

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,535, 10 ta' Diċembru, 2020
Taqsimha C

Nru. 182

10. 12. 2020

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Rosianne Cutajar, M.P., Segretarju Parlamentari għad-Drittijiet Ċivili u r-Riformi, f'isem il-Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Diċembru 2020.

A BILL introduced by the Honourable Rosianne Cutajar, M.P., Parliamentary Secretary for Civil Rights and Reforms, on behalf of the Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 9th December 2020.

ATT sabiex jemenda l-Kodiċi Ċivili, Kap.16, u l-Att XIV tal-2011.

AN ACT to amend the Civil Code, Cap.16, and Act XIV of 2011.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Kodiċi Ċivili, Kap. 16, u l-Att XIV tal-2011.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Kodiċi Ċivili u l-Att XIV tal-2011. Titolu fil-qosor.

TAQSIMA I
Emendi tal-Kodiċi Ċivili

2. Din it-Taqsima temenda l-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emenda tal-Kodiċi Ċivili. Kap. 12.

3. Il-proviso tal-artikolu 40 tal-Kodiċi għandu jiġi sostitwit kif ġej: Emenda tal-artikolu 40 tal-Kodiċi.

"Izda l-qorti tista' tiddikjara l-firda minħabba li l-ħajja flimkien ma tkunx għadha possibbli għax iż-żwieġ ikun tkisser irrimedjabilment minkejja li, sew qabel jew wara l-bidu fis-seħħ ta' dan l-artikolu, l-ebda waħda mill-persuni miżżewġin flimkien ma tkun għamlet it-talba għal dik ir-raġuni."

4. L-artikolu 66B tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 66B tal-Kodiċi.
- (a) il-paragrafu (a) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(a) fil-każ li t-talba tkun qed issir miż-żewġ konjuġi flimkien, fid-data li jibdew il-proċeduri ta'

C 5106

divorzju, il-konjuġi jkunu għexu mhux flimkien għal perjodu ta', jew perjodi li jammontaw għal, mill-anqas sitt xhur mis-sena preċedenti:

Iżda fejn it-talba tkun qed issir minn konjuġi minnhom kontra l-ieħor, fid-data li jibdedw il-proċeduri ta' divorzju, il-konjuġi jkunu għexu mhux flimkien għal perjodu ta', jew perjodi li jammontaw għal, mill-anqas sena mis-sentejn preċedenti;"

(b) minnufih wara l-paragrafu (a) tiegħu, kif sostitwit, għandu jidhöl il-paragrafu (b) ġdid li ġej:

"(b) fid-data li jibdedw il-proċeduri ta' divorzju, il-konjuġi jkunu separati b'kuntratt jew b'sentenza tal-qorti; u"; u

(ċ) il-paragrafi (b) u (ċ) tiegħu għandhom jiġu enumerati mill-ġdid bħala l-paragrafi (ċ) u (d) rispettivament.

Emenda tal-artikolu 66D tal-Kodiċi.

5. Fis-subartikolu (2) tal-artikolu 66D tal-Kodiċi, il-kliem "jew billi tipprowa illi dak iż-żmien maħsub fl-artikolu 66(B)(a) m'għaddiex, jew" għandhom jiġu mħassra.

Emenda tal-artikolu 66G tal-Kodiċi.

6. Fil-paragrafu (b) tas-subartikolu (2) tal-artikolu 66G tal-Kodiċi, il-kliem "li juri li r-rikorrent u l-parti l-oħra ilhom separati legalment għal mill-inqas erba' snin:" għandhom jiġu mħassra.

TAQSIMA II

Emenda tal-Att XIV tal-2011

Emenda tal-Att XIV tal-2011.

7. Din it-Taqsima temenda l-Att XIV tal-2011 u għandha tinqara u tinftiehem haġa waħda mal-Att XIV tal-2011.

Thassir tal-artikolu 12 tal-Att XIV tal-2011.

8. L-artikolu 12 tal-Att XIV tal-2011 għandu jiġi mħassar.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-abbozz huma sabiex jiġi emendat il-Kodiċi Ċivili fil-parti li tittratta l-proċeduri relatati mad-divorzju, u dan sabiex tali proċeduri jkunu iktar spediti u ġusti fl-aħjar interessi tal-partijiet kollha involuti fix-xoljiment taż-żwieġ, billi tiġi rispettata l-intenzjoni tal-konjuġi, kemm fir-rigward tat-talbiet ta' divorzju kongunti, kif ukoll f'dawk unilaterali.

**A BILL
entitled**

AN ACT to amend the Civil Code, Cap. 16, and Act XIV of 2011.

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

1. The title of this Act is the Civil Code and Act XIV of 2011 (Amendment) Act, 2020. Short title.

**PART I
Amendments to the Civil Code**

2. This Part amends the Civil Code, and it shall be read and construed as one with the said Civil Code, hereinafter in this Part referred to as "the Code". Amendment to the Civil Code. Cap. 12.

3. The proviso to article 40 of the Code shall be substituted by the following: Amendment of article 40 of the Code.

"Provided that the court may pronounce separation on the ground that the marriage has irretrievably broken down notwithstanding that, whether previously to or after the coming into force of this article, none of the spouses had made a demand on such ground."

4. Article 66B of the Code shall be amended as follows: Amendment of article 66B of the Code.

(a) paragraph (a) thereof, shall be substituted by the following:

"(a) upon a demand made jointly by the two spouses, on the date of commencement of the divorce proceedings, the spouses shall have lived apart for a period

C 5108

of, or periods that amount to, at least 6 months out of the preceding year:

Provided that when the demand is made by one of the spouses against the other spouse, on the date of commencement of the divorce proceedings, the spouses shall have lived apart for a period of, or periods that amount to, at least one year out of the preceding two years;"

(b) immediately after paragraph (a) thereof, as substituted, there shall be added the following new paragraph (b):

"(b) on the date of commencement of the divorce proceedings, the spouses are separated by means of a contract or court judgment; and"; and

(c) paragraphs (b) and (c) thereof, shall be renumbered as paragraphs (c) and (d), respectively.

Amendment of article 66D of the Code.

5. In sub-article (2) of article 66D of the Code, the words "either by proving that the time period provided in article 66B(a) has not yet elapsed or" shall be deleted.

Amendment of article 66G of the Code.

6. In paragraph (b) of sub-article (2) of article 66G of the Code, the words "which shows that the applicant and the other party have been legally separated for at least four years:" shall be deleted.

PART II

Amendment to Act XIV of 2011

Amendment to Act XIV of 2011.

7. This Part amends Act XIV of 2011, and it shall be read and construed as one with the said Act XIV of 2011.

Deletion of article 12 of Act XIV of 2011.

8. Article 12 of Act XIV shall be deleted.

Objects and Reasons

The objects and reasons of this Bill are to amend the provisions of the Civil Code regulating divorce proceedings in order to ensure that such procedures are more expedient, fair and in the best interest of all parties involved in the dissolution of marriage, by respecting the intention of the spouses, both when a demand of divorce is made by the spouses jointly, as well as when such demand is made unilaterally.
