

Parenting and legal family formats in Malta

by Christian Attard¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 3 – Parenting)

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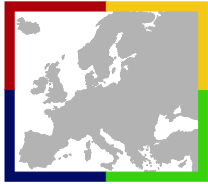
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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Malta

The answers concerning Malta can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Malta by Christian Attard (Section 1)

Income, troubles and legal family formats in Malta by Clara Galea Borg (Section 2)

Parenting and legal family formats in Malta by Christian Attard (Section 3)

Migration and legal family formats in Malta by Christian Attard (Section 4)

Splitting up and legal family formats in Malta by Clara Galea Borg (Section 5)

Death and legal family formats in Malta by Clara Galea Borg (Section 6)

So this paper is based on **Section 3 (Parenting)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

3.1 Assisted insemination

3.2 IVF

3.3 Surrogacy

3.4 Legal parenthood

3.5 Parental authority

3.6 Parental leave for both parents

3.7 Parental leave for partners

3.8 Grandparents

3.9 Second-parent adoption

3.10 Joint adoption

3.11 Individual adoption

3.12 General background regarding parenting

3.13 Single parenting

3.14 Multiple parenting

In the following pages of this paper, first the answers to questions 3.12, 3.13 and 3.14 are presented, followed by answers to questions 3.1 to 3.11.

3.12 - General background regarding parenting (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding parenting, then please do so here.

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3.13 - Single parenting (Open question)

If there are any developments in legal policy and case law regarding the possibilities of an individual person without a partner to have a child through adoption, medically assisted insemination, and/or IVF, you could indicate that here.

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3.14 - Multiple parenting (Open question)

If there are any developments in legal policy or case law regarding possibilities for a child to have more than two parents, you could indicate that here.

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Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.01 - Assisted insemination**

Is it legally possible in this type of relationship to become pregnant through medically assisted insemination using sperm of a donor?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2013	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 2013	2015 No 2013
Yes 0000		N/A 0000	N/A 0000	Yes 0000	Yes 0000
<p>References to legal sources: Article 9 of the Embryo Protection Act (Chapter 524 of the Laws of Malta) enacted on 1 January 2013.</p>		<p>References to legal sources: Article 9 of the Embryo Protection Act (Chapter 524 of the Laws of Malta) enacted on 1 January 2013.</p>		<p>References to legal sources: Article 9 of the Embryo Protection Act (Chapter 524 of the Laws of Malta) enacted on 1 January 2013.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The use, transfer or the fertilisation of any germ line cells not originating from the prospective parents is prohibited.</p> <p>No law regulating medically assisted procreation existed until 2012. The sector was therefore unregulated prior to that date and the provision of the service therefore depended on individual service providers' policies. If it was allowed, the husband of the mother would have benefited from the presumption of paternity in the case of married couples.</p>		<p>Explanations and nuances: See under Marriage.</p>		<p>Explanations and nuances: See under Marriage.</p> <p>Prior to 2013, this was not legally prohibited; however service providers had their own policies and even if they provided the service, there was no presumption of paternity for the benefit of the partner of the mother. If that partner was male, he would have had to acknowledge the child; if the partner was female, there was no possibility at law to establish a parental relationship.</p>	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.02 - IVF**

Is it legally possible in this type of relationship to become pregnant through in vitro fertilisation (IVF) using donated egg or sperm?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2013	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 2013	2015 No 2013
Yes 0000		N/A 0000	N/A 0000	Yes 0000	Yes 0000
References to legal sources: Article 9 of the Embryo Protection Act (Chap. 524 of the Laws of Malta) enacted on 1 January 2013.		References to legal sources: Article 9 of the Embryo Protection Act (Chap. 524 of the Laws of Malta) enacted on 1 January 2013.		References to legal sources: Article 9 of the Embryo Protection Act (Chap. 524 of the Laws of Malta) enacted on 1 January 2013.	
Explanations and nuances: See explanation under question 3.01. The definition of "medically assisted procreation" is very wide, covering also IVF.		Explanations and nuances: See under Marriage.		Explanations and nuances: See under Marriage and see explanation under question 3.01.	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

Is it legally possible for both partners in this type of relationship to become the legal parents of a child through the help of a surrogate mother in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
References to legal sources: Article 6(f) of the Embryo Protection Act (Chap. 524 of the Laws of Malta) enacted on 1 January 2013.		References to legal sources: Article 6(f) of the Embryo Protection Act (Chap. 524 of the Laws of Malta) enacted on 1 January 2013.		References to legal sources: Article 6(f) of the Embryo Protection Act (Chap. 524 of the Laws of Malta) enacted on 1 January 2013.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Surrogacy is explicitly prohibited in all cases, even in case of altruistic surrogacy.</p> <p>Prior to the enactment of the Embryo Protection Act, there would still not have been any provision in Maltese law allowing the partners to legally become the parents on the basis of a surrogacy agreement.</p>		<p>Explanations and nuances: See under Marriage.</p>		<p>Explanations and nuances: See under Marriage.</p>	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.04 - Legal parenthood**

When one partner gives birth, will (or can) the other partner then also become legal parent of the child, without having to go through adoption?

(For example automatically, or by way of recognition/acknowledgement.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 Yes 2014	2015 Doubt 2014	2015 Yes 2004	2015 Doubt 0000
		N/A 0000	N/A 0000	? 0000	
<p>References to legal sources: Article 67 of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>		<p>References to legal sources: Article 67 and 77A of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870, applicable to civil unions by virtue of Article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta), enacted on 14 April 2014.</p>		<p>References to legal sources: Articles 86, 86A of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A child conceived in wedlock is deemed to be the child of the mother's husband. By "conceived" the law means that the sexual act needs to have occurred during the period of validity of the marriage, not the birth. For this presumption not to apply, the husband would have to repudiate the child.</p>		<p>Explanations and nuances: Civil unions have the same effects and consequences in law as civil marriages.</p> <p>It is however doubtful whether the presumption of parenthood would apply to same-sex couples in the case of a child conceived during a civil union.</p>		<p>Explanations and nuances: A child conceived out of wedlock (or civil union) may be acknowledged by the father.</p> <p>Proceedings may be instituted by the mother or any other interested person to have paternity judicially declared. It is doubtful whether this would however be allowed in the case of same-sex couples.</p>	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.05 - Parental authority**

Is joint parental authority/responsibility possible for the couple, while only one of the partners is the legal parent of the child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
References to legal sources: Articles 131, 146 and 150 of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.		References to legal sources: Articles 131, 146 and 150 of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870, applicable to civil unions by virtue of Article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta), enacted on 14 April 2014.		References to legal sources: Articles 131, 146 and 150 of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Under Maltese law, parental authority vests in both parents. If one parent dies or loses parental authority, it is vested solely in the other parent. If both parents die, parental authority ceases ipso jure.</p>		<p>Explanations and nuances: See marriage.</p>		<p>Explanations and nuances: See marriage.</p>	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.06 - Parental leave for both parents**

When both partners are the legal parents of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2003	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 Yes 2003	2015 Yes 2014
? 0000		N/A 0000	N/A 0000	? 0000	No 0000
References to legal sources: Article 4 of the Parental Leave Entitlement Regulations (Legal Notice 225 of 2003).		References to legal sources: Article 4 of the Parental Leave Entitlement Regulations (Legal Notice 225 of 2003).		References to legal sources: Article 4 of the Parental Leave Entitlement Regulations (Legal Notice 225 of 2003).	
Explanations and nuances: Parental leave is an individual right granted to both male and female workers on the grounds of birth, adoption, fostering or legal custody of a child. The legal status of the relationship subsisting between the parents is immaterial.		Explanations and nuances: See under Marriage.		Explanations and nuances: See under Marriage.	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.07 - Parental leave for partners**

When only one partner is the legal parent of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
<p>References to legal sources: Article 4 of the Parental Leave Entitlement Regulations (Legal Notice 225 of 2003).</p>		<p>References to legal sources: Article 4 of the Parental Leave Entitlement Regulations (Legal Notice 225 of 2003).</p>		<p>References to legal sources: Article 4 of the Parental Leave Entitlement Regulations (Legal Notice 225 of 2003).</p>	
<p>Explanations and nuances: See explanation under question 3.06. The right to parental leave is an individual right and does not therefore extend to the partner of the legal parent, irrespective of the nature of the relationship between the couple.</p>		<p>Explanations and nuances: See under Marriage.</p>		<p>Explanations and nuances: See under Marriage.</p>	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.08 - Grandparents**

Do grandparents have a statutory right to visit the children in this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
References to legal sources: None.		References to legal sources: None.		References to legal sources: None.	
Explanations and nuances: Grandparents are given no express visitation rights under Maltese law.		Explanations and nuances: See under Marriage.		Explanations and nuances: See under Marriage.	

Jurisdiction: **Malta**

Source: **C. Attard**, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.09 - Second-parent adoption**

When only one partner is the legal parent of a child, does the other partner then have the possibility of becoming the child's second parent by way of adoption?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 N/A 0000	2015 Yes, but 2014	2015 Yes, but 2014	2015 ? 0000	2015 ? 0000
		N/A 0000	N/A 0000		
<p>References to legal sources: Article 114(2) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>		<p>References to legal sources: Article 114(2) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870. Article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta), enacted on 14 April 2014.</p>		<p>References to legal sources:</p>	
<p>Explanations and nuances: Although second-parent adoptions are allowed in Malta, the exact legal basis is not clear.</p>		<p>Explanations and nuances: See under Marriage. Civil unions have the same effects and consequences at law as marriages. Therefore a couple in a civil union is treated as a married couple in this respect.</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Malta**

Source: **C. Attard**, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
<p>References to legal sources: Article 114(2) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>		<p>References to legal sources: Article 114(2) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870. Applicable to civil unions by virtue of Article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta), enacted on 14 April 2014.</p>		<p>References to legal sources: Article 114(3) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances: Civil unions have the same effects and consequences at law as marriages.</p>		<p>Explanations and nuances: Decrees authorising more than one person to adopt can only be made in the case of two spouses (or two persons in a civil union) living together.</p>	

Jurisdiction: **Malta**

Source: **C. Attard, "Parenting and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.11 - Individual adoption**

Can one partner in this type of relationship individually adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 N/A 0000	2015 No, but 2014	2015 No, but 2014	2015 Yes 0000	2015 Yes 2013
		N/A 0000	N/A 0000		? 0000
<p>References to legal sources: Articles 114(2), 115(3)(c) and 117(2) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>		<p>References to legal sources: Articles 114(2), 115(3)(c) and 117(2) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870. Applicable to civil unions by virtue of Article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta), enacted on 14 April 2014.</p>		<p>References to legal sources: Article 114(1) of the Civil Code (Chap. 12 of the Laws of Malta), enacted on 11 February 1870.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: An adoption decree may not be made on the application of only one spouse. The only exception to this rule is when a spouse wishes to adopt his/her natural child, in which case that spouse may file the adoption application but nonetheless requires the spouse's consent to do so. Such consent however may be dispensed with by the Court if the spouse cannot be found or is incapable of giving the consent, or the spouses have separated and are living apart and the separation is likely to be permanent.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Prior to the introduction of adoption by same-sex couples in Maltese law, adoption agencies and the courts were known to have allowed adoption by gays and lesbians. It is however impossible to determine when this practice was first established.</p>	