

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

17th April, 2015

ACT No. XII of 2015

AN ACT to amend the Civil Code and to provide for matters connected therewith or ancillary thereto.

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. (1) The short title of this Act is the Civil Code (Amendment) Act, 2015, 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) The provisions of articles 2, 6 and 7 shall enter into force on such date as the Minister responsible for Home Affairs may prescribe by notice in the Gazette.

2. Article 4 of the Code shall be amended as follows:

Amendment of
article 4 of the
Code.

(a) in the proviso to sub-article (3) thereof, immediately after the words "in their social life" for the words "they have added and made use" there shall be substituted the words "they wish to add and make use" and for the words "Such declaration may not be made after the lapse of one year from date of entry into force of this disposition", there shall be substituted the words "Such declaration shall be accepted by the Director of the Public Registry from the date of the coming into force of this proviso"; and

(b) immediately after sub-article (8) thereof, there shall be added the following new proviso:

"However, irrespective of whether the parents of the

child are still married or not, or whether they are divorced or separated, one of the parents, or the child himself, if he is not a minor, shall have the right to make a declaration by means of Form T. This shall be notified to the other parent, at his last known address as indicated on his identity card, who shall have five working days from notification to oppose this request if he is of the opinion that this would not be in the best interests of the child. If the other parent does not oppose, the Director shall proceed with the registration in the relative act."

Amendment of
article 92 of the
Code.

3. Sub-article (1) of article 92 of the Code shall be amended as follows:

(a) for the words from "A child conceived and born out of wedlock" to the words "he shall assume the maiden surname of the mother", there shall be substituted the words "A child conceived and born out of wedlock, if he has been acknowledged by the father, shall assume his surname, to which may be added the surname of the mother; otherwise, he shall assume the surname of the mother"; and

(b) in the proviso thereto, for the words "article 292A." there shall be substituted the words "article 292A:", and immediately thereafter there shall be added the following:

"Provided that, when a child is born out of wedlock before the entry into force of this proviso and is acknowledged by the father after the entry into force of this proviso, by the procedure established in article 86 and the father and the mother wish that in addition to the father's surname there is added the mother's surname, reference to this fact shall be made in the judicial letter and in the relative note mentioned in article 86:

Provided further that if the mother wishes to add her surname to that of the father, reference to this fact shall be made in the relative note mentioned in article 86, even if the father had not shown this intention in the said judicial letter. In this case, the note shall be notified to the father who shall have five working days, from notification, to oppose if he is of the opinion that the addition of the mother's surname to the original surname, would not be in the best interests of the minor. If the father does not oppose this request, the Director shall proceed with the registration in the relative act:

Provided further that, if an acknowledgement is requested to be made by judicial demand before the competent Court after the entry into force of this proviso, the appropriate request so that after the father's surname there is added the mother's surname, shall be made to the Court at any time before the pronouncement of the judgment. In the absence of such request the child shall assume the father's surname:

Provided further that, in the case of children born out of wedlock before the 7th of August, 2007 and who have been acknowledged by the father on the birth certificate, or by any other procedure contemplated by law before the entry into force of this proviso, as well as children born out of wedlock after the 7th of August, 2007 and who have been acknowledged by the father on the birth certificate, or by any other procedure contemplated by law before the entry into force of this proviso, such children shall be able to add their mother's maiden surname after their father's surname provided that they submit Form W, contained in Part II of the First Schedule, to the Director of Public Registry. This form shall contain a declaration that in their social life they have added and made use of their mother's maiden surname after assuming their father's surname since birth or by means of an acknowledgement. This form shall be accepted by the Director of the Public Registry from the date of the coming into force of this proviso and when this form is delivered to the Public Registry Office, the Director shall make an annotation of this declaration on every act of the civil status of the person making such declaration, which such acts shall be indicated in the same form. This declaration made by means of Form W shall be irrevocable:

Provided further that the descendants, including the adopted children of persons who have submitted the Form W to the Director of the Public Registry, may, by not later than one year from the closing date of Form W also submit, to the Director of the Public Registry, Form X contained in Part II of the First Schedule, declaring that they wish to use the same surname as their ascendant's, as duly annotated in the respective acts of the civil status by virtue of the last proviso before this. Upon receipt of such form the Director of the Public Registry shall make an annotation of this declaration on every act of the civil status of the person making such declaration. This

A 362

declaration made by means of Form X shall be irrevocable."

Amendment of article 247 of the Code.

4. In article 247 of the Code, for the words "its receipt." there shall be substituted the words "its receipt:", and immediately thereafter there shall be added the following new proviso:

"Provided that this article shall not apply in the cases mentioned under article 285A."

Addition of new article 285A to the Code.

5. Immediately after article 285 of the Code, there shall be added the following new article:

"Children born at sea on board a vessel that is not registered in any place.

285A. (1) The Director of the Public Registry may, for humanitarian reasons only, register the birth of children that were born at sea on board a vessel that is not registered in any place and provided that it results that the Maltese islands were the first harbour where such vessel disembarked immediately after the birth of such child.

(2) The Director shall proceed with such registration if he is satisfied, by means of scientific verifications, assurances of geographical co-ordinations and any other verifications or assurances that the Director deems appropriate, that the child was born at sea on board a vessel that is not registered under any jurisdiction. In such cases, the place of birth of the child shall be listed as born at sea.

(3) The registration made under this article shall in no way affect or prejudice the provisions of the Maltese Citizenship Act."

Cap. 188.

Amendment of Form T in the First Schedule, Part II of the Code.

6. In Form T of the First Schedule, Part II, of the Code, for the words "I the undersigned, declare in the presence of the undersigned witness, that in social life I have always added my mother's maiden surname or the surname of her predeceased husband after my father's surname, and therefore the surname I always used is:" there shall be substituted the words "I the undersigned, declare in the presence of the undersigned witness, that I intend to add my mother's maiden surname or the surname of her predeceased husband after the surname of my father, and thus the name that I use is:".

7. Immediately after Form V of the First Schedule, Part II, of the Code, there shall be added the new forms (Forms W and X) contained in the Schedule to this Act.

Addition of new
Forms to the
First Schedule,
Part II of the
Code.

FORM X

FORMULA X

FORM X

[Artikolu 92(1)]

[Article 92(1)]

DIKJARAZZJONI TA' UŻU TA' KUNJOM TA' WILD NATURALI JEW PERSUNA ADOTTATA TA' PERSUNA LI TKUN ISSOTTOMETTET IL-FORMOLA W
DECLARATION OF THE USE OF A SURNAME OF A NATURAL CHILD OR ADOPTED PERSON OF THE PERSON WHO SUBMITTED FORM W

Jien hawn taft iffirmat, niddikjara fil-preżenza tax-xhud hawn sottoskritt, li bihsejbn i nlehu kunjom ta' missieri k'if gie annotat fl-Att tat-Twelid tiegħu skont l-artikolu 92(1), li hu: /
the undersigned declare in the presence of the undersigned witness, that I intend to adopt my father's surname as noted in his Act of Birth according to article 92(1), which is:

[illegible]

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Passed by the House of Representatives at Sitting No. 256 of the 1st April, 2015.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

