. 318. (h) shall have the right to payment of an age pension when both cohabitants qualify under article 66 of the Social Security Act;

Cap. 318. (i) shall have the right to receive social benefits as a foster carer in accordance with article 76A of the Social Security Act;

(j) shall have the right to sickness assistance when the cohabitant is living with the head of the family during a period when such sickness assistance is being paid, or could be paid;

Cap. 318. (k) shall have the right to unemployment benefit and to special unemployment benefit if the cohabitant is maintaining the other cohabitant in accordance with article 30 of the Social Security Act;

Cap. 318. (l) shall have the right to maternity benefit and maternity leave benefit in accordance with articles 71 and 72 of the Social Security Act;

Cap. 318. (m) shall have the right to the supplementary allowance under article 73 of the Social Security Act;

Cap. 318. (n) shall have the right to children's allowance under articles 76, 80, 81 and 82 of the Social Security Act;

(o) shall have the right to allowance in respect of children in care under articles 76A, 80, 81 and 82 of the Social Security Act; Cap. 318.

(p) shall have the right to an allowance for disabled children under articles 77, 80, 81 and 82 of the Social Security Act; Cap. 318.

(q) shall have the right to have their dependent children live with the cohabitants in the cohabitation home, as the case may be, unless otherwise provided by an order of the competent Court.

14. (1) The cohabitants shall have equal rights and shall assume equal responsibilities during their cohabitation, and shall also have the duty to support each other morally and materially. Rights and reciprocal duties of cohabitants.

(2) The cohabitants are bound, each in proportion to their means and their ability to work whether inside or outside the cohabitation home, as the interests of the family require, to maintain each other and to contribute towards the needs of the family:

Provided that this duty of the cohabitants shall cease upon the dissolution of cohabitation.

15. (1) Cohabitation imposes on the cohabitants the obligation to look after, maintain, instruct and educate the dependent children taking into account the abilities, natural inclinations and aspirations of the children. Duty of cohabitants towards children.

(2) The obligation of the parents to provide maintenance according to sub-article (1), also includes the obligation to continue to provide adequate maintenance to the dependent children according to their means, and where it is not reasonably possible for the children, or any of them to maintain themselves adequately, due to the fact that:

(a) they are students who are participating in full-time education, training or learning and are under the age of twenty-three (23); or

(b) they have a disability, as defined in the Equal Opportunities (Persons with Disability) Act, whether such disability is physical, mental or psychological. Cap. 413.

16. (1) The cohabitation home shall be established where the cohabitants may by their common accord determine in accordance with their needs and the overriding interest of the family itself. The cohabitation home.

(2) Where the cohabitation home is, wholly or in part, owned or otherwise held under any title separately by one of the cohabitants, such

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cohabitant may only assign by title *inter vivos* his right over the cohabitation home:

(a) with the consent of the other cohabitant; or

(b) where such consent is unreasonably withheld, with the authority of the competent Court; or

(c) in a judicial sale by auction at the instance of any creditor of the said cohabitant.

(3) The party who has not given his consent to a transfer, may file an action for the annulment of the said transfer which has not been effected in accordance with sub-article (2), within one (1) year from the registration of the transfer.

Duty to pay utilities.

17. In case of dissolution of the cohabitation, there shall be a *iuris tantum* presumption that the cohabitants have the duty to pay for all utilities related to the cohabitation home in equal shares among themselves for the period that they resided in it, irrespective of whether the accounts of the utilities are addressed to one cohabitant only.

PART V

Dissolution of the Cohabitation

Dissolution of the cohabitation.

18. (1) The dissolution of the cohabitation may not take place except on the demand of one cohabitant against the other, or by mutual consent of the cohabitees, as provided in article 22.

Cap. 16.

(2) All requests for the dissolution of cohabitation shall be filed by means of an application before the Court, and without prejudice to the provisions of article 14, the provisions of article 37 of the Civil Code shall apply *mutatis mutandis*.

(3) The Court shall, in the decree or judgement of the dissolution of cohabitation, order the Registrar of Courts to notify the dissolution of cohabitation to the Director of Public Registry within the period allowed for this purpose by the Court, so that the said decree or judgement shall be registered in the Public Registry.

Unilateral request for dissolution.

19. (1) Where an application for the dissolution of the cohabitation is made by only one of the cohabitants, it shall not be necessary for the cohabitant making the demand to impute to the other party any fault leading to the making of such request.

(2) The cohabitant making the request for the dissolution of cohabitation may, together with the same request, and without prejudice to the provisions of this article and of article 14, make all those requests that are permissible in a cause for separation in accordance with Sub-Title III of Title I of Book First of the Civil Code.

Cap. 16.

(3) The Court shall hear and determine these requests as provided in the said provisions *mutatis mutandis*:

Provided that, without prejudice to the provisions of this article and of article 14, the other cohabitant may put forward all those pleas which may be made in a cause for separation.

(4) Without prejudice to the provisions of article 14, the Court shall have *mutatis mutandis* all the powers granted to it under Sub-Title III of Title I of Book First of the Civil Code with regard to orders which it is entitled to give *pendente lite*.

Cap. 16.

(5) The provisions of articles 38, 40, 41, 44, 45, 48, 51, 52, 53 and 54(1) (inclusive) of the Civil Code shall not apply with regard to an action for the dissolution of cohabitation.

Cap. 16.

(6) Without prejudice to the dispositions of article 14, the provisions of articles 46, 47, 54 (2), (3), (4), (7), and (9), 55A, 56, 56A, 57, and 61 (inclusive) of the Civil Code shall apply *mutatis mutandis*.

Cap. 16.

20. The action for dissolution of the cohabitation shall be extinguished by the reconciliation of the cohabitants.

Reconciliation
pendente lite.

21. The death of either of the cohabitants shall extinguish the action for dissolution, even though said death takes place subsequent to the request.

Death of either
of the
cohabitants.

22. (1) Dissolution of cohabitation may, subject to the authority of the Court by means of a decree, be effected by mutual consent of the cohabitants by means of a public deed.

Dissolution of
cohabitation by
mutual consent.

(2) The Court shall, before pronouncing such decree, admonish the parties as to the consequences of the dissolution, and shall endeavour to reconcile them, and may revoke, modify or add those conditions that it may deem fit in the circumstances.

(3) This decree shall have the same effects of a judgement given by the competent Court, and shall order the Registrar of Courts to notify the dissolution of cohabitation to the Director of Public Registry within the period allowed for this purpose by the Court, so that the said decree shall be registered in the Public Registry.

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Order of the Court regarding the custody of children. **23.** (1) The Court, on authorising the dissolution of cohabitation, shall in the said decree order in whose custody the children are to be placed.

(2) It shall be lawful for the Court to revoke or vary such orders at any time, in the best interest of the children.

Applicability of S.L. 12.20. **24.** The provisions of the Civil Court (Family Section), the First Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations applicable to cases of personal separation, shall apply *mutatis mutandis* to any action filed in accordance to this Part.

Effects on third parties. **25.** The dissolution of the cohabitation shall only be operative with regard to third parties from the day on which the judgement or the public deed, as the case may be, shall have been enrolled in the Public Registry.

PART VI General Provisions

General provisions. **26.** (1) When two cohabitants contract a marriage or civil union between them, the public deed of cohabitation shall be terminated *ipso facto* from the day on which the same marriage or civil union is contracted.

(2) The Director of Public Registry shall record an annotation of this on the Cohabitation Certificate.

Rights of third parties. **27.** None of the provisions of this Act shall prejudice the rights of third parties in relation to any cohabitant.

Conflict of interest. **28.** Wherever in the Laws of Malta it is considered that there is, or may be a conflict of interest due to affinity between two persons, in any circumstance, this shall be construed as applying also to the cohabitants.

Power of the Minister to make regulations. **29.** The Minister may make regulations to implement and to give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing, may provide for any consequential matter, incidental to or connected to the provisions of this Act.

PART VII Transitory Provisions

Applicability. **30.** Immediately after the entry into force of this Act:

(a) all the provisions providing for *de facto* cohabitation shall cease to have legal effect, and without prejudice to any rights already acquired by third parties, any right or responsibility acquired by virtue of the said provisions shall be revoked; and

(b) the provisions providing for cohabitations constituted by means of a unilateral declaration shall remain in effect and shall be applicable limitedly to cohabitations which were constituted by virtue of a unilateral declaration registered prior to the entry into force of this Act.

