

ABBOZZ TA' LIĠI msejjaħ

*ATT biex jirregola l-unjonijiet ċivili u biex jipprovdi dwar
ħwejjeġ li għandhom x'jaqsmu magħhom jew huma aċċillari
għalihom.*

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

1. It-titolu ta' dan l-Att hu Att tal-2013 dwar l-Unjonijiet Titolu fil-qosor.
Ċivili.

2. F'dan il-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx
xort'oħra -

"Registratur" għandha l-istess tifsira li ngħatatilha fl-Att dwar Kap. 255.
iż-Żwieġ, hawn iżjed 'il quddiem f'dan il-Att imsejjaħ "l-Att";

"sieħeb" tfisser persuna, tkun ta' liema sess tkun, li tkun
marbuta b'unjoni ċivili;

"unjoni ċivili" tfisser unjoni ċivili ċelebrata skont id-
dispożizzjonijiet ta' dan l-Att.

3. (1) Hlief kif provdut f'dan il-Att, il-persuni kollha li Twaqqif tal-
unjonijiet ċivili.
jissodisfaw l-obbligi meħtieġa biex jidhlu fi żwieġ skont l-Att jistgħu
jirreġistraw s-shubija tagħhom bħala unjoni ċivili.

(2) Registrazzjoni ta' shubija bħala unjoni ċivili hi permessa
bejn żewġ persuni tal-istess sess jew ta' sess differenti.

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Unjonijiet ċivili
u ż-żwieġ.

4. (1) Hlief kif provdut f'dan l-Att, unjoni ċivili, darba tkun reġistrata, għandha *mutatis mutandis* jkollha l-effetti u l-konsegwenzi li jikkorrispondu fil-liġi ta' żwieġ ċivili magħmul skont l-Att.

(2) Mingħajr preġudizzju għall-generalità tas-subartikolu (1):

(a) l-artikoli 3 sa 16 (it-tnejn inklużi), 18 sa 20 (it-tnejn inklużi), 33, 34, 36(3) u 38 tal-Att għandhom *mutatis mutandis* japplikaw għal unjonijiet ċivili:

Iżda:

(i) riferenza għal "mart", "żewġ" u "raġel u mara" fl-artikolu 15(2) tal-Att għandha tinftiehem bħala riferenza għal imsieħba f'unjoni ċivili sakemm l-imsemmi subartikolu japplika għal unjonijiet ċivili; u

(ii) riferenza għal "jitwieldu jew konċepiti" fl-artikolu 20(2) tal-Att għandhom jinftiehem li jinkludu wkoll tfal adottati minn imsieħba f'unjoni ċivili;

Kap. 16.

(b) l-artikoli 35 sa 66 (it-tnejn inklużi) u 66A sa 66N (it-tnejn inklużi) tal-Kodiċi Ċivili għandhom *mutatis mutandis* japplikaw għal l-unjonijiet ċivili.

Natura ta'
unjonijiet ċivili.

5. Unjonijiet ċivili għandhom ikunu esklussivament ta' natura ċivili u għandhom isiru biss f'forma ċivili, kif stabbilit b'dan l-Att.

Dispożizzjonijiet
partikolari
għal unjonijiet
ċivili.

6. Minkejja d-dispożizzjonijiet tal-artikolu 4, meta żwieġ ikun sar barra minn Malta bejn żewġ persuni tal-istess sess, l-artikolu 18 tal-Att għandu jinftiehem b'mod li jgħodd għal tali żwieġ.

Unjoni ċivili
nulla.

7. Unjoni ċivili, fejn wiehed mill-imsieħba ikun marbut bi żwieġ jew b'unjoni ċivili preċedenti, jew b'unjoni oħra ta' stat legali ekwivalenti li tkun giet ikkuntrattata barra minn Malta, tkun nulla.

Dispożizzjoni
transitorja.

8. Meta koppja, fejn waħda mill-partijiet tkun persuna abitwalment residenti f'Malta, tkun iżżewġet, daħlet f'unjoni ċivili jew f'istitut ta' stat legali ekwivalenti, f'pajjiż barra minn Malta, u waħda mill-persuni fil-koppja tkun ċittadin ta' pajjiż mhux Stat Membru fl-Unjoni Ewropea, il-komputazzjoni tar-residenza legali tal-imsemmi ċittadin ta' pajjiż terz f'Malta għandha tibda' retroattivament mid-data uffiċjali taż-żwieġ, tal-unjoni ċivili jew tal-istitut ta' stat legali ekwivalenti.

Ekwiparazzjoni
ta' drittijiet u l-
obbligi.

9. F'sitwazzjonijiet fejn id-drittijiet u l-obbligi tal-imsieħba ċivili m'humiex ċari, għandu jsir kull sforz biex jiġi żgurat illi d-

determinazzjoni ta' dawk id-drittijiet u l-obbligi tkun tali li tekwi-parhom għal dawk li jgawdu il-konjuġi.

10. Minnufih wara s-subartikolu (10) tal-artikolu 4 tal-Kodiċi Ċivili għandu jiżdid is-subartikolu ġdid li ġej:

Emenda tal-artikolu 4 tal-Kodiċi Ċivili. Kap. 16.

"(11) L-imsieħba f'unjoni ċivili kuntrattata skont l-Att tal-2013 dwar l-Unjonijiet Ċivili jistgħu, meta japplikaw għall-publikazzjoni tat-tnidijiet relatati mal-unjoni ċivili, jagħzlu li:

(a) jieħdu, għat-tnejn li huma, kunjom ta' xi wiehed mil-imsieħba tal-unjoni ċivili; jew

(b) jzommu l-kunjomhom; jew

(c) jzommu l-kunjomhom u jzidu miegħu l-kunjom tas-sieheb l-iehor fl-unjoni ċivili:

Izda jekk l-ebda għażla ma tkun giet espressa, hekk kif meħtieġ skont dan is-subartikolu, l-imsieħba tal-unjoni ċivili għandhom iżommu l-kunjomhom."

11. Minnufih wara l-artikolu 100A tal-Kodiċi Ċivili għandu jiżdid l-artikolu ġdid li ġej:

Żieda tal-artikolu 100B ġdid fil-Kodiċi Ċivili. Kap. 16.

"Il-filjazzjoni f'unjonijiet ċivili.

100B. (1) It-tfal addottati konguntivament minn imsieħba f'unjoni ċivili kuntrattata bejn persuni tal-istess sess skont l-Att tal-2013 dwar l-Unjonijiet Ċivili jew rikonoxxuta mill-istess Att għandhom, minkejja d-dispożizzjonijiet l-oħra ta' dan il-Kodiċi jew ta' kull liġi oħra, ikunu rikonoxxuti għall-finijiet u l-effetti tal-liġi bħala li għandhom ġenituri tal-istess sess u d-drittijiet u l-obbligi kollha tal-ġenituri lejn uliedhom u tal-ulied lejn il-ġenituri taħt dan il-Kodiċi jew taħt kull liġi oħra għandhom japplikaw għal dawk it-tfal u l-ġenituri.

(2) Meta persuna tkun mitluba, taħt xi liġi jew miżura amministrattiva, biex tiddikjara l-isem u xi partikularitajiet oħra tal-omm jew tal-missier, persuna li tkun giet adottata miż-żewġ imsieħba ta' unjoni ċivili kif imsemmi fis-subartikolu (1) ikollha l-jedd li tiddikjara l-ismijiet jew l-partikularitajiet l-oħra taż-żewġ imsieħba fl-imsemmija unjoni ċivili minflok l-imsemmija partikularitajiet tal-omm jew tal-missier."

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Żieda tal-artikolu 295A ġdid fil-Kodiċi Ċivili.
Kap. 16.

12. Minnufih wara l-artikolu 295 tal-Kodiċi Ċivili għandu jiżdid l-artikolu ġdid li ġej:

"Att ta' unjoni ċivili.

295A. (1) Id-dispożizzjonijiet ta' dan is-Sub-titolu għandhom *mutatis mutandis* japplikaw għal unjonijiet ċivili kuntrattati skont l-Att tal-2013 dwar l-Unjonijiet Ċivili.

(2) Att ta' unjoni ċivili għandu jkun skont kif stipulat fil- Formula EE fit-Taqsima II tal-Ewwel Skeda li tinsab ma' dan il-Kodiċi."

Żieda tal-Formula EE fit-Taqsima II tal-Ewwel Skeda li tinsab mal-Kodiċi Ċivili.
Kap. 16.

13. Fit-Taqsima II tal-Ewwel Skeda li tinsab mal-Kodiċi Ċivili, minnufih wara l-Formula E li ġġib l-isem ta' "Att taż-Żwieġ Act of Marriage", għandha tiżdid il-Formula EE ġdida, hekk kif tinsab fl-iskeda li tinsab ma' dan l-Att.

Emenda fil-Kodiċi Kriminali.
Kap. 9.

14. Minnufih wara l-artikolu 196 tal-Kodiċi Kriminali għandu jiżdid l-artikolu ġdid li ġej:

"Bigamija li tinvolvi unjoni ċivili.

196A. Ir-reat previst fl-artikolu 196 jiġi mwettaq ukoll u l-pieni provduti f'dak l-artikolu għandhom japplikaw ukoll għal kull sieheb, f'unjoni ċivili li tkun ġiet kuntrattata jew li tkun rikonoxxuta taht l-Att tal-2013 dwar l-Unjonijiet Ċivili, illi filwaqt li unjoni ċivili valida tkun fis-seħħ jidhol f'unjoni ċivili oħra jew fi żwieġ u għal kull persuna li waqt żwieġ validu tikkuntratta unjoni ċivili."

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

15. Fil-proviso għas-subartikolu (5) tal-artikolu 7 tal-Att dwar iż-Żwieġ, minnufih wara l-kliem "għall-għan ta' dan l-artikolu." għandhom jiżdiedu l-kliem "Dan il-proviso għandu japplika ukoll fejn jintwera għas-soddisfazzjon tar-Registratur illi l-ksib ta' ċertifikat tat-twelid jkun jista' jesponi lill-persuna li titlob il-pubblikazzjoni tat-tnidijiet għal riskju għall-integrità fiżika jew mentali tagħha."

SKEDA

Artikolu 13

"FORMULA EE

Artikolu 295A

ATT TA' UNJONI ĊIVILI

ACT OF CIVIL UNION
CU No....(1)

DIKJARAZZJONI TAL-PARTIJET
DECLARATION OF THE PARTIES

Aħna hawn taħt iffirmati niddikjaraw li fil-preżenza ta'
We the undersigned hereby declare that we have in the presence of

u tax-xhieda hawn taħt imsemmija ikkuntrattajna unjoni civili fi(3)
and of the undermentioned witnesses contracted a civil union at

fi(4)
on (Data/Date)

Aħna hawn taħt iffirmati niddikjaraw li nieħdu għalina t-tnejn il-kunjom
tal-parti fl-unjoni ċivili / li nżommu kunjomna wara l-unjoni ċivili / li nżommu kunjomna u miegħu
wara l-unjoni ċivili nżidu kunjom il-parti l-oħra fl-unjoni ċivili (*ħassar fejn ma japplikax*).

We the undersigned declare that we choose to adopt for both of us the surname
of one of the parties in the civil union / to retain our surname after the civil union / to retain our
surname and to add to it the surname of the other party to the civil union (*delete where not
applicable*).

TAGHRIF DWAR IL-PARTIJET FL-UNJONI ĊIVILI
PARTICULARS OF THE PARTIES TO A CIVIL UNION

	Isem u Kunjom Name and Surname	
	Data u post tat-twelid u Dokument tal-Identifikazzjoni Date and Place of Birth and Identification Document	
	Post ta' Residenza Place of Residence	
	Isem u kunjom il-ġenituri, inkluz kunjom xbubithom Name and surname of parents including maiden surnames	

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TAGHRIF DWAR IX-XHIEDA
PARTICULARS OF WITNESSES

		Isem u kunjom Name and Surname		
		Data u Post tat-Twelid Date and Place of Birth		
		Fejn Joqghod/Toqghod Place of Residence		

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI
SIGNATURE OF PARTY TO CIVIL UNION

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI
SIGNATURE OF PARTY TO CIVIL UNION

Id-dikjarazzjonijiet hawn fuq ġew iffirmati quddiemi.
The above declarations were signed in my presence.

Data tad-Dhul tal-Att Date of receipt of the Act	Numru wara l-iehor tar-Registru Nru Progressive Number of Registration No
Firma tad-Direttur jew tal-uffiċjal ieħor li jagħmel floku Signature of Director or other officer authorized to act in his stead	

.....
Firma tar-Registratur
Signature of Registrar".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma l-introduzzjoni tad-dritt lill-persuni, kemm jekk tal-istess sess jew ta' sess oppost, li jidhlu f'unjoni ċivili. Il-prinċipju sottostatnti ta' dan l-Att hu li jekwipara l-unjonijiet ċivili u ż-żwieġ mil-lat ta' proċedura u sustanza b'mod li jiggwarantixxi drittijiet ugwali lil imsieħba f'unjoni ċivili hekk kif inhi garantita lill-konjuġi fiż-żwieġ.

L-aproċċ tal-ugwaljanza għandu jiggwarantixxi t-tgawdija ta' drittijiet u obbligi ugwali f'kull qasam tal-liġi u l-ħajja soċjali.

**A BILL
entitled**

AN ACT to regulate civil unions and to provide for matters connected therewith or ancillary 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:-

1. The short title of this Act is the Civil Unions Act, 2013. Short title.
2. In this Act, unless the context otherwise requires - Interpretation.

"civil union" means the civil union celebrated in accordance with the provisions of this Act;

"partner" means a person, of either sex, who is bound by a civil union;

"Registrar" has the same meaning attributed to the term in the Marriage Act, hereinafter referred to as "the Act". Cap. 255.

3. (1) Save as provided in this Act, all persons fulfilling the requirements to enter into marriage in accordance with the Act may register their partnership as a civil union. Establishment of civil unions.

(2) Registration of a partnership as a civil union shall be permissible between two persons of the same or of different sex.

4. (1) Save as provided in this Act a civil union, once registered, shall *mutatis mutandis* have the corresponding effects and consequences in law of civil marriage contracted under the Act. Civil unions and marriage.

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(2) Without prejudice to the generality of sub-article (1):

(a) articles 3 to 16 (both included), 18 to 20 (both included), 33, 34, 36(3) and 38 of the Act shall *mutatis mutandis* apply to civil unions:

Provided that:

(i) the reference to "wife", "husband" and "man and wife" in article 15(2) of the Act shall be construed as a reference to partners in a civil union insofar as the said sub-article applies to civil unions; and

(ii) the reference to "born or conceived" in article 20(2) of the Act shall be construed as also including children adopted by partners in a civil union;

Cap. 16.

(b) articles 35 to 66 (both included) and 66A to 66N (both included) of the Civil Code shall *mutatis mutandis* apply to civil unions.

Form of civil unions.

5. Civil unions shall only be contracted in the form established by this Act.

Provisions particular to civil unions.

6. Notwithstanding the provisions of article 4, with regard to a marriage celebrated abroad by two persons of the same sex, article 18 of the Act shall be construed in such a manner as to be applicable to such marriage.

Void civil union.

7. A civil union contracted between persons either of whom is bound by a previous marriage or civil union, or by another union of equivalent legal status contracted outside Malta shall be void.

Transitory provision.

8. Where a couple, one of whom is a person habitually resident in Malta, has contracted a marriage, civil union or institute of equivalent legal status, in a country outside Malta, and either of the persons in the couple is a national of a country which is not a Member State of the European Union, computation of legal residence of the said third country national in Malta shall commence retroactively from the official date of the marriage, civil union or equivalent institute.

Equation of rights and obligations.

9. In situations where the rights and obligations of civil partners are unclear, every effort shall be made to ensure that the determination of such rights and obligations is such that equates them to those enjoyed by spouses.

10. Immediately after sub-article (10) of article 4 of the Civil Code there shall be added the following new sub-article:

Amendment to article 4 of the Civil Code. Cap. 16.

"(11) Partners in a civil union contracted according to the Civil Unions Act, 2013 may, when applying for the publication of banns relating to the civil union elect to:

- (a) adopt for both of them the surname of one of the partners to the civil union; or
- (b) retain their own surname; or
- (c) retain their own surname and add to it the surname of the other partner in the civil union:

Provided that if no choice is expressed in accordance with this sub-article the partners to a civil union shall retain their own surnames."

11. Immediately after article 100A of the Civil Code there shall be added the following new article:

Addition of new article 100B to the Civil Code. Cap. 16.

"Parenthood in civil unions.

100B. (1) Children adopted jointly by partners to a civil union contracted between persons of the same sex under the Civil Unions Act, 2013 or recognised by the said Act shall, notwithstanding the other provisions of this Code or of any other law, be recognised for all intents and purposes of law as having parents of the same sex and all rights and obligations of parents towards their children and of children towards their parents under this Code or under any other law shall apply to such children and parents.

(2) Whenever a law or administrative measure requires a person to declare the name or other particulars of the mother or the father, a person adopted jointly by partners in a civil union as referred to in sub-article (1) shall be entitled to declare the names or other particulars of the two partners in the said civil union instead of the said particulars of the mother or the father."

12. Immediately after article 295 of the Civil Code there shall

Addition of new article 295A to the Civil Code. Cap. 16.

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be added the following new article:

"Act of civil union. 295A. (1) The provisions of this Subtitle shall *mutatis mutandis* apply to civil unions contracted under the Civil Unions Act, 2013.

(2) An act of civil union shall be in the form stipulated in Form EE in Part II of the First Schedule to this Code."

Addition of Form EE in Part II of First Schedule to the Civil Code. Cap. 16.

13. In Part II of the First Schedule to the Civil Code, immediately after Form E entitled "Att taż-Żwieg Act of Marriage" there shall be added the new Form EE as shown in the Schedule to this Act.

Amendment of the Criminal Code. Cap. 9.

14. Immediately after article 196 of the Criminal Code, there shall be added the following new article:

"Bigamy involving a civil union. 196A. The offence provided for in article 196 shall also be committed and the punishments provided in the said article shall also apply to any partner to a civil union contracted or recognised under the Civil Unions Act, 2013 who during the subsistence of a valid civil union contracts a second civil union or a marriage and to any person who during the subsistence of a valid marriage contracts a civil union."

Amendment to the Marriage Act. Cap. 255.

15. In the proviso to sub-article (5) of article 7 of the Marriage Act, immediately after the words "for the purpose of this article.", there shall be added the words "This proviso shall also apply where it is shown to the satisfaction of the Registrar that obtaining a certificate of birth could expose a person requesting the publication of banns to risks to his physical or mental integrity."

SCHEDULE

Article 13

"FORM EE

Article 295A

ATT TA' UNJONI ĊIVILI

ACT OF CIVIL UNION
CU No....(1)

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tal-parti fl-unjoni ċivili / li nżommu kunjomna wara l-unjoni ċivili / li nżommu kunjomna u miegħu
wara l-unjoni ċivili nżidu kunjom il-parti l-oħra fl-unjoni ċivili (*ħassar fejn ma japplikax*).

We the undersigned declare that we choose to adopt for both of us the surname
of one of the parties in the civil union / to retain our surname after the civil union / to retain our
surname and to add to it the surname of the other party to the civil union (*delete where not
applicable*).

TAGHRIF DWAR IL-PARTIJET FL-UNJONI ĊIVILI
PARTICULARS OF THE PARTIES TO A CIVIL UNION

	Isem u Kunjom Name and Surname	
	Data u post tat-twelid u Dokument tal-Identifikazzjoni Date and Place of Birth and Identification Document	
	Post ta' Residenza Place of Residence	
	Isem u kunjom il-ġenituri, inkluż kunjom xubithom Name and surname of parents including maiden surnames	

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TAGHRIF DWAR IX-XHIEDA
PARTICULARS OF WITNESSES

		Isem u kunjom Name and Surname		
		Data u Post tat-Twelid Date and Place of Birth		
		Fejn Joqghod/Toqghod Place of Residence		

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI
SIGNATURE OF PARTY TO CIVIL UNION

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI
SIGNATURE OF PARTY TO CIVIL UNION

Id-dikjarazzjonijiet hawn fuq ġew iffirmati quddiemi.
The above declarations were signed in my presence.

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Firma tad-Direttur jew tal-uffiċjal ieħor li jagħmel floku Signature of Director or other officer authorized to act in his stead	

.....
Firma tar-Registratur
Signature of Registrar".

Objects and Reasons

The objects and reasons of this Bill are the introduction of the right of persons, whether of the same or of opposite sexes, to contract a civil union. The underlying principle of this Act is to equate civil unions with marriages, in terms of procedure and substance in a manner that guarantees equal rights to parties in a civil union as are granted to spouses in a marriage.

The equation approach should guarantee enjoyment of equal rights and obligations across all areas of law and social life.