

ABBOZZ TA' LIĠI
msejjah

Att biex jemenda l-Kodiċi Civili.

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

1. It-titolu ta' dan l-Att hu l-Att tal-2013 biex jemenda l-Kodiċi Ċivili u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili hawn aktar l-quddiem imsejjaħ "il-Kodiċi".

Titolu fil-qosor.

Kap. 16.

2. L-artikolu 257Ċ tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 257Ċ tal-Kodiċi.

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'dan li ġej:

"Tibdil fl-att ta' twelid u l-effetti tiegħu.";

(b) is-subartikoli (2) u (3) tiegħu għandhom jiġu enumerati mill-ġdid bħala (3) u (4) rispettivament u minnufih wara s-subartikolu (1) għandu jiżdied dan li s-subartikolu ġdid li ġej:

"(2) Mingħajr hsara għad-dispożizzjonijiet l-oħra ta' dan l-artikolu, minn dak in-nhar il-persuna, li dwarha ssir dikjarazzjoni taħt l-artikolu 257B, titqies għall-finijiet kollha tal-istat civili, inkluż dwar il-kapaċità ta' dik il-persuna li teżerċita d-dritt li tiżzewweġ, bħala li tkun tas-sess akkwistat muri fir-Registru."; u

(ċ) fis-sub-artikolu (4) kif enumerat mill-ġdid, il-kliem "minn dawk l-annotazzjonijiet." għandhom jiġu sostitwiti bil-kliem "minn dawk l-annotazzjonijiet." u minnufih wara għandu jiżdied il-proviso li ġej:

"Izda dawk il-persuni jistgħu jitolbu wkoll li jinħarġilhom ċertifikat sħiħ tal-att tat-twelid tagħhom li jkun jindika l-partikolaritajiet li jirriżultaw mill-annotazzjonijiet b'dan izda illi fuq dak iċ-ċertifikat għandu jiġi indikat li jkunu saru annotazzjonijiet fuqu b'sentenza jew b'digriet tal-Qorti mingħajr ma jiġu speċifikati d-dettalji tagħhom."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz jikkonsistu fit-tnehhija tal-ixkiel legali sabiex persuni li jkunu għaddew minn bidla, rikonoxxuta mil-liġi, fis-sess li fih ikunu twieldu jiġu kunsidrati għall-finijiet u l-effetti kollha tal-istat ċivili, inkluża l-kapaċità li jidhlu fi żwieġ, bħala persuni tas-sess akkwistat minnhom u sabiex dawk il-persuni jkunu jistgħu jakkwistaw kopji taċ-ċertifikat sħiħ tat-twelid tagħhom li jkun juri l-appartenenza għas-sess akkwistat, u dan fil-każ tal-aħħar salv ċerti indikazzjonijiet li jsiru fuq dak iċ-ċertifikat għall-protezzjoni ta' haddieħor.

BILL
entitled

An Act to amend the Civil Code.

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 Code (Amendment) Act, 2013 and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as "the Code".

Short title.

Cap. 16.

2. Article 257C of the Code shall be amended as follows:

Amendment of
article 257C of
the Code.

(a) the marginal note thereof shall be substituted by the following:

"Changes in act of birth and effects thereof.";

(b) subarticles (2) and (3) thereof shall be renumbered as subarticles (3) and (4) respectively and immediately after subarticle (1) there shall be added the following new subarticle:

"(2) Without prejudice to the other provisions of this article, as from the said day the person in respect of whom a declaration is made under article 257B shall be considered for all purposes of civil status, including with regard to the capacity of that person to exercise the right to marry, as belonging to the acquired sex indicated in the Register."; and

(c) in subarticle (4) as renumbered the words "resulting from such annotations." shall be substituted by the words "resulting from such annotations:" and immediately thereafter there shall be added the following proviso:

C 94

"Provided that the said persons shall also be entitled to demand that a full certificate of their act of birth showing the particulars resulting from the annotations be issued to them so however that there shall be indicated on such certificate that annotations have been made upon it by virtue of a judgement or a decree of a court without the details of the said annotations being specified.".

Objects and Reasons

The objects and reasons of this Bill are the removal of legal obstacles for persons who have undergone a legally recognised change in the sex into which they were born from being considered as pertaining to the acquired sex for all intents and purposes of civil status, including marriage, and from obtaining copies of their full birth certificate showing appurtenance to the acquired sex, in the latter case subject to some indications being made on the certificate for the protection of others.

