

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,417, 4 ta' April, 2025

Taqsim C

Nru 130

04. 04. 2025

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Rebecca Buttigieg, M.P., Segretarju Parlamentari għall-Ugwaljanza u r-Riformi, f'isem il-Ministru għall-Politika Soċjali u d-Drittijiet tat-Tfal, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Jannar 2025.

ATT sabiex jemenda diversi ligijiet dwar żwieġ tat-tfal u żwieġ furzat u sabiex jipprovdi għal kwistjonijiet anċillari u konsegwenzjali għalihom.

A BILL introduced by the Honourable Rebecca Buttigieg, M.P., Parliamentary Secretary for Equality and Reforms, on behalf of the Minister for Social Policy and Children's Rights, and read the First time at the Sitting of the 13th January 2025.

AN ACT to amend various laws on child marriage and forced marriage and to provide for matters which are ancillary and consequential thereto.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jemenda diversi liġijiet dwar żwieġ tat-tfal u żwieġ furzat u sabiex jipprovdi għal kwistjonijiet anċillari u konsegwenzjali għalihom.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2025 li jemenda Diversi Liġijiet dwar Żwieġ tat-Tfal u Żwieġ Furzat. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-ugwaljanza u l-Ministru responsabbli għall-politika soċjali u għad-drittijiet tal-minuri jistgħu, b'avviż fil-Gazzetta jistabbilixxu, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

TAQSIMA I EMENDA GĦALL-KODIĊI KRIMINALI

2. Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din it-Taqsima msejjah il-"Kodiċi". Emenda għall-Kodiċi Kriminali. Kap. 9.

3. Fil-proviso għall-artikolu 251G tal-Kodiċi l-kliem "effett legali." għandhom jiġu sostitwiti bil-kliem "effett legali:" u minnufih wara għandhom jiġu miżjuda dawn il-provisos godda li ġejjin: Emenda tal-artikolu 251G tal-Kodiċi.

"Izda wkoll għall-finijiet ta' dan l-artikolu, żwieġ għandu jfisser kwalunkwe ċerimonja reliġjuża jew ċivili taż-żwieġ, sew jekk legalment vinkolanti jew xort'oħra:

C 2896

Iżda wkoll għall-finijiet ta' dan l-artikolu, meta ż-żwieġ ma jkunx legalment vinkolanti, iż-żwieġ għandu jkun soċjalment rikonoxxut li jkollu effetti simili għaž-żwieġ."

Emenda tal-artikolu 251GA tal-Kodiċi.

4. Fl-artikolu 251GA tal-Kodiċi l-kliem "erbgha sa sitt snin." għandhom jiġu sostitwiti bil-kliem "erba' (4) sa sitt (6) snin:" u minnufih wara għandhom jiġu miżjuda l-provisos ġodda li ġejjin:

"Iżda għall-finijiet ta' dan l-artikolu, żwieġ għandu jfisser kwalunkwe ċerimonja reliġjuża jew ċivili taż-żwieġ, sew jekk legalment vinkolanti jew xort'oħra:

Iżda wkoll għall-finijiet ta' dan l-artikolu, meta ż-żwieġ ma jkunx legalment vinkolanti, iż-żwieġ għandu jkun soċjalment rikonoxxut li jkollu effetti simili għaž-żwieġ."

TAQSIMA II EMENDI GĦALL-KODIĊI ĊIVILI

Emendi għall-Kodiċi Ċivili. Kap. 16.

5. Din it-Taqsima temenda l-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ il-"Kodiċi".

Emenda tal-artikolu 189 tal-Kodiċi.

6. Fis-subartikolu (4) tal-artikolu 189 tal-Kodiċi l-kliem "1035, 1036 u 1241" għandhom jiġu sostitwiti bil-kliem "1035 u 1036".

Thassir tal-artikolu 1241 tal-Kodiċi.

7. L-artikolu 1241 tal-Kodiċi għandu jiġi mħassar.

Emenda tal-artikolu 1744 tal-Kodiċi.

8. Il-paragrafu (ċ) tal-artikolu 1744 tal-Kodiċi għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(ċ) il-minuri."

Thassir tal-artikolu 1807 tal-Kodiċi.

9. L-artikolu 1807 tal-Kodiċi għandu jiġi mħassar.

TAQSIMA III EMENDA GĦALL-ATT DWAR IŻ-ŻWIEĠ

Emenda għall-Att dwar iż-Żwieġ. Kap. 255.

10. Din it-Taqsima temenda l-Att dwar iż-Żwieġ u għandha tinqara u tinftiehem haġa waħda mal-Att dwar iż-Żwieġ, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Sostituzzjoni tal-artikolu 3 tal-Att prinċipali.

11. L-artikolu 3 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Età taż-żwieġ.

3. Żwieġ li jsir bejn persuni li waħda minnhom tkun taħt l-età ta' tmintax (18)-il sena għandu jkun null u bla effett."

TAQSIMA IV
EMENDA GHALL-ATT DWAR IL-KOABITAZZJONI

12. Din it-Taqsima temenda l-Att dwar il-Koabitazzjoni u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Koabitazzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emenda għall-Att dwar il-Koabitazzjoni. Kap. 614.

13. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu l-kliem ", sakemm mhux awtorizzata skont il-liġi fit-termini tas-subartikolu (3)" għandhom jiġu mħassra; u

(b) is-subartikolu (3) tiegħu għandu jiġi mħassar.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li jgħolli l-età minima għaž-żwieġ għal tmintax (18)-il sena u sabiex jipprovdi li żwieġ li jsir bejn minuri jew bejn persuni li waħda minnhom tkun taħt l-età ta' tmintax (18)-il sena jkun f'kull każ null u bla effett. L-Abbozz jiċċara t-tifsira ta' żwieġ li tinsab fid-dispożizzjonijiet kriminali relatati maż-żwieġ furzat sabiex tissaħħaħ aktar il-protezzjoni legali tal-vittmi.

C 2898

**A BILL
entitled**

AN ACT to amend various laws on child marriage and forced marriage and to provide for matters which are ancillary and consequential thereto.

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

Short title and commencement.

1. (1) The short title of this Act is the Various Laws relating to Child Marriage and Forced Marriage (Amendment) Act, 2025.

(2) This Act shall come into force on such date or dates as the Minister responsible for equality and the Minister responsible for social policy and the rights of minors, may by notice in the Gazette establish, and different dates may be so established for different provisions and, or purposes of this Act.

**PART I
AMENDMENT TO THE CRIMINAL CODE**

Amendment to the Criminal Code. Cap. 9.

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

Amendment of article 251G of the Code.

3. In the proviso to article 251G of the Code the words "effect at law." shall be substituted by the words "effect at law:" and immediately thereafter there shall be added the following new provisos:

"Provided further that for the purposes of this article, marriage shall mean any religious or civil ceremony of marriage, whether or not legally binding:

Provided further that for the purposes of this article, when the marriage is not legally binding, the marriage shall be socially recognised as having similar effects as a marriage."

4. In article 251GA of the Code the words "four to six years." shall be substituted by the words "four (4) to six (6) years:" and immediately thereafter there shall be added the following new provisos: Amendment of article 251GA of the Code.

"Provided that for the purposes of this article, marriage shall mean any religious or civil ceremony of marriage, whether or not legally binding:

Provided further that for the purposes of this article, when the marriage is not legally binding, the marriage shall be socially recognised as having similar effects as a marriage."

PART II AMENDMENTS TO THE CIVIL CODE

5. This Part amends the Civil Code and shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as the "Code". Amendments to the Civil Code. Cap. 16.

6. In sub-article (4) of article 189 of the Code the words "1035, 1036 and 1241" shall be substituted by the words "1035 and 1036". Amendment of article 189 of the Code.

7. Article 1241 of the Code shall be deleted. Deletion of article 1241 of the Code.

8. Paragraph (c) of article 1744 of the Code shall be substituted by the following new paragraph: Amendment of article 1744 of the Code.

"(c) minors."

9. Article 1807 of the Code shall be deleted. Deletion of article 1807 of the Code.

PART III AMENDMENT TO THE MARRIAGE ACT

10. This Part amends the Marriage Act and shall be read and construed as one with the Marriage Act, hereinafter in this Part referred to as the "principal Act". Amendment to the Marriage Act. Cap. 255.

11. Article 3 of the principal Act shall be substituted by the Substitution of article 3 of the principal Act.

C 2900

following new article:

"Age for marriage. 3. Marriage contracted between persons either of whom is under the age of eighteen (18) years shall be null and void."

**PART IV
AMENDMENT TO THE COHABITATION ACT**

Amendment to
the Cohabitation
Act.
Cap. 614.

12. This Part amends the Cohabitation Act and shall be read and construed as one with the Cohabitation Act, hereinafter in this Part referred to as the "principal Act".

Amendment of
article 4 of the
principal Act.

13. Article 4 of the principal Act shall be amended as follows:

(a) in paragraph (a) of sub-article (1) thereof the words ", unless that person is so authorised by law in terms of sub-article (3)" shall be deleted; and

(b) sub-article (3) thereof shall be deleted.

Objects and Reasons

The objects and reasons of this Bill are to raise the minimum age for marriage to eighteen (18) years and to provide that marriage contracted between minors or persons either of whom is under the age of eighteen (18) years is in any case null and void. The Bill also clarifies the definition of marriage contained in the criminal provisions relating to forced marriage in order to further strengthen legal protection of victims.