CHAPTER 3

MARRIAGE LEGACIES LAW

To continue to the Archbishop of Malta the administration of marriage legacies, and to regulate the election to such legacies in certain cases.

7th September, 1831

PROCLAMATION No. VIII of 1831, as amended by Ordinances: VIII of 1840 and XIX of 1938; Legal Notices 4 of 1963, 148 of 1975, 181 of 2006 and 346 of 2008; and Act II of 2015.

1. The title of this Proclamation is Marriage Legacies Law.

Title.

2. The administration of all marriage legacies hitherto exclusively vested in the Archbishop of Malta, shall, until other provisions are made in this respect, remain and continue under the direction and control of the said Archbishop of Malta or the Vicar Capitular for the time being.

Administration of marriage legacies to remain vested in the Archbishop of Malta.

2A. The office in the Island of Gozo of Provicar of the Archbishop of Malta having ceased, in any case, in which, for the election of any marriage legacies founded for that Island, the intervention of the said Provicar was required according to the foundations or according to any law, the Vicar General of the Bishop of Gozo, or another ecclesiastic who shall for the purpose be deputed by the said Bishop, shall intervene instead of the said Provicar.

Marriage legacies for Gozo. *Added by: II. 2015.2.*

3. From and after the date of this Proclamation all elections to such marriage legacies as have hitherto been under the exclusive administration of the Archbishop of Malta, shall be made by a Commission of two or more persons, to be nominated, from time to time for that purpose, by the Archbishop of Malta, or the Vicar Capitular for the time being, in concert with the Prime Minister.

Constitution of Commission for election to marriage legacies. *Amended by: L.N. 4 of 1963.*

3A. The said Commission shall respect and apply the principles of good administrative behaviour laid down in article 3 of the Administrative Justice Act.

Observance of the principles of good administrative behaviour. *Added by: L.N. 346 of 2008.* Cap. 490.

4. The members of such Commission shall duly take oath to make all such elections according to the mind and intention of the founder or founders of the legacy in question, subject to the provisions of the law.

Oath of office to be taken by members of Commission.

5. The Commission shall, in each case, cause notice of the proposed election to be given, by the publication of banns in the parish church, where the election to the legacy in question has hitherto been usually notified; and such notice shall contain a description of the legacy, and of the qualifications for obtaining it, and shall state the place at which persons who claim to have a right to the legacy, may present or send in their claim, together with the documents in support thereof; and shall also fix a time, not being less than one month nor more than six weeks from the publication

Procedure to be followed by Commission.

aforesaid, after which no such claim shall be received. And as soon as may be after the lapse of the time so fixed, the Commission shall proceed to consider the claim or claims that shall have been presented or sent in, in accordance with the notice, and no other, and shall elect the person most eligible to the legacy in question.

Appeal from decision of Commission. *Amended by: VIII. 1840.5; XIX. 1938.2; L.N. 148 of 1975; L.N. 181 of 2006.*

6. (1) As soon as conveniently may be, after the decision in each case, the Commission shall cause a notice thereof to be inserted in the Gazette; and it shall be lawful for any person who shall have presented a claim to the Commission, if such person feels aggrieved by the election made, to take out a sworn application in the Court of Appeal, calling on the person elected to appear and show cause why the decision of the Commission should not be annulled, and the legacy in question adjudged to the party taking out the summons.

(2) Upon such sworn application, the judgment of the said court shall be final.

(3) If the party taking out the sworn application be unsuccessful, such party shall be condemned in costs.

(4) Where no such sworn application shall have been taken out, within one month from the publication aforesaid in the Gazette, then the decision of the Commission shall be final.