I assent.

(L.S.) **MYRIAM SPITERI DEBONO**
President

27th March, 2026

ACT No. VII of 2026

AN ACT to amend various laws to provide for the establishment of the Family Court and to provide for consequential amendments.

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 title of this Act is the Various Laws relating to the Establishment of the Family Court (Amendment) Act, 2026.

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

PART I
Amendments to the Criminal Code

Amendments to the Criminal Code. Cap. 9.

2. This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as the "Code".

Amendment of article 338 of the Code.

3. In paragraph (mm) of article 338 of the Code the words "of the equipment." shall be substituted by the words "of the equipment;" and immediately thereafter there shall be added the following

paragraph:

"(nn) when ordered by a court or so bound by a contract to have access to a child, fails to exercise such access or, unless such failure constitutes a more serious offence, fails to take into his care or to return the child at the time so ordered or agreed, without just cause.".

Addition of new article to the Code.

4. Immediately after article 338 of the Code, as amended, there shall be added the following new article:

"Continuous offences in respect of maintenance, access and custody.

338A. (1) Where several acts or omissions consisting of violations of paragraphs (y), (z), (ll) or (nn) of article 338 are committed by the same offender at different times upon the same victim, such acts or omissions shall be deemed to constitute a continuous offence for the purposes of article 18.

(2) Where acts or omissions constituting a continuous offence as provided for in sub-article (1) are also committed at a time after the person has already been charged in respect of other acts or omissions provided for in sub-article (1), the charges in respect of the said subsequent acts or omissions may, with the permission of the Court, be added to the charges previously filed and such subsequent acts or omissions shall also constitute a continuous offence with the previous acts or omissions as provided in sub-article (1).".

PART II
Amendments to the Code of Organization and Civil Procedure

Amendments to the Code of Organization and Civil Procedure. Cap. 12.

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

Amendment of article 3 of the Code.

6. Immediately after paragraph (a) of article 3 of the Code there shall be added the following new paragraph:

"(aa) the Family Court;".

Addition of new article to the Code.

7. Immediately after article 32A of the Code there shall be added the following new article:

"Family Court.

32B. (1) One (1) judge shall preside over the Family Court.

(2) There shall be assigned to the Family Court such causes of a civil nature which are related to:

(a) Titles I, II and IV of Book First of the Civil Code; Cap. 16.

(b) the Maintenance Orders (Facilities for Enforcement) Ordinance; Cap. 48.

(c) the Maintenance Orders (Reciprocal Enforcement) Act; Cap. 242.

(d) the Marriage Act; and Cap. 255.

(e) the Child Abduction and Custody Act. Cap. 410.

(3) The Minister responsible for justice may by regulations provide for:

(a) any reference in a law or regulations to the "Civil Court (Family Section)" or other words referring to the same section of the Civil Court to be substituted by the words "Family Court";

(b) causes which relate to the family and which are not included in sub-article (2) to be assigned for hearing by the Family Court;

(c) the Family Court to have jurisdiction to hear and determine causes of a criminal nature the subject matter of which shall be a criminal offence consisting of a contravention related to a civil law matter being heard before that court.

(4) After the date of the coming into force of this article and on such date as the Minister responsible for justice may by order in the Gazette establish, all causes assigned to be heard by the Civil Court (Family Section) shall be assigned to the Family Court provided that the function of the Family Court in causes falling within the jurisdiction of the Courts of Gozo shall, unless the Minister responsible for justice by regulations establishes otherwise, continue to be fulfilled by the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section).".

Addition of new article to the Code.

8. Immediately after article 89 of the Code there shall be added the following new article:

"Support Office.

89A. Without prejudice to article 89, the Minister responsible for justice may by regulations establish an office within the Courts Services Agency to be known as the Support Office, the principal function of which shall be the provision of access to court services by offering assisted accessibility services, specialised support to vulnerable persons and coordination of professional services required in the execution of the functions of the Courts of Justice.".

PART III
Amendments to the Civil Code

Amendments to the Civil Code. Cap. 16.

9. 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".

Addition of new article to the Code.

10. Immediately after article 21 of the Code there shall be added the following new article:

"Power to make regulations on calculation of maintenance.

21A. The Minister responsible for justice may make regulations establishing the method by which maintenance due under Book First may be calculated in accordance with the provisions of the law regulating such maintenance:

Provided that before making regulations under this article, the Minister shall make a presentation of these regulations before the Standing Committee on Family Affairs.".

Addition of new article to the Code.

11. Immediately after article 47 of the Code there shall be added the following new article:

"Withdrawal from the community of acquests to enable a party to reside outside the matrimonial home.

47A. (1) When in accordance with article 46, during the time when the cause for separation is pending, one of the parties leaves the matrimonial home, such party may, both before and after leaving the matrimonial home, request the court to authorise that a reasonable amount of expenses which the said party shall have incurred or is going to incur in order to reside elsewhere be withdrawn from the community of acquests without the need of consent of the other party, and the requesting party shall also be exempt from the obligation to obtain the consent of the other party in order to enter into a lease agreement or into another agreement for the temporary occupation of such alternative residence.

(2) The Court shall accede to a request made in terms of sub-article (1) only if in its opinion the following conditions are satisfied:

(a) the departure from the matrimonial home and the expenses incurred or to be incurred for the purpose are justified and proportionate to all the circumstances of the parties;

(b) the amount of expenses requested to be withdrawn from the community of acquests shall be disbursed from funds directly received or in the possession of the party making the request;

(c) the expenses are to be incurred for the benefit of the party making the request and, if applicable, of the children of such party:

Provided that if another person is also to benefit from the said expenses, the authorised amount may be reduced in such manner as the court considers proportionate in the circumstances.

(3) The authorisation of the court granted under this article may be made subject to conditions as the court considers appropriate which may also include conditions on the effect of such authorisation on the eventual dissolution of the community of acquests.".

Amendment of article 55 of the Code.

12. Sub-article (4) of article 55 of the Code shall be substituted by the following new sub-article:

"(4) Prior to ordering the cessation of the community in accordance with this article, the Court shall consider the prejudice that any party may suffer as a result of such cessation, as well as the prejudice that the other party may suffer from the subsistence of the community; and the Court shall order the cessation of the community where it considers that neither party would suffer disproportionate prejudice as a result of such cessation.".

Passed by the House of Representatives at Sitting No. 450 of the 25th March, 2026.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

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