

I assent.

(L.S.) MARIE LOUISE COLEIRO PRECA
President

14th April, 2014

ACT No. IX of 2014

AN ACT to regulate civil unions 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. The short title of this Act is the Civil Unions Act, 2014. Short title.
2. In this Act, unless the context otherwise requires - Interpretation.

"civil union" means the civil union celebrated in accordance with the provisions of this Act;

"the Minister" means the Minister responsible for the Public Registry;

"partner" means a person, of either sex, who is bound by a civil union;

"Registrar" shall have the same meaning as assigned to it in the Marriage Act, hereinafter referred to as "the Act"; Cap. 255.

"union of equivalent status" means any of the unions found in the list which the Minister by regulations may issue under this Act."

3. (1) Save as provided in this Act, all persons fulfilling the requirements to enter into marriage in accordance with the Act may register their partnership as a civil union. Establishment of civil unions.

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(2) Registration of a partnership as a civil union shall be permissible between two persons of the same or of different sex.

Civil unions and marriage.

4. (1) Save as provided in this Act a civil union, once registered, shall *mutatis mutandis* have the corresponding effects and consequences in law of civil marriage contracted under the Act.

(2) Without prejudice to the generality of sub-article (1):

(a) articles 3 to 16 (both included), 18 to 20 (both included), 33, 34, 36(3) and 38 of the Act shall *mutatis mutandis* apply to civil unions:

Provided that:

(i) the reference to "wife", "husband" and "man and wife" in article 15(2) of the Act shall be construed as a reference to partners in a civil union insofar as the said sub-article applies to civil unions; and

(ii) the reference to "born or conceived" in article 20(2) of the Act shall be construed as also including children adopted by partners in a civil union;

Cap. 16.

(b) articles 35 to 66 (both included) and 66A to 66N (both included) of the Civil Code shall *mutatis mutandis* apply to civil unions.

Form of civil unions.

5. Civil unions shall only be contracted in the form established by this Act. The registration of a Civil Union is essential for the validation of the said Civil Union and the civil effects of the same union.

Provisions particular to civil unions.

6. (1) Notwithstanding the provisions of article 4, with regard to a marriage celebrated abroad by two persons of the same sex, article 18 of the Act shall be construed in such a manner as to be applicable to such marriage.

(2) Without prejudice to the provisions of sub-article (1), a union of equivalent status celebrated abroad shall be valid for all purposes of law in Malta if:

(a) as regards the formalities thereof, the formalities required for its validity by the law of the country where the union of equivalent status is celebrated are observed; and

(b) as regards the capacity of the parties, each of the persons forming the union of equivalent status is, by the law of the country of his or her respective domicile, capable of

entering into such a union of equivalent status.

7. A civil union contracted between persons either of whom is bound by a previous marriage or civil union, or by another union of equivalent legal status contracted outside Malta shall be void.

Void civil union.

8. Where a same sex couple, one of whom is a citizen of Malta, has contracted a marriage or a union of equivalent status before the coming into force of this Act, in a country outside Malta and either of the persons in the couple is a citizen of a country which is not a Member State of the European Union, the legal residence of the said third country national in Malta shall be deemed to have commenced as from the official date of the marriage or of the union of equivalent status.

Transitory provision.

9. In situations where the rights and obligations of civil partners are unclear, every effort shall be made to ensure that the determination of such rights and obligations is such that equates them to those enjoyed by spouses.

Equation of rights and obligations.

10. (1) The Minister may by regulations provide the list of unions of equivalent status to civil unions:

Power to make regulations.

Provided that only those unions which in the opinion of the Minister are unions of equivalent status to civil unions as provided for by this Act may be listed in the regulations.

(2) The Minister shall remove from the regulations any union which in his opinion is no longer a union of equivalent status.

11. Immediately after sub-article (10) of article 4 of the Civil Code there shall be added the following new sub-article:

Amendment to article 4 of the Civil Code. Cap. 16.

"(11) Partners in a civil union contracted according to the Civil Unions Act, 2014 may, when applying for the publication of banns relating to the civil union elect to:

(a) adopt for both of them the surname of one of the partners to the civil union or the surnames of both of the partners in the order they chose for both; or

(b) retain their own surname:

Provided that if no choice is expressed in accordance with this sub-article the partners to a civil union shall retain their own surnames."

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Addition of new article 100B to the Civil Code. Cap. 16.

12. Immediately after article 100A of the Civil Code there shall be added the following new article:

"Parenthood in civil unions.

