

Nru. 145

13. 5. 86

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-12 ta' Mejju, 1986.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 12th May, 1986.

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

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

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

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

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1986 li jemenda l-Kodiċi Ċivili (Emenda Nru. 2), u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Titolu fil-qosor u bidu fis-sehh.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdew isehħu f'dik id-data li l-Ministru responsabbli għall-gustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' l-Att.

2. Minflok l-artikolu 3 tal-liġi prinċipali għandu jidhol l-artikolu li ġej:

Sostituzzjoni ta' l-artikolu 3 tal-liġi prinċipali.

"Dmirijiet tar-raġel u tal-mara.

3. Ir-raġel u l-mara huma flimkien responsabbli għall-gid morali u materjali tal-familja. Huma għandhom id-dmir li jgħixu flimkien fid-dar taż-żwieġ."

3. Fl-artikolu 4 tal-liġi prinċipali minflok in-nota marginali tiegħu u s-subartikoli (2) u (3) tiegħu għandu jidhol dan li ġej:

Emenda ta' l-artikolu 4 tal-liġi prinċipali.

"Id-dar taż-żwieġ.

(2) Id-dar taż-żwieġ għandha tiġi stabbilita bi qbil bejn ir-raġel u l-mara flimkien.

(3) Jekk il-kuntratt taż-żwieġ ma jirregolax is-sehem tal-miżżewġin għall-bżonnijiet tal-familja, dawn għandhom jikkontribwixxu għaliha skond il-hila rispettiva tagħhom.

(4) Il-valur tax-xogħol fid-dar għandu jitqies daqsliekku jingħata sehem finanzjarju.”.

Emenda ta' l-artikolu 6 tal-liġi prinċipali.

4. Fl-artikolu 6 tal-liġi prinċipali minflok il-kliem “Id-dmir tar-raġel għall-mantniment tal-mara jispiċċa jekk din” għandhom jidhlu l-kliem “Id-dmir tar-raġel jew tal-mara għall-mantniment tal-parti l-oħra jispiċċa jekk din ta' l-aħħar.”.

Sostituzzjoni ta' l-artikolu 17 tal-liġi prinċipali.

5. Minflok l-artikolu 17 tal-liġi prinċipali għandu jidhol dan li ġej:

“Meta żewġ il-bint, eċċ, m'għandux dan id-dmir. Meta jispiċċa d-dmir ta' żewġ il-bint, eċċ. Meta jispiċċa d-dmir ta' missier ir-raġel, eċċ. Meta żwieġ iehor ma jehlishomx mid-dmir.

17. (1) Żewġ il-bint u mart l-iben m'għandhomx id-dmir tal-mantniment lejn missier jew omm marthom jew żewġhom, jekk il-wiehed jew l-oħra kienu ġa bdew ikunu fil-bżonn qabel ma thallat jew hi thalltet magħhom bi żwieġ.

(2) Id-dmir ta' żewġ il-bint jew ta' mart l-iben lejn missier u omm marthom jew żewġhom jispiċċa meta dawn, wara li jormlu, iġhadu għal żwieġ iehor.

(3) Id-dmir ta' missier u omm ir-raġel jew il-mara u ta' l-axxendenti tagħhom lejn żewġ il-bint jew mart l-iben jispiċċa wkoll meta dawn, wara li jormlu, iġhadu għal żwieġ iehor.

(4) Izda, żwieġ iehor ta' żewġ il-bint jew ta' mart l-iben ma jehlishomx mid-dmir lejn missier u omm ir-raġel jew il-mara u l-axxendenti tagħhom; u anqas żwieġ iehor ta' missier u omm ir-raġel jew il-mara ma jehlishomx mid-dmir lejn żewġ il-bint jew mart l-iben.

Emenda ta' l-artikolu 19 tal-liġi prinċipali.

6. L-artikolu 19 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-paragrafi (b) u (ċ) tiegħu għandu jidhol dan li ġej:

“(b) il-missier u l-omm”; u

(b) il-paragrafi mid-(d) sa (h) (it-tnejn inklużi) tiegħu għandhom jiġu numerati mill-ġdid paragrafi (ċ) sa (g) rispettivament.

Emenda ta' l-artikolu 21 tal-liġi prinċipali.

7. Fis-subartikolu (1) ta' l-artikolu 21 tal-liġi prinċipali minflok il-kliem “miġjub fl-artiklu 19; izda, f'dan il-każ, il-missier u l-omm jitqiesu li huma fi grad wiehed.” għandhom jidhlu l-kliem “miġjub fl-artikolu 19.”.

Sostituzzjoni ta' l-artikolu 37 tal-liġi prinċipali.

8. Minflok l-artikolu 37 tal-liġi prinċipali għandu jidhol dan li ġej:

“Żwieġ li jsir mingħajr il-formalitajiet ta' qabel iż-żwieġ.

37. Kull persuna li taqa' taht xi obbligu msemmi fl-artikolu 34 tiġi *ipso facto* mehluca minn dak l-obbligu, jekk iż-żwieġ isir, bla konnivenza tagħha, mingħajr il-formalitajiet li skond l-Att ta' l-1975 dwar iż-Żwieġ, għandhom isiru qabel iż-żwieġ, hliet jekk dawk il-formalitajiet ikun ingħata l-helsien dwarhom skond dak l-Att.”.

9. Minnufih wara s-subartikolu (2) ta' l-artikolu 64 tal-ligi prinċipali għandhom jidhlu s-subartikoli ġodda li ġejjin: Emenda ta' l-artikolu 64 tal-ligi prinċipali.

“(3) Kull talba bħal din titqies li tinkludi talba għall-qsim ta' dawk l-akkwisti, u wara li taqtagħha li l-akkwisti ta' bejn xulxin għandhom jieqfu, il-Qorti għandha tghaddi għall-qsim ta' dawk l-akkwisti fl-istess proċedimenti.

(4) Meta jsir dak il-qsim, id-dispożizzjonijiet ta' dan il-Kodiċi dwar qsim għandhom japplikaw safejn jistgħu jkunu meħtieġa.”.

10. Minflok is-Sub-Titlu III tat-Titlu II ta' l-Ewwel Ktieb tal-ligi prinċipali għandu jidhol dan li ġejj: Sostituzzjoni tas-Sub-Titlu III tat-Titlu II ta' l-Ewwel Ktieb tal-ligi prinċipali.

“Sub-Titlu III

**FUQ IL-FILJAZZJONI NATURALI U
FUQ IL-LEGITTIMAZZJONI
§ FUQ IL-FILJAZZJONI NATURALI”.**

11. Fl-artikolu 99 tal-ligi prinċipali minflok il-kliem “It-tifel illegittimu” għandhom jidhlu l-kliem “It-tifel naturali”, u fin-nota marginali li hemm għalih minflok il-kelma “illegittimu” għandha tidhol il-kelma “naturali”. Emenda ta' l-artikolu 99 tal-ligi prinċipali.

12. L-artikolu 100 tal-ligi prinċipali għandu jiġi emendat kif ġejj: Emenda ta' l-artikolu 100 tal-ligi prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem “tifel illegittimu” għandhom jidhlu l-kliem “tifel naturali”;

(b) fis-subartikolu (2) tiegħu għandu jiġi enumerat mil-ġdid bħala subartikolu (5); u

(c) minnufih wara s-subartikolu (1) tiegħu għandhom jidhlu dawn is-subartikoli ġodda:

“(2) L-għarfien ta' tifel naturali bħala iben, li jkun sar ta' l-età ma jkollu ebda effett mingħajr il-kunsens tiegħu fl-att ta' għarfien.

“(3) L-għarfien ta' tifel naturali bħala iben, li ma jkunx sar ta' l-età, ma jkollu ebda effett mingħajr il-kunsens tal-ġenitur l-iehor li qabel ikun għaraf lit-tifel bħala iben.

(4) Meta l-kunsens ma jingħatax, il-Qorti tista', fuq talba tal-ġenitur li jkun jixtieq jagħraf it-tifel b'kontestazzjoni mal-ġenitur l-iehor, wara li tqis l-akbar interessi tat-tifel ta' taht l-età, tagħti l-għarfien.”.

13. Fl-artikolu 102 tal-ligi prinċipali minflok il-kliem “It-tifel illegittimu” għandhom jidhlu l-kliem “It-tifel naturali”, u fin-nota marginali li hemm għalih minflok il-kelma “illegittimu” għandha tidhol il-kelma “naturali”. Emenda ta' l-artikolu 102 tal-ligi prinċipali.

14. Fl-artikolu 103 tal-ligi prinċipali u fin-nota marginali tiegħu minflok il-kliem “illegittimu” u “illegittimi” għandha tidhol il-kelma “naturali”; u minflok il-kliem “setgħa tal-missier” kull fejn jinsabu għandhom jidhlu l-kliem “setgħa tal-ġenituri”. Emenda ta' l-artikolu 103 tal-ligi prinċipali.

Emenda ta' l-artikolu 105 tal-ligi prinċipali.

15. Fl-artikolu 105 tal-ligi prinċipali minflok il-kliem "setgħa tal-missier" u "tifel illeġittimu" għandhom jidhlu rispettivament il-kliem "setgħa tal-ġenituri" u "tifel naturali".

Emenda ta' l-artikolu 106 tal-ligi prinċipali.

16. Fis-subartikoli (1) u (4) ta' l-artikolu 106 tal-ligi prinċipali minflok il-kliem "Tifel illeġittimu" għandhom jidhlu l-kliem "Tifel naturali" u fin-nota marginali tiegħu minflok il-kelma "illeġittimu" għandha tidhol il-kelma "naturali".

Sostituzzjoni ta' l-artikolu 107 tal-ligi prinċipali.

17. Minflok l-artikolu 107 tal-ligi prinċipali għandu jidhol l-artikolu li ġej:

"Dmirijiet tal-ġenituri lejn it-tifel naturali.

107. (1) Il-ġenituri għandhom l-obbligu li jmantnu u jedukaw, skond il-kondizzjoni tal-missier jew ta' l-omm, it-tifel jew tifla naturali magħrufin minnhom b'uliedhom, u, ukoll fiż-żmien ta' wara, li jagħtuhom il-mantniment, fil-każ ta' bżonn, kemm-il darba t-ftal ma jkollhomx lil żewġhom jew lil marthom jew dixxendenti li jistgħu jagħtuhom dan il-mantniment.

(2) Il-ġenituri għandhom l-istess obbligi lejn id-dixxendenti legittimi tat-tifel naturali li jmut qablu, jekk mis-sierhom jew ommhom, skond il-każ, jew l-axxendenti tal-missier jew ta' l-omm ta' dak mill-ġenituri li jkun għadu haj, ma jkunux fi stat li jistgħu jagħtu l-mantniment."

Emenda ta' l-artikolu 108 tal-ligi prinċipali.

18. Fl-artikolu 108 tal-ligi prinċipali u fin-nota marginali tiegħu minnufih wara l-kelma "paternità" għandhom jidhlu l-kliem "jew maternità, skond il-każ,".

Emenda ta' l-artikolu 111 tal-ligi prinċipali.

19. Fl-artikolu 111 tal-ligi prinċipali minflok il-kliem "il-missier" għandhom jidhlu l-kliem "il-ġenitur".

Emenda ta' l-artikolu 114 tal-ligi prinċipali.

20. Fl-artikolu 114 tal-ligi prinċipali minflok il-kliem "It-tifel illeġittimu" għandhom jidhlu l-kliem "It-tifel naturali", u fin-nota marginali tiegħu minflok il-kelma "illeġittimu" għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 115 tal-ligi prinċipali.

21. Fl-artikolu 115 tal-ligi prinċipali minflok il-kliem "magħruf tifel" għandhom jidhlu l-kliem "magħruf tifel naturali".

Emenda ta' l-artikolu 132 tal-ligi prinċipali.

22. L-artikolu 132 tal-ligi prinċipali għandu jidhol dan li ġej:

(a) minflok il-kelma "illeġittima" kull fejn tinsab għandha tidhol il-kelma f'kull każ "naturali"; u

(b) minflok il-paragrafu (a) tas-subartikolu (2) tiegħu għandu jidhol dan il-paragrafu:

"(a) dwar persuna li għalqet it-tmintax-il sena hliet favur rikorrent li tkun l-omm jew tkun il-missier tal-persuna li tkun ser tiġi adottata, jew favur dawn iż-żewġ ġenituri li huma miżżewwġin lil xulxin u qegħdin jghixu flimkien; jew".

Emenda ta' l-artikolu 139 tal-ligi prinċipali.

23. Fl-artikolu 139 tal-ligi prinċipali minflok il-kliem "persuna li jkun illeġittimu" kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem "persuna naturali".

