

MALTA

ATT Nru VII tal-2026

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

ATT sabiex jemenda liġijiet varji sabiex jipprovdi għat-twaqqif tal-Qorti tal-Familja u sabiex jipprovdi għal emendi konsegwenzjali.

ACT No. VII of 2026

AN ACT enacted by the Parliament of Malta.

AN ACT to amend various laws to provide for the establishment of the Family Court and to provide for consequential amendments.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

27 ta' Marzu, 2026

ATT Nru VII tal-2026

ATT sabiex jemenda ligijiet varji sabiex jipprovdi għat-twaqqif tal-Qorti tal-Familja u sabiex jipprovdi għal emendi konsegwenzjali.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 li jemenda Ligijiet Varji dwar it-Twaqqif tal-Qorti tal-Familja. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data jew dati li l-Ministru responsabbli għall-ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u, jew għal għanijiet differenti ta' dan l-Att.

TAQSIMA I

Emendi għall-Kodiċi Kriminali

2. Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tintfieh hemm haġa waħda mal-Kodiċi Kriminali, hawn aktar 'il quddiem f'din it-Taqsima msejjaħ il-"Kodiċi". Emendi għall-Kodiċi Kriminali. Kap. 9.

3. Fil-paragrafu (mm) tal-artikolu 338 tal-Kodiċi l-kliem "tat-tagħmir." għandhom jiġu sostitwiti bil-kliem "tat-tagħmir;" u minnufih wara għandu jiġi miżjud il-paragrafu ġdid li ġej: Emenda tal-artikolu 338 tal-Kodiċi.

"(nn) meta ordnat mill-qorti jew hekk marbut b'kuntratt sabiex ikollu aċċess għal wild, jonqos li jeżerċita tali aċċess jew, sakemm dan in-nuqqas ma jkunx jikkostitwixxi reat iktar gravi, jonqos milli jieħu fil-kura tiegħu jew milli jirritorna lill-wild fil-hin hekk ordnat jew miftiehem, mingħajr raġuni valida."

Żieda ta' artikolu ġdid fil-Kodiċi.

4. Minnufih wara l-artikolu 338 tal-Kodiċi, kif emendat, għandu jiġi miżjud l-artikolu ġdid li ġej:

"Reati kontinwati dwar manteniment, aċċess u kustodja.

338A. (1) Fejn diversi atti jew ommissjonijiet li jkunu jikkonsistu fi ksor tal-paragrafi (y), (z), (ll) jew (nn) tal-artikolu 338 jitwettqu mill-istess ħati fi żminijiet differenti fuq l-istess vittma, tali atti jew ommissjonijiet għandhom jitqiesu li jikkostitwixxu reat kontinwat għall-finijiet tal-artikolu 18.

(2) Fejn atti jew ommissjonijiet li jikkostitwixxu reat kontinwat kif provdut fis-subartikolu (1) jitwettqu wkoll fi żmien wara li l-persuna tkun diġà giet akkużata dwar atti jew ommissjonijiet oħra provduti fis-subartikolu (1), l-akkużi dwar l-imsemmija atti jew ommissjonijiet sussegwenti jistgħu, bil-permess tal-Qorti, jizdiedu mal-akkużi li jkunu ġew preċedentement preżentati u tali atti jew ommissjonijiet sussegwenti għandhom jikkostitwixxu wkoll reat kontinwat flimkien mal-atti jew ommissjonijiet preċedenti kif provdut fis-subartikolu (1)."

TAQSIMA II

Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili

Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

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

Emenda tal-artikolu 3 tal-Kodiċi.

6. Minnufih wara l-paragrafu (a) tal-artikolu 3 tal-Kodiċi għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(aa) Il-Qorti tal-Familja;"

Żieda ta' artikolu ġdid fil-Kodiċi.

7. Minnufih wara l-artikolu 32A tal-Kodiċi għandu jiġi miżjud l-artikolu ġdid li ġej:

"Qorti tal-Familja.

32B. (1) Imħallef wiehed (1) għandu jippresjedi fil-Qorti tal-Familja.

(2) Għandhom jiġu assenjati lill-Qorti tal-Familja tali kawżi ta' natura ċivili li għandhom x'jaqsmu:

- Kap. 16. (a) mat-*Titoli I, II u IV tal-Ewwel Ktieb tal-Kodiċi Ċivili*;
- Kap. 48. (b) l-*Ordinanza dwar l-Esekuzzjoni ta' Digriet* ta' *Manteniment*;
- Kap. 242. (ċ) l-*Att dwar l-Esekuzzjoni Reċiproka ta' Ordnijiet ta' Manteniment*;
- Kap. 255. (d) l-*Att dwar iż-Żwieġ*; u
- Kap. 410. (e) l-*Att dwar is-Sekwestru u l-Kustodja ta' Minuri*.

