

apply to civil unions.

Form of civil unions.

5. Civil unions shall only be contracted in the form established by this Act.

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.

Void civil union.

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.

Transitory provision.

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.

Equation of rights and obligations.

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.

Power to make regulations.

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

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.

Conversion of civil union into marriage.
Added by:
XXIII.2017.104.
Amended by:
XIII.2018.35.

11. (1) Partners in a civil union contracted prior to the coming into force of the [Marriage Act and other Laws \(Amendment\) Act, 2017*](#) and in accordance with the provisions of this Act, may, within five years from the coming into force of the [Marriage Act and other Laws \(Amendment\) Act, 2017†](#), convert their civil union into marriage:

Provided that persons who commenced the necessary procedures to contract a civil union prior to the coming into force of the Marriage Act and other Laws (Amendment) Act, 2017, and contract that civil union prior to the first day of December 2017, may also convert their civil union into marriage in accordance with this article.

(2) The procedure by which a civil union may be converted into marriage shall be established by the Minister by virtue of regulations to that effect.

(3) Where by virtue of the provisions of this article, a civil union is converted into marriage, the civil union shall end upon conversion, and the resulting marriage shall be deemed to have subsisted from the date when the civil union was formed.

*The provisions of Act XXIII of 2017 came into force on the 1st of September, 2017. [See Legal Notice 212 of 2017.](#)

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