VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE LOUISE COLEIRO PRECA**
President

14th July, 2015

ACT No. XX of 2015

AN ACT to amend the Gender Identity, Gender Expression and Sex Characteristics Act, Cap. 540, and for any other matter consequential 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. The short title of this Act is the Gender Identity, Gender Expression and Sex Characteristics Act and other laws (Amendment) Act, 2015. Short title.

Part I

2. This Part amends the Gender Identity, Gender Expression and Sex Characteristics Act, and it shall be read and construed as one with the Gender Identity, Gender Expression and Sex Characteristics Act, hereinafter in this Part referred to as "the principal Act". Amendment of the Gender Identity, Gender Expression and Sex Characteristics Act. Cap. 540.

3. Article 4 of the principal Act shall be amended as follows: Amendment of article 4 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following:

"(1) It shall be the right of every person who is a Maltese citizen to request the Director to change the recorded gender and, or first name, if the person so wishes to change the first name, in order to reflect that person's self determined gender identity.";

VERŻJONI ELETTRONIKA

(b) sub-article (2) thereof shall be substituted by the following:

"(2) The request shall be made by means of a note of registration published in accordance with article 5(3).";

(c) paragraphs (b) and (c) of sub-article (6) thereof shall be renumbered as paragraphs (c) and (d); and

(d) immediately after paragraph (a) of sub-article (6) thereof, there shall be added the following new paragraph:

"(b) Every person who has made use of the procedure in accordance with article 257 of the Civil Code and to whom a birth certificate has been issued in accordance with article 257C of the said Code shall be entitled also to demand the issue of his or her complete birth certificate which results from these annotations and there shall be indicated on the same certificate the annotations that were made by virtue of the court judgment given in accordance with the provisions of article 257 of the said Code, without the details of the specific annotations.".

Addition of a new article to the principal Act.

4. Immediately after article 4 of the principal Act there shall be added the following new article:

"Change of gender identity of adopted persons.

4A. (1)The Court which would have issued the court decree of adoption may, on an application of an adopting person in the case of a minor or an adopted person, amend the decree by changing the gender of the person and the first name if the person chooses to change his first name; and when such decree is so amended, the Court Registrar shall see that the amendment is communicated to the Director within fifteen days from the delivery of such decree; and every correction or addition in the Register of Adopted Persons or the deletion of the registration marker on the register of acts of birth or the Register of Adopted Persons that is needed shall be made in that manner:

VERŻJONI ELETTRONIKA

Provided that before the end of the fifteen days from the award of the amending decree, the adopted person shall make a public declaratory act in accordance with article 5 that reflects the changes ordered in the Court decree.

(2) When the adoption decree is amended every authenticated copy of the relative registration in the Register of Adopted Persons that can be issued by virtue of article 269(5) of the Civil Code shall be a copy of the registration so amended, without the reproduction of any note or marker of the amendment or something which has been deleted by virtue of such power; and every authentic copy of registration in any registry that is a registration the marker of which has been deleted shall be considered as an exact copy only if the marker and also the deletion are not shown therein.".

Amendment of article 10 of the principal Act.

5. In sub-article (1) of article 10 of the principal Act, for the words "which need to be amended." there shall be substituted the words "which need to be amended:", and immediately thereafter there shall be added the following new proviso:

"Provided that the person shall be entitled to demand to be given the complete certificate of the civil status acts resulting from these annotations and there shall be indicated on the same acts the annotations made by virtue of this Act, without the details of the specific annotations.".

Part II

Amendments to the Civil Code. Cap. 16

6. 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 278 of the Code.

7. Paragraph (e) of article 278 of the Code shall be substituted by the following:

"(e) the name, surname, a legally valid identification document, age, place of birth and residence of the father or fathers of the child, the mother or mothers, and the person making the declaration;".

Amendment of article 301 of the Code.

8. Paragraph (d) of article 301 of the Code shall be substituted by the following:

VERŻJONI ELETTRONIKA

"(d) the name, surname of the man or woman, if the dead person was married, in a civil union, or a widow or widower;".

Passed by the House of Representatives at Sitting No. 284 of the 6th July, 2015.

ĊENSU GALEA
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — ***Printed at the Government Printing Press on recycled paper***

Prezz/*Price*
€0.54