100B. (1) Children adopted jointly by partners to a civil union contracted between persons of the same sex under the Civil Unions Act, 2014 or recognised by the said Act shall, notwithstanding the other provisions of this Code or of any other law, be recognised for all intents and purposes of law as having parents of the same sex and all rights and obligations of parents towards their children and of children towards their parents under this Code or under any other law shall apply to such children and parents.

(2) Whenever a law or administrative measure requires a person to declare the name or other particulars of the mother or the father, a person adopted jointly by partners in a civil union as referred to in sub-article (1) shall be entitled to declare the names or other particulars of the two partners in the said civil union instead of the said particulars of the mother or the father."

Addition of new article 295A to the Civil Code. Cap. 16.

13. Immediately after article 295 of the Civil Code there shall be added the following new article:

"Act of civil union.

295A. (1) The provisions of this Sub-title shall *mutatis mutandis* apply to civil unions contracted under the Civil Unions Act, 2014.

(2) An act of civil union shall be in the form stipulated in Form EE in Part II of the First Schedule to this Code."

Addition of new Form EE to Part II of the First Schedule of the Civil Code. Cap. 16.

14. In Part II of the First Schedule of the Civil Code, immediately after Form E there shall be added the following new Form:

"FORM EE

ATT TA' UNJONI ĊIVILI

ACT OF CIVIL UNION

DATA TAL-ATT
DATE OF THE ACT:

CU No.

DIKLARAZZJONI TAL-PARTIET:
DECLARATION OF THE PARTIES:

Alma hemm taħt iffirmati niddikjaraw li fi-preżenza ta'
We the undersigned hereby declare that we have in the presence of

Alma hemm taħt iffirmati niddikjaraw li niehebu għalina kienet il-kunjom
We are undersigned declare that we choose to adopt for both of us the surname

u ta-xhieda hemm taħt imsemmija akkumtrajna unjoni ċivili
and of the undemonstrated witnesses contracted a civil union at

tal-parti li jippreżentaw il-kunjomna wara l-unjoni ċivili nistgħu nkeppu l-istess ismijiet taż-żewġ partijiet fl-unjoni ċivili f'din l-ordni
of one of the parties in the civil union to retain our surname after the civil union to retain the surnames of the two parties in the civil union in this order

TAGHRIF DWAR IL-PARTIET FL-UNJONI ĊIVILI
PARTICULARS OF THE PARTIES TO A CIVIL UNION

(6)	(9)	
	(10)	
(7)	(11)	
(8)	(12)	

ADDENDA

TAGHRIF DWAR IX-XHIEDA
PARTICULARS OF THE WITNESSES

(13)	(16)	(19)
(14)	(17)	(20)
(15)	(18)	(21)

TAGHRIF DWAR IX-XHIEDA
PARTICULARS OF THE WITNESSES

(22)	(25)	
(23)	(26)	
(24)	(27)	

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI / SIGNATURE OF PARTY TO THE CIVIL UNION

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI / SIGNATURE OF PARTY TO THE CIVIL UNION

.....
(Firm ta-xhieda / Witnesses' Signatures)

Id iffirmat għall-att ta' unjoni ċivili
The above declarations were signed in my presence.

Firma tar-Registrazzjoni
Signature of Registrar

Data tad-dokumenti ta' rikord Date of receipt of the Act	(28)
Firma tad-Direttur jew ta' uffiċjal ieħor li jgħoddha l-iskop Signature of Director or other officer authorized to act in his stead	(31)
Numra wara l-ohor tar-Registrazzjoni Nu. ta' rikord Registration number or registration No.	(30)

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Amendment of
the Criminal
Code,
Cap. 9.

15. Immediately after article 196 of the Criminal Code, there shall be added the following new article:

"Bigamy
involving a
civil union.

196A. The offence provided for in article 196 shall also be committed and the punishments provided in the said article shall also apply to any partner to a civil union contracted or recognised under the Civil Unions Act, 2014 who during the subsistence of a valid civil union contracts a second civil union or a marriage and to any person who during the subsistence of a valid marriage contracts a civil union."

Amendment of
article 244 of
the Civil Code,
Cap. 16.

16. Article 244 of the Civil Code shall be amended as follows:

(a) in the marginal note thereof, immediately after the word "marriages", there shall be added the words ", unions of equivalent status,"; and

(b) in sub-article (1) thereof, immediately after the word "marriage", there shall be added the words ", union of equivalent status as defined in the Civil Unions Act".

Passed by the House of Representatives at Sitting No. 141 of the
14th April, 2014.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives
