I assent.

(L.S.)

EDWARD FENECH ADAMI
President

1st February, 2008

ACT No. III of 2008

An Act to amend various laws relating to Civil Matters

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:-

Short title and commencement.

1. (1) The short title of this Act is the Various Laws (Civil Matters) (Amendment) Act, 2008.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint and different dates may be so appointed for different provisions or different purposes of this Act.

Part I

Amendment of the Civil Code.

Cap. 16.

2. 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".

Amendment of article 73 of the Code.

3. In paragraph (c) of article 73 of the Code, for the words "was concealed from him." there shall be substituted the words "was concealed from him:" and immediately thereafter there shall be added the following provisos:

"Provided that, without prejudice to the provisions of subarticle (4) of article 70, the Family Court may, upon an application of the husband and, if possible, after having heard all the parties interested, and after having considered the rights of the husband and of the child, at any time authorise the husband to institute an action to disown a child born in wedlock to his wife:

Provided further that where an action to disown a child is instituted by the husband after the lapse of the periods stipulated in paragraphs (a), (b) or (c) of this article in accordance with the first proviso to this article, any judgement whereby the child is disowned shall not have the effect of changing the surname of the child or of any other person who took his surname from the child unless the court, upon the demand of any of the parties made either in the sworn application whereby the action is commenced or in a separate application made during the action, provides otherwise.".

Amendment of article 74 of the Code.

4. In article 74 of the Code, for the words "before the expiration of the legal time" there shall be substituted the words "before the expiration of the time provided in paragraphs (a), (b) or (c) of article 73".

Amendment of article 92 of the Civil Code.

5. In subarticle (1) of article 92 of the Code, for the words "he shall assume the surname of the mother" there shall be substituted the words "he shall assume the maiden surname of the mother".

Part II

Amendment of the Code of Organization and Civil Procedure. Cap. 12.

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

Amendment of article 382 of the Code.

7. In subarticle (1) of article 382 of the Code, for the words "mentioned in article 381(1)(a) and (b)" there shall be substituted the words "mentioned in article 381(1)(a) and (b) except for any benefit, pension, allowance or assistance mentioned in the Social Security Act,".

Part III

Amendment of the Notarial Profession and Notarial Archives Act. Cap 55.

8. This part amends the Notarial Profession and Notarial Archives Act, and it shall be read and construed as one with the Notarial Profession and Notarial Archives Act hereinafter referred to as "the principal law".

Amendment of article 3 of the principal law.

9. In sub-article (2) of article 3 of the principal law, for the words ", Notary Public in the Land Department and Notary Public with the Joint Office" there shall be substituted the words "and Notary Public in the Government Property Division".

Amendment of article 14 of the principal law.

10. Article 14 of the principal law shall be amended as follows:

(a) in the proviso to paragraph (a) of subarticle (1) thereof, for the words "Notary Public in the Land Department" there shall be substituted the words "Notary Public in the Government Property Division", and the words "or Notary Public with the Joint Office" shall be deleted; and

(b) in subarticle (3) thereof, for the words "in the Land Department" there shall be substituted the words "in the Government Property Division", and the words "or Notary Public with the Joint Office" shall be deleted.

Amendment of article 18 of the principal law.

11. The proviso to article 18 of the principal law shall be amended as follows:

(a) in paragraph (a) thereof, for the words "shall be the Notary Public in the Land Department or one of the Notaries Public in the Land Department" there shall be substituted the words ", or notaries in the Government Property Division, shall be the Notary in the Government Property Division", for the words "the office of Notary Public in the Land Department" there shall be substituted the words "the office of Notary in the Government Property Division", and for the words "in the Land Department;" there shall be substituted the words "in the Land Department or notaries in the Government Property Division;"; and

(b) in paragraph (c) thereof, for the words "shall be the Notary Public with the Joint Office" there shall be substituted the words "shall be the Notary in the Government Property Division or one of the Notaries Public in the Government Property Division designated by the Minister responsible for notarial affairs", and for the words "the office of Notary Public with the Joint Office" there shall be substituted the words "the office of Notary in the Government Property Division".

Amendment of article 22 of the principal law.