(3) Il-*Ministru responsabbli għall-gustizzja* jista' b'regolamenti jipprovdi sabiex:

(a) kwalunkwe referenza f'liġi jew regolamenti għall-*"Qorti Ċivili (Sezzjoni tal-Familja)"* jew kliem ieħor li jirreferi għall-istess sezzjoni tal-*Qorti Ċivili* jiġi sostitwit bil-kliem *"Qorti tal-Familja"*;

(b) kawżi li jirrigwardaw il-familja li mhumiex inklużi fis-subartikolu (2) jiġu assenjati sabiex jinstemgħu mill-*Qorti tal-Familja*;

(ċ) Il-*Qorti tal-Familja* jkollha ġurisdizzjoni sabiex tisma' u tiddeċiedi kawżi ta' natura kriminali li s-sugġett tagħhom ikun reat kriminali li jikkonsisti f'kontravvenzjoni relatata ma' kwistjoni ta' natura ċivili li tkun qiegħda tinstema' quddiem dik il-qorti.

(4) Wara d-data tad-dhul fis-seħh ta' dan l-artikolu u f'dik id-data li l-*Ministru responsabbli għall-gustizzja* jista' b'ordni fil-*Gazzetta* jistabbilixxi, il-kawżi kollha li jkunu ġew assenjati sabiex jinstemgħu mill-*Qorti Ċivili (Sezzjoni tal-Familja)* għandhom jiġu assenjati lill-*Qorti tal-Familja* b'dan iżda illi l-funzjoni tal-*Qorti tal-Familja* fil-każijiet li jaqgħu fil-*ġurisdizzjoni tal-Qorti ta' Għawdex* għandha, sakemm il-*Ministru responsabbli għall-gustizzja* ma jistabbilixxix mod ieħor b'regolamenti, tkompli titwettaq mill-*Qorti tal-Maġistrati (Għawdex) (Ġurisdizzjoni Superjuri) (Sezzjoni tal-Familja)*."

8. Minnufih wara l-artikolu 89 tal-*Kodiċi* għandu jiġi miżjud l-

Żieda ta' artikolu ġdid fil-*Kodiċi*.

artikolu ġdid li ġej:

"Uffiċċju ta' Sostenn.

89A. Bla ħsara għall-artikolu 89, il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jwaqqaf uffiċċju fi ħdan l-Aġenzija għas-Servizzi tal-Qrati li jkun magħruf bħala l-Uffiċċju ta' Sostenn, li l-funzjoni prinċipali tiegħu tkun li jipprovdi aċċess għal servizzi tal-qrati billi joffri servizzi ta' aċċessibilità assistita, sostenn speċjalizzat lil persuni vulnerabbli u koordinazzjoni ta' servizzi professjonali meħtieġa fit-twettiq tal-funzjonijiet tal-Qrati tal-Ġustizzja."

TAQSIMA III

Emenda għall-Kodiċi Ċivili

Emendi għall-Kodiċi Ċivili. Kap. 16.

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

Żieda ta' artikolu ġdid fil-Kodiċi.

10. Minnufih wara l-artikolu 21 tal-Kodiċi għandu jiġi miżjud l-artikolu ġdid li ġej:

"Setgħa li jsiru regolamenti dwar il-kalkolu tal-manteniment.

21A. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti li jistabbilixxu l-metodu li bih il-manteniment dovut taħt l-Ewwel Ktieb jista' jiġi kkalkulat skont id-dispożizzjonijiet tal-liġi li tirregola tali manteniment:

Iżda qabel ma jsiru r-regolamenti skont dan l-artikolu, il-Ministru għandu jagħmel prezentazzjoni ta' dawn ir-regolamenti quddiem il-Kumitat Permanenti dwar l-Affarijiet tal-Familja."

Żieda ta' artikolu ġdid fil-Kodiċi.

11. Minnufih wara l-artikolu 47 tal-Kodiċi għandu jiġi miżjud l-artikolu ġdid li ġej:

"Irtirar mill-komunjoni tal-akkwisti sabiex parti tkun tista' ttrissjedi barra d-dar taż-żwieġ.

47A. (1) Meta skont l-artikolu 46, fiż-żmien li l-kawża għas-separazzjoni tkun pendenti, waħda mill-partijiet titlaq mid-dar taż-żwieġ, tali parti tista', kemm qabel kif ukoll wara li titlaq mid-dar taż-żwieġ, titlob lill-qorti sabiex tawtorizza li ammont ta' spejjeż raġonevoli li l-imsemmija parti tkun garrbet jew tkun se ġgarrab sabiex ttrissjedi xi mkien ieħor, ikun jista' jiġi rtirat mill-komunjoni tal-akkwisti mingħajr il-ħtieġa tal-kunsens tal-parti l-oħra u l-parti rikjendenti tkun ukoll eżenti mill-obbligu li tikseb il-kunsens tal-parti l-oħra sabiex tidhol fi ftehim ta' kiri jew fi ftehim ieħor għall-okkupazzjoni temporanja ta' tali fond ta' residenza alternattiv.

(2) Il-qorti għandha tilqa' talba magħmula skont is-subartikolu (1) unikament jekk fil-fehma tagħha jkunu sodisfatti l-kondizzjonijiet li ġejjin:

(a) li t-tluq mid-dar taż-żwieġ u l-ispejjeż imgarrba jew li jkunu se jingarrbu għal dan il-għan ikunu ġustifikati u proporzjonati għaċ-ċirkostanzi kollha tal-partijiet;

(b) li l-ammont tal-ispejjeż li jintalab li jiġi rtirat mill-komunjoni tal-akkwisti jkun se jinħareġ minn flus direttament riċevuti jew fil-pussess tal-parti li tagħmel it-talba;

(ċ) li l-ispejjeż ikunu se jingarrbu biss għall-benefiċċju tal-parti li tagħmel it-talba u, jekk ikun il-każ, għal ulied ta' tali parti:

Iżda jekk persuna oħra se tibbenefika wkoll mill-imsemmija spejjeż, l-ammont awtorizzat jista' jitnaqqas b'mod kif il-qorti tqis li jkun proporzjonat fiċ-ċirkostanzi.

(3) L-awtorizzazzjoni tal-qorti mogħtija taħt dan l-artikolu tista' tkun soġġetta għal kondizzjonijiet kif il-qorti jidhrilha xierqa li jistgħu jinkludu wkoll kondizzjonijiet dwar l-effett ta' dik l-awtorizzazzjoni fuq ix-xoljiment eventwali tal-komunjoni tal-akkwisti."

12. Is-subartikolu (4) tal-artikolu 55 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda tal-artikolu 55 tal-Kodiċi.

"(4) Qabel tordna l-waqfien tal-komunjoni skont dan l-artikolu, il-Qorti għandha tqis il-preġudizzju li tista' tbat i kwalunkwe parti bħala riżultat ta' tali waqfien kif ukoll il-preġudizzju li tista' tbat i l-parti l-oħra bis-sussistenza tal-komunjoni, u l-Qorti għandha tordna l-waqfien tal-komunjoni fejn tqis li l-ebda parti ma se tbat i preġudizzju sproorzjonat b'tali waqfien."

VERŻJONI ELETTRONIKA

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 450 tal-25 ta' Marzu, 2026.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

27th March, 2026

ACT No. VII of 2026

AN ACT to amend various laws to provide for the establishment of the Family Court and to provide for consequential amendments.

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) The title of this Act is the Various Laws relating to the Establishment of the Family Court (Amendment) Act, 2026. Short title and commencement.

(2) This Act shall come into force on such date or dates as the Minister responsible for justice 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
Amendments to the Criminal Code

2. This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as the "Code". Amendments to the Criminal Code. Cap. 9.

3. In paragraph (mm) of article 338 of the Code the words "of the equipment." shall be substituted by the words "of the equipment;" and immediately thereafter there shall be added the following Amendment of article 338 of the Code.

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paragraph:

"(nn) when ordered by a court or so bound by a contract to have access to a child, fails to exercise such access or, unless such failure constitutes a more serious offence, fails to take into his care or to return the child at the time so ordered or agreed, without just cause."

Addition of new article to the Code.

4. Immediately after article 338 of the Code, as amended, there shall be added the following new article:

"Continuous offences in respect of maintenance, access and custody.

338A. (1) Where several acts or omissions consisting of violations of paragraphs (y), (z), (ll) or (nn) of article 338 are committed by the same offender at different times upon the same victim, such acts or omissions shall be deemed to constitute a continuous offence for the purposes of article 18.

(2) Where acts or omissions constituting a continuous offence as provided for in sub-article (1) are also committed at a time after the person has already been charged in respect of other acts or omissions provided for in sub-article (1), the charges in respect of the said subsequent acts or omissions may, with the permission of the Court, be added to the charges previously filed and such subsequent acts or omissions shall also constitute a continuous offence with the previous acts or omissions as provided in sub-article (1)."

PART II

Amendments to the Code of Organization and Civil Procedure

Amendments to the Code of Organization and Civil Procedure. Cap. 12.

5. This Part amends the Code of Organization and Civil Procedure and it shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as the "Code".

Amendment of article 3 of the Code.

6. Immediately after paragraph (a) of article 3 of the Code there shall be added the following new paragraph:

"(aa) the Family Court;"

Addition of new article to the Code.

7. Immediately after article 32A of the Code there shall be added the following new article:

"Family Court.

32B. (1) One (1) judge shall preside over the Family Court.

(2) There shall be assigned to the Family Court such causes of a civil nature which are related to:

- Cap. 16. (a) Titles I, II and IV of Book First of the Civil Code;
- Cap. 48. (b) the Maintenance Orders (Facilities for Enforcement) Ordinance;
- Cap. 242. (c) the Maintenance Orders (Reciprocal Enforcement) Act;
- Cap. 255. (d) the Marriage Act; and
- Cap. 410. (e) the Child Abduction and Custody Act.

(3) The Minister responsible for justice may by regulations provide for:

(a) any reference in a law or regulations to the "Civil Court (Family Section)" or other words referring to the same section of the Civil Court to be substituted by the words "Family Court";

(b) causes which relate to the family and which are not included in sub-article (2) to be assigned for hearing by the Family Court;

(c) the Family Court to have jurisdiction to hear and determine causes of a criminal nature the subject matter of which shall be a criminal offence consisting of a contravention related to a civil law matter being heard before that court.

(4) After the date of the coming into force of this article and on such date as the Minister responsible for justice may by order in the Gazette establish, all causes assigned to be heard by the Civil Court (Family Section) shall be assigned to the Family Court provided that the function of the Family Court in causes falling within the jurisdiction of the Courts of Gozo shall, unless the Minister responsible for justice by regulations establishes otherwise, continue to be fulfilled by the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section)."

8. Immediately after article 89 of the Code there shall be added the following new article:

Addition of new article to the Code.

"Support Office.

89A. Without prejudice to article 89, the Minister responsible for justice may by regulations establish an office within the Courts Services Agency to be known as the Support Office, the principal function of which shall be the provision of access to court services by offering assisted accessibility services, specialised support to vulnerable persons and coordination of professional services required in the execution of the functions of the Courts of Justice."

PART III
Amendments to the Civil Code

Amendments to the Civil Code. Cap. 16.

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

Addition of new article to the Code.

10. Immediately after article 21 of the Code there shall be added the following new article:

"Power to make regulations on calculation of maintenance.

21A. The Minister responsible for justice may make regulations establishing the method by which maintenance due under Book First may be calculated in accordance with the provisions of the law regulating such maintenance:

Provided that before making regulations under this article, the Minister shall make a presentation of these regulations before the Standing Committee on Family Affairs."

Addition of new article to the Code.

11. Immediately after article 47 of the Code there shall be added the following new article:

"Withdrawal from the community of acquests to enable a party to reside outside the matrimonial home.

47A. (1) When in accordance with article 46, during the time when the cause for separation is pending, one of the parties leaves the matrimonial home, such party may, both before and after leaving the matrimonial home, request the court to authorise that a reasonable amount of expenses which the said party shall have incurred or is going to incur in order to reside elsewhere be withdrawn from the community of acquests without the need of consent of the other party, and the requesting party shall also be exempt from the obligation to obtain the consent of the other party in order to enter into a lease agreement or into another agreement for the temporary occupation of such alternative residence.

(2) The Court shall accede to a request made in terms of sub-article (1) only if in its opinion the following conditions are satisfied:

(a) the departure from the matrimonial home and the expenses incurred or to be incurred for the purpose are justified and proportionate to all the circumstances of the parties;

(b) the amount of expenses requested to be withdrawn from the community of acquests shall be disbursed from funds directly received or in the possession of the party making the request;

(c) the expenses are to be incurred for the benefit of the party making the request and, if applicable, of the children of such party:

Provided that if another person is also to benefit from the said expenses, the authorised amount may be reduced in such manner as the court considers proportionate in the circumstances.

(3) The authorisation of the court granted under this article may be made subject to conditions as the court considers appropriate which may also include conditions on the effect of such authorisation on the eventual dissolution of the community of acquests."

12. Sub-article (4) of article 55 of the Code shall be substituted by the following new sub-article:

Amendment of article 55 of the Code.

"(4) Prior to ordering the cessation of the community in accordance with this article, the Court shall consider the prejudice that any party may suffer as a result of such cessation, as well as the prejudice that the other party may suffer from the subsistence of the community; and the Court shall order the cessation of the community where it considers that neither party would suffer disproportionate prejudice as a result of such cessation."

Passed by the House of Representatives at Sitting No. 450 of the 25th March, 2026.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA