

(e) ikun ser jesponi lill-istess tarbija għar-redikolu jew disprezz."

19. Is-subartikolu (2) tal-artikolu 280 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 280 tal-Kodiċi.

(a) fil-paragrafu (a) tiegħu minflok il-kliem "żewġ persuni ta' fiduċja; jew" għandhom jiġu sostitwiti l-kliem "żewġ persuni ta' fiduċja"; u

(b) fil-paragrafu (b) tiegħu minflok il-kliem "mifrud legalment minn martu." għandhom jiġu sostitwiti l-kliem "mifrud legalment minn martu; jew"; u

(ċ) minnufih wara l-paragrafu (b) tiegħu għandu jizdied dan il-paragrafu ġdid li ġej:

"(ċ) jekk qabel jingħata l-avviż tat-twelid ir-raġel u l-mara flimkien jiddikjaraw bil-miktub u b'għurament quddiem xi wiehed mill-Vizitaturi tal-atti nutarili li matul il-perjodu sħiħ tat-tlett mitt jum minnufih qabel il-jum tat-twelid huma ma kellhomx relazzjonijiet sesswali flimkien."

20. Fis-subartikolu (1) tal-artikolu 289 tal-Kodiċi l-kliem "jew, bla ħsara tad-disposizzjonijiet ta' l-artikolu 280, it-tarbija tiġi magħrufa minn missierha b'att pubbliku," għandhom jiġu mħassra.

Emenda tal-artikolu 289 tal-Kodiċi.

21. Fis-subartikolu (1) tal-artikolu 296 tal-Kodiċi minnufih wara l-kliem "jagħti avviż bil-miktub ta' dik il-mewt," għandhom jizdiedu l-kliem "b'mod manwali jew elettroniku kif imfisser fl-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettronici,".

Emenda tal-artikolu 296 tal-Kodiċi.

22. Minnufih wara l-artikolu 495A tal-Kodiċi għandu jizdied l-artikolu ġdid li ġej:

Zjieda tal-artikolu 495B mal-Kodiċi.

"Wirt li jiġi fis-seħh wara l-1 ta' Jannar, 2012.

495B. Fil-każ ta' wirt li jiġi fis-seħh wara l-1 ta' Jannar, 2012, it-terminu stabbilit fl-artikoli 495(3) u 495A(1) għandu jkun hames snin."

23. Fis-subartikolu (2) tal-artikolu 615 tal-Kodiċi minflok il-kliem "dak il-perjodu ta' sentejn." għandhom jidhlu l-kliem "dak il-perjodu ta' sentejn:" u minnufih wara għandu jizdied il-proviso li ġej:

Emenda tal-artikolu 615 tal-Kodiċi.

"Izda l-Qorti tista', fejn iċ-ċirkostanzi tal-każ hekk jeħtieġu, tiddeċiedi li ma jingħatax imgħax jew tistabbilixxi rata ta' imgħax li tista' tkun inqas minn dik stipulata fl-artikolu

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1139."

Thassir tal-artikolu 815 tal-Kodiċi.

24. L-artikolu 815 tal-Kodiċi għandu jiġi mħassar.

Emenda tal-artikolu 860 tal-Kodiċi.

25. Is-subartikolu (2) tal-artikolu 860 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minnufih wara l-kliem "fil-gżira fejn il-mejjet kien joqgħod fiż-żmien tal-mewt tiegħu" għandhom jiżdiedu l-kliem "jew b'dikjarazzjoni magħmula b'att ta' nutar pubbliku"; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:

"(3) Id-dikjarazzjoni tar-rinunzja msemmija f'dan l-artikolu m'għandhiex ikollha effett kwantu għall-partijiet terzi hlief miż-żmien meta din tiġi registrata fir-Registru Pubbliku skont id-disposizzjonijiet tal-artikolu 330(2)."

Emenda tal-artikolu 1332 tal-Kodiċi.

26. Is-subartikolu (1) tal-artikolu 1332 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (d) tiegħu minflok il-kliem "jew b'mod ġenerali jew sostanzjalment." għandhom jiġu sostitwiti l-kliem "jew b'mod ġenerali jew sostanzjalment; jew"; u

(b) minnufih wara l-paragrafu (d) tiegħu għandu jiżdied dan il-paragrafu ġdid li ġej:

"(e) mal-firda legali tal-miżżewġin."

