ABBOZZ TA' LIĠI
msejjaħ

Att biex jemenda l-Att dwar iċ-Ċittadinanza Maltija, Kap. 188.

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

Titolu fil-qosor. Kap. 188.

1. It-titolu fil-qosor ta' dan l-Att hu Att tal-2013 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, u dan l-Att għandu jinqara u jiftiehem ħaġa waħda mal-Att dwar iċ-Ċittandinaza Maltija, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

2. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "preskritt" għandha tiżdied it-tifsira ġdida li ġejja:

" "programm tal-investitur individwali" tfisser il-programm tal-investitur individwali kif imsemmi l-artikolu 10(9)(b).".

Emenda tal-artikolu 10 tal-Att prinċipali.

3. Is-subartikolu (9) tal-artikolu 10 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej

"(9) Minkejja d-dispożizzjonijiet ta' dan jew ta' kull Att ieħor, il-Ministru jista' jagħti ċertifikat ta' naturalizzazzjoni bħala ċittadin ta' Malta:

(a) lill-konjuġi ta' kull ċittadin ta' Malta meta wieħed jew l-ieħor mill-konjuġi tal-imsemmi ċittadin jkun ta servizzi eċċezzjonali lir-Repubblika ta' Malta jew lill-umanità; jew

(b) lil kull persuna li tkun applikant, jew hi konjuġi jew hi xi dipendenti eliġġibli ta' dak l-applikant,

taħt il-programm tal-investitur individwali tar-Repubblika ta' Malta, u tissodisfa l-ħtiġiet kif preskritti taħt dan l-Att:

Iżda dik il-persuna tagħmel applikazzjoni b'dak il-mod kif preskritt wara li tkun ħadet il-ġurament ta' lealtà.".

Emenda tal-artikolu 23 tal-Att prinċipali.

4. Minnufih wara s-subartikolu (2) tal-artikolu 23 tal-Att prinċipali, għandu jiżdied dan is-subartikolu ġdid li ġej:

"(3) Kull persuna li għal qligħ u mingħajr ma tkun debitament awtorizzata, bi ksur ta' regolamenti magħmulin taħt dan l-Att, tirreklama, tippubblika jew ixxerred pubblikament permezz ta' kull mezz li jkun, xi informazzjoni li jkollha x'taqsam mal-programm tal-investitur individwali msemmi fl-artikolu 10(9)(b), tkun ħatja ta' reat kontra dan l-Att u meta tinsab ħatja, teħel multa ta' mhux iżjed minn għoxrin elf euro (€20,000).".

Emenda tal-artikolu 24 tal-Att prinċipali.

5. Fil-paragrafu (h) tas-subartikolu (1) tal-artikolu 24 tal-Att prinċipali minnufih wara l-kliem "mogħtija jew magħmula kif intqal qabel" għandhom jiżdiedu l-kliem "u biex jipprovdi għal kull kontribuzzjonijiet jew drittijiet oħra tkun xi tkun ix-xorta tagħhom dwar il-programm tal-investitur individwali" u minflok il-kliem "kienu drittijiet preskritti bis-saħħa tagħhom." għandhom jidħlu l-kliem "kienu drittijiet preskritti bis-saħħa tagħhom;" u minnufih wara għandu jidħol il-paragrafu ġdid li ġej:

"(i) sabiex jiġu preskritti l-ħtiġiet għall-amministrazzjoni tal-programm ta' investitur individwali u għall-għotja ta' ċertifikat ta' naturalizzazzjoni bħala ċittadin ta' Malta lil xi applikant, u konjuġi u dipendenti eliġibbli ta' dak l-applikant, li jissodisfaw il-ħtiġiet kif jista' jkun preskritt.".

Sostituzzjoni tal-artikolu 25 tal-Att prinċipali.

8. L-artikolu 25 tal-Att prinċipali għandu jiġi sostitwit dan li ġej:

"Ħatra ta' Regolatur u monitoraġġ tal-programm ta' investitur individwali.

25. (1) Il-Prim Ministru, wara konsultazzjoni mal-Kap tal-Oppożizzjoni, għandu jaħtar bħala Regolatur għal finijiet tal-implimentazzjoni korretta u l-monitoraġġ tal-programm ta' investitur individwali, persuna li kellha l-kariga ta' Imħallef jew Maġistrat, jew li kellha l-kariga ta' Avukat Ġenerali, jew Segretarju Permanenti jew li pprattika bħala avukat f'Malta għal żmien ta' mhux inqas minn tnax-il sena:

Iżda li matul dak iż-żmien meta Regolatur ma jkunx maħtur l-Ombudsman maħtur taħt l-Att dwar l-Ombudsman għandu jaġixxi *ex officio* bħala Regolatur.

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(2) Ir-Regolatur għandu jżomm il-kariga skont it-termini tal-ħatra tiegħu.

(3) B'żjieda mal-funzjonijiet tiegħu taħt dan l-Att u dawk il-funzjonijiet oħra kif jistgħu jiġu assenjati lilu taħt kull liġi, r-Regolatur għandu jżomm taħt reviżjoni kull aspett tal-programm ta' investitur individwali.

(4) Il-Prim Ministru jista' b'regolamenti jassenja lill-Regolatur kull funzjoni oħra li jkollha x'taqsam ma' ċittadinanza.

(5) Fil-qadi tal-funzjonijiet tiegħu taħt dan l-Att, ir-Regolatur għandu jaġixxi fil-ġudizzju individwali tiegħu u m'għandux ikun soġġett għad-direzzjoni jew kontroll ta' xi persuna jew awtorità oħra.

(6) Għandu jkun id-dmir ta' kull persuna involuta fl-amministrazzjoni tal-programm ta' investitur individwali jew ta' kull kwistjoni oħra li jkollha x'taqsam li għaliha r-Regolatur jiġi assenjat funzjonijiet taħt is-subartikolu (4) sabiex tiżvela jew tagħti lir-Regolatur dawk id-dokumenti jew informazzjoni kif hu jista' jitlob għal finijiet li jippermettilu li jaqdi l-funzjonijiet tiegħu.

(7) Ir-Regolatur jista' f'kull ħin jirraporta lill-Ministru fuq kull kwistjoni li jkollha x'taqsam mal-qadi tal-funzjonijiet tiegħu taħt dan l-Att.

(8) Ir-Regolatur għandu jagħmel rapport annwali fuq il-qadi tal-funzjonijiet tiegħu lill-Ministru liema rapport annwali m'għandux jinkludi *data* personali li jkollha x'taqsam ma' individwi li jkunu kisbu ċittadinanza Maltija taħt il-programm ta' investitur individwali.

(9) Il-Ministru għandu jqiegħed kopja ta' kull rapport annwali magħmul mir-Regolatur taħt is-subartikolu (8) fuq il-Mejda tal-Kamra malajr kemm jista' jkun wara li r-rapport ikun sar lilu.".

Żjieda tal-artikolu 25A ġdid mal-Att prinċipali.

9. Minnufih wara l-artikolu 25 tal-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

"Investigazzjoni ta' ilmenti.

25A. Ir-Regolatur jista' wkoll jinvestiga ilmenti dwar il-programm ta' investitur individwali bil-mod preskritt taħt dan l-Att.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' liġi huma sabiex isiru dispożizzjonijiet għall-għotja ta' ċertifikat ta' naturalizzazzjoni bħala ċittadin ta' Malta lil kull persuna li tagħti kontribuzzjoni straordinarja lir-Repubblika ta' Malta taħt il-programm ta' investitur individwali u sabiex issir dispożizzjoni fir-rigward ta' konjuġi u dipendenti eliġibbli ta' dik il-persuna li tissodisfa l-ħtiġiet tal-programm ta' investitur individwali. Dan l-Abbozz ta' liġi jagħmel ukoll dispożizzjoni għall-monitoraġġ u l-kontroll tal-programm ta' investitur individwali u għall-investigazzjonijiet ta' ilmenti li jkollhom x'jaqsmu miegħu.

VERŻJONI ELETTRONIKA

A BILL
entitled

AN ACT to amend the Maltese Citizenship Act, Cap 188.

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 Maltese Citizenship (Amendment) Act, 2013 and this Act shall be read and construed as one with the Maltese Citizenship Act, hereinafter referred to as "the principal Act". Short title. Cap. 188

2. In article 2 of the principal Act immediately after the definition of "foreign country" there shall be added the following new definition: Amendment of article 2 of the principal Act.

" "individual investor programme" means the individual investor programme as referred to in article 10(9)(b);".

3. Sub-article (9) of article 10 of the principal Act shall be substituted by the following: Amendment of article 10 of the principal Act

"(9) Notwithstanding the provisions of this or any other Act, the Minister may grant a certificate of naturalisation as a citizen of Malta:

(a) to the spouse of any citizen of Malta when either the spouse or the said citizen has rendered exceptional services to the Republic of Malta or to humanity; or

(b) to any person who is an applicant, or is a spouse or an eligible dependant of such applicant, under the individual investor programme of the Republic of Malta, and satisfies the requirements as prescribed under this Act:

Provided that such person makes an application in such manner as may be prescribed and upon taking the oath of allegiance.".

Amendment of article 23 of the principal Act

4. In article 23 of the principal Act immediately after sub-article (2) there shall be added the following new sub-article:

"(3) Any person who for gain and without being duly authorised, in violation of regulations made under this Act, advertises, publishes or disseminates publicly through any means whatsoever any information relating to the individual investor programme referred to in article 10(9)(b) shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) not exceeding twenty thousand euro (€20,000).".

Amendment of article 24 of the principal Act

5. In paragraph (h) of sub-article (1) of article 24 of the principal act immediately after the words "granted or made as aforesaid," there shall be added the words "and for providing for any contributions or other fees of whatever nature in respect of the individual investor programme," and the words "were fees prescribed thereunder." shall be substituted by the words "were fees prescribed thereunder;" and immediately thereafter there shall be added the following new paragraph

"(i) for prescribing the requirements for and administration of the individual investor programme and for the granting of a certificate of naturalisation as a citizen of Malta to an applicant, and spouse and eligible dependants of such applicant, meeting the requirements as may be prescribed.".

Substitution of article 25 of the principal Act

6. Article 25 of the principal Act shall be substituted by the following:

"Appointment of Regulator and monitoring of individual investor programme.

25. (1) The Prime Minister, after consulting the Leader of the Opposition, shall appoint as a Regulator for the purposes of the correct implementation and monitoring of the individual investor programme, a person who has held the office of Judge or Magistrate, or who has held the office of Attorney General, or Permanent Secretary or who has practiced as an advocate in Malta for a period of at least twelve years:

Provided that during such time when a Regulator is not appointed the Ombudsman appointed under the Ombudsman Act shall act *ex officio* as Regulator.

Cap. 385.

(2) The Regulator shall hold office in accordance with the terms of his appointment.

(3) In addition to his functions under this Act and such other functions as may be assigned to him under any law the Regulator shall keep under review all aspects of the individual investor programme.

(4) The Prime Minister may by regulations assign to the Regulator any other function related to citizenship.

(5) In the discharge of his functions under this Act, the Regulator shall act in his individual judgment and shall not be subject to the direction or control of any other person or authority.

(6) It shall be the duty of any person involved in the administration of the individual investor programme or of any other matter in relation to which the Regulator is assigned functions under sub-article (4) to disclose or give to the Regulator such documents or information as he may require for the purpose of enabling him to discharge his functions.

(7) The Regulator may at any time report to the Minister on any matter relating to the discharge of his functions under this Act.

(8) The Regulator shall make an annual report on the discharge of his functions to the Minister which annual report shall not include personal data relating to individuals who have acquired Maltese citizenship under the individual investor programme.

(9) The Minister shall lay a copy of each annual report made by the Regulator under subarticle (8) on the Table of the House as soon as possible after the report is made to him.".

Addition of a new article 25A to the principal Act

7. Immediately after article 25 of the principal Act there shall be added the following new article:

"Investigation of complaints.

25A. The Regulator may also investigate complaints about the individual investor programme in the manner prescribed under this Act.".

Objects and Reasons

The Objects and Reasons of this Bill are to make provision for the granting of a certificate of naturalisation as a citizen of Malta to any person who makes an extraordinary contribution to the Republic of Malta under the Individual Investor Programme and to make provision in respect of a spouse and eligible dependants of that person who meet the requirements of the individual investor programme. The Bill also makes provision for the monitoring and control of the Individual Investor Programme and for the investigation of complaints related thereto.