



Name of Country and Jurisdiction:

Malta

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Malta, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Malta for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Malta	Marriage Act of 1975	No
Civil union, registered	Malta	Civil Unions Act, 2014	Yes



2. What are the requirements to be able to enter into the above relationships?



(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	There are no minimum residency requirements for legally contracting a civil union in Malta.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	<p>Civil unions are available to both opposite-sex and same-sex couples.</p> <p>Both parties must be at least 18 years old; however, 16-year-olds can contract a civil union with consent from their parents.</p> <p>The partners must be legally competent and not bound by an existing marriage or civil union with another person.</p> <p>The partners may not be related by blood, marriage, or adoption.</p>

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3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

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(a)–(c)	Not applicable. Marriage is not available to same-sex couples in Malta.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	If you are already married or have contracted a civil union with the same or a different person, you cannot enter into another civil union.

Q

5. When a couple comes to Malta, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A marriage contracted abroad, even between same-sex partners, shall be valid in Malta if: (a) the formalities required for its validity by the law of the country where the marriage occurred were observed; and (b) each of the persons to be married was, by the law of the country of his/her respective domicile, capable of contracting the marriage.
Civil union	A civil union contracted abroad, including one between persons of the same sex, shall be valid in Malta if: (a) the formalities required for its validity by the law of the country where the civil union was contracted were observed; and (b) each of the persons to be bound in the civil union was, by the law of the country of his/her respective domicile, capable of contracting the civil union.

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6. How can each form of relationship be dissolved? What is the residency requirement or other link to Malta for an authority to grant a divorce/ dissolution?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	Demand for the dissolution of a civil union can be brought by only one partner or brought jointly by both partners. A court can grant the dissolution of the civil union if: (a) at least one of the partners was domiciled in Malta on the date the demand for dissolution was filed before the competent civil court; or (b) at least one of the partners was ordinarily resident in Malta for a period of one year immediately preceding the filing of the demand for dissolution.

Sources:

- Maltese Marriage Act of 1975, available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8749&l=1>.
- Maltese Civil Unions Act, 2014, available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12172&l=1>.
- Maltese Civil Code, available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8580&l=1>.