12. Article 22 of the principal law shall be amended as follows:

(a) in subarticle (1) thereof, for the words "or two Notaries Public in the Land Department" there shall be substituted the words "or more Notaries Public in the Government Property Division and", and the words "and one Notary Public with the Joint Office" shall be deleted;

(b) in subarticle (2) thereof, for the words "in the Land Department, the Notary Public with the Housing Authority and the Notary Public with the Joint Office" there shall be substituted the words "in the Government Property Division and the Notary Public with the Housing Authority";

(c) in subarticle (3) thereof, for the words "in the Land Department, the Notary Public with the Housing Authority and the Notary Public with the Joint Office" there shall be substituted the words "in the Government Property Division and the Notary Public with the Housing Authority"; and

(d) in subarticle (5) thereof, for the words "impediment of a Notary Public in the Land Department or a Notary Public with the Housing Authority or a Notary Public with the Joint Office" there shall be substituted the words "impediment of a Notary Public in the Government Property Division or a Notary Public with the Housing Authority", and for the words "duties of the Notary Public in the Land Department or of the Notary Public with the Housing Authority or of the Notary Public with the Joint Office" there shall be substituted the words "duties of the Notary Public in the Government Property Division or of the Notary Public with the Housing Authority".

Amendment of article 23 of the principal law.

13. Article 23 of the principal law shall be amended as follows:

(a) in subarticle (1) thereof, for the words "the Notaries to Government, the Notaries Public in the Land Department and the Notary Public with the Joint Office" there shall be substituted the words "the Notaries to Government and the Notaries in the Government Property Division"; and

(b) in subarticle (2) thereof, for the words ", the Notaries Public in the Land Department and the Notary Public with the Joint Office" there shall be substituted the words "and the Notary in the Government Property Division".

Amendment of article 24 of the principal law.

14. In article 24 of the principal law, for the words "in the Land Department or a Notary Public with the Housing Authority or a Notary Public with the Joint Office" there shall be substituted the words "in the Government Property Division or a Notary Public with the Housing Authority".

Amendment of article 40 of the principal law.

15. Immediately after the proviso to paragraph (d) of article 40 of the principal law, there shall be added the following new proviso:

"Provided further that the omission of the declaration referred to in article 28(1)(k)(ii) shall not invalidate the act;".

Part IV

Amendment of the Marriage Act.

Cap. 255.

16. This part amends the Marriage Act and it shall be read and construed as one with the Marriage Act hereinafter referred to as "the principal law".

Amendment of article 2 of the principal law.

17. Sub-article (1) of article 2 of the principal law shall be amended as follows:

(a) in the definition "Marriage Registry", immediately after the words "Island of Malta" there shall be added the words "or in international waters on board a passenger vessel registered in Malta"; and

(b) in the definition "Registrar" for the words "authorised by the Registrar for that purpose;" there shall be substituted the words "authorised by the Registrar for that purpose and, in respect of marriages taking place in international waters on board a passenger vessel registered in Malta includes a master of a passenger vessel authorised for that purpose by the Registrar;".

Amendment of article 16 of the principal law.

18. In sub-article (1) of article 16 of the principal law, immediately after the words "in the Marriage Registry" there shall be inserted the words "or in international waters on board a passenger vessel registered in Malta".

Part V

Amendment of the Identity Card Act.

Cap. 258.

19. This part amends the Identity Card Act, and it shall be read and construed as one with the Identity Card Act, hereinafter in this part referred to as "the principal law".

Addition of article 6A to the principal law.

20. Immediately after article 6 of the principal law, there shall be added the following new article:

"Withdrawal and change of Identity Card.

6A. The authorised officer may request the holder of an identity card to return such identity card to him, so that a new identity card may be issued to the holder with special information about the validity of such card for travelling purposes, in the following cases:

(a) when there is in force an order issued by a Court or tribunal established by law, prohibiting the holder from leaving these Islands without requesting authorisation of such Court or tribunal;

(b) when the holder has accepted to be released on bail under a condition not to leave these Islands without the authorisation of any Court or tribunal;

(c) when the holder has been released from detention by the Executive Police under the condition not to leave these Islands without the authorisation of the investigating officer under article 355AL of the Criminal Code.".

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Passed by the House of Representatives at Sitting No. 613 of 29th January, 2008.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives