

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

24 ta' Ġunju, 2014

**ATT Nru. XXI tal-2014**

*ATT biex jemenda l-Att dwar iż-Żwieġ, Kap. 255.*

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

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014 li jemenda l-Att dwar iż-Żwieġ, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar iż-Żwieġ, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

.Titolu fil-qosor.

Kap. 255.

**2.** Fl-artikolu 2 tal-Att prinċipali, minflok it-tifsira "Ftehim" għandu jidhol dan li ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

"Ftehim" tfisser il-Ftehim bejn is-Santa Sede u Malta dwar l-Għarfien tal-Effetti Ċivili ta' Żwieġijiet Kanoniċi u tad-Deċiżjonijiet tal-Awtoritajiet u Tribunali Ekklezjastiċi dwar l-Istess Żwieġijiet, kif ukoll il-Protokoll ta' Applikazzjoni għalih, it-tnejn iffirmati f'Malta fit-3 ta' Frar 1993, kif ukoll it-Tielet Protokoll Addizzjonali għalih, iffirmat f'Malta fis-27 ta' Jannar 2014, liema Ftehim u protokoll huma riprodotti fl-Iskeda li tinsab ma' dan l-Att;"

**3.** Is-subartikolu (2) tal-artikolu 23 tal-Att prinċipali għandu jiġi mhassar u s-subartikolu (1) għandu jiġi enumerat mill-ġdid bhala l-artikolu 23 shiħ.

Emenda tal-artikolu 23 tal-Att prinċipali.

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Sostituzzjoni tal-artikolu 30 tal-Att prinċipali.

4. L-artikolu 30 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Indipendenza tal-proċeduri.

30. Il-fatt li każ għad-dikjarazzjoni ta' nullità ta' żwieġ kattoliku jkun pendenti quddiem qorti jew quddiem it-Tribunal fl-istess hin meta każ ieħor jiġi preżentat jew ikun pendenti quddiem qorti jew quddiem it-Tribunal għad-dikjarazzjoni ta' nullità ta' l-istess żwieġ ma jwaqqafx il-qorti jew it-Tribunal milli jkomplu jisimġu jew jiddeterminaw il-każ li jkun ġie ppreżentat jew ikun pendenti quddiemhom."

Emenda tal-Iskeda li tinsab mal-Att prinċipali.

5. L-Iskeda li tinsab mal-Att prinċipali għandha tiġi emendata kif ġej:

(1) Fil-verżjoni bit-Taljan tal-Iskeda, minnufih wara t-taqsimha li tirriproduċi s-"Secondo Protocollo Addizionale" għandu jizjed dan li ġej:

#### "TERZO PROTOCOLLO ADDIZIONALE

La Repubblica di Malta e la Santa Sede considerano conveniente modificare le disposizioni dell'Accordo tra la Santa Sede e la Repubblica di Malta sul riconoscimento degli effetti civili ai matrimoni canonici e alle decisioni delle Autorità e dei tribunali ecclesiastici circa gli stessi matrimoni, e modificare il relativo Protocollo Addizionale, entrambi firmati a Malta il 3 febbraio 1993, come pure abrogare il relativo Secondo Protocollo Addizionale, firmato a Malta il 6 gennaio 1995.

La Repubblica di Malta e la Santa Sede hanno stabilito, di comune intesa, quanto segue:

#### Articolo 1

#### Definizioni

Nel presente Protocollo:

"Accordo" significa l'Accordo tra la Repubblica di Malta e la Santa Sede sul riconoscimento degli effetti civili ai matrimoni canonici e alle decisioni delle Autorità e dei tribunali ecclesiastici circa gli stessi matrimoni, firmato a Malta il 3 febbraio 1993;

"Protocollo Addizionale" significa il Protocollo Addizionale dell'Accordo, anch'esso firmato a Malta il 3 febbraio 1993;

"Secondo Protocollo Addizionale" significa il Secondo Protocollo Addizionale dell'Accordo, firmato a Malta il 6 gennaio 1995.

## Articolo 2

### Modificazione dell'Accordo

1. L'Articolo 4 paragrafo 1 dell'Accordo e' cancellato.
2. L'Articolo 4 paragrafo 2 e' rinumerato come Articolo 4.

## Articolo 3

### Modificazione del Protocollo Addizionale

1. Il paragrafo III del Protocollo Addizionale e' cancellato.
2. I paragrafi successivi sono rinumerati di conseguenza.

## Articolo 4

### Cancellazione del Secondo Protocollo Addizionale

Il Secondo Protocollo Addizionale e' cancellato.

Il presente Terzo Protocollo Addizionale fa parte integrante dell'Accordo sul riconoscimento degli effetti civili ai matrimoni canonici e alle decisioni delle Autorità e dei tribunali ecclesiastici circa gli stessi matrimoni, firmato a Malta tra la Santa Sede e la Repubblica di Malta il 3 febbraio 1993.

Fatto alla Valletta, Malta, il ventisette di gennaio 2014, in doppio originale in lingua italiana ed inglese, ambedue i testi facendo ugualmente fede.

Per la Repubblica di Malta

Per la Santa Sede

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Il Ministro per gli Affari Esterni

.....  
In Nunzio Apostolico "

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(2) Fil-verżjoni bl-Ingliż tal-Iskeda, minnufih wara t-taqsimali tirriproduċi s-"Second Additional Protocol" għandu jżied dan li ġej:

### "THIRD ADDITIONAL PROTOCOL

The Republic of Malta and the Holy See consider it advisable to amend the provisions of the Agreement between the Holy See and Malta on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical Authorities and tribunals about the same marriages, and to amend the Protocol of Application thereto, both signed in Malta on the 3rd February 1993, as well as to rescind the Second Additional Protocol thereto, signed in Malta on the 6th January 1995.

Wherefore, the Republic of Malta and the Holy See have, by common accord, established as follows:

#### Article 1

##### Definitions

In the present Protocol:

"Agreement" means the Agreement between the Holy See and the Republic of Malta on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical authorities and tribunals about the same marriages, signed in Malta on the 3rd February 1993;

"Protocol of Application" means the Protocol of Application to the Agreement, also signed in Malta on the 3rd February 1993;

"Second Additional Protocol" means the Second Additional Protocol to the Agreement, signed in Malta on the 6th January 1995.

#### Article 2

##### Amendment of the Agreement

1. Article 4 paragraph 1 of the Agreement is deleted.
2. Article 4 paragraph 2 shall be re-numbered as Article 4.

## Article 3

## Amendment of the Protocol of Application

1. Paragraph III of the Protocol of Application is deleted.
2. The following paragraphs shall be re-numbered accordingly.

## Article 4

## Deletion of Second Additional Protocol

The Second Additional Protocol is deleted.

The present Third Additional Protocol forms an integral part of the Agreement on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical Authorities and tribunals about the same marriages, signed in Malta between the Holy See and the Republic of Malta on the 3rd February 1993.

Done at Valletta, Malta, on the twenty seventh of January, 2014, in two originals, each in the English and Italian languages, both texts being equally authentic.

For the Republic of Malta

For the Holy See

.....  
Minister of Foreign Affairs

.....  
Apostolic Nuncio".

6. Għall-finijiet tal-Att dwar ir-Ratifika ta' Trattati, qed jiġi hawn dikjarat li l-Kamra tad-Deputati approvat ir-ratifika mill-Gvern tat-Tielet Protokoll Addizzjonali għall-Ftehim bejn is-Santa Sede u Malta dwar l-għarfien ta' effetti civili dwar żwigiġiet kanoniċi u dwar deċiżjonijiet ta' l-awtoritajiet ekkleżjastiċi u Tribunali rigward l-istess żwigiġiet.

Ratifika tal-  
Protokoll.  
Kap. 304.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 163 tas-16  
ta' Ġunju, 2014.

ANĠLU FARRUĠIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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I assent.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

24th June, 2014

**ACT No. XXI of 2014**

*AN ACT to Amend the Marriage Act, Cap. 255.*

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 Marriage (Amendment) Act, 2014, and this Act shall be read and construed as one with the Marriage Act, hereinafter referred to as "the principal Act". Short title.  
Cap. 255.
2. In article 2 of the principal Act, for the definition "Agreement" there shall be substituted the following: Amendment of  
article 2 of the  
principal Act.

"Agreement" means the Agreement between the Holy See and Malta on the Recognition of Civil Effects to Canonical Marriages and to the Decisions of the Ecclesiastical Authorities and Tribunals about the Same Marriages, as well as the Protocol of Application thereto, both signed in Malta on the 3rd February 1993, as well as the Third Additional Protocol thereto signed in Malta on the 27th January 2014, which Agreement and protocols are reproduced in the Schedule to this Act;"
3. Sub-article (2) of article 23 of the principal Act shall be deleted and sub-article (1) shall be re-numbered as whole article 23. Amendment of  
article 23 of the  
principal Act.
4. Article 30 of the principal Act shall be substituted by the following: Substitution of  
article 30 of the  
principal Act.

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"Independence  
of actions.

30. The fact that a case for the declaration of nullity of a catholic marriage is pending before a court or before the Tribunal at the time when another case is filed or is pending before a court or before the Tribunal for the declaration of nullity of the same marriage shall not hinder the court or the Tribunal from continuing to hear or from determining the case filed or pending before it."

Amendment of  
Schedule to the  
principal Act.

5. The Schedule to the principal Act shall be amended as follows:

(1) In the Italian language version of the Schedule immediately after the part reproducing the "Secondo Protocollo Addizionale" there shall be added the following:

#### "TERZO PROTOCOLLO ADDIZIONALE

La Repubblica di Malta e la Santa Sede considerano conveniente modificare le disposizioni dell'Accordo tra la Santa Sede e la Repubblica di Malta sul riconoscimento degli effetti civili ai matrimoni canonici e alle decisioni delle Autorità e dei tribunali ecclesiastici circa gli stessi matrimoni, e modificare il relativo Protocollo Addizionale, entrambi firmati a Malta il 3 febbraio 1993, come pure abrogare il relativo Secondo Protocollo Addizionale, firmato a Malta il 6 gennaio 1995.

La Repubblica di Malta e la Santa Sede hanno stabilito, di comune intesa, quanto segue:

#### Articolo 1

#### Definizioni

Nel presente Protocollo:

"Accordo" significa l'Accordo tra la Repubblica di Malta e la Santa Sede sul riconoscimento degli effetti civili ai matrimoni canonici e alle decisioni delle Autorità e dei tribunali ecclesiastici circa gli stessi matrimoni, firmato a Malta il 3 febbraio 1993;

"Protocollo Addizionale" significa il Protocollo Addizionale dell'Accordo, anch'esso firmato a Malta il 3

febbraio 1993;

"Secondo Protocollo Addizionale" significa il Secondo Protocollo Addizionale dell'Accordo, firmato a Malta il 6 gennaio 1995.

## Articolo 2

### Modificazione dell'Accordo

1. L'Articolo 4 paragrafo 1 dell'Accordo e' cancellato.
2. L'Articolo 4 paragrafo 2 e' rinumerato come Articolo 4.

## Articolo 3

### Modificazione del Protocollo Addizionale

1. Il paragrafo III del Protocollo Addizionale e' cancellato.
2. I paragrafi successivi sono rinumerati di conseguenza.

## Articolo 4

### Cancellazione del Secondo Protocollo Addizionale

Il Secondo Protocollo Addizionale e' cancellato.

Il presente Terzo Protocollo Addizionale fa parte integrante dell'Accordo sul riconoscimento degli effetti civili ai matrimoni canonici e alle decisioni delle Autorità e dei tribunali ecclesiastici circa gli stessi matrimoni, firmato a Malta tra la Santa Sede e la Repubblica di Malta il 3 febbraio 1993.

Fatto alla Valletta, Malta, il ventisette di gennaio 2014, in doppio originale in lingua italiana ed inglese, ambedue i testi facendo ugualmente fede.

Per la Repubblica di Malta

Per la Santa Sede

.....  
Il Ministro per gli Affari Esteri

.....  
In Nunzio Apostolico".

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(2) In the English language version of the Schedule immediately after the part reproducing the "Second Additional Protocol" there shall be added the following:

### "THIRD ADDITIONAL PROTOCOL

The Republic of Malta and the Holy See consider it advisable to amend the provisions of the Agreement between the Holy See and Malta on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical Authorities and tribunals about the same marriages, and to amend the Protocol of Application thereto, both signed in Malta on the 3rd February 1993, as well as to rescind the Second Additional Protocol thereto, signed in Malta on the 6th January 1995.

Wherefore, the Republic of Malta and the Holy See have, by common accord, established as follows:

#### Article 1

##### Definitions

In the present Protocol:

"Agreement" means the Agreement between the Holy See and the Republic of Malta on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical authorities and tribunals about the same marriages, signed in Malta on the 3rd February 1993;

"Protocol of Application" means the Protocol of Application to the Agreement, also signed in Malta on the 3rd February 1993;

"Second Additional Protocol" means the Second Additional Protocol to the Agreement, signed in Malta on the 6th January 1995.

#### Article 2

##### Amendment of the Agreement

1. Article 4 paragraph 1 of the Agreement is deleted.
2. Article 4 paragraph 2 shall be re-numbered as Article 4.

## Article 3

## Amendment of the Protocol of Application

1. Paragraph III of the Protocol of Application is deleted.
2. The following paragraphs shall be re-numbered accordingly.

## Article 4

## Deletion of Second Additional Protocol

The Second Additional Protocol is deleted.

The present Third Additional Protocol forms an integral part of the Agreement on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical Authorities and tribunals about the same marriages, signed in Malta between the Holy See and the Republic of Malta on the 3rd February 1993.

Done at Valletta, Malta, on the twenty seventh of January 2014, in two originals, each in the Italian and English languages, both texts being equally authentic.

For the Republic of Malta

For the Holy See

.....  
Minister of Foreign Affairs

.....  
Apostolic Nuncio".

**6.** For the purposes of the Ratification of Treaties Act, it is hereby declared that the House of Representatives has approved the ratification by the Government of the Third Additional Protocol to the Agreement between the Holy See and Malta on the recognition of civil effects to canonical marriages and to the decisions of the ecclesiastical authorities and Tribunals about the same marriages.

Ratification of  
Protocol.  
Cap. 304,

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Passed by the House of Representatives at Sitting No. 163 of the  
16th June, 2014.

ANĠLU FARRUGIA

*Speaker*

RAYMOND SCICLUNA

*Clerk to the House of Representatives*

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