

Memorandum by the Minister of JusticeADOPTION PROCEEDINGSAmendment to the Civil Code in connection therewith

The main purposes of the Bill which is now before Cabinet are the following:

- (a) to enable advocates and notaries to attest the document signifying the mother's consent to adoption in addition to Commissioners for Oaths;
- (b) to exempt notaries' remuneration for professional services from the application of the provision prohibiting payments in consideration of adoptions, the grant of any requisite consent, the transfer of the care and possession of the person to be adopted with a view to adoption and the making of arrangements for adoption;
- (c) to obviate certain difficulties which may arise in connection with the place of entry of adoption decrees; i.e. the Public Registry Office in Malta or that in Gozo. The present basis in this connection is the place where the adoption decree is made; but it is felt that a better criterion would be the place where the relevant act of birth is registered. If the adopted person was not born in the Maltese Islands and his act of birth is not registered here, the relevant adoption decree will in any case be entered in Malta. In view of this it is no longer necessary to provide that adoption decrees may, upon the request of any of the parties, be registered both in Malta and in Gozo.

The other amendments are merely verbal ones.

4th June, 1963.

A BILL
entitled

AN ACT further to amend the Civil Code, Cap. 23.

ENACTED by the Legislature of Malta:-

Short title.

1. This Act may be cited as the Civil Code (Amendment) Act, 1963, and shall be read and construed as one with the Civil Code, hereinafter referred to as "the principal law".

Amendment of section 135 of the principal law.

2. Immediately after the words "a Commissioner for Oaths" in paragraph (b) of subsection (2) of section 135 of the principal law there shall be inserted the words "or an Advocate or a Notary".

Amendment of section 145 of the principal law.

3. Section 145 of the principal law shall be amended as follows:-

- (a) the words from "within fifteen days" to "Adopted Persons Register" in paragraph (a) of subsection (1) thereof shall be deleted; and
- (b) the word "notaries'" shall be inserted immediately after the word "advocates'" in paragraph (b) of subsection (3) thereof.

Amendment of section 304A of the principal law.

4. Section 304A of the principal law shall be amended as follows:-

- (a) for the words "The Director of the Public Registry shall maintain" in subsection (1)

/thereof

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thereof there shall be substituted the words "There shall be maintained";

- (b) for subsection (2) thereof there shall be substituted the following:

"(2) In the Adopted Persons Register maintained at the Public Registry Office in Malta there shall be entered the adoption decrees relating to any person whose act of birth is registered in that Office or is not registered in any Public Registry Office in these Islands, and in the Adopted Persons Register maintained at the Public Registry Office in Gozo there shall be entered the adoption decrees relating to any person whose act of birth is registered in that Office."; and

- (c) subsection (3) thereof shall be deleted.

Objects and Reasons

The objects of this Bill are (a) to give certain rights to advocates and notaries in connection with adoption proceedings and (b) to make the place (the Public Registry Office in Malta or in Gozo) where adoption decrees are entered dependent not on the place where the adoption decree is made but, except where the adopted person's act of birth is not registered in these Islands, on that where the relevant act of birth is registered.