

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,452, 31 ta' Lulju, 2020

Taqsim A

MALTA

ATT Nru XXXVIII tal-2020

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex ikompli jemenda l-Att dwar iċ-Ċittadinanza Maltija, Kap. 188.

ACT No. XXXVIII of 2020

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

31 ta' Lulju, 2020

ATT Nru XXXVIII tal-2020

ATT sabiex ikompli 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'ligi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda l-Att dwar iċ-Ċittadinanza Maltija (Emenda Nru 2) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar iċ-Ċittadinanza Maltija hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 188.

2. Fis-subartikolu (1) tal-artikolu 2 tal-Att prinċipali, it-tifsira "individual investor programme" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

"programm tal-investitur individwali" tfisser il-programm tal-investitur individwali stabbilit fl-Att qabel id-dhul fis-seħħ tal-Att tal-2020 li jemenda l-Att dwar iċ-Ċittadinanza Maltija;"

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

Emenda tal-artikolu 10 tal-Att prinċipali.

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"(9) Minkejja d-dispożizzjonijiet ta' dan l-Att jew ta' xi Att ieħor, il-Ministru jista' jagħti ċertifikat ta' naturalizzazzjoni bhala ċittadin ta' Malta lil persuna barranija jew mingħajr stat, li tkun ipprovdiet servizzi eċċezzjonali lir-Repubblika ta' Malta jew lill-umanità, jew li n-naturalizzazzjoni tagħha hija ta' interess eċċezzjonali għar-Repubblika ta' Malta, u li tissodisfa r-rekwiżiti preskritti taħt dan l-Att. Għall-iskopijiet ta' dan is-subartikolu "eċċezzjonali" tfigger manifestament superjuri, u tirreferi primarjament għal kontribuzzjonijiet minn xjenzati, riċerkaturi, atleti, nies sportivi, artisti, artisti kulturali, investituri u intraprendituri:

Iżda l-Ministru għandu wkoll jagħti ċertifikat ta' naturalizzazzjoni lil dipendenti eligibbli ta' persuna barranija jew persuna mingħajr stat li tkun ipprovdiet servizzi eċċezzjonali lir-Repubblika ta' Malta permezz ta' investiment:

Iżda wkoll li dik il-persuna tagħmel applikazzjoni b'dak il-mod kif jista' jkun preskritt u bil-gurament ta' lealtà f'Malta."

Emenda tal-artikolu 23 tal-Att prinċipali.

4. Is-subartikolu (3) tal-artikolu 23 tal-Att prinċipali għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(3) Kull persuna li għall-qligħ u mingħajr ma tkun awtorizzata kif suppost, bi ksur tar-regolamenti magħmula taħt dan l-Att, tirreklama, tippubblika jew ixxerred pubblikament permezz ta' kwalunkwe mezz ikun xi jkun kull informazzjoni relatata mal-għoti taċ-ċittadinanza permezz tan-naturalizzazzjoni msemmija fl-artikolu 10(9) għandha tkun hatja ta' reat kontra dan l-Att u, meta tinstab hatja, teħel multa li ma taqbiżx l-għoxrin elf euro (€20,000)."

Emenda tal-artikolu 24 tal-Att prinċipali.

5. L-artikolu 24 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (h) tas-subartikolu (1) tiegħu għandu jiġi

sostitwit bil-paragrafu ġdid li ġej:

Kap. 35.

"(h) għall-preskrizzjoni ta' formoli, u għall-provvediment tal-impożizzjoni u l-irkupru ta' miżati, dwar kull applikazzjoni magħmula lill-Ministru jew fir-rigward ta' kwalunkwe registrazzjoni, jew kwalunkwe dikjarazzjoni, jew l-għoti ta' xi ċertifikat, jew it-tehid ta' kull ġurament ta' lealtà, awtorizzata li ssir, mogħtija jew meħuda minn jew taħt dan l-Att, u biex jipprovdu kopja ċertifikata ta' kwalunkwe avviż, ċertifikat, ordni, dikjarazzjoni jew dħul, mogħtija jew magħmula kif imsemmi hawn fuq, u biex tipprovdi għal kull kontribuzzjoni jew investiment jew miżati oħra ta' kwalunkwe natura fir-rigward tal-għoti taċ-ċittadinanza permezz ta' naturalizzazzjoni u li jipprovdu li d-dispożizzjonijiet jew xi waħda mid-dispożizzjonijiet tal-Ordinanza dwar id-Drittijiet għandhom japplikaw għal dawn id-drittijiet daqslikieku kienu miżati preskritti hawn taħt;"

(b) fil-paragrafu (i) tas-subartikolu (1) tiegħu, il-kliem "programm ta' investitur individwali" għandu jiġi sostitwit bil-kliem "proċess għall-għoti taċ-ċittadinanza permezz ta' naturalizzazzjoni";

(ċ) fil-paragrafu (j) tas-subartikolu (1) tiegħu, il-kliem "artikolu 10(9)(ċ)" għandu jiġi sostitwit bil-kliem "artikolu 10(9)"; u

(d) fil-paragrafu (j) tas-subartikolu (1) tiegħu, il-kliem "jistgħu jiġu preskritti." għandhom jiġu sostitwiti bil-kliem "jistgħu jiġu preskritti;" u minnufih wara għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(k) sabiex jippreskrivi dwar pubblikazzjonijiet tal-ismijiet ta' persuni li jkunu għamli applikazzjoni biex isiru ċittadini Maltin b'naturalizzazzjoni u registrazzjoni tal-ismijiet tal-persuni li ġew ipprivati miċ-ċittadinanza Maltija."

6. L-artikolu 25 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja "Ħatra tar-Regolatur.";

Emenda tal-artikolu 25 tal-Att prinċipali.

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(b) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Prim Ministru, wara konsultazzjoni mal-Kap tal-Oppożizzjoni, għandu jahtar bħala Regolatur għall-finijiet tal-proċess tal-applikazzjoni għall-għoti taċ-ċittadinanza Maltija permezz ta' naturalizzazzjoni għal servizzi eċċezzjonali u l-programm ta' investituri individwali billi jiġbor u janalizza data u informazzjoni, persuna li kellha l-kariga ta' Mhalled jew Maġistrat, jew li kellha l-kariga ta' Avukat Ġenerali, Avukat tal-Istat jew Segretarju Permanenti, jew li pprattikat bħala avukat jew awditur jew accountant f'Malta għal żmien ta' mhux inqas minn tnax (12)-il sena:

Kap. 385. Iżda waqt iż-żmien meta r-Regolatur ma jkunx maħtur, l-Ombudsman maħtur skont l-Att dwar l-Ombudsman għandu jaġixxi *ex officio* bħala Regolatur.";

(ċ) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Minbarra l-funzjonijiet tiegħu taht dan l-Att u dawk il-funzjonijiet l-oħra li jistgħu jiġu assenjati lilu taht kwalunkwe liġi, ir-Regolatur għandu jiżgura li l-proċess għall-għoti taċ-ċittadinanza Maltija permezz ta' naturalizzazzjoni għal servizzi eċċezzjonali jiġi segwit kif xieraq.";

(d) is-subartikolu (6) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(6) Għandu jkun id-dmir tal-Aġenzija fl-amministrazzjoni tal-applikazzjonijiet għall-għoti taċ-ċittadinanza Maltija b'naturalizzazzjoni permezz ta' servizzi eċċezzjonali jew ta' kull kwestjoni oħra li jkollha x'taqsam li għaliha r-Regolatur jiġi assenjat funzjonijiet taht is-subartikolu (4) sabiex tagħti lir-Regolatur dawk id-dokumenti jew informazzjoni kif hu jista' jitlob għall-finijiet li jippermettulu li jaqdi l-funzjonijiet tiegħu."; u

(e) is-subartikolu (8) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(8) Ir-Regolatur għandu jagħmel rapport annwali

lill-Ministru dwar il-qadi tal-funzjonijiet tiegħu kif provdut taht l-artikolu 25(1). Fir-rapport tiegħu, ir-Regolatur ma għandux jinkludi data personali relatata ma' individwi li akkwistaw iċ-ċittadinanza Maltija permezz ta' naturalizzazzjoni għal servizzi eċċezzjonali jew il-programm ta' investitur individwali."

7. L-artikolu 25A tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 25A tal-Att prinċipali.

"Investigazzjoni ta' lmenti. 25A. Ir-Regolatur jista' wkoll jinvestiga ilmenti rċevuti fil-forma preskritta, mill-applikant jew mill-aġent tiegħu, kif imfisser fir-Regolamenti dwar il-Liċenzi tal-Aġenti tal-Kummerċ, f'isem l-applikant imsemmi, dwar il-proċess li sar matul il-valutazzjoni ta' eliġibilità, li wasslet għar-rifjut tiegħu bil-mod preskritt taht dan l-Att. Ir-Regolatur għandu jippreżenta l-konklużjonijiet tiegħu lill-Ministru."

L.S. 13.01.

8. Is-subartikolu (1) tal-artikolu 25B tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda tal-artikolu 25B tal-Att prinċipali.

"(1) Għandu jkun hemm Kumitat, li jkun magħruf bħala l-Kumitat ta' Monitoraġġ, biex jagħmel monitoraġġ fuq it-tħaddim tal-proċess għall-għoti taċ-ċittadinanza Maltija permezz ta' naturalizzazzjoni għal servizzi eċċezzjonali."

9. Fl-artikolu 27 tal-Att prinċipali, minnufih wara s-subartikolu (2) għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 27 tal-Att prinċipali.

Att Nru XXXVIII tal-2020. "(3) L-Att tal-2020 li jemenda l-Att dwar iċ-ċittadinanza Maltija (Emenda Nru 2) ma għandux japplika għall-applikazzjonijiet għall-għoti ta' ċittadinanza Maltija permezz ta' naturalizzazzjoni li ġew sottomessi qabel id-dhul fis-seħh ta' dan l-Att."