Żjieda ta' formoli ġodda mat-Taqsima II tal-Ewwel Skeda.

27. Minnufih wara l-Formula R fit-Taqsima II tal-Ewwel Skeda tal-Kodiċi għandhom jiżdiedu dawn il-formoli ġodda li ġejjin:

"FORMULA S
(Artikolu 4(2))
DIKJARAZZJONI TA' MARA LI TKUN IŻŻEWĠET QABEL L-4 TA' FRAR
2005 U TKUN TRID TIEHU MILL-ĠDID KUNJOM ŻEWĠHA LI JKUN
MIET QABILHA

Jien hawn taħt iffirmata niddikjara, fil-preżenza ta' żewġi u tax-xhud hawn sottoskritt, li bi ħsiebni nieħu mill-ġdid kunjom żewġi li miet qabli:

(kunjom li trid tiehu)

Dettalji taż-żwieġ preżenti

Isem u Kunjom ir-Raġel	Isem u Kunjom Xbubit il-Mara	Post u Data taż-Żwieġ

Dettalji taż-żwieġ ta' qabel

Partikolaritajiet taż-żwieġ ta' qabel			
Partikolaritajiet fir-rigward ta' żewġ-il mara li kellha qabel fid-data taż-żwieġ ta' qabel			
Isem u Kunjom	Età	Post tat-Twelid	Isem u Kunjom tal-Ġenituri u jekk hajjin jew mejtin
*Nru tal-Att taż-Żwieġ		*Data taż-żwieġ	*Nota: Meta ż-żwieġ jew il-mewt ma jkunux registrati fir-Registru Pubbliku għandha tingieb prova skont ma jkun irid id-Direttur
		Jum Xahar Sena	
*Nru tal-Att tal-Mewt		*Data tal-Mewt	
		Jum Xahar Sena	

Firma tal-Mara _____ Firma tar-Raġel _____ Ippreżentati _____

Firma tax-Xhieda _____ Minn _____

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FORMULA T
(Artikolu 4(3))
DIKJARAZZJONI TA' WILD FIŻ-ŻWIEĠ LI TWIELED QABEL IS-7 TA'
AWWISSU 2007 DWAR UŻU TA' KUNJOM

**Jien hawn taħt iffirmat, niddikjara fil-preżenza tax-xhud hawn sottoskritt, li fil-ħajja soċjali dejjem židt kunjom xbubit ommi jew kunjom żewġha li miet qalilha* wara l-kunjom ta' missieri, u li b'hekk il-kunjom li dejjem użajt huwa:*

(kunjom sħiħ)

Partikolaritajiet dwar	Isem u Kunjom	Età	Post tat- Twelid	Isem u Kunjom il- ġenituri tal-partijiet fiż- żwieġ u jekk hajjin jew mejtin
Il-wild		snin		

Partikolaritajiet dwar l-att tat-twelid

** Nru tal-Att tat-Twelid	Data Jum Xahar Sena	Post tat-Twelid

Partikolaritajiet dwar atti ta' stat ċivili ohra fejn jidher id-dikjarant ***			
Natura tal-Att tal-Istat Ċivili****	Jum	Xahar	Sena
			Isem u Kunjom il-ġenituri u jekk hajjin jew mejtin

Firma tad-Dikjarant _____ Ippreżentata fi _____ Minn _____

Firma tax-Xhud _____

Noti:

*Hassar fejn ikun meħtieġ

**Meta t-twelid ma jkunx registrat fir-Registru Pubbliku għandha tingieb prova skont ma jkun irid id-Direttur

*** Meta l-att ma jkunx registrat fir-Registru Pubbliku għandha tingieb prova skont ma jkun irid id-Direttur

**** Hawn jitnizzel jekk l-att huwiex ta' twelid, żwieġ jew mewt.

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FORMULA U
(Artikolu 4(7))
DIKJARAZZJONI TA' UŻU TA' KUNJOM TA' WILD NATURALI
JEW PERSUNA ADOTTATA TA' PERSUNA LI TKUN
ISSOTTOMETTIET IL-FORMULA T

Jien hawn taht iffirmat, niddikjara fil-preżenza tax-xhud hawn sottoskritt, li bi hsiebni niehu kunjom ta' missieri kif gie annotat fl-att tat-twelid tieghu skont l-artikolu 4(3), li hu:

 (kunjom shih)

Partikolaritajiet dwar	Isem u Kunjom	Età	Post tat- Twelid	Isem u Kunjom il- ġenituri tal-partijiet fiż- żwieġ u jekk hajjin jew mejtin
Id-dikjarant		snin		

Partikolaritajiet dwar l-att tat-twelid

*Nru tal-Att tat- Twelid	Data Jum Xahar Sena	Post tat-Twelid

Partikolaritajiet dwar atti ta' stat ċivili ohra fejn jidher id-dikjarant**				
Nru tal-Att tal-Istat Ċivili***	Natura tal-Istat Ċivili	Jum	Xahar	Sena
				Isem u Kunjom il-ġenituri u jekk hajjin jew mejtin

Firma tad-Dikjarant _____ Ippreżentata fi _____ Minn _____

Firma tax-Xhud _____

Noti:

*Meta t-twelid ma jkunx registrat fir-Registru Pubbliku għandha tingieb prova skont ma jkun irid id-Direttur

**Meta l-att ma jkunx registrat fir-Registru Pubbliku għandha tingieb prova skont ma jkun irid id-Direttur

*** Meta l-att ma jkunx registrat fir-Registru Pubbliku għandha tingieb prova skont ma jkun irid id-Direttur".

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Emenda tal-Att
dwar il-
Professjoni
Nutarili u Arkivji
Nutarili.
Kap. 55.

28. Is-subartikolu (1) tal-artikolu 50 l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili għandu jiġi emendat kif ġej:

(a) fil-paragrafu (m) tiegħu minflok il-kliem "kostitwita fondazzjoni privata.", għandhom jiġu sostitwiti l-kliem "kostitwita fondazzjoni privata;"; u

(b) minnufih wara l-paragrafu (m) tiegħu għandu jiżdied dan il-paragrafu li ġej:

"(n) kull att li bih tirrinunzja wirt."

Emenda tal-Att
dwar ir-Registru
Pubbliku.
Kap. 56.

29. Fil-partita 9 tal-Ewwel Skeda tal-Att dwar ir-Registru Pubbliku minnufih wara l-kliem "Għal kull" għandhom jiżdiedu l-kliem "dikjarazzjoni ta' rinunzja ta' wirt, kull".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 500 tad-9 ta' Lulju, 2012.

MICHAEL FRENDO
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ANTON TABONE
Acting President

24th July, 2012

ACT No. XV of 2012

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 title of this Act is Civil Code (Amendment) Act, 2012 and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as "the Code".

Title and
commencement.
Cap. 16.

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

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

Amendment of
article 4 of the
Code.

(a) in sub-article (2) thereof for the words "after which she may add her husband's surname." there shall be substituted the words "after which she may add her husband's surname:" and immediately after there shall be added the following new proviso:

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"However in the case where a woman was married before the 4th of February, 2005, she shall be able to readopt the surname of her predeceased spouse provided that she submits Form S contained in Part II of the First Schedule to this Code to the Public Registry Office, which form shall contain a declaration that she chooses to readopt the surname of her predeceased spouse. Such declaration may not be made after the lapse of one year from date of entry into force of this disposition and when it is delivered to the Public Registry Office, the Director shall keep an index with the predeceased spouse's surname as well as the surname of her last husband. This declaration made by means of Form S shall be irrevocable and an annotation shall be made in all the acts of the civil status of such woman.";

(b) in sub-article (3) thereof for the words "of the mother or the surname of her predeceased husband." there shall be substituted the words "of the mother or the surname of her predeceased husband:" and immediately after there shall be added the following new proviso:

"However in the case of children of the marriage born before the 7th of August 2007, they may add their mother's maiden surname or the surname of her predeceased husband after their father's surname, provided that they submit Form T contained in Part II of the First Schedule to this Code, to the Public Registry Office, which form shall contain a declaration that in their social life they have added and made use of their mother's maiden surname or the surname of her predeceased husband after assuming their father's surname since birth. Such declaration may not be made after the lapse of one year from date of entry into force of this disposition 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. This declaration made by means of Form T shall be irrevocable."; and

(c) immediately after sub-article (6) thereof, there shall be added the following new sub-articles:

"(7) The descendants including the adopted children of persons who have submitted Form T referred to in sub-article (3) of this article to the Public Registry Office may, by not later than one year following the

closing date to submit Form T also submit to the Public Registry Office, Form U contained in Part II of the First Schedule to this Code, declaring that they wish to use the same surname as their ascendant's was duly annotated in his respective acts of the civil status by virtue of sub-article (3) mentioned above. 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 declaration made by means of Form U shall be irrevocable.

(8) Where the children are under the age of eighteen the declarations made by means of Form T and U shall be made by the parents or, if both parents are deceased, by their tutor or curator.

(9) The wife of a person who has submitted a declaration made by means of Form T and U, shall assume the husband's surname as duly annotated, if upon marriage she had chosen to assume her husband's surname.

(10) A person in respect of whom a change in surname has been annotated according to this article, shall report the fact to the authorised officer under the Identity Card Act who shall issue a new identity card that indicates the surname in accordance to the annotation written in the relative act of birth. The expenses for the issue of the new identity card shall be borne by the person who changed the surname."

3. In sub-article (1) of article 62 of the Code immediately after the words "to her maiden surname" there shall be added the words "or to the surname of her predeceased husband".

Amendment of article 62 of the Code.

4. Article 70 of the Code shall be amended as follows:

Amendment of article 70 of the Code.

(a) sub-article (3) thereof shall be deleted; and

(b) immediately after sub-article (4) thereof there shall be added the following new sub-article:

"(5) Without prejudice to the provisions of the second proviso of article 73, if in its judgment the Civil Court (Family Section) declares that the husband is not the natural father of the child, it shall have effect to change the child's surname and that of his descendants from that of the husband to the child's mother's maiden surname."

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Addition of new
article 70A to the
Code.

5. Immediately after article 70 of the Code there shall be added the following new article:

"Natural
parentage.

70A. (1) Whenever the clarification of natural parentage of a child is required -

(a) the father may require the mother and the child;

(b) the mother may require the father and the child;

(c) the child may require both parents; and

(d) the alleged natural father may require the husband, the mother and the son,

to consent to a genetic paternity test and to acquiesce in the taking of a genetic sample appropriate for the test, which sample must be taken according to the then current provisions of the law.

(2) On the application of a person entitled to clarify, the Civil Court (Family Section) must substitute consent that has not been given and order acquiescence in the taking of a sample.

(3) The Civil Court (Family Section) shall dismiss the application if and as long as the clarification of the natural parentage would result in a considerable adverse effect on the best interests of the minor child, which would be unreasonable for the child, even taking into account the concerns of the person entitled to clarify.

(4) A person, who has consented to a genetic paternity test and has given a genetic sample, may require the person entitled to clarify who has had a paternity test made, to permit inspection of the genetic paternity test report or to provide a copy. The Civil Court (Family Section) shall decide disputes arising from the claim under sub-article (1).

(5) The applications mentioned in this article shall be decided by virtue of decrees, which decrees may be appealed according to the procedure contemplated in article 229(2) of the Code of Organisation and Civil Procedure."

Cap. 12.

6. In article 77D of the Code for the words "to submit to examinations as referred to in article 70(3)" there shall be substituted the words "to submit to examinations as referred to in article 70A", and in the marginal note thereof for the words "70(3)" there shall be substituted the words "70A".

Amendment of article 77D of the Code.

7. Article 84 of the Code shall be substituted by the following:

Substitution of article 84 of the Code.

"Action not barred by prescription.

84. No prescription shall run for an action for a child to establish his proper filiation."

8. Immediately after article 86 of the Code there shall be added the following new article:

Addition of new article 86A to the Code.

"Judicial demand.

86A.(1) The mother of a child conceived or born out of wedlock who is not acknowledged by the father, and that same child, may at all times make a judicial demand to establish the paternity of the child and for the court to order the registration of such paternity in the relative acts of civil status.

(2) The judicial demand referred to in sub-article (1) may also be sought by the heirs or the descendants of the child if the same circumstances as those which are referred to in article 85 will exist."

9. Article 100A of the Code shall be substituted by the following:

Substitution of article 100A to the Code.

"Genetic proof.

100A. In causes to which this Sub-Title makes reference, the court may, without prejudice to any evidence that may be produced by the parties according to law, requires the parties to submit to examinations as referred to in article 70A, and in the same manner and in the same circumstances."

10. Article 223 of the Code shall be substituted by the following:

Substitution of article 223 of the Code.

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"Absolute possession.

223. If the absence has continued for a period of six years since provisional possession has been granted, or if an application made by the testamentary heirs or the heirs-at-law of the absentee before the court of voluntary jurisdiction of the island in which the absentee last resided against curators appointed by the said court such absence has been declared by a decree to have subsisted for a period of ten continuous years from the day the absentee was last heard of, the court of voluntary jurisdiction shall, upon the demand of the parties interested, award a decree, granting absolute possession of the property and the absolute exercise of the rights depending upon the death of the absentee, discharging the securities and directing any other caution which may have been imposed if any, to cease:

Provided that if the absent person is a minor, the period of absence established under this article shall run from the day such person would have attained majority."

Amendment of article 239 of the Code.

11. Article 239 of the Code shall be amended as follows:

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

"(2) A copy of an act, registered as provided in sub-article (1) and transmitted to the Director by any electronic means, or any true copy thereof, shall be deemed a true and authentic copy for all purposes of law provided this copy is signed by the Director receiving it."; and

(b) immediately after sub-article (2) thereof there shall be added the following new sub-article:

Cap. 426.

"(3) For the purposes of this article the Director's signature may also be an electronic signature according to the meaning as is assigned to it in the Electronic Commerce Act."

Amendment of article 251 of the Code.

12. Article 251 of the Code shall be amended as follows:

(a) in sub-article (1) thereof immediately after the words "and extracts therefrom, signed" there shall be inserted the words ", manually or electronically as defined in the Electronic Commerce Act,";

(b) in the second proviso to sub-article (3) thereof for the words "Provided further that in any copy or extract of any act of birth registered before the coming into force of this proviso -" there shall be substituted the words "Provided further that in an extract of any act of birth -"; and

(c) in paragraph (d) of sub-article (3) thereof for the words "shall remain" there shall be substituted the words "shall not be entered".

13. In article 252 of the Code immediately after the words "as the certificates signed by the Director" there shall be inserted the words ", manually or electronically as defined in the Electronic Commerce Act".

Amendment of article 252 of the Code.

14. Article 253 of the Code shall be amended as follows:

Amendment of article 253 of the Code.

(a) for sub-article (2) thereof, there shall be substituted the following:

"(2) It shall be lawful for any person to bring an action for the registration of the name or names, which name or names the person shall have used or shall have been used for him by his family, and which shall be declared by the court as being the name or names by which the person has been consistently called, in substitution of the name or names appearing on the relative act of birth as the name or names given to the child and the name or names by which the child is to be called:

Provided that the judicial demand mentioned in this sub-article shall not be allowed when the name or names that the person shall have used or shall have been used for him by his family, are only a shortened version or an abbreviation of the name or names appearing on the relative act of birth."; and

(b) immediately after sub-article (2), there shall be added the following new sub-article:

"(2A) Where, in the circumstances mentioned in the provisions of sub-article (2), the name or names that the person shall have used or shall have been used for him

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by his family are not necessarily a different name or names but a translated version in another European language of the same name or names that are registered in the act of birth, and the use of that translated name or names result from another act of civil status of such person or from a Maltese identity card or passport that has been issued to him before the 31 December 2011, the Director of Public Registry, upon a written request which has to be sustained by a sworn declaration made by the person concerned, may after he is satisfied with the correctness and veracity of such request and sworn declaration, proceed by inserting an annotation that reflects such change of name or names in the acts of civil status that concerns such person."