24. Fil-paragrafu (ċ) tas-subartikolu (2) ta' l-artikolu 147 tal-liġi prinċipali minflok il-kliem "tfal illeġittimi" kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem "tfal naturali". Emenda ta' l-artikolu 147 tal-liġi prinċipali.
25. Fit-Titolu IV tal-Ewwel Ktieb tal-liġi prinċipali minflok l-intestatura li hemm għalih, għandhom jidhlu l-kliem "Fuq is-Setgħa tal-Ġenituri". Sostituzzjoni ta' l-intestatura taht it-Titlu IV tal-liġi prinċipali
26. Minflok is-subartikolu (2) ta' l-artikolu 154 tal-liġi prinċipali għandu jidhol dan li ġej:
- “(2) Din is-setgħa hija eżerċitata bil-ftehim komuni taż-żewġ ġenituri, bi qbil mar-regoli mnizzla fl-artikoli li ġejjin ta' dan is-Sub-Titlu. Wara l-mewt ta' xi wieħed mill-ġenituri u fil-każijiet stabbiliti bil-liġi din tiġi eżerċitata minn min mill-ġenituri jibqa' ħaj.”
27. Fis-Sub-Titlu I tat-Titlu IV tal-liġi prinċipali minflok il-kliem "Tas-setgħa tal-Missier" fl-intestatura tiegħu għandhom jidhlu l-kliem "Tas-Setgħa tal-Ġenituri". Emenda tat-Titlu taht Sub-Titlu I tat-Titlu IV tal-liġi prinċipali
28. L-artikolu 155 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) tiegħu minflok il-kliem "l missieru" għandhom jidhlu l-kliem "l ġenituri tiegħu";
- (b) fis-subartikolu (2) tiegħu minflok il-kliem "ta' missieru" u l-kelma "missieru" għandhom jidhlu rispettivament l-kliem "tal-ġenitur tiegħu" u "il-ġenitur tiegħu";
- (ċ) fis-subartikolu (3) tiegħu minflok il-kelma "missieru" għandhom jidhlu l-kliem "il-ġenitur tiegħu"; u
- (d) fin-nota marginali tiegħu minflok il-kliem "l missieru" u "dar missieru" għandhom jidhlu rispettivament il-kliem "ġenitur tiegħu" u "dar il-ġenitur tiegħu".
29. Fis-subartikolu (1) ta' l-artikolu 156 tal-liġi prinċipali minflok il-kliem "minn dar missieru" għandhom jidhlu l-kliem "mid-dar tal-ġenituri tiegħu". Emenda ta' l-artikolu 156 tal-liġi prinċipali.
30. L-artikolu 157 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) tiegħu minflok il-kliem "Il-missier li ma jirnexxilux irazzan il-ħajja ħażina ta' ibnu, jista' jbiegħdu mid-dar, u jagħtih, skond ma jkun jista' " għandhom jidhlu l-kliem "Il-ġenituri li ma jirnexxilhomx irazznu l-ħajja ħażina ta' binhom, jistgħu jbiegħdu mid-dar, u jagħtuh, skond ma jkunu jistgħu"; u
- (b) fis-subartikolu (2) tiegħu minflok il-kliem "il-missier jista' wkoll, jekk ikun meħtieġ, bl-awtorizzazzjoni tal-Qorti ta' ġurisdizzjoni volontarja, iqieghed" u minflok il-kliem "bi spejjeż missieru" għandhom jidhlu rispettivament il-kliem "il-ġenituri jistgħu wkoll, jekk ikun meħtieġ, bl-awtorizzazzjoni tal-Qorti ta' ġurisdizzjoni volontarja, iqegħdu" u "bi spejjeż tal-ġenituri tiegħu". Emenda ta' l-artikolu 157 tal-liġi prinċipali.

Emenda ta' l-artikolu 158 tal-liġi prinċipali.

31. Fl-artikolu 158 tal-liġi prinċipali minflok il-kliem "Il-missier jidher ghat-tfal tiegħu, imwielda jew li għad jitwieldu, fl-attijiet kollha tal-ħajja ċivili, u jamministra", għandhom jidhlu l-kliem "Il-ġenituri jidhru flimkien ghat-tfal tagħhom, imwielda jew li għad jitwieldu, fl-attijiet kollha tal-ħajja ċivili, u jamministraw", u minflok in-nota marginali tiegħu għandhom jidhlu l-kliem "Il-ġenituri jidhru għall-ulied".

Emenda ta' l-artikolu 159 tal-liġi prinċipali.

32. L-artikolu 159 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "il-missier ikollu" u "huwa jista' jittrasferihom biex jimpjegja" għandhom jidhlu rispettivament il-kliem "il-ġenituri jistgħu" u "huma jistgħu jittrasferuhom biex jimpjegawhom";

(b) fis-subartikolu (2) tiegħu minflok il-kliem "hu jista' wkoll idahħal" għandhom jidhlu l-kliem "Huma jistgħu wkoll idahħlu";

(ċ) fis-subartikolu (3) tiegħu minflok il-kliem minn "hu ma jistax" sa "jew jagħmel" għandhom jidhlu l-kliem "huma ma jistgħux jittrasferixxu jew jipotekaw hwejjeġ oħra ta' uliedhom, lanqas jissellfu, għal isem uliedhom, jew jagħmlu"; u

(d) fin-nota marginali tiegħu minflok il-kelma "missier" għandha tidhol il-kelma "ġenituri".

Emenda ta' l-artikolu 160 tal-liġi prinċipali.

33. L-artikolu 160 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Il-missier għandu jaċċetta" għandhom jidhlu l-kliem "Il-ġenituri għandhom jaċċettaw"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "jekk il-missier ma jkunx jista' jew ma jkunx irid jaċċetta dak il-wirt, il-wirt għandu jiġi aċċettat mill-omm bl-awtorità tal-Qorti u, jekk l-omm ma taċċettax" għandhom jidhlu l-kliem "Jekk wiehed mill-ġenituri ma jkunx jista' jew ma jkunx irid jaċċetta dak il-wirt il-wirt jista' jiġi aċċettat mill-ġenitur l-iehor bl-awtorità tal-Qorti. Jekk iż-żewġ ġenituri ma jkunux jistgħu jew ma jkunux iridu jaċċettaw dak il-wirt".

Emenda ta' l-artikolu 161 tal-liġi prinċipali.

34. Fl-artikolu 161 tal-liġi prinċipali minflok il-kliem "mill-missier" għandhom jidhlu l-kliem "minn wiehed mill-ġenituri".

Emenda ta' l-artikolu 162 tal-liġi prinċipali.

35. Fl-artikolu 162 tal-liġi prinċipali minflok il-kliem "ta' missierhom" u "il-missier jista' jirrifjuta li jidher" għandhom jidhlu rispettivament il-kliem "tal-ġenituri tagħhom" u "il-ġenituri jistgħu jirrifjutaw li jidhru".

Emenda ta' l-artikolu 163 tal-liġi prinċipali.

36. L-artikolu 163 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Il-missier għandu jagħti lil ibnu" u l-kliem "il-missier ma jkollux l-użufrutt; u tal-proprjetà biss u ta' l-amministrazzjoni tagħha, tal-beni li tagħhom il-missier ikollu" għandhom jidhlu l-kliem "Il-ġenituri għandhom jagħtu lil binhom" u "il-ġenituri ma jkollhomx l-użufrutt; u tal-proprjetà biss u ta' l-amministrazzjoni tagħha, tal-beni li tagħhom il-ġenituri jkollhom";

(b) fis-subartikolu (2) tiegħu minflok il-kliem "ta' missier" u "il-missier għandu jagħti" għandhom jidhlu rispettivament l-kliem "tal-ġenituri" u "il-ġenituri għandhom jagħtu"; u

(ċ) fin-nota marginali tiegħu minflok il-kliem "Il-missier għandu" għandhom jidhlu l-kliem "Il-ġenituri għandhom".

37. L-artikolu 164 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 164 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Il-missier għandu l-użufrutt tal-beni li jgħaddu għal ibnu" għandhom jidhlu l-kliem "Il-ġenituri għandhom l-użufrutt tal-beni li jgħaddu għal binhom";

(b) fis-subartikolu (2) tiegħu minflok il-kliem "hu jzomm" għandhom jidhlu l-kliem "Huma jzommu"; u

(ċ) fin-nota marginali tiegħu minflok il-kliem "il-missier għandu" għandhom jidhlu l-kliem "il-ġenituri għandhom".

38. Fl-artikolu 165 tal-liġi prinċipali minflok il-kliem "il-missier m'għandux ikollu" għandhom jidhlu l-kliem "il-ġenituri m'għandux ikollhom". Emenda ta' l-artikolu 165 tal-liġi prinċipali.

39. Fl-artikolu 166 tal-liġi prinċipali minflok il-kliem "lill-missier" għandhom jidhlu l-kliem "lill-ġenituri", u fin-nota marginali tiegħu minflok il-kliem "tal-missier" għandhom jidhlu l-kliem "tal-ġenituri". Emenda ta' l-artikolu 166 tal-liġi prinċipali.

40. L-artikolu 167 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 167 tal-liġi prinċipali.

(a) Minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

"(1) l-użufrutt tal-ġenituri jispiċċa bil-mewt tat-tifel, jew billi l-ġenitur li jibqa' ħaj jerga' jizzewweġ jew fil-każ li ġenitur adottiv jizzewweġ jew jerga' jizzewweġ."; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "s-setgħa tal-missier" għandhom jidhlu l-kliem "s-setgħa tal-ġenituri".

41. Fl-artikolu 168 tal-liġi prinċipali minflok il-kliem "l-missier jibqa' jgawdi hwejjeġ ibnu li jkun joqgħod miegħu", u "il-missier jew l-werrieta tiegħu" għandhom jidhlu rispettivament il-kliem "l-ġenituri jibqgħu jgawdu hwejjeġ binhom li jkun joqgħod magħhom" u "il-ġenituri jew il-werrieta tagħhom", u fin-nota marginali tiegħu minflok il-kliem "l-missier jibqa' jgawdi hwejjeġ ibnu" għandhom jidhlu l-kliem "l-ġenituri jibqgħu jgawdu hwejjeġ binhom". Emenda ta' l-artikolu 168 tal-liġi prinċipali.

42. Minflok l-artikolu 169 tal-liġi prinċipali għandu jidhol dan li ġej: Sostituzzjoni ta' l-artikolu 169 tal-liġi prinċipali.

"Setgħa tal-ġenitur li jibqa' ħaj.

169. (1) Jekk wiehed mill-ġenituri jmut, is-setgħa tal-ġenituri tgħaddi għand il-ġenitur li jibqa' ħaj dwar uliedu u dwar il-proprjeta' tagħhom, inkluża l-proprjeta' li tgħaddi għand it-tfal mis-suċċessjoni tal-ġenitur li jkun miet u minn kull kawża oħra wara l-mewt ta' dak il-ġenitur.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu japplikaw ukoll meta wiehed mill-ġenituri jkun

tilef jew tnehhitlu s-setgħa tal-ġenituri jew jekk ma jkunx jista' minhabba li jkun nieqes jew minhabba impediment ieħor jeżerċita d-drittijiet tas-setgħa tal-ġenituri.

(3) Jekk wieħed mill-ġenituri jkun tnehhielu d-dritt ta' l-użufrutt biss, dak id-dritt ukoll jgħaddi għand il-ġenitur l-ieħor.”.

Sostituzzjoni ta' l-artikolu 170 tal-liġi prinċipali.

43. Minflok l-artikolu 170 tal-liġi prinċipali għandu jidhol dan li ġej:

“Meta l-ġenitur jerga' jżżewweġ u jkompli jamministra l-proprjetà ta' wliedu.

170. (1) Jekk il-ġenitur li jibqa' haj meta jerga' jżżewweġ ikompli jamministra l-proprjetà ta' wliedu, sew jekk ikompli jeżerċita d-drittijiet tas-setgħa tal-ġenituri sew jekk le, żewġ jew mart dak il-ġenitur ikun responsabbli miegħu *in solidum* għall-amministrazzjoni kemm ta' qabel kif ukoll ta' wara ż-żwieġ.

(2) Id-dispożizzjonijiet ta' dan l-artikolu għandhom japplikaw għal ġenitur adottiv meta jżżewweġ jew meta jerga' jżżewweġ.

Thassir ta' l-artikolu 171 tal-liġi prinċipali.

44. L-artikolu 171 tal-liġi prinċipali għandu jithassar.

Emenda fl-intestatura taht is-Sub-Titlu III tat-Titlu IV ta' l-Ewwel Ktieb tal-liġi prinċipali.

45. Fis-sub-Titlu III tat-Titlu IV ta' l-Ewwel Ktieb tal-liġi prinċipali minflok il-kliem “S-Setgħa Tal-Missier” fl-intestatura tiegħu għandhom jidhlu l-kliem “S-Setgħa Tal-Ġenituri”.

Emenda ta' l-artikolu 176 tal-liġi prinċipali.

46. Fl-artikolu 176 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) Minflok il-kliem “is-setgħa ta' missier” kull fejn jinsabu f'dak l-artikolu u fin-nota marginali tiegħu, għandhom jidhlu l-kliem f'kull każ “is-setgħa tal-ġenituri”.

(b) fil-paragrafu (d) tiegħu minflok il-kliem “ta' missieru” kull fejn jinsabu għandhom jidhlu l-kliem “tal-ġenituri”; u

(c) fil-paragrafu (e) tiegħu minflok il-kliem “il-missier jonqos” għandhom jidhlu l-kliem “il-ġenituri jonqsu”.

Emenda ta' l-artikolu 177 tal-liġi prinċipali.

47. Fl-artikolu 177 tal-liġi prinċipali minflok il-kliem “lill-missier, is-setgħa ta' missier” għandhom jidhlu l-kliem “lill-ġenituri, is-setgħa ta' ġenituri”; u fin-nota marginali tiegħu minflok il-kliem “il-missier fis-setgħa ta' missier” għandhom jidhlu l-kliem “il-ġenituri fis-setgħa ta' ġenituri”.

Emenda ta' l-artikolu 178 tal-liġi prinċipali.

48. Fl-artikolu 178 tal-liġi prinċipali minflok il-kelma “missier” kull fejn tinsab fl-artikolu u fin-nota marginali tiegħu minflok il-kelma għandha tidhol il-kelma “ġenituri”.

Emenda ta' l-artikolu 179 tal-liġi prinċipali.

49. Fl-artikolu 179 tal-liġi prinċipali minflok il-kliem “mill-missier”, “missier adottiv”, “setgħa ta' missier” u “il-missier” għandhom jidhlu rispettivament il-kliem “mill-ġenitur”, “ġenitur adottiv”, setgħa ta' ġenitur” u “il-ġenitur”; u fin-nota marginali tiegħu minflok il-kelma “missier” kull fejn tinsab għandha tidhol il-kelma “ġenitur”.

50. Fl-artikolu 180 tal-liġi prinċipali minflok il-kelma “missier” kull fejn tinsab f’dan l-artikolu u fin-nota marginali tiegħu għandha tidhol il-kelma “ġenitur”. Emenda ta’ l-artikolu 180 tal-liġi prinċipali.
51. Fl-artikolu 181 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kliem “ta’ missier” kull fejn jinsabu għandhom jidhlu l-kliem “ta’ ġenitur”. Emenda ta’ l-artikolu 181 tal-liġi prinċipali.
52. Fis-subartikolu (2) ta’ l-artikolu 184 tal-liġi prinċipali minflok il-kelma “missier” għandha tidhol il-kelma “ġenitur”. Emenda ta’ l-artikolu 184 tal-liġi prinċipali.
53. Fl-artikolu 186 tal-liġi prinċipali minflok il-kelma “missier” għandha tidhol l-kelma “ġenitur”. Emenda ta’ l-artikolu 186 tal-liġi prinċipali.
54. Fl-artikolu 264 tal-liġi prinċipali minflok il-kliem “jew illegittimi” għandhom jidhlu l-kliem “jew naturali”. Emenda ta’ l-artikolu 264 tal-liġi prinċipali.
55. Fis-subartikolu (1) ta’ l-artikolu 270 tal-liġi prinċipali minflok il-kliem “tal-missier” għandhom jidhlu l-kliem “tal-ġenituri”. Emenda ta’ l-artikolu 270 tal-liġi prinċipali.
56. Fl-artikolu 312 tal-liġi prinċipali minflok il-kliem “tarbija illegittima” u “illegittimu” għandhom jidhlu rispettivament il-kliem “tarbija naturali” u “naturali”, u fin-nota marginali tiegħu minflok il-kelma “illegittimi” għandha tidhol il-kelma “naturali”. Emenda ta’ l-artikolu 312 tal-liġi prinċipali.
57. Fl-artikolu 315 tal-liġi prinċipali minflok il-kliem “tarbija illegittima” għandhom jidhlu l-kliem “tarbija naturali”, u fin-nota marginali tiegħu minflok il-kelma “illegittima” għandha tidhol il-kelma “naturali”. Emenda ta’ l-artikolu 315 tal-liġi prinċipali.
58. Fl-artikolu 324 tal-liġi prinċipali minflok il-kliem “tarbija illegittima” u “tal-missier illegittimu” għandhom jidhlu rispettivament il-kliem “tarbija naturali” u “tal-missier naturali”, u fin-nota marginali tiegħu minflok il-kelma “illegittima” għandha tidhol il-kelma “naturali”. Emenda ta’ l-artikolu 324 tal-liġi prinċipali.
59. Fl-artikolu 325 tal-liġi prinċipali minflok il-kliem “tifel illegittimu” għandhom jidhlu l-kliem “tifel naturali”. Emenda ta’ l-artikolu 325 tal-liġi prinċipali.
60. Fl-artikolu 327 tal-liġi prinċipali minflok il-kliem “tifel illegittimu” għandhom jidhlu l-kliem “tifel naturali”. Emenda ta’ l-artikolu 327 tal-liġi prinċipali.
61. Fil-verżjoni Ingliża tal-artikolu 431 tal-liġi prinċipali minflok il-kelma “illegitimate” għandha tidhol il-kelma “natural”. Emenda ta’ l-artikolu 431 tal-liġi prinċipali.
62. L-artikolu 639 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) f’dan l-artikolu u fin-nota marginali tiegħu minflok il-kelma “illegittimi” għandha tidhol il-kelma “naturali”.
- (b) minnufih wara l-kliem “jew ġew legittimati b’digriet tal-Qorti”, għandhom jidhlu l-kliem “jew li l-filjazzjoni tagħhom giet dikjarata b’deċiżjoni tal-Qorti kompetenti.”; u
- (c) minflok il-kliem “fil-paragrafu (a) tas-subartikolu (1)” għandhom jidhlu l-kliem “fis-subartikolu (1)”.

Emenda ta' l-artikolu 641 tal-ligi prinċipali.

63. Minflok is-subartikolu (2) tal-artikolu 641 tal-ligi prinċipali għandu jidhol dan li ġej:

“(2) Meta t-testatur iħalli tfal jew dixxendenti legittimi, jew tfal jew dixxendenti legittimati bi żwieġ wara, ma jistax iħalli lit-tfal adottati jew lid-dixxendenti tagħhom, jew lit-tfal naturali legittimati b'digriet tal-Qorti jew magħrufin jew li l-filjazzjoni tagħhom tkun giet dikjarata b'decizjoni tal-Qorti kompetenti, jew lid-dixxendenti tagħhom, iżjed minn dak li l-anqas favorit mit-tfal jew dixxendenti legittimi jew tfal jew dixxendenti legittimi bi żwieġ wara jkun ser jirċevi.”.

Emenda ta' l-artikolu 651 tal-ligi prinċipali.

64. Fl-artikolu 651 tal-ligi prinċipali minflok il-kliem “tfal illegittimi” kull fejn jinsabu għandhom jidhlu l-kliem “tfal naturali”.

Emenda ta' l-artikolu 653 tal-ligi prinċipali.

65. L-artikolu 653 tal-ligi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala (4); u

(b) minflok is-subartikolu (1) u (2) tiegħu għandhom jidhlu s-subartikoli godda li ġejjin:

“(1) Għall-fini li tiġi determinata l-legittima għandu jit-tiehed kont tat-tfal kollha tal-mejjet, kemm jekk legittimi, legittimati bi żwieġ li jsir wara, tfal adottivi, jew tfal naturali legittimati b'digriet tal-Qorti, magħrufa fl-att tat-twelid jew f'xi att pubbliku ieħor jew li l-filjazzjoni tagħhom tkun giet dikjarata b'sentenza tal-Qorti kompetenti.

(2) Il-legittima ta' tfal legittimi, jew ta' tfal legittimati bi żwieġ li jsir wara, jew ta' tfal adottivi, hija t-terz tal-beni tal-mejjet jekk it-tfal imsemmijin fis-subartikolu (1) ta' dan l-artikolu ma jkunux iżjed minn erbgha, jew in-nofs ta' dawk il-beni, jekk ikunu hamsa jew iżjed.

(3) It-tfal naturali, iżda, għandu biss ikun imisshom sehem daqs nofs il-legittima li kien imisshom li kieku kienu tfal legittimi.

(4) Il-legittima tat-tfal legittimi, jew tat-tfal legittimati bi żwieġ li jsir wara jew tfal adottivi, għandha tinqasam indaqs bejniethom, u s-sehem tat-tfal naturali għandu jinqasam skond id-dispożizzjonijiet tas-subartikoli ta' qabel dan f'ishma ndaqs bejniethom.”.

Emenda ta' l-artikolu 656 tal-ligi prinċipali.

66. Fis-subartikolu (1) ta' l-artikolu 656 tal-ligi prinċipali minflok il-kelma “illegittimi” għandha tidhol il-kelma “naturali”.

Sostituzzjoni ta' l-intestatura taht is-Subartikolu III tas-Sub-Titlu I tat-Titlu III tat-Taqsima II tat-Tieni Ktieb tal-ligi prinċipali.

67. Minflok l-intestatura “FUQ IL-JEDDIJET TAR-RAĠEL JEW TAL-MARA U TAT-TFAL ILLEGITTIMI” minnufih qabel l-artikolu 668 tal-ligi prinċipali, għandha tidhol l-intestatura “FUQ IL-JEDDIJET TAR-RAĠEL JEW TAL-MARA U TAT-TFAL NATURALI”.

68. L-artikolu 677 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 677 tal-liġi prinċipali.
- (a) minflok is-subartikoli (1) u (2) tiegħu għandu jidhrol dan li ġej:
- “(1) It-tfal illeġittimi magħrufa fl-att tat-twelid, jew f’xi att pubbliku ieħor, sew qabel jew wara t-twelid, jew leġittimati b’digriet tal-Qorti kompetenti, għandhom jedd ta’ sehem fuq l-assi ta’ dak mill-ġenituri li minnu jkunu ġew hekk magħrufa, jew li fuq it-talba tiegħu jkunu ġew leġittimati, u dan is-sehem huwa n-nofs tas-sehem li kien imisshom li kieku kienu tfal leġittimi.”; u
- (b) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2), u minflok il-kelma “illeġittimi” għandha tidhrol il-kelma “naturali”.
69. Minnufih wara l-artikolu 668 tal-liġi prinċipali għandu jidded l-artikolu ġdid li ġej: Żieda ta’ l-artikolu ġdid 668A mal-liġi prinċipali.
- “Jedd għal użu u abitazzjoni. 668A. (1) Bla ħsara għal kull jedd tal-parti miż-żewwġa li tibqa’ hajja taħt xi liġi, dik il-parti jkollha l-jedd għall-użu u abitazzjoni tad-dar taż-żwieġ jekk din tkun il-proprjetà assoluta jew b’enfiteusi tal-parti li tmut, sew għal kolloxx jew flimkien mal-parti l-oħra li tibqa’ hajja.
- (2) Dak il-jedd għall-użu u abitazzjoni —
- (a) ma jkunx jgħodd jekk ikun hemm kontra l-parti miż-żewwġa li tibqa’ hajja sentenza tal-Qorti ta’ separazzjoni personali, jew jekk il-parti li tibqa’ hajja kienet abbandunata lill-parti l-oħra mingħajr raġuni tajba;
- (b) jieqaf hekk kif il-parti li tibqa’ hajja terġa’ tizzewweġ.”.
70. Fl-artikolu 670 tal-liġi prinċipali minflok il-kelma “kwart” għandha tidhrol il-kelma “nofs”. Emenda ta’ l-artikolu 670 tal-liġi prinċipali.
71. Fl-artikolu 678 tal-liġi prinċipali u fin-nota marginali tiegħu, minflok il-kelma “illeġittimi” għandha tidhrol il-kelma “naturali”. Emenda ta’ l-artikolu 678 tal-liġi prinċipali.
72. L-artikolu 679 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 679 tal-liġi prinċipali.
- (a) fis-subartikolu (1) tiegħu minflok il-kelma “illeġittimi” għandha tidhrol il-kelma “naturali”, u l-kliem “imma, f’ebda każ ma għandu jaqbez l-ammont li jkun meħtieġ għall-mantniment ta’ kull wiehed minn dawn it-tfal, ma’ tul hajtu” għandhom jithassru; u
- (b) is-subartikoli (2) u (3) tiegħu għandhom jithassru.
73. Fl-artikolu 680 tal-liġi prinċipali minflok il-kelma “illeġittimu” f’dak l-artikolu u fin-nota marginali tiegħu, għandha tidhrol il-kelma “naturali”. Emenda ta’ l-artikolu 680 tal-liġi prinċipali.
74. Fl-artikolu 681 tal-liġi prinċipali minflok il-kelma “illeġittimu” kull fejn tinsab għandha tidhrol il-kelma “naturali”. Emenda ta’ l-artikolu 681 tal-liġi prinċipali.
75. Fl-artikolu 682 tal-liġi prinċipali u fin-nota marginali tiegħu, minflok il-kelma “illeġittimu” għandha tidhrol il-kelma “naturali”. Emenda ta’ l-artikolu 682 tal-liġi prinċipali.

Emenda ta' l-artikolu 683 tal-liġi prinċipali.

76. Fl-artikolu 683 tal-liġi prinċipali u fin-nota marginali tiegħu, minflok il-kelma "illegittimi" għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 802 tal-liġi prinċipali.

77. Fl-artikolu 802 tal-liġi prinċipali minflok il-kliem "ġenitur li jkollu" għandhom jidhlu l-kliem "ġenituri li jkollhom".

Emenda ta' l-artikolu 827 tal-liġi prinċipali.

78. Fl-artikolu 827 tal-liġi prinċipali minflok il-kelma "illegittimi" għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 837 tal-liġi prinċipali.

79. Fis-subartikolu (2) ta' l-artikolu 837 tal-liġi prinċipali minflok il-kliem "il-missier" għandhom jidhlu l-kliem "il-ġenitur eskluż kif intqal qabel".

Emenda tas-sub-titlu minnufih qabel l-artikolu 856 tal-liġi prinċipali.

80. Fl-intestatura qabel l-artikolu 856 tal-liġi prinċipali minflok il-kelma "ILLEGITTIMI" kull fejn tinsab għandha tidhol il-kelma "NATURALI".

Emenda ta' l-artikolu 856 tal-liġi prinċipali.

81. Fl-artikolu 856 tal-liġi prinċipali u fin-nota marginali tiegħu, minflok il-kliem "illegittimu" u "illegittimi" rispettivament għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 857 tal-liġi prinċipali.

82. L-artikolu 857 tal-liġi prinċipali għandu jiġi emendat kif ġej:
 (a) fis-subartikolu (1) tiegħu minflok il-kelma "Illegittimu" għandha tidhol il-kelma "naturali"; u
 (b) fis-subartikolu (2) tiegħu wara l-kelma "kollu" għandhom jidhdu l-kliem "izda meta ġenitur naturali jhalli warajh il-mara jew ir-raġel, it-tifel ma jkollux jedd għall-wirt jew sehem minnu, jekk it-talba ġudizzjarja għad-dikjarazzjoni ta' filjazzjoni ma kenietx inbdiet qabel il-mewt ta' dak il-ġenitur".

Emenda ta' l-artikolu 858 tal-liġi prinċipali.

83. L-artikolu 858 tal-liġi prinċipali għandu jiġi emendat kif ġej:
 (a) minflok il-kelma "illegittimu" f'dak l-artikolu fin-nota marginali tiegħu, għandha tidhol il-kelma "naturali";
 (b) fil-paragrafu (a) tiegħu minflok il-kliem "fil-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 677", għandhom jidhlu l-kliem, "fis-subartikolu (1) ta' l-artikolu 688", u minflok il-kliem "skond il-paragrafu hawn fuq imsemmi" għandhom jidhlu l-kliem "skond l-artikolu 677"; u
 (ċ) fil-paragrafu (b) tiegħu, minflok il-kliem "zewġ terzi tal-wirt" u "it-terz tal-wirt" għandhom jidhlu l-kliem "nofs il-wirt".

Emenda ta' l-artikolu 859 tal-liġi prinċipali.

84. Fl-artikolu 859 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kelma "illegittimu" għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 860 tal-liġi prinċipali.

85. Fl-artikolu 860 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kelma "illegittimu" għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 861 tal-liġi prinċipali.

86. Fl-artikolu 861 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kliem "illegittimu" u "illegittimi" għandha tidhol il-kelma "naturali".

Emenda ta' l-artikolu 862 tal-liġi prinċipali.

87. Fl-artikolu 862 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kelma "illegittimu" għandha tidhol il-kelma "naturali".

88. Fl-artikolu 863 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kelma "illegittimu" għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 863 tal-liġi prinċipali.
89. L-artikolu 865 tal-liġi prinċipali għandu jiġi emendat kif ġej:
 (a) minflok il-kelma "illegittimi" kull fejn tinsab għandha tidhol il-kelma "naturali"; u
 (b) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kelma "terz" għandha tidhol il-kelma "nofs". Emenda ta' l-artikolu 865 tal-liġi prinċipali.
90. Fl-artikolu 866 tal-liġi prinċipali minflok il-kelma "illegittimi" għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 866 tal-liġi prinċipali.
91. Fl-artikolu 879 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kelma "illegittimu" kull fejn tinsab, għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 879 tal-liġi prinċipali.
92. Fl-artikolu 880 tal-liġi prinċipali, minflok il-kelma "illegittimu" kull fejn tinsab, għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 880 tal-liġi prinċipali.
93. Fis-subartikolu (1) ta' l-artikolu 881 tal-liġi prinċipali u fin-nota marginali tiegħu minflok il-kelma "illegittimu" kull fejn tinsab għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 881 tal-liġi prinċipali.
94. Fl-artikolu 883 tal-liġi prinċipali minflok il-kelma "illegittimu" għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 883 tal-liġi prinċipali.
95. Fl-artikolu 884 tal-liġi prinċipali minflok il-kelma "illegittimu" kull fejn tinsab għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 884 tal-liġi prinċipali.
96. Fis-subartikolu (1) ta' l-artikolu 885 tal-liġi prinċipali minflok il-kelma "illegittimi" għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 885 tal-liġi prinċipali.
97. Fl-artikolu 889 tal-liġi prinċipali minflok il-kliem "ġenitur li jeżerċita s-setgħa tal-missier" għandhom jidhlu l-kliem "ġenituri li jeżerċitaw is-setgħa ta' ġenituri". Emenda ta' l-artikolu 889 tal-liġi prinċipali.
98. Minnufih wara l-artikolu 917 tal-liġi prinċipali għandu jizded l-artikolu gdid li ġej:
 "Registrazzjoni ta' rinunzja ta' wirt.
 917A. (1) Kull rinunzja ta' wirt, sew jekk dik ir-rinunzja ssir b'dikjarazzjoni pprezentata fir-Registru ta' Qorti ta' ġurisdizzjoni volontarja jew titqies li saret bis-sahħa ta' sentenza kif provdut fl-artikolu 909, tiġi registrata mir-Registatur tal-Qrati Superjuri fil-ktieb miżmum għal hekk fir-Registru tal-Qorti Ċivili, Sekond'Awla.
 (2) Ir-Registatur tal-Qorti f'Għawdex għandu, fi żmien sitt ijiem mill-prezentata ta' nota ta' dik ir-rinunzja f'dik il-Qorti jew mid-data li fiha sentenza mogħtija minn dik il-Qorti tkun saret *res judicata*, jagħti kopja awtentika tagħha lir-Registatur tal-Qrati Superjuri għar-registrazzjoni kif provdut f'dan l-artikolu.
 (3) Ir-registrazzjonijiet f'dak il-ktieb għandu jkollhom it-tagħrif kollu dwar il-persuna li tagħmel ir-rinunzja

Zieda ta' artikolu gdid 917A mal-liġi prinċipali.

jew li dwarha r-rinunzja tibda ssehh permezz ta' sentenza tal-Qorti, it-taghrif dwar il-persuna mejta li dwar l-eredita taghha dik ir-rinunzja tkun saret jew tkun bdiet issehh, inkluż il-post u d-data tal-mewt taghha, u kull rizerva jew cirkostanzi ohra dwar ir-rinunzja jew l-effetti taghha.

(4) L-imsemmi ktieb ikun fih dawk ir-rinunzji kollha irrISPETTIVAMENT mill-post f'dawn il-Gzejjer fejn kien joqghod il-mejjet fil-hin tal-mewt, u jkun accessibbli ghall-pubbliku.”.

Emenda ta'
l-artikolu 955
tal-ligi principali.

- 99.** L-artikolu 955 tal-ligi principali ghandu jigi emendat kif gej:
(a) l-artikolu ghandu jigi enumerat bhala s-subartikolu (1) tieghu; u
(b) minnufih wara s-subartikolu (1) tieghu ghandu jiddied dan is-subartikolu gdid:

“(2) Id-dispozizzjonijiet tas-subartikolu ta' qabel dan ma jghoddux ghat-tfal naturali msemmin fl-artikoli 677, 678 u 679.”.

Emenda ta'
l-artikolu 1011
tal-ligi principali.

- 100.** Fl-artikolu 1011 tal-ligi principali u fin-nota marginali tieghu minflok il-kliem “tal-missier” ghandhom jidhlu l-kliem “tal-ġenituri”.

Emenda ta'
l-artikolu 1012
tal-ligi principali.

- 101.** Fl-artikolu 1012 tal-ligi principali u fin-nota marginali tieghu minflok il-kliem “tal-missier” ghandhom jidhlu l-kliem “tal-ġenituri”.

Emenda ta'
l-artikolu 1282
tal-ligi principali.

- 102.** L-artikolu 1282 tal-ligi principali ghandu jigi emendat kif gej:
(a) fis-subartikolu (1) tieghu minflok il-kliem “mis-setgha ta' missier, jew li jmissu lir-raġel bhala l-kap tal-familja” ghandhom jidhlu l-kliem “mis-setgha tal-ġenituri”;
(b) is-subartikolu (2) tieghu ghandu jigi enumerat mill-gdid bhala subartikolu (3);
(c) minnufih wara s-subartikolu (1) tieghu ghandu jidhol dan is-subartikolu gdid:

“(2) Izda, kull ftehim bil-ghan li r-raġel huwa l-kap tal-familja u li ghandu dawk id-drittijiet u obligazzjonijiet li ma jaqblux mad-dispozizzjonijiet ta' dan il-Kodiċi izda li ma humiex espressament projbiti mil-ligi, ghandu jkun jghodd.”;

(d) fis-subartikolu (3) tieghu l-kelma “Izda” ghandha tithassar, u minflok il-kelma “jghodd” ghandhom jidhlu l-kliem “jghodd ukoll”; u

(e) fin-nota marginali tieghu minflok il-kliem “ta' missier” ghandhom jidhlu l-kliem “tal-ġenituri”.

Sostituzzjoni ta'
l-artikolu 1285
tal-ligi principali.

- 103.** Minflok l-artikolu 1285 tal-ligi principali ghandu jidhol dan li gej:

“Kitba
taż-zwieġ
magħmula
minn
minuri.

1285. (1) Tghodd il-kitba taż-zwieġ magħmula minn minuri bil-kunsens tal-ġenituri li jeżerċitaw is-setgha tal-ġenituri, jew jekk dawn ma jaqblux bejniethom bil-kunsens ta' wiehed minnhom.

(2) Jekk wiehed minn dawn il-ġenituri jkun nieqes, interdett jew miġnun, ikun jiswa l-kunsens tal-ġenitur l-iehor għal dik il-validità.

(3) Meta l-ġenituri it-tnejn ikunu nieqsa, mejta, interdetti jew imġienen, l-awtorità tal-Qorti tkun meħtieġa għal dik il-validità.”.

104. L-artikolu 1288 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 1288 tal-liġi prinċipali.

(a) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala (4); u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied dan is-subartikolu ġdid:

“(3) Id-dispożizzjonijiet tas-subartikolu (2) tal-artikolu 1282 għandhom ikunu jgħoddu għal dan l-artikolu.”.

105. Minflok l-artikolu 1303 tal-liġi prinċipali għandu jidhol dan li ġej: Sostituzzjoni ta' l-artikolu 1303 tal-liġi prinċipali.

“1303. (1) It-trigija tal-ħwejjeġ tad-dota u l-jedd li wiehed iħarrek jew li jiġi mħarrek dwar din il-proprjeta huma tar-raġel u tal-mara flimkien.

(2) Meta r-raġel jew l-mara jkunu assenti jew inkella ma jkunux jistgħu jamministraw sew il-ħwejjeġ tad-dota, il-parti l-oħra fiż-żwieġ tista' tiġi awtorizzata mill-Qorti li tamministra din il-proprjeta u li jkollha l-jedd fuq din il-proprjeta li tħarrek jew li tiġi mħarrka dwar din il-proprjeta.”.

106. L-artikoli 1304, 1305 u l-proviso għall-paragrafu (ċ) ta' l-artikolu 1336 tal-liġi prinċipali għandhom jithassru. Thassir ta' diversi artikoli tal-liġi prinċipali.

107. L-artikolu 1362 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 1362 tal-liġi prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

(1) L-amministrazzjoni ta' l-akkwisti u l-jedd li jħarrku jew li jiġu mħarrka dwar dawk l-akkwisti jmissu lir-raġel u lill-mara flimkien; u sew ir-raġel jew il-mara ma jistgħux jittrasferixxu jew jipotekaw dawn l-akkwisti mingħajr il-kunsens tal-parti l-oħra fiż-żwieġ hlief sabiex ikunu jistgħu jissodisfaw dawk l-obbligazzjonijiet meħtigin b'liġi jew meta l-liġi titlob mod ieħor.”;

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) minflok il-kliem minn “Jekk ir-raġel ikun assenti jew ma jkunx” sal-kliem “l-Qorti jidhrilha xierqa li timponi” għandu jidhol dan li ġej:

“Jekk wiehed mill-mizzewġin ikun assenti jew ma jkunx jista' l-oħra jamministra sewwa l-akkwisti, il-parti l-oħra għandha tiegħu f'idejha l-amministrazzjoni temporanja tagħhom u, f'każijiet ċari ta' ħtieġa jew bżonn, din tista' wkoll tiġi awtorizzata mill-Qorti li tagħmel atti ta' trasferiment jew li tipoteka proprjeta taht dawk il-kondizzjonijiet li l-Qorti jidhrilha xierqa li timponi.”;

(ii) fil-proviso li hemm ghalih minflok il-kliem "ir-raġel daqsliekeku kien parti" għandhom jidhlu l-kliem "ir-raġel jew il-mara daqsliekeku dak ir-raġel jew dik il-mara kienu parti";

(ċ) fis-subartikolu (3) tiegħu minflok il-kliem "mara miż-żewġa jistgħu jiġu rtirati minnha" għandhom jidhlu l-kliem "parti miż-żewġa jistgħu jiġu rtirati minnha"; u

(d) minflok is-subartikolu (4) tiegħu għandu jidhol dan li ġej:

"(4) It-tmexxija tan-negozju jew tal-professjoni ta' wiehed mill-miż-żewġin għandha tibqa' f'idejha, u għandu s-setgħa li jmexxi dak kollu li għandu x'jaqsam ma' dak in-negozju jew professjoni minghajr il-bżonn tal-kunsens tal-parti l-oħra fiż-żwieġ, u l-komunjoni tal-akkwisti ma tkunx eżentata milli tbat i dawk id-djun li jgħorġu minnhom."

Emenda ta' l-artikolu 1367 tal-liġi prinċipali.

108. Fis-subartikolu (2) ta' l-artikolu 1367 tal-liġi prinċipali il-kliem minn "izda l-mara" sa "mis-sehem li jmissha fl-akkwisti" għandhom jithassru.

Emenda ta' l-artikolu 1372 tal-liġi prinċipali.

109. Fis-subartikolu (1) ta' l-artikolu 1372 tal-liġi prinċipali minflok il-kliem "jagħmel ir-raġel", "ma jkunx għamel" u "biex jillibera hwejġu, jew biex ikabbar" għandhom jidhlu rispettivament il-kliem "jagħmlu sew ir-raġel jew il-mara", "ma jkunux għamlu" u "biex jilliberaw hwejjigħom, jew biex ikabbru".

Emenda ta' l-artikolu 1373 tal-liġi prinċipali.

110. L-artikolu 1373 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "mill-mara" kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem "mir-raġel jew mill-mara";

(b) fis-subartikolu (2) tiegħu minflok il-kliem "mill-mara" u "tar-raġel" għandhom jidhlu rispettivament il-kliem "mir-raġel jew mill-mara" u "tal-parti l-oħra"; u

(c) fin-nota marginali tiegħu minflok il-kliem "mill-mara" għandhom jidhlu l-kliem "mir-raġel jew mill-mara".

Sostituzzjoni ta' l-artikolu 1375 tal-liġi prinċipali.

111. Minflok l-artikolu 1375 tal-liġi prinċipali għandu jidhol dan li ġej:

"1375. It-tmexxija tal-beni parafernali tar-raġel jew tal-mara, kemm jekk il-frottijiet tagħhom, skond id-dispożizzjonijiet ta' l-artikolu 1365, għandhom jew ma għandhomx jidhlu fl-akkwisti, imissu lill-istess raġel jew mara."

Emenda ta' l-artikolu 1386 tal-liġi prinċipali.

112. Minflok is-subartikolu (2) tal-artikolu 1386 tal-liġi prinċipali għandu jidhol dan li ġej:

"(2) Meta ma jkunx hemm komunjoni ta' l-akkwisti, ir-regoli li jinsabu fl-artikoli li ġejjin ta' dan is-sub-titlu għandhom jiġu mharsa, sugġetti għal kull kondizzjoni tal-ftehim."

Emenda ta' l-artikolu 1387 tal-liġi prinċipali.

113. Fl-artikolu 1387 tal-liġi prinċipali, minflok il-kelma "terz" għandha tidhol il-kelma "nofs".

Emenda ta' l-artikolu 1394 tal-liġi prinċipali.

114. Fl-artikolu 1394 tal-liġi prinċipali, in-numri "1304, 1305" għandhom jithassru; u fin-nota marginali tiegħu minflok il-kliem "1304 sa l-1307" għandhom jidhlu l-kliem "1306 u 1307".

- 115.** Fis-subartikolu (2) ta' l-artikolu 1457 tal-liġi prinċipali il-kliem "in-nisa miżżewġa" għandhom jithassru. Emenda ta' l-artikolu 1457 tal-liġi prinċipali.
- 116.** Fl-artikolu 1842 tal-liġi prinċipali minflok il-kliem "it-tfal illeġittimi" għandhom jidhlu l-kliem "it-tfal naturali". Emenda ta' l-artikolu 1842 tal-liġi prinċipali.
- 117.** Minflok is-subartikoli (1), (2) u (3) ta' l-artikolu 1854 tal-liġi prinċipali għandu jidhol dan li ġej:
- “(1) Ebda persuna, barra mill-ġenituri li jeżerċitaw l-awtorità tal-ġenituri fuq minuri, ma tista' taċċetta f'isem il-minuri donazzjoni magħmula lilu, hliet bl-awtorità tal-Qorti.
- (2) Jekk id-donazzjoni ssir minn wiehed mill-ġenituri, tista' tiġi aċċettata għalih mill-ġenitur l-iehor.
- (3) Meta wiehed mill-ġenituri jkun nieqes, jew ma jkunx irid jew ma jkunx jista' jagħti l-kunsens tiegħu, l-ġenitur l-iehor jista' jaċċetta d-donazzjoni f'isem il-minuri.”.
- 118.** Fl-artikolu 1855 tal-liġi prinċipali minflok il-kliem "iben illeġittimu" għandhom jidhlu l-kliem "iben naturali", u fin-nota marginali tiegħu minflok il-kelma "illeġittimu" għandha tidhol il-kelma "naturali". Emenda ta' l-artikolu 1855 tal-liġi prinċipali.
- 119.** L-artikolu 1858 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) tiegħu minflok il-kliem "il-missier jew l-omm, l-axxendent legittimu, jew it-tutor jew kuratur, ma jehdux hsieb, jew, minghajr raġuni tajba, ma jkunux iridu jaċċettaw" għandhom jidhlu l-kliem "il-ġenituri, jew it-tutor jew kuratur ma jehdux hsieb jew minghajr raġuni tajba, ma jkunux iridu jaċċettaw"; u
- (b) fis-subartikolu (2) tiegħu l-kliem "jew axxendenti legittimi" u "jew axxendenti" għandhom jithassru.
- 120.** Fl-artikolu 1859 tal-liġi prinċipali minflok il-kliem "ta' missier" għandhom jidhlu l-kliem "tal-ġenituri". Emenda ta' l-artikolu 1859 tal-liġi prinċipali.
- 121.** Fl-artikolu 1903 tal-liġi prinċipali minflok il-kliem "jew l-imsemmi ġenitur ma jkunx jista' jagħti l-kunsens tiegħu" għandhom jidhlu l-kliem "jew ma jistgħux jagħtu l-kunsens tagħhom,". Emenda ta' l-artikolu 1903 tal-liġi prinċipali.
- 122.** Fl-artikolu 2015 tal-liġi prinċipali il-kliem "mir-raġel jew" u "ir-raġel" għandhom jithassru. Emenda ta' l-artikolu 2015 tal-liġi prinċipali.
- 123.** Minflok l-artikolu 2037 tal-liġi prinċipali għandu jidhol dan li ġej:
2037. (1) Kull dejn li jinholoq minn pleggerija magħmula minn parti miżżewġa għal obligazzjoni tal-parti l-oħra, tkun piż fuq il-beni partikolari tal-parti li tagħmel il-pleggerija.
- (2) Pleggerija magħmula minn parti miżżewġa għal obligazzjoni tal-parti l-oħra li minnha jinholoq dejn li

"Pleggerija bejn il-miżżewġin.

jkun piż fuq il-komunjoni ta' l-akkwisti tkun nulla jekk ma ssirx bl-awtorità tal-Qorti.”.

Emenda ta' l-artikolu 2124 tal-liġi prinċipali.

124. Fis-subartikolu (3) ta' l-artikolu 2124 tal-liġi prinċipali minflok il-kelma “omm” kull fejn tinsab u “żewġ l-omm” għandhom jidhlu rispettivament il-kliem “ġenitur” u “żewġ l-omm jew mart il-missier, skond il-każ.”.

Emenda ta' l-artikolu 2143 tal-liġi prinċipali.

125. Fis-subartikolu (2) ta' l-artikolu 2143 tal-liġi prinċipali minflok il-kliem “ta' missier” għandhom jidhlu l-kliem “tal-ġenituri”.

Emenda ta' l-artikolu 2228 tal-liġi prinċipali.

126. Fil-paragrafu (b) ta' l-artikolu 2228 tal-liġi prinċipali minflok il-kliem “tal-missier” għandhom jidhlu l-kliem “tal-ġenituri”.

Emendi u thassir.

127. Il-liġijiet imsemmija fl-ewwel kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollhom effett sugġetti għall-emendi speċifikati dwarhom fit-tieni kolonna ta' dik l-Iskeda.

Dispożizzjoni ta' riżerva.

128. (1) Il-bidu fis-sehħ ta' dan l-Att ma —

(a) jolqotx it-thaddim preċedenti ta' xi artikolu tal-Kodiċi Ċivili jew ta' xi liġi oħra, emendat jew imħassar b'dan l-Att, jew xi haġa li tkun saret jew li thalliet li ssir b'xi artikolu bħal dak jew tahtu; jew

(b) jolqotx xi att pubbliku li jkun sar qabel il-bidu fis-sehħ ta' dan l-Att, safejn dak l-att pubbliku kompli jkun validu qabel dak il-bidu fis-sehħ, jew xi jedd, obbligu, responsabbiltà jew dekadenza, sew jekk johorġu minn att pubbliku sew jekk le, jew xi haġa tkun li tkun, akkwistata, li tirriżulta, jew li ssir minn jew taht xi artikolu tal-Kodiċi Ċivili jew ta' xi liġi oħra, emendat jew imħassar b'dan l-Att jew magħmula taht xi artikolu bħal dak u kull artikolu bħal dak hekk emendat jew imħassar għandu jibqa' japplika għal dak il-jedd, obbligu jew responsabbiltà li jinqalghu minn dak l-att; bla ħsara għad-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu; jew

(ċ) jillimitax u ma jolqotx xi proċedimenti jew rimedji legali dwar xi jedd, obbligu, responsabbiltà jew dekadenza msemmijin fil-paragrafu (b) ta' dan is-subartikolu, u kull proċedimenti jew rimedji bħal dawk jistgħu jinbdew, jitkomplew, jittiehdu jew jigu nfurzati daqslikieku dan l-Att ma għaddiex.

(2) Meta testment ikun sar qabel il-jum tal-bidu fis-sehħ ta' dan l-Att iżda s-suċċessjoni tat-testatur tghaddi f'dak il-jum jew wara dak il-jum, id-dispożizzjonijiet ta' dan l-Att għandu jkollhom effett u kull provvediment testamentarju li ma jkunx jaqbel ma' dan il-provvediment ma jkunx għal dik ir-raġuni wiehed invalidu iżda għandu biss jithassar daqskemm ikun mehtieg.

(3) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandhom jiftiehm u li huma bla ħsara għall-jeddijiet ta' parti mizzewġa dwar kirja li tkun saret b'xi artikolu ta' xi liġi emendata b'dan l-Att jew tahtu.

SKEDA

(Artikolu 127)

Emendi u Thassir

<i>Ligi</i>	<i>Safejn tigi emendata</i>
Kodiċi tal-Kummerċ, Kap. 17	<p>(a) fil-paragrafu (a) ta' l-artikolu 9, minflok il-kliem "mill-ġenituri li għas-setgħa tiegħu" għandhom jidhlu l-kliem "mill-ġenituri li għas-setgħa tagħhom".</p> <p>(b) Fis-subartikolu (1) tal-artikolu 14, minflok il-kliem "mill-ġenitur li għandu s-setgħa tal-missier" u "mill-ġenitur li jkun qed jeżerċita dik is-setgħa" għandhom rispettivament jidhlu l-kliem "mill-ġenituri li għandhom is-setgħa ta' ġenituri" u "mill-ġenituri li jkunu qed jeżerċitaw dik is-setgħa".</p>
Ordinanza li tirregola Tigdid tal-Kiri ta' Bini, Kap. 109	<p>(a) Fl-artikolu 2, fit-tifsira ta' "kerrej" —</p> <p>(i) il-paragrafi (a), (b) u (ċ) għandhom jiġu numerati mill-ġdid paragrafi (b), (ċ) u (d) rispettivament; u</p> <p>(ii) minnufih wara l-kliem "il-kelma 'kerrej' tfisser ukoll" għandu jidhol dan li ġej:</p> <p>"(a) żewġ jew mart il-kerrej li jgħix jew tgħix magħha jew miegħu, jew li ma jkunx telaq jew ma tkunx telqet mill-fond hlief dwar proċedimenti għal separazzjoni personali."; u</p> <p>(b) minnufih wara s-subartikolu (2) tal-artikolu 5 għandu jidhol dan il-paragrafu li ġej:</p> <p>"Għall-finijiet ta' dan is-subartikolu l-espressjoni "kerrej" tinkludi żewġ jew mart il-kerrej li jgħix jew tgħix magħha jew miegħu, jew li ma jkunx telaq jew ma tkunx telqet mill-fond hlief dwar proċedimenti għal separazzjoni personali."</p>
Ordinanza ta' l-1959 li Tneħhi l-Kontroll tad-Djar Ordinanza Nru.XIXA ta' l-1959	<p>Minnufih wara l-proviso għas-subartikolu (3) ta' l-artikolu 10B għandu jżidied il-paragrafu li ġej:</p> <p>"Għall-finijiet tal-proviso għal dan is-subartikolu l-espressjoni "kerrej" tinkludi żewġ jew mart il-kerrej li jgħix jew tgħix magħha jew miegħu, jew li ma jkunx telaq jew ma tkunx telqet mill-fond hlief dwar proċedimenti għal separazzjoni personali."</p>
Att ta' l-1980 dwar Tfal u Żgħażaġh (Ordinijiet setgħa ta' missier) Att XVIII ta' l-1980	<p>Fis-subartikolu (2) ta' l-artikolu 4, minflok il-kliem "s- u għall-Harsien" għandhom jidhlu l-kliem "s-setgħa tal-ġenituri".</p>
Att ta' l-1948 dwar it-Taxxa fuq l-Income Att LIV ta' l-1948	<p>Fii-proviso (iii) għall-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 22, minflok il-kelma "illegitimi" kull fejn tinsab, għandha tidhol f'kull każ il-kelma "naturali".</p>

*Ligi**Safejn tigi emendata*

Att ta' l-1973 dwar
it-Taxxa tal-Mewt u
tad-Donazzjoni
Att XLVII ta' l-1973

Fil-paragrafu (f) tas-subartikolu (4) ta' l-artikolu 13,
minflok il-kelma "illegittimi" ghandha tidhol il-kelma
"naturali".

Ghanijiet u Ragunijiet

L-Ghan ta' dan l-Abbozz huwa principalment biex jagggorna d-dritt civili fir-rigward tar-relazzjonijiet tal-familja b'mod partikulari dawk bejn il-miżżewġin li l-Abbozz ghandu l-għan li jagħtihom drittijiet indaqs fir-relazzjonijiet ta' bejniethom, fl-amministrazzjoni tal-proprjeta komuni tagħhom u dwar uliedhom. Il-ligi qiegħda tinbidel ukoll f'aspetti oħra, b'mod partikulari fir-rigward ta' tfal mwielda barra miż-żwieġ, li issa qegħdin jingħataw drittijiet speċjali fir-relazzjoni tagħhom mal-ġenituri naturali u drittijiet suċċessorji fir-rigward tal-ġenituri u ta' huthom mill-missier jew mill-omm biss.

A BILL

entitled

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

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

1. (1) This Act may be cited as the Civil Code (Amendment) (No. 2) Act, 1986, and shall be read and construed as one with the Civil Code, hereinafter referred to as "the principal law".

Short title and commencement.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for justice may appoint by notice in the Gazette, and different dates may be so appointed for different provisions or different purposes thereof.

2. For section 3 of the principal law there shall be substituted the following section:

Substitution of section 3 of the principal law.

"Duties of spouse.

3. The spouses are together responsible for the moral and material welfare of the family. They are bound to live together in the matrimonial home."

3. In section 4 of the principal law for subsections (2) and (3) thereof and for the marginal note thereof there shall be substituted the following:

Amendment of section 4 of the principal law.

"Matrimonial home.

(2) The matrimonial home shall be established by the common accord of the spouses.

(3) If the marriage contract does not regulate the contribution of the spouses towards the needs of the house-

hold, they shall contribute thereto according to their respective ability.

(4) The value of housework is considered equivalent to financial contribution.”.

Amendment of section 6 of the principal law.

4. In section 6 of the principal law for the words “The liability of the husband to maintain his wife” there shall be substituted the words “The liability of the spouse to maintain the other spouse”.

Substitution of section 17 of the principal law.

5. For section 17 of the principal law there shall be substituted the following:

“When son-in-law, etc., is not liable. 17. (1) The son-in-law and daughter-in-law shall not be bound to maintain the father-in-law or mother-in-law, where the indigence of either of the latter had commenced before the marriage creating the affinity.

When liability of son-in-law, etc., ceases. (2) The liability of son-in-law and daughter-in-law towards the father-in-law and mother-in-law shall cease where the latter, being a widower or widow, shall marry again.

When liability of father-in-law, etc., ceases. (3) The liability of the father-in-law, mother-in-law and their ascendants towards the son-in-law and daughter-in-law shall likewise cease where the latter, becoming a widower or widow, shall marry again.

When re-marriage does not affect liability. (4) Nevertheless, the re-marriage of the son-in-law or daughter-in-law shall not affect their liability towards their father-in-law, mother-in-law and their ascendants; nor shall the re-marriage of the father-in-law and mother-in-law affect their liability towards their son-in-law and daughter-in-law.”.

Amendment of section 19 of the principal law.

6. Section 19 of the principal law shall be amended as follows:

(a) for paragraphs (b) and (c) there shall be substituted the following:

“(b) the father and the mother”, and

(b) paragraphs (d) to (h) (inclusive) thereof shall be respectively renumbered paragraphs (c) to (g).

Amendment of section 21 of the principal law.

7. In subsection (1) of section 21 of the principal law for the words “such claimants: provided that the father and mother shall, in such case, be deemed to be in the same degree.” there shall be substituted the words “such claimants.”.

Substitution of section 37 of the principal law.

8. For section 37 of the principal law there shall be substituted the following:

“Where marriage is celebrated without the formalities preceding it. 37. Any person subject to the obligations mentioned in section 34 shall be *ipso facto* released therefrom, if the marriage, without his or her connivance, shall have been celebrated without the formalities by which, according to the Marriage Act, 1975, the marriage ought to be preceded, unless such formalities have been dispensed with in accordance with that Act.”.

9. Immediately after subsection (2) of section 64 of the principal law there shall be inserted the following new subsections:

Amendment of section 64 of the principal law.

“(3) Such demand shall be deemed to include for the partition of such acquests, and after directing the cessation of the community of acquests the Court shall proceed to the partition of that community in the same proceedings.

(4) In effecting such partition, the provisions of this Code regarding partitions shall, in so far as may be necessary, apply.”.

10. For Sub-Title III of Title II of Book First of the principal law there shall be substituted the following:

Substitution of Sub-Title III of Title II of Book First of the principal law.

“Sub-title III
OF NATURAL FILIATION AND OF LEGITIMATION
§ OF NATURAL FILIATION”.

11. In section 99 of the principal law for the words “An illegitimate child” there shall be substituted the words “A natural child”, and in the marginal note thereto for the word “illegitimate” there shall be substituted the word “natural”.

Amendment of section 99 of the principal law.

12. Section 100 of the principal law shall be amended as follows:

Amendment of section 100 of the principal law.

(a) in subsection (1) thereof for the words “an illegitimate child” there shall be substituted the words “a natural child”;

(b) subsection (2) thereof shall be renumbered as subsection (5); and

(c) immediately after subsection (1) thereof there shall be inserted the following new subsections:

“(2) The acknowledgment of a natural child who has attained majority shall be of no effect without his assent in the deed of acknowledgment.

(3) The acknowledgment of a natural child who has not attained majority shall be of no effect without the consent of the other parent who has already acknowledged the child.

(4) Where the consent is withheld, the Court may, on the demand of the parent wishing to make the acknowledgment in contestation of the other parent, after taking into consideration the paramount interests of the minor, grant the acknowledgment.”.

13. In section 102 of the principal law for the words “An illegitimate child” there shall be substituted the words “A natural child”, and in the marginal note thereto for the word “Illegitimate” there shall be substituted the word “Natural”.

Amendment of section 102 of the principal law.

14. In section 103 of the principal law and in the marginal note thereof for the words “an illegitimate” and “illegitimate” there shall be respectively substituted the words “a natural” and “natural”; and for the word “paternal” wherever it occurs there shall be substituted the word “parental”.

Amendment of section 103 of the principal law.

Amendment of section 105 of the principal law.

15. In section 105 of the principal law for the words "paternal authority" and "illegitimate child" there shall be substituted respectively the words "parental authority" and "natural child".

Amendment of section 106 of the principal law.

16. In subsection (1) and (4) of section 106 of the principal law for the words "An illegitimate child" there shall be substituted the words "A natural child", and in the marginal note thereof for the word "illegitimate" there shall be substituted the word "natural".

Substitution of section 107 of the principal law.

17. For section 107 of the principal law there shall be substituted the following section:

"Duty of parent towards natural child.

107. (1) The parent is bound to maintain and educate, according to his or her means, the natural child whom he or she has acknowledged, and, even afterwards, to supply maintenance to such child, in case of need, provided such child has no husband or wife or descendants in a position to supply such maintenance.

(2) The parent is under a like liability in regard to legitimate descendants of the predeceased natural child, if their father or mother, as the case may be, or the paternal or maternal ascendants of their surviving parent, are unable to provide for them."

Amendment of section 108 of the principal law.

18. In section 108 of the principal law and in the marginal note thereof, immediately after the word "paternity" there shall be inserted the words "or maternity, as the case may be,".

Amendment of section 111 of the principal law.

19. In section 111 of the principal law for the words "to a father" there shall be substituted the words "to a parent".

Amendment of section 114 of the principal law.

20. In section 114 of the principal law for the words "An illegitimate child" there shall be substituted the words "A natural child", and in the marginal note thereof for the word "illegitimate" there shall be substituted the word "natural".

Amendment of section 115 of the principal law.

21. In section 115 of the principal law for the words "an illegitimate child" there shall be substituted the words "a natural child".

Amendment of section 132 of the principal law.

22. Section 132 of the principal law shall be amended as follows:

(a) for the words "an illegitimate person" wherever they occur there shall be substituted in each case the words "a natural person";

(b) for paragraph (a) of subsection (2) thereof there shall be substituted the following paragraph:

"(a) in respect of a person who has attained the age of eighteen years except in favour of an applicant who is the mother or the father of the person to be adopted, or in favour of both such parents who are married to one another and are living together; or".

23. In section 139 of the principal law for the words "a person who is illegitimate" wherever they occur there shall be substituted in each case the words "a natural person". Amendment of section 139 of the principal law.
24. In paragraph (c) of subsection (2) of section 147 of the principal law for the words "illegitimate children" wherever they occur there shall be substituted in each case the words "natural children". Amendment of section 147 of the principal law.
25. In Title IV of Book First of the principal law for the heading thereto there shall be substituted the words "Of Parental Authority". Substitution of heading under Title IV of the principal law.
26. For subsection (2) of section 154 of the principal law there shall be substituted the following: Amendment of section 154 of the principal law.
 "(2) This authority is exercised by the common accord of both parents, in conformity with the rules laid down in the following sections of this Sub-title. After the death of any of the parents and in the cases established by law it is exercised by the other parent."
27. In Sub-Title I of Title IV of the principal law for the words "Paternal Authority" in the heading thereof there shall be substituted the words "Parental Authority". Amendment of Title under Sub-Title I of Title IV of the principal law.
28. Section 155 of the principal law shall be amended as follows: Amendment of section 155 of the principal law.
 (a) in subsection (1) thereof for the word "father" there shall be substituted the words "parents";
 (b) in subsection (2) thereof for the word "father" wherever it occurs and the word "paternal" there shall be substituted respectively the words "parent" and "parental";
 (c) in subsection (3) thereof for the word "father" there shall be substituted the word "parent"; and
 (d) in the marginal note thereof for the words "father" and "paternal" there shall be substituted respectively the words "parent" and "parental".
29. In subsection (1) of section 156 of the principal law for the word "paternal" there shall be substituted the word "parental". Amendment of section 156 of the principal law.
30. Section 157 of the principal law shall be amended as follows: Amendment of section 157 of the principal law.
 (a) in subsection (1) thereof for the words "the father, if he is unable" and "according to his means" there shall be substituted respectively the words "the parents, if they are unable" and "according to their means"; and
 (b) in subsection (2) thereof for the words "the father may also" and "at the expense of the father", there shall be substituted respectively the words "the parents may also" and "at the expense of the parents".

Amendment of section 158 of the principal law.

31. In section 158 of the principal law for the words "The father is the representative of his children", there shall be substituted the words "The parents are the representatives of their children, and for the marginal note thereto there shall be substituted the words "Parents to represent their children."

Amendment of section 159 of the principal law.

32. Section 159 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words "by the father" and "he may alienate" there shall be substituted respectively the words "by the parents" and "they may alienate";

(b) in subsection (2) thereof for the words "He may also" there shall be substituted the words "They may also";

(c) in subsection (3) thereof for the words "He may not" there shall be substituted the words "They may not"; and

(d) in the marginal note thereof for the word "Father's" there shall be substituted the word "Parents'".

Amendment of section 160 of the principal law.

33. Section 160 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "the father" there shall be substituted the words "the parents"; and

(b) in subsection (2) thereof for the words "If the father is unable or unwilling to accept such inheritance, the inheritance may be accepted by the mother with the authority of the Court and, failing such acceptance by the mother" there shall be substituted the words "If one of the parents is unable or unwilling to accept such inheritance, the inheritance may be accepted by the other parent with the authority of the Court. If both parents are unable or unwilling to accept such inheritance".

Amendment of section 161 of the principal law.

34. In section 161 of the principal law for the words "the father" there shall be substituted the words "either of the parents".

Amendment of section 162 of the principal law.

35. In section 162 of the principal law for the words "the father" wherever they occur there shall be substituted in each case the words "the parents".

Amendment of section 163 of the principal law.

36. Section 163 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "The father is", and "of which the father has" wherever they occur, there shall be substituted respectively the words "The parents are" and "of which their parents have";

(b) in subsection (2) thereof for the word "paternal" there shall be substituted the word "parental", and for the word "father" there shall be substituted the word "parent"; and

(c) in the marginal note thereof for the word "Father" there shall be substituted the word "Parents".

Amendment of section 164 of the principal law.

37. Section 164 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the word "father" there shall be substituted the word "parents";

(b) in subsection (2) thereof for the words "He shall retain" there shall be substituted the words "They shall retain"; and

(c) in the marginal note thereof for the words "father has" there shall be substituted the words "parents have".

38. In section 165 of the principal law for the word "father" wherever it occurs there shall be substituted the word "parents".

Amendment of section 165 of the principal law.

39. In section 166 of the principal law for the words "the father" there shall be substituted the words "the parents"; and in the marginal note thereto for the words "father is" there shall be substituted the words "parents are".

Amendment of section 166 of the principal law.

40. Section 167 of the principal law shall be amended as follows:

Amendment of section 167 of the principal law.

(a) for subsection (1) thereof there shall be substituted the following:

"(1) The usufruct of the parents shall cease on the death of the child, or the re-marriage of the surviving parent or in the case of an adoptive parent on his marriage or re-marriage."; and

(b) in subsection (2) thereof for the words "paternal authority" there shall be substituted the words "parental authority".

41. In section 168 of the principal law for the words "the father continues to enjoy the property of the child living with him" and the words "the father or his heirs" there shall be substituted respectively the words "the parents continue to enjoy the property of the child living with them" and "the parents or their heirs"; and in the marginal note thereof for the words "father continues" there shall be substituted the words "parents continue".

Amendment of section 168 of the principal law.

42. For section 169 of the principal law there shall be substituted the following:

Substitution of section 169 of the principal law.

"Parental authority of surviving spouse.

169. (1) In the event of the death of one of the parents, parental authority shall continue in the surviving parent in respect of his children and of their property, including the property devolving on the children from the succession of their deceased parent and from other cause after the death of such parent.

(2) The provisions of subsection (1) of this section shall also apply where one of the parents has forfeited or been deprived of parental authority or cannot because of absence or other impediment exercise the rights of parental authority.

(3) If either of the parents has been deprived of the right of usufruct only, such right shall also vest in the other parent."

"Substitution of section 170 of the principal law.

43. For section 170 of the principal law there shall be substituted the following:

"When parent remarries and continues to administer child's property.

170. (1) If the surviving parent on his re-marriage continues to administer the property of his children, whether or not such parent still exercises the rights of parental authority, his spouse shall be held liable in solidum with him for the administration both preceding and subsequent to the marriage.

(2) The provisions of this section shall apply to an adoptive parent on his marriage or re-marriage."

Repeal of section 171 of the principal law.

44. Section 171 of the principal law shall be repealed.

Amendment of heading under Sub-Title III of Title IV of the principal law.

45. In Sub-Title III of Title IV of Book First of the principal law for the words "Paternal Authority" in the heading thereof there shall be substituted the words "Parental Authority".

Amendment of section 176 of the principal law.

46. Section 176 of the principal law shall be amended as follows:

(a) for the words "paternal authority" wherever they occur in that section and in the marginal note thereof, there shall be substituted in each case the words "parental authority";

(b) in paragraph (d) thereof for the words "the father" and "father's home" there shall be substituted respectively the words "the parents" and "parents' home"; and

(c) in paragraph (e) thereof for the words "the father" there shall be substituted the words "the parents".

Amendment of section 177 of the principal law.

47. In section 177 of the principal law for the words "the father, in the paternal authority" there shall be substituted the words "the parent, in the parental authority"; and in the marginal note thereof for the words "father" and "paternal" there shall be substituted respectively the words "parent" and "parental".

Amendment of section 178 of the principal law.

48. In section 178 of the principal law for the word "father" there shall be substituted the word "parent".

Amendment of section 179 of the principal law.

49. In section 179 of the principal law for the words "father" and "paternal" wherever they occur in that section and in the marginal note thereof there shall be substituted respectively the words "parent" and "parental".

Amendment of section 180 of the principal law.

50. In section 180 of the principal law for the words "father" and "paternal" wherever they occur in that section and in the marginal note thereof there shall be substituted respectively the words "parent" and "parental".

Amendment of section 181 of the principal law.

51. In section 181 of the principal law and in the marginal note thereof for the word "paternal" wherever it occurs there shall be substituted the word "parental".

52. In subsection (2) of section 184 of the principal law for the word "paternal" there shall be substituted the word "parental". Amendment of section 184 of the principal law.
53. In section 186 of the principal law for the word "paternal" there shall be substituted the word "parental". Amendment of section 186 of the principal law.
54. In section 264 of the principal law for the words "illegitimate children" there shall be substituted the words "natural children". Amendment of section 264 of the principal law.
55. In subsection (1) of section 270 of the principal law for the word "paternal" there shall be substituted the word "parental". Amendment of section 270 of the principal law.
56. In section 312 of the principal law for the words "an illegitimate child" and "illegitimate" there shall be substituted respectively the words "a natural child" and "natural"; and in the marginal note thereof for the word "Illegitimate" there shall be substituted the word "Natural". Amendment of section 312 of the principal law.
57. In section 315 of the principal law for the words "an illegitimate child" wherever they occur there shall be substituted the words "a natural child", and in the marginal note thereof for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 315 of the principal law.
58. In section 324 of the principal law for the words "an illegitimate child" and "illegitimate father" there shall be respectively substituted the words "a natural child" and "natural father"; and in the marginal note thereof for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 324 of the principal law.
59. In section 325 of the principal law for the words "an illegitimate child" there shall be substituted the words "a natural child". Amendment of section 325 of the principal law.
60. In section 327 of the principal law for the words "an illegitimate child" there shall be substituted the words "a natural child". Amendment of section 327 of the principal law.
61. In the English text of section 431 of the principal law for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 431 of the principal law.
62. Section 639 of the principal law shall be amended as follows:
 (a) in that section and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural";
 (b) immediately after the words "or legitimated by decree of Court," there shall be inserted the words "or whose filiation has been declared by a judgment of the competent Court,"; and
 (c) the words "paragraph (a) of" shall be deleted.
63. For subsection (2) of section 641 of the principal law, there shall be substituted the following:
 "(2) Where the testator leaves legitimate children or descendants, or children or descendants legitimated by a subsequent Amendment of section 641 of the principal law.

marriage, he cannot bequeath to the adopted children or their descendants, or to natural children legitimated by a decree of the Court or acknowledged or whose filiation has been declared by a judgement of the competent Court, or their descendants, more than that which the least favoured of the legitimate children or descendants, or children or descendants legitimated by a subsequent marriage will receive.”.

Amendment of section 651 of the principal law.

64. In section 651 of the principal law for the words “illegitimate children” wherever they occur there shall be substituted in each case the words “natural children”.

Amendment of section 653 of the principal law.

65. Section 653 of the principal law shall be amended as follows:

(a) subsection (3) thereof shall be re-numbered (4); and

(b) for subsections (1) and (2) thereof there shall be substituted the following new subsections:

“(1) For the purposes of determining the legitim, account shall be taken of all the children of the deceased whether legitimate, legitimated by subsequent marriage, adoptive children, or natural children legitimated by a decree of the Court, acknowledged in the act of birth or other public deed or whose filiation has been declared by a judgement of the competent Court.

(2) The legitim due to legitimate children, or to children legitimated by subsequent marriage or to adoptive children shall be a third part of the property to the deceased if the children mentioned in subsection (1) of this section are not more than four in number, or one half of such property if they are five or more in number.

(3) Natural children shall, however, be only entitled to a portion equal to one-half of the legitim to which they would have been entitled if they had been legitimate children.

(4) The legitim due to the legitimate children, children legitimated by subsequent marriage or adoptive children, shall be divided equal amongst them, and the portion due to natural children in accordance with the provisions of the preceding subsections shall be divided in equal shares amongst them.”.

Amendment of section 656 of the principal law.

66. In subsection (1) of section 656 of the principal law for the word “illegitimate” there shall be substituted the word “natural”.

Substitution of heading under subsection III of Sub-Title I of Title III of Part II of Book Second of the principal law.

67. For the heading “OF THE RIGHTS OF THE SURVIVING SPOUSE AND OF ILLEGITIMATE CHILDREN” immediately preceding section 668 of the principal law, there shall be substituted the heading “OF THE RIGHTS OF THE SURVIVING SPOUSE AND OF NATURAL CHILDREN”.

Amendment of section 677 of the principal law.

68. Section 677 of the principal law shall be amended as follows:

(a) for subsections (1) and (2) thereof there shall be substituted the following:

“(1) Natural children acknowledged in the act of birth, or in any other public deed whether before or after their birth, or legitimated by a decree of the competent Court, shall be entitled to a portion of the estate of the parent who has so acknowledged them, or at whose demand they have been so legitimated, and such portion shall be one-half of the portion to which they would have been entitled if they had been legitimate children.”; and

(b) subsection (3) thereof shall be re-numbered subsection (2), and for the word “illegitimate” therein, there shall be substituted the word “natural”.

69. Immediately after section 668 of the principal law there shall be added the following new section:

Addition of new section 668A to the principal law.

“Right of use and habitation.

668A. (1) Saving any other right pertaining to the surviving spouse under any law, such spouse shall be entitled to the right of use and habitation of the matrimonial home if this is held by the deceased spouse in full ownership or on emphyteusis, whether wholly or jointly with the surviving spouse.

(2) Such right of use and habitation —

(a) shall not apply if there exists against the surviving spouse a judgment of personal separation, or if the surviving spouse had deserted the other spouse without good grounds;

(b) shall cease on the re-marriage of that surviving spouse.”.

70. In section 670 of the principal law for the words “one-fourth” there shall be substituted the words “one-half”.

Amendment of section 670 of the principal law.

71. In section 678 of the principal law and in the marginal note thereof, for the word “illegitimate” there shall be substituted the word “natural”.

Amendment of section 678 of the principal law.

72. Section 679 of the principal law shall be amended as follows:

Amendment of section 679 of the principal law.

(a) in subsection (1) thereof for the word “illegitimate” there shall be substituted the word “natural”, and the words “but it shall in no case exceed such amount as may be necessary for the maintenance of each of such children during his or her lifetime” shall be deleted; and

(b) subsections (2) and (3) thereof shall be deleted.

73. In section 680 of the principal law for the word “illegitimate” in the section and in the marginal note thereof, there shall be substituted the word “natural”.

Amendment of section 680 of the principal law.

74. In section 681 of the principal law for the word “illegitimate” wherever it occurs there shall be substituted the word “natural”.

Amendment of section 681 of the principal law.

Amendment of section 682 of the principal law.

75. In section 682 of the principal law and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural".

Amendment of section 683 of the principal law.

76. In section 683 of the principal law and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural".

Amendment of section 802 of the principal law.

77. In section 802 of the principal law for the word "parent" there shall be substituted the word "parents".

Amendment of section 827 of the principal law.

78. In section 827 of the principal law for the word "illegitimate" there shall be substituted the word "natural".

Amendment of section 837 of the principal law.

79. In subsection (2) of section 837 of the principal law for the word "father" there shall be substituted the words "parent excluded as aforesaid".

Amendment of subheading immediately preceding section 856.

80. In the heading preceding section 856 of the principal law for the word "ILLEGITIMATE" wherever it occurs there shall be substituted the word "NATURAL".

Amendment of section 856 of the principal law.

81. In section 856 of the principal law and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural".

Amendment of section 857 of the principal law.

82. Section 857 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "An illegitimate" there shall be substituted the words "A natural"; and

(b) in subsection (2) thereof after the word "inheritance," there shall be added the words "provided that where the natural parent is survived by a spouse, the child shall not be entitled to the inheritance or a portion thereof, if the action for the judicial declarator of filiation had not been instituted before the death of that parent".

Amendment of section 858 of the principal law.

83. Section 858 of the principal law shall be amended as follows:

(a) for the word "illegitimate" in that section and in the marginal note thereof, there shall be substituted the word "natural";

(b) in paragraph (a) thereof for the words "in paragraph (a) of subsection 1 of section 677" there shall be substituted the words "in subsection (1) of section 668", and for the words "in the said paragraph" there shall be substituted the words "in section 677"; and

(c) in paragraph (b) thereof, for the words "two-thirds" and "one-third" there shall be respectively substituted the words "one-half".

84. In section 859 of the principal law and in the marginal note thereof for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 859 of the principal law.
85. In section 860 of the principal law and in the marginal note thereof for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 860 of the principal law.
86. In section 861 of the principal law and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 861 of the principal law.
87. In section 862 of the principal law and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 862 of the principal law.
88. In section 863 of the principal law and in the marginal note thereof, for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 863 of the principal law.
89. Section 865 of the principal law shall be amended as follows:
 (a) for the word "illegitimate" wherever it occurs there shall be substituted the word "natural"; and
 (b) in paragraph (a) of subsection (1) thereof, for the words "a third part" there shall be substituted the words "one-half". Amendment of section 865 of the principal law.
90. In section 866 of the principal law for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 866 of the principal law.
91. In section 879 of the principal law and in the marginal note thereof, for the word "illegitimate" wherever it occurs, there shall be substituted the word "natural". Amendment of section 879 of the principal law.
92. In section 880 of the principal law, for the word "illegitimate" wherever it occurs, there shall be substituted the word "natural". Amendment of section 880 of the principal law.
93. In subsection (1) of section 881 of the principal law and in the marginal note thereof, for the word "illegitimate" wherever it occurs, there shall be substituted the word "natural". Amendment of section 881 of the principal law.
94. In section 883 of the principal law, for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 883 of the principal law.
95. In section 884 of the principal law, for the word "illegitimate" wherever it occurs there shall be substituted the word "natural". Amendment of section 884 of the principal law.
96. In subsection (1) of section 885 of the principal law for the word "illegitimate" there shall be substituted the word "natural". Amendment of section 885 of the principal law.

Amendment of section 889 of the principal law.

97. In section 889 of the principal law for the words "parent" and "paternal" there shall be substituted the words "parents" and "parental".

Addition of new section 917A to the principal law.

98. Immediately after section 917 of the principal law there shall be added the following new section:

"Register of renunciations of inheritance.

917A. (1) Every renunciation of an inheritance whether such renunciation is made by a declaration filed in the Registry of a Court of voluntary jurisdiction or is deemed to have been made in virtue of a judgment as provided in section 909, shall be registered by the Registrar of the Superior Courts in the book kept for the purpose in the Registry of the Civil Court, Second Hall.

(2) The Registrar of the Court in Gozo shall, within six days of the filing of a note of such renunciation in that Court or of the day on which such judgment delivered by that Court becomes *res judicata*, deliver an authentic copy thereof to the Registrar of the Superior Courts for registration as provided in this section.

(3) The entries in that book shall contain the full particulars regarding the person making the renunciation or in regard to whom the renunciation becomes effective by operation of a Court judgment, the particulars regarding the deceased person in respect of whose estate that renunciation is made or becomes effective, including the place and date of his decease, and any reservation or other circumstances respecting the renunciation or its effects.

(4) The said book shall contain all such renunciations irrespective of the place within these Islands in which the deceased resided at the time of his death, and shall be accessible to the public."

Amendment of section 955 of the principal law.

99. Section 955 of the principal law shall be amended as follows:

(a) the section shall be numbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof there shall be added the following new subsection:

"(2) The provisions of the preceding subsection shall not apply to natural children mentioned in sections 677, 678 and 679."

Amendment of section 1011 of the principal law.

100. In section 1011 of the principal law and in the marginal note thereof, for the word "paternal" there shall be substituted the word "parental".

Amendment of section 1012 of the principal law.

101. In section 1012 of the principal law and in the marginal note thereof, for the word "paternal" there shall be substituted the word "parental".

102. Section 1282 of the principal law shall be amended as follows:

Amendment of section 1282 of the principal law.

(a) in subsection (1) thereof for the words "paternal authority, or pertaining to the husband as head of the family" there shall be substituted the words "parental authority";

(b) subsection (2) thereof shall be renumbered as subsection (3);

(c) immediately after subsection (1) thereof there shall be inserted the following new subsection:

"(2) Nevertheless, any agreement to the effect that the husband is the head of the family and vested with rights and obligations different from those deriving from the provisions of this Code but not expressly prohibited by law, shall be valid.";

(d) in subsection (3) thereof the word "Nevertheless" shall be deleted, and for the words "shall be valid" there shall be substituted the words "shall also be valid"; and

(e) in the marginal note thereof for the word "paternal" there shall be substituted the word "parental".

103. For section 1285 of the principal law there shall be substituted the following:

Substitution of section 1285 of the principal law.

"Marriage agreements by minor.

1285. (1) Marriage agreements entered into by a minor with the consent of the parents exercising parental authority, or if such parents disagree between them with the consent of one of them, shall be valid.

(2) If one of such parents is absent, interdicted or of unsound mind, the consent of the other parent shall be sufficient for that validity.

(3) Where both parents are absent, dead, interdicted or of unsound mind, the authority of the Court shall be necessary for that validity."

104. Section 1288 of the principal law shall be amended as follows:

Amendment of section 1288 of the principal law.

(a) subsection (3) thereof shall be renumbered (4); and

(b) immediately after subsection (2) thereof there shall be inserted the following new subsection:

"(3) The provisions of subsection (2) of section 1282 shall apply to this section."

105. For section 1303 of the principal law there shall be substituted the following:

Substitution of section 1303 of the principal law.

"1303. (1) The administration of the dotal property and the right to sue or to be sued in respect of such property appertains to the spouses jointly.

(2) If one of the spouses is absent or otherwise cannot properly administer the dotal property, the other spouse may be authorised by the Court to administer such property and to exercise over such property the right to sue or be sued in respect of such property.”

Repeal of various sections of the principal law.

106. Sections 1304, 1305 and the proviso to paragraph (c) of section 1336 of the principal law shall be repealed.

Amendment of section 1362 of the principal law.

107. Section 1362 of the principal law shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following:

“(1) The administration of the acquests and the right to sue or to be sued in respect of such acquests appertains to the spouses jointly; and a spouse may not alienate or hypothecate such acquests without the consent of the other spouse except to satisfy obligations imposed by law or where the law provides otherwise.”;

(b) subsection (2) thereof shall be amended as follows:

(i) for the words from “If the husband is absent or otherwise” to the words “the Court may deem proper to impose” there shall be substituted the following:

“If one of the spouses is absent or otherwise cannot properly administer the acquests, the other spouse shall assume the administration thereof temporarily and, in cases of evident need or utility, such spouse may also be authorised by the Court to perform acts of alienation or to hypothecate property subject to such conditions as the Court may deem fit to impose.”;

(ii) in the proviso thereto for the words “the husband as if he were a party” there shall be substituted the words “the other spouse as if such spouse were a party”;

(c) in subsection (3) thereof for the words “married woman may be withdrawn by her” there shall be substituted the words “married person may be withdrawn by such person”; and

(d) for subsection (4) thereof there shall be substituted the following:

“(4) The management of the business or profession of a spouse shall pertain to that spouse, who shall transact all matters relating to the business or profession without the need of the consent of the other spouse, and the community of acquests shall not be exempt from being charged with debts arising therefrom.”.

Amendment of section 1367 of the principal law.

108. In subsection (2) of section 1367 of the principal law the words from “provided that the wife” up to “her share of the acquests” shall be deleted.

Amendment of section 1372 of the principal law.

109. In subsection (1) of section 1372 of the principal law for the words “the husband” and “his own property” there shall be substituted respectively the words “a spouse” and “the property of such spouse”,

and in the marginal note thereto for the word "husband" there shall be substituted the word "spouses".

110. Section 1373 of the principal law shall be amended as follows: Amendment of section 1373 of the principal law.

(a) in subsection (1) thereof for the words "the wife" wherever they occur there shall be substituted in each case the words "a spouse";

(b) in subsection (2) thereof for the words "the wife" and "the husband" there shall be substituted respectively the words "a spouse" and "the other spouse"; and

(c) in the marginal note thereof for the word "wife" there shall be substituted the word "spouse".

111. For section 1375 of the principal law there shall be substituted the following: Substitution of section 1375 of the principal law.

"1375. The management of the paraphernal property of a spouse, whether or not the fruits of which are, under section 1365, included in the acquests, appertains to such spouse."

112. For subsection (2) of section 1386 of the principal law there shall be substituted the following: Amendment of section 1386 of the principal law.

"(2) Where there is no community of acquests, the rules contained in the following sections of this sub-title shall be observed, subject to any condition of the agreement."

113. In section 1387 of the principal law, for the words "one-third" there shall be substituted the words "one-half". Amendment of section 1387 of the principal law.

114. In section 1394 of the principal law, the figures "1304, 1305" shall be deleted; and in the marginal note thereof for the words "ss. 1304 to 1307." there shall be substituted the words "ss. 1306 and 1307.". Amendment of section 1394 of the principal law.

115. In subsection (2) of section 1457 of the principal law the words "married women" shall be deleted. Amendment of section 1457 of the principal law.

116. In section 1842 of the principal law for the words "illegitimate children" there shall be substituted the words "natural children". Amendment of section 1842 of the principal law.

117. For subsections (1), (2) and (3) of section 1854 of the principal law there shall be substituted the following: Amendment of section 1854 of the principal law.

"(1) No person, other than a parent exercising parental authority over a minor, may accept on behalf of the minor a donation made to him, except with the authority of the Court.

(2) If the donation is made by one of the parents, it may be accepted on his behalf by the other parent.

(3) Where one of the parents is absent, or is unwilling or unable to give his consent, the other parent may accept the donation on behalf of the minor."

Amendment of section 1855 of the principal law.

118. In section 1855 of the principal law and in the marginal note thereof, for the words "an illegitimate child" there shall be substituted the words "a natural child".

Amendment of section 1858 of the principal law.

119. Section 1858 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "the parent, the legitimate ascendant, or the tutor or curator neglects or without just cause refuses" there shall be substituted the words "the parents, or the tutor or curator neglect or without just cause refuse"; and

(b) in subsection (2) thereof the words "or legitimate ascendant" and "or ascendant" shall be deleted.

Amendment of section 1859 of the principal law.

120. In section 1859 of the principal law for the word "paternal" there shall be substituted the word "parental".

Amendment of section 1903 of the principal law.

121. In section 1903 of the principal law for the words "consent of the parent" and "the parent aforesaid cannot give his consent" there shall be respectively substituted the words "consent of a parent" and "cannot give their consent".

Amendment of section 2015 of the principal law.

122. In section 2015 of the principal law the words "a husband or" and "husband" shall be deleted.

Substitution of section 2037 of the principal law

123. For section 2037 of the principal law there shall be substituted the following:

"Surety between spouses.

2037. (1) Any debt arising from a suretyship contracted by a spouse for an obligation of the other spouse, shall be at the charge of the particular property of the spouse contracting the suretyship.

(2) A suretyship contracted by a spouse for an obligation of the other spouse from which a debt arises which is a charge on the community of acquets, shall, unless made with the authority of the Court, be null."

Amendment of section 2124 of the principal law.

124. In subsection (3) of section 2124 of the principal law for the words "mother" wherever it occurs and "step-father" there shall be substituted respectively the words "parent" and "step-parent".

Amendment of section 2143 of the principal law.

125. In subsection (2) of section 2143 of the principal law for the word "paternal" there shall be substituted the word "parental".

Amendment of section 2228 of the principal law.

126. In paragraph (b) of section 2228 of the principal law for the word "paternal" there shall be substituted the word "parental".

Amendments and repeals.

127. The enactments mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments specified in relation thereto in the second column of that Schedule.

128. (1) The coming into force of this Act shall not —

(a) affect the previous operation of any section of the Civil Code or of any other enactment, amended or repealed by this Act, or anything lawfully done or suffered to be done by or under any such section; or

(b) affect any public deed entered into before the commencement of this Act, in so far as such public deed continued to be valid immediately before such commencement, or any right, obligation, liability or forfeiture, whether arising from a public deed or not, or anything whatsoever, acquired, accrued or incurred by or under any section of the Civil Code or of any other enactment, amended or repealed by this Act or done under any such section, and any such section so amended or repealed shall continue to apply to any public deed and to any right, obligation or liability arising from such deed; saving the provisions of subsection (2) of this section; or

(c) limit or affect any legal proceeding or remedy in respect of any such right, obligation, liability or forfeiture mentioned in paragraph (b) of this subsection, and any such proceedings or remedy may be instituted, continued, taken or enforced as if this Act had not been passed.

(2) Where a will has been made before the date of the coming into force of this Act but the succession of the testator devolves on or after such date, the provisions of this Act shall have effect and any testamentary disposition not conforming to such provision shall not for that reason be invalid but shall be abated to the extent that may be required.

(3) The provisions of subsection (1) of this section shall be construed without prejudice to the rights of a spouse in respect of a lease acquired by or under any section of any enactment as amended by this Act.

SCHEDULE

(Section 127)

Amendments and Repeals

<i>Enactment</i>	<i>Extent of Amendment</i>
Commercial Code, Cap. 17	(a) In paragraph (a) of section 9, for the word "parent" there shall be substituted the word "parents". (b) In subsection (1) of section 14, for the word "parent" wherever it occurs there shall be substituted the word "parents", and for the word "paternal" there shall be substituted the word "parental".
Reletting of Urban Property (Regulation) Ordinance, Cap. 109	(a) In section 2, in the definition of 'tenant'— (i) paragraphs (a), (b) and (c) shall be renumbered respectively (b), (c) and (d); and

<i>Enactment</i>	<i>Extent of Amendment</i>
	<p>(ii) immediately after the words "the expression 'tenant' includes" there shall be inserted the following:</p> <p style="padding-left: 40px;">“(a) the spouse of the tenant living with him, or who has not left the premises except in connection with proceedings for personal separation.”; and</p> <p style="padding-left: 40px;">(b) immediately after subsection (2) of section 5 there shall be added the following paragraph:</p> <p style="padding-left: 80px;">“For the purposes of this subsection the expression “tenant” includes the spouse of such tenant living with him, or who has not left the premises except in connection with proceedings for personal separation.”.</p>
Housing (Decontrol) Ordinance, 1959 Ord. No. XIX A of 1959	<p>Immediately after the proviso to subsection (3) of section 10B there shall be added the following paragraph:</p> <p style="padding-left: 40px;">“For the purposes of the proviso to this subsection the expression “tenant” includes the spouse of such tenant living with him, or who has not left the premises except in connection with proceedings for personal separation”.</p>
Children and Young Persons (Care Orders) Act, 1980 Act XVIII of 1980	<p>In subsection (2) of section 4, for the words “paternal authority” there shall be substituted the words “parental authority”.</p>
Income Tax Act, 1948 Act LIV of 1948	<p>In proviso (iii) to paragraph (b) of subsection (1) of section 22, for the words “an illegitimate” wherever they occur there shall be substituted in each case the words “a natural”.</p>
Death and Donation Duty Act, 1973 Act XLVII of 1973	<p>In paragraph (f) of subsection (4) of section 13, for the word “illegitimate” there shall be substituted the word “natural”.</p>

Objects and Reasons

The Object of the Bill is mainly to update the civil law regarding family relationships, in particular those between the spouses which the Bill aims at giving equality of rights in their reciprocal relations, in the administration of their common property and in regard to their children. The law is being reformed in other aspects, particularly with regard to children born outside marriage, who are being given special rights in their relationship with the natural parents and succession rights in regard to parents and half-brothers and sisters.