

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,440, 12 ta' Ġunju, 2015*

*Taqsimha C*

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## **Nru. 103**

12. 06. 2015

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Helena Dalli, M.P., Ministru għad-Djalogu Soċjali, Affarijiet tal-Konsumatur u Libertajiet Ċivili, u moqri għall-Ewwel darba fis-Seduta tat-18 ta' Mejju, 2015.

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A BILL introduced by the Honourable Helena Dalli, M.P., Minister for Social Dialogue, Consumer Affairs and Civil Liberties, and read the First time at the Sitting of the 18th May, 2015.

**ATT li jemenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u Karatteristiċi tas-Sess, Kap.540, u għal affarijiet oħra konsegwenzjali jew anċillari għal dan.**

**AN ACT to amend the Gender Identity, Gender Expression and Sex Characteristics Act, Cap. 540, and for any other matter consequential or ancillary thereto.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



### **Abbozz ta' Ligi msejjah**

*ATT li jemenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u Karatteristiċi tas-Sess, Kap.540, u għal affarijiet oħra konsegwenzjali jew anċillari għal dan.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'ligi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 biex jemenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u Karatteristiċi tas-Sess u ligijiet oħra.

Titoltu fil-qosor.

#### Taqsimi I

**2.** Din it-Taqsimi temenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u l-Karatteristiċi tas-Sess, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u l-Karatteristiċi tas-Sess, hawn iżjed 'il quddiem f'din it-Taqsimi imsejjaħ "l-Att prinċipali".

Emendi għall-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u l-Karatteristiċi tas-Sess. Kap. 540.

**3.** L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(1) Kull persuna li hi ċittadin Malti għandha dritt li titlob lid-Direttur sabiex ibiddel il-ġeneru registrat, u, jew l-ewwel isem, jekk il-persuna tagħzel li tibdel l-ewwel isem, sabiex jirrifletti l-identità tal-ġeneru magħzula minn dik il-persuna.";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) It-talba għandha ssir permezz ta' nota ta' registrazzjoni ppubblikata skont l-artikolu 5(3).";

(c) il-paragrafi (b) u (c) tas-subartikolu (6) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (c) u (d) rispettivament; u

(d) minnufih wara l-paragrafu (a) tas-subartikolu (6) tiegħu, għandu jiżdied il-paragrafu ġdid li ġej:

"(b) Kull persuna li kienet għamlet użu mill-proċedura skont l-artikolu 257 tal-Kodiċi Ċivili u li kienet inħarġilha ċertifikat tat-twelid skont l-artikolu 257C tal-imsemmi Kodiċi għandha tkun intitolata wkoll sabiex titlob li tingħata ċertifikat komplut tal-att tat-twelid tagħha li jirriżulta minn dawn l-annotazzjonijiet u għandhom jiġu indikati fuq l-istess ċertifikat l-annotazzjonijiet li jkunu saru bis-saħħa tas-sentenza mill-qorti li tkun ingħatat skont id-dispożizzjonijiet tal-artikolu 257 tal-imsemmi Kodiċi, mingħajr id-dettalji tal-annotazzjonijiet speċifiċi.";

4. Minnufih wara l-artikolu 4 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

Żjieda ta' artikolu ġdid mal-Att prinċipali.

"Bidla fl-identità tal-ġeneru ta' persuni adottati.

4A. (1) Il-Qorti li minnha jkun ġie mogħti digriet ta' adozzjoni tista', fuq rikors tal-adottant f'kaz ta' minuri jew ta' persuna adottata, temenda d-digriet billi jiġi mibdul il-ġeneru tal-persuna u l-ewwel isem jekk il-persuna tagħzel li tibdel l-ewwel isem; u meta digriet ta' adozzjoni jkun hekk emendat, ir-Registatur tal-Qrati għandu jara li l-emenda tiġi komunikata lid-Direttur eghluq hmistax-il gurnata mill-għoti ta' dak id-digriet; u kull korrezzjoni jew żjieda fir-Registru tal-Persuni Adottati jew tħassir tal-immakar ta' registrazzjoni fir-registru tal-atti tat-twelid jew fir-Registru tal-Persuni Adottati li tkun meħtiega għandha ssir skont hekk:

Izda qabel l-eghluq hmistax-il gurnata mill-għoti tad-digriet kif korrett, il-persuna adottata għandha tagħmel att pubbliku dikjaratorju skont l-artikolu 5 li jirrifletti t-tibdiliet ordnati fid-digriet tal-Qorti.

(2) Meta d-digriet ta' adozzjoni jiġi emendat kull kopja awtentikata tar-registrazzjoni relattiva fir-Registru tal-Persuni Adottati li tista' tinhareg bis-saħħa tal-artikolu 269(5) tal-Kodiċi Ċivili għandha tkun kopja tar-registrazzjoni kif emendata, mingħajr ir-riproduzzjoni ta' xi nota jew markar dwar l-emenda jew ta' xi haġa imħassra bis-saħħa ta' hekk; u kopja awtentika ta' registrazzjoni f'xi registru, li tkun registrazzjoni li l-immarker tagħha jkun ġie mħassar, għandha titqies li tkun kopja eżatta fil-każ biss li jekk kemm l-immarker kif ukoll it-tħassir ma jkunx jidhru fiha."

5. Fis-subartikolu (1) tal-artikolu 10 tal-Att prinċipali minflok il-kliem "li jkollhom bżonn jiġu emendati." għandhom jidhru l-kliem "li jkollhom bżonn jiġu emendati:", u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-artikolu 10 tal-Att prinċipali.

"Izda l-persuna tkun intitolata li titlob li tingħata ċertifikat komplut tal-atti tal-istat ċivili li jirriżultaw minn dawn l-annotazzjonijiet u għandhom jiġu indikati fuq l-istess atti l-annotazzjonijiet li jkun saru bis-saħħa ta' dan il-Att, mingħajr id-dettalji tal-annotazzjonijiet speċifiċi."

## Taqsimi II

6. Din it-Taqsima temenda l-Kodiċi Ċivili, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjaħ "il-Kodiċi".

Emendi għall-Kodiċi Ċivili. Kap. 16.

7. Il-paragrafu (e) tal-artikolu 278 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 278 tal-Kodiċi.

"(e) l-isem, il-kunjom, dokument ta' identifikazzjoni legalment validu, l-età, il-lok fejn twieldu u fejn joqogħdu missier jew missirijiet it-tarbija, l-omm jew l-ommijiet, u l-persuna li tagħmel id-dikjarazzjoni:"

8. Il-paragrafu (d) tal-artikolu 301 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 301 tal-Kodiċi.

"(d) l-isem u l-kunjom tar-raġel jew tal-mara, jekk l-persuna mejta kienet miżżewġa, f'unjoni ċivili jew armel jew armla;"

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**Ghanijiet u Raġunijiet**

L-għan ta' dan l-Abbozz ta' Liġi huwa sabiex jipprovdi lil persuni adottati bil-fakultà li jbiddu l-identità tal-ġeneru tagħhom kif ukoll sabiex jipproteġi l-privatezza ta' persuni li jkunu biddu l-identità tal-ġeneru tagħhom. Dawn l-emendi jipprovdu wkoll għall-proċedura li għandha tiġi adoperata u segwita sabiex issir il-korrezzjoni fid-Digriet tal-Adozzjoni kif ukoll ir-reġistrazzjoni tal-korrezzjoni fir-Registru tal-Persuni Adottati. L-abbozz jaħseb ukoll għall-annotazzjonijiet li għandhom isiru fuq l-atti ċivili kollha tal-persuni li jbiddu l-identità tal-ġeneru kif ukoll fuq il-ħrug ta' kopji tal-atti.

**A Bill  
entitled**

*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.";

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(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:

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."

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:

Amendment of article 10 of the principal Act.

"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

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".

Amendments to the Civil Code.

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

Amendment of article 278 of the Code.

"(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;"

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

Amendment of article 301 of the Code.

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

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### **Objects and Reasons**

The aim of this Bill is that to provide for adopted persons the power to change their gender identity and also to protect the privacy of the persons who change their gender identity. These amendments also provide for the procedure that has to be used and followed to for the correction to be made in the Adoption Decree as also the registration of the correction in the Register for Adopted Persons. The Bill also deals with all the annotations that have to be made in all acts of civil status of the persons who change their gender identity and also the issue of copies of these acts.



