

MALTA

**ATT Nru XXV tal-2021**

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

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

**ACT No. XXV of 2021**

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

28 ta' Mejju, 2021

**ATT Nru XXV tal-2021**

*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, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2021 li jemenda l-Kodiċi Ċivili u l-Att XIV tal-2011. Titolu fil-qosor.

**TAQSIMA I**  
**Emendi għall-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". Emendi għall-Kodiċi Ċivili. Kap. 16.

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 irrimedjabbilment 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' 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 jibdew il-proċeduri ta' divorzju, il-konjuġi jkunu għexu mhux flimkien għal perjodu ta', jew perjodi li jammontaw għal, mill-anqas sena mis-sentejn preċedenti; jew";

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

"(b) fid-data li jibdew 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 tipprova illi dak iż-żmien maħsub fl-artikolu 66B(a) m'għaddiex, jew" għandhom jiġu mhassra.

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 mhassra.

## TAQSIMA II

### Emenda għall-Att XIV tal-2011

Emenda għall-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 mhassar.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 464 tal-24 ta' Mejju, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

28th May, 2021

**ACT No. XXV of 2021**

*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: -

Short title.

**1.** The title of this Act is the Civil Code and Act XIV of 2011 (Amendment) Act, 2021.

**PART I**

**Amendments to the Civil Code**

Amendments to  
the Civil Code.  
Cap. 16.

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

Amendment of  
article 40 of the  
Code.

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

"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 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; or";

(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.

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 66D 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.

Amendment of article 66G of the Code.

## PART II

### 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.

Amendment to Act XIV of 2011.

8. Article 12 of Act XIV of 2011 shall be deleted.

Deletion of article 12 of Act XIV of 2011.

A 604

Passed by the House of Representatives at Sitting No. 464 of the  
24th May, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

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