31. This Act shall have no effect on those cohabitations constituted by virtue of a contract which were registered prior to the entry into force of the said Act. Such cohabitations shall remain to be regulated by the dispositions which were in effect at the time when they were constituted and registered.

Cohabitations constituted by virtue of a contract.

32. Without prejudice to the provisions of this Part, the Cohabitation Act is hereby being repealed, without prejudice to anything done or omitted to be done thereunder.

Deletion of Act XV of 2017. Cap. 571.

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SCHEDULE

(Article 5)

ĊERTIFIKAT TA' KOABITAZZJONI
CERTIFICATE OF COHABITATION

TAGHRIF DWAR IL-KOABITANTI <i>PARTICULARS OF THE COHABITANTS</i>	KOABITANT (1) / <i>COHABITANT (1)</i>	KOABITANT (2) / <i>COHABITANT (2)</i>
Isem u kunjom <i>Name and surname</i>		
Data u lok tat-twelid <i>Date and place of birth</i>		
Dokument ta' identifikazzjoni <i>Identification document</i>		
Isem u kunjom ill-ġenituri, inkluż il-kunjom fit-twelid <i>Name and surname of parents, including their surname at birth</i>	Il-ġenitur (1a) <i>The parent</i>	Il-ġenitur (2a) <i>The parent</i>
		Il-ġenitur (1b) <i>The parent</i>
		Il-ġenitur (2b) <i>The parent</i>
Dar tal-koabitazzjoni <i>Cohabitation home</i>		
Data tal-bidu tal-koabitazzjoni <i>Commencement date of cohabitation</i>		
ANNOTAZZJONIJIET <i>ANNOTATIONS</i>		
Firma tad-Direttur jew ta' uffiċjal ieħor li jaqsmel fl-oku <i>Signature of the Director or other officer authorised to act in his stead</i>	Data tar-reġistrazzjoni tal-Aft pubbliku <i>Registration date of public Deed</i>	Numru progressiv ta' Reġistrazzjoni <i>Progressive number of Registration</i>

PART VII
Consequential amendments

- 33.** Article 196 of the Code, shall be substituted as follows:
- "Bigamy. 196. Any:
- (a) spouse;
 - (b) civil union partner; or
 - (c) cohabitant in a registered or unilaterally declared cohabitation according to the Cohabitation Act, or a registered cohabitation by means of a public deed in accordance to the Cohabitation Act, 2020,
- Cap. 571. who, during the subsistence of a valid and lawful marriage, civil union or cohabitation, contracts another marriage, civil union or cohabitation, shall, on conviction, be liable to imprisonment for a term from thirteen (13) months to four (4) years."
- Bill No. 120 of 2020.
- Substitution of article 196 of the Criminal Code. Cap. 9.
- 34.** Article 196A of the Criminal Code, shall be deleted.
- Deletion of article 196A of the Criminal Code. Cap. 9.
- 35.** Article 114 of the Civil Code, shall be amended as follows:
- (a) sub-article (2) thereof, shall be substituted by the following:
- "(2) An adoption decree may be made on the application of two spouses, civil union partners or cohabitants whose cohabitation is regulated by means of a contract in accordance with the Cohabitation Act, or of cohabitants whose cohabitation is enrolled by means of a public deed under the Cohabitation Act, 2020, who are living together, authorizing them jointly to adopt a person and may not be made on the application of only one of such spouse, civil union partner or cohabitant:
- Cap. 571.
- Bill No. 120 of 2020.
- Amendment of article 114 of the Civil Code. Cap. 16.