Amendment of article 269 of the Code.

15. In sub-article (5) of article 269 of the Code for the words "but the registers and books kept" up to the words "by the Minister responsible for justice." there shall be substituted the words "but the registers and books kept under this sub-article, the adoption decrees and any amendment thereof communicated to the Director of the Public Registry, and any index thereof shall not be open to public inspection or search, and nor shall the Director of the Public Registry furnish any information contained in or any copy or extract from any such registers, books or decrees to any person, except under an order of a court or in exceptional cases, to any public officer duly authorised for that purpose by the Minister responsible for justice."

Amendment of article 272 of the Code.

16. In article 272 of the Code, for the words "within five days" there shall be substituted the words "within fifteen days".

Amendment of article 278 of the Code.

17. In the Maltese version of subparagraph (iii) of paragraph (e) of article 278 of the Code immediately after the words "tliet mitt jum mid-data" there shall be added the words "tas-separazzjoni legali,".

Addition of new article 278A to the Code.

18. Immediately after article 278 of the Code there shall be added the following new article:

"Registration of names.

278A. The Director of Public Registry may refrain from registering the name or names given to the child in the relative act of birth, if the name or names, given to the child:

- (a) is shorter than three letters;
- (b) includes numbers or symbols;
- (c) is a common surname in

Malta;

(d) is derived from an obscene or offensive word or it consists of a word or words associated with sexual activity; or

(e) exposes the child to ridicule or contempt."

19. Sub-article (2) of article 280 of the Code shall be amended as follows:

Amendment of article 280 of the Code.

(a) in paragraph (a) thereof for the words "at least two trustworthy persons; or" there shall be substituted the words "at least two trustworthy persons;"; and

(b) in paragraph (b) thereof for the words "separated from his wife." there shall be substituted the words "separated from his wife; or"; and

(c) immediately after paragraph (b) thereof there shall be inserted the following new subparagraph:

"(c) if before the notice of the birth is given the husband and the woman together declare in writing and on oath before one of the Visitors of notarial acts that during the whole period of the three hundred days next preceding the day of the birth of the child they did not have a sexual relationship together."

20. In sub-article (1) of article 289 of the Code the words "or, subject to the provisions of article 280, acknowledged by the father himself in a public deed," shall be deleted.

Amendment of article 289 of the Code.

21. Sub-article (1) of article 296 of the Code immediately after the words "give notice thereof in writing," there shall be inserted the words "manually or electronically signed as defined in the Electronic Commerce Act,".

Amendment of article 296 of the Code.

22. Immediately after article 495A of the Code there shall be inserted the following new article:

Addition of article 495B to the Code.

"Inheritance which occurs after the 1st January, 2012.

495B. In the case of inheritance which occurs after the 1st January, 2012, the period stipulated in articles 495(3) and 495A(1) shall be five years."

23. In sub-article (2) of article 615 of the Code for the words "the said period of two years." there shall be substituted the words "the said period of two years:" and immediately after there shall be inserted the following proviso:

Amendment of article 615 of the Code.

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"Provided that the Court may, if the circumstances of the case so require, decide not to award any interest or establish a rate of interest which is lower than that stipulated in article 1139."

Deletion of article 815 of the Code.

24. Article 815 of the Code shall be deleted.

Amendment of article 860 of the Code.

25. Sub-article (2) of article 860 of the Code shall be amended as follows:

(a) in sub-article (2) thereof immediately after the words "in which the deceased resided at the time of his death" there shall be inserted the words "or by a declaration made by an act of notary public"; and

(b) immediately after sub-article (2) thereof there shall be inserted the following new sub-article:

"(3) The declaration of renunciation referred to in this article shall not be operative with regard to third parties except from the time when it is registered in the Public Registry according to the provisions of article 330(2)."

Amendment of article 1332 of the Code.

26. Sub-article (1) of article 1332 of the Code shall be amended as follows:

(a) in paragraph (d) thereof for the words "either generally or to a great extent." there shall be substituted the words "either generally or to a great extent; or"; and

(b) immediately after paragraph (d) thereof there shall be inserted the following new paragraph:

"(e) upon the legal separation of the spouses."

Addition of new forms to Part II of the First Schedule.

27. Immediately after Form R in Part II of the First Schedule to the Code there shall be inserted the following new forms:

"FORM S
(Article 4(2))
DECLARATION OF A WOMAN WHO WAS MARRIED BEFORE THE 4TH
OF FEBRUARY 2005 WHO CHOOSES TO RE-ADOPT THE SURNAME OF
HER PREDECEASED SPOUSE

I the undersigned, declare that I in the presence of my husband and of the undersigned, witness that I choose to re-adopt the surname of my predeceased spouse:

(chosen surname)

Details of present marriage

Name and Surname of Husband	Name and Maiden Surname of Wife	Date and Place of Marriage

Details of previous marriage

Particulars of the previous marriage			
Particulars regarding the wife's predeceased spouse at the date of the previous marriage			
Name and Surname	Age	Place of Birth	Name and Surname of Parents and whether alive or deceased
*No. of Act of Marriage		*Date of marriage Day Month Year	<i>*Note: When the marriage or death are not registered in the Public Registry evidence has to be brought according to the Director's exigencies</i>
*No. of Act of Death		*Date of Death Day Month Year	

Wife's Signature _____ Husband's Signature _____ Submitted on _____

Witnesses' Signature _____ From _____

A 480

FORM T
(Article 4(3))
DECLARATION OF A CHILD OF THE MARRIAGE
BORN BEFORE THE 7TH AUGUST 2007 ON THE USE OF A SURNAME

** 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:*

 (surname in full)

Particulars regarding	Name and Surname	Age	Place of Birth	Name and Surname of Parents of spouses in marriage and whether alive or deceased
The child		years		

Particulars regarding the act of birth

** No of Act of Birth	Date Day Month Year	Place of Birth

Particulars regarding other acts of civil status where it appears that the declarator***			
Nature of the Act of Civil Status****	Day	Month	Year
			Name and Surname of Parents and whether alive or deceased

Declarator's Signature _____ Submitted on _____ From _____

Witness' Signature _____

Notes:

*Delete where required

**When the birth is not registered in the Public Registry evidence has to be brought according to the Director's exigencies

*** When the act is not registered in the Public Registry evidence has to be brought according to the Director's exigencies

**** List whether the act is of birth, marriage or death

A 482

FORM U
(Article 4(7))

**DECLARATION OF THE USE OF A SURNAME OF NATURAL CHILD
OR ADOPTED PERSON OF THE PERSON WHO SUBMITTED FORM T**

I 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 4(3), which is:

(surname in full)

Particulars regarding	Name and Surname	Age	Place of Birth	Name and Surname of Parents of spouses in marriage and whether alive or deceased
The declarator		years		

Particulars regarding the act of birth

*No of Act of Birth	Date Day Month Year	Place of Birth

Particulars regarding other acts of civil status where it appears that the declarator**				
No of the Act of Civil Status ***	Nature of Civil Status	Day	Month	Year
				Name and Surname of Parents and whether alive or deceased

Declarator's Signature _____ Submitted on _____ From _____

Witness' Signature _____

Notes:

*When the birth is not registered in the Public Registry evidence has to be brought according to the Director's exigencies

**When the act is not registered in the Public Registry evidence has to be brought according to the Director's exigencies

*** List whether the act is of birth, marriage or death".

A 484

Amendment of
the Notarial
Profession and
Notarial
Archives Act.
Cap. 55.

28. Sub-article (1) of article 50 of the Notarial Profession and Notarial Archives Act shall be amended as follows:

(a) in paragraph (m) thereof for the words "a private foundation is established.", there shall be substituted the words "a private foundation is established;"; and

(b) immediately after paragraph (m) thereof there shall be added the following paragraph:

"(n) any act to renounce an inheritance".

Amendment of
the Public
Registry Act.
Cap. 56.

29. In item 9 of the First Schedule to the Public Registry Act immediately after the words "For every" there shall be inserted the words "declaration to renounce an inheritance, every".

Passed by the House of Representatives at Sitting No. 500 of the 9th July, 2012.

MICHAEL FRENDU

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives