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I assent.

(L.S.)

GEORGE ABELA
President

12th July, 2013

ACT No. VII of 2013

AN ACT to amend the Civil Code, Cap. 16.

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.

Cap. 16.

Amendment of
article 257C of
the Code.

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".

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

(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 civil purposes, 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:

"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.

Within seven days from receipt of a request made for the issue of a birth certificate drawn up in accordance with this proviso the Director of the Public Registry shall cease to furnish any information contained in the register or any copy of the register about the original act of birth of the person making the said request except insofar as provided in this proviso:

So however that the said information about or copy of the original act of birth may be given:

(i) with the consent of the person to whom the certificate refers; or

(ii) when there is no such consent, upon an order of the Court of Voluntary Jurisdiction or of another Court taking cognizance of a cause where the necessity of the presentation of that certificate or information arises, where the Court is satisfied that the issuing of the said certificate or information is necessary to defend or safeguard a right or a legitimate interest of the person making the demand which, after taking into consideration all relevant circumstances, the court considers should prevail over the right to privacy of the person to whom the certificate refers."

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Passed by the House of Representatives at Sitting No. 46 of the
8th July, 2013.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives