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru 365 tat-28 ta' Lulju, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

31st July, 2020

ACT No. XXXVIII of 2020

AN ACT to further 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. (1) The short title of this Act is the Maltese Citizenship (Amendment No. 2) Act, 2020 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 sub-article (1) of article 2 of the principal Act, the definition "individual investor programme" shall be substituted by the following new definition:

Amendment of article 2 of the principal Act.

" "individual investor programme" means the individual investor programme established in the Act prior to the coming into force of the Maltese Citizenship (Amendment) Act, 2020;"

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of 2020.

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

Amendment of article 10 of the principal Act.

"(9) Notwithstanding the provisions of this or any other

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Act, the Minister may grant a certificate of naturalisation as a citizen of Malta to an alien or stateless person, who has rendered exceptional services to the Republic of Malta or to humanity, or whose naturalisation is of exceptional interest to the Republic of Malta, and who satisfies the requirements prescribed under this Act. For the purposes of this sub-article "exceptional" means manifestly superior, and refers primarily to contributions by scientists, researchers, athletes, sports people, artists, cultural performers, investors and entrepreneurs:

Provided that the Minister shall also grant a certificate of naturalisation to an eligible dependent of an alien or a stateless person who has rendered exceptional services to the Republic of Malta through investment:

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

Amendment of article 23 of the principal Act.

4. Sub-article (3) of article 23 of the principal Act shall be substituted by 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 granting of citizenship by naturalisation referred to in article 10(9) 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. Article 24 of the principal Act shall be amended as follows:

(a) paragraph (h) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(h) for prescribing forms, and providing for the imposition and recovery of fees, in respect of any application made to the Minister or in respect of any registration, or the making of any declaration, or the granting of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and for providing a certified copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid, and for providing

Cap. 35. for any contributions or investments or other fees of whatever nature in respect of the granting of citizenship by naturalisation and providing that the provisions or any of the provisions of the Fees Ordinance shall apply to such fees as if they were fees prescribed thereunder;"

(b) in paragraph (i) of sub-article (1) thereof, the words "individual investor programme" shall be substituted by the words "process for the granting of citizenship by naturalisation";

(c) in paragraph (j) of sub-article (1) thereof, the words "article 10(9)(c)" shall be substituted by the words "article 10(9)"; and

(d) in paragraph (j) of sub-article (1) thereof, the words "as may be prescribed." shall be substituted by the words "as may be prescribed;" and immediately thereafter there shall be added the following new paragraph:

"(k) for prescribing for the publication of names of persons applying for Maltese citizenship by naturalisation and registration of names of persons who were deprived of Maltese citizenship."

6. Article 25 of the principal Act shall be amended as follows:

Amendment of article 25 of the principal Act.

(a) the marginal note thereof shall be substituted by the following new marginal note "Appointment of the Regulator.";

(b) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The Prime Minister, after consulting the Leader of the Opposition, shall appoint as a Regulator for the purposes of the application process for the granting of Maltese citizenship by naturalisation for exceptional services and the individual investor programme by collating and analysing data and information, a person who has held the office of Judge or Magistrate, or who has held the office of Attorney General, State Advocate or Permanent Secretary, or who has practiced as an advocate or auditor or accountant in Malta for a period of at least twelve (12) years:

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Cap. 385. Provided that during such time when a Regulator is not appointed the Ombudsman appointed under the Ombudsman Act shall act *ex officio* as Regulator.";

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(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 ensure that the process of the granting of Maltese citizenship by naturalisation for exceptional services is duly followed.";

(d) sub-article (6) thereof shall be substituted by the following new sub-article:

"(6) It shall be the duty of the Agency in the administration of applications for the granting of Maltese citizenship by naturalisation through exceptional services or of any other matter in relation to which the Regulator is assigned functions under sub-article (4) to give to the Regulator such documents or information as he may require for the purpose of enabling him to discharge his functions."; and

(e) sub-article (8) thereof shall be substituted by the following new sub-article:

"(8) The Regulator shall make an annual report to the Minister on the discharge of his functions as provided under article 25(1). In his report, the Regulator shall not include personal data relating to individuals who have acquired Maltese citizenship by naturalisation for exceptional services or the individual investor programme.".

Substitution of article 25A of the principal Act.

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

"Investigation of complaints.

S.L. 13.01.

25A. The Regulator may also investigate complaints received in the prescribed form, by the applicant or his agent, as defined in the Commission Agents (Licences) Regulations, on behalf of the said applicant, about the process undertaken during the eligibility assessment,

which led to its refusal in the manner prescribed under this Act. The Regulator shall present his findings to the Minister."

8. Sub-article (1) of article 25B of the principal Act shall be substituted by the following new sub-article:

Amendment of article 25B of the principal Act.

"(1) There shall be a Committee, to be known as the Monitoring Committee, to monitor the workings for the process of the granting of Maltese citizenship by naturalisation for exceptional services."

9. In article 27 of the principal Act, immediately after sub-article (2) there shall be added the following new sub-article:

Amendment of article 27 of the principal Act.

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2020.

"(3) The Maltese Citizenship (Amendment No. 2) Act, 2020 shall not apply with regard to any applications for granting of Maltese citizenship by naturalisation filed before the coming into force of this Act."

Passed by the House of Representatives at Sitting No. 365 of the 28th July, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