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- Provided that, where the person to be adopted is the natural offspring of either of the spouses, a civil union partner or a cohabitant in a cohabitation registered under the Cohabitation Act or enrolled by means of a public deed under the Cohabitation Act, 2020, in that eventuality, subject to the provisions of article 115(3)(c), the adoption decree may be made notwithstanding that the application is filed only by the natural parent of the person to be adopted and the Court shall not be bound to request or review the recommendation of the Adoption Board.";
- (b) in sub-article (3) thereof, the words "or cohabitants in a *de facto* or registered cohabitation", shall be substituted by the words ", cohabitants whose cohabitation is registered under the Cohabitation Act and cohabitants whose cohabitation is enrolled by means of a public deed under the Cohabitation Act, 2020".
- 36.** Paragraph (ii) of sub-paragraph (a) of sub-article (2) of article 115 of the Civil Code, shall be substituted by the following:
- "(ii) in favour of the parent and the spouse, the civil union partner or the cohabitant whose cohabitation is registered under the Cohabitation Act, or the cohabitant whose cohabitation is enrolled by means of a public deed under the Cohabitation Act, 2020, if the person to be adopted has lived with the said applicants for at least five (5) consecutive years and consents to the adoption; or".
- 37.** In sub-article (1) of article 238 of the Civil Code, the words "four register", shall be substituted by the words "five register", and immediately after the words "and the fourth for the registration of acts of death", there shall be added the words "another for the registration of acts of death, and the fifth for the registration of the deeds of cohabitation."
- 38.** In paragraph (d) of article 301 of the Civil Code, immediately after the words "in a civil union,", there shall be added the words "in a cohabitation registered under the Cohabitation Act or enrolled by means of a public deed under the Cohabitation Act, 2020".
- 39.** In Form G in Part II of the First Schedule of the Civil Code, after the words "in a civil union", there shall be added the words "/in a cohabitation".

Cap. 571.
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2020.

Cap. 571.
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2020.

Amendment of
article 115 of
the Civil Code.
Cap 16.

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2020.

Amendment of
article 238 of
the Civil Code.
Cap. 16.

Amendment of
article 301 of
the Civil Code.
Cap. 16.
Cap. 571.
Bill No. 120 of
2020.

Amendment of
the First
Schedule of the
Civil Code.
Cap. 16.

40. In Form O in Part II of the First Schedule of the Civil Code, for the words "married or unmarried, widower or widow", there shall be substituted the words "married, unmarried, in a civil union, in a cohabitation, widow, widower or single".

Amendment of the First Schedule of the Civil Code. Cap. 16.

41. Paragraph (e) of sub-article (1) of article 50 of the Notarial Profession and Notarial Archives Act, shall be substituted by the following:

Amendment of article 50 of the Notarial Profession and Notarial Archives Act. Cap. 55.

"(e) any public deed of cohabitation;"

42. In article 6 of the Marriage Act, the words "or by a registered cohabitation or a unilaterally declared cohabitation under the Cohabitation Act", shall be substituted by the words "by a registered or unilaterally declared cohabitation under the Cohabitation Act, or by a cohabitation enrolled by means of a public deed under the Cohabitation Act, 2020".

Amendment of article 6 of the Marriage Act. Cap. 255. Cap. 571. Bill No. 120 of 2020.

43. Article 32 of the Duty on Documents and Transfers Act, shall be amended as follows:

Amendment of article 32 of the Duty on Documents and Transfers Act. Cap. 364.

(a) in sub-paragraph (iv) of sub-article (3) thereof, the words "of the deceased spouse.", shall be substituted by the words "of the deceased spouse; or"; and

(b) immediately after sub-paragraph (iv) thereof, there shall be added the following new sub-paragraphs:

"(v) between cohabitants whose cohabitation is enrolled by means of a public deed under the Cohabitation Act, 2020, when such assets are assigned between them consequent to the dissolution of the cohabitation:

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Provided that in such circumstances, the term "immovable property", shall also include immovable property owned by a company which is fully owned by any or both said cohabitants;

(vi) between cohabitants whose cohabitation is enrolled by means of a public deed under the Cohabitation Act, 2020, on the dissolution of the community between said cohabitants;

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(vii) between cohabitants whose cohabitation is enrolled by means of the public deed under the Cohabitation Act, 2020, whether the community of assets exists between them or otherwise, on any transfer *inter vivos* of the cohabitation home or part thereof, of any or both of the cohabitants; or

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Bill No. 120 of 2020. (viii) on the death of one of the cohabitants, whose cohabitation is enrolled by means of a public deed under the Cohabitation Act, 2020, on any partition of any property held in common between the cohabitants, whether it is the community property or otherwise, between the surviving cohabitant and the heirs of the deceased cohabitant."

Objects and Reasons

The objects and reasons of this Bill are to revoke the Cohabitation Act (Cap. 571) and to provide for consequential amendments in other laws relating to cohabitation.
