

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

24 ta' April, 2001

ATT Nru. XIII ta' l-2001

ATT biex jemenda l-Kostituzzjoni ta' Malta.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:-

1. It-titolu ta' dan l-Att hu l-Att ta' l-2001 li jemenda l-Kostituzzjoni ta' Malta, u għandu jinqara u jiftiehem hekk waħda mal-Kostituzzjoni ta' Malta, hawnhekk iżjed 'il quddiem imsejja "il-Kostituzzjoni". Titolu fil-qosor.

2. L-artikolu 44 tal-Kostituzzjoni għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 44 tal-Kostituzzjoni.

(a) fil-paragrafu (b) tas-subartikolu (3) tiegħu, minflok il-kliem "ta' l-artikolu 22 (1) jew 25 (1) ta' din il-Kostituzzjoni" għandhom jidhlu l-kliem "tas-subartikolu (1) ta' l-artikolu 3 jew tas-subartikolu (1) ta' l-artikolu 5 ta' l-Att dwar iċ-Ċittadinanza Maltija kif ikun fis-seħh mal-bidu fis-seħh ta' l-Att ta' l-2000 li jemenda l-Att dwar iċ-Ċittadinanza Maltija";

(b) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafi (a) u (ċ) tiegħu, minflok il-kliem "ta' l-artikolu 22 (1) jew 25 (1) ta' din il-Kostituzzjoni" kull fejn dawn jinsabu għandhom jidhlu l-kliem "tas-subartikolu (1) ta' l-artikolu 3 jew tas-subartikolu (1) ta' l-artikolu 5 ta' l-Att dwar iċ-Ċittadinanza Maltija kif ikun fis-seħh mal-bidu fis-seħh ta' l-Att ta' l-2000 li jemenda l-Att dwar iċ-Ċittadinanza Maltija";

(ii) fil-paragrafu (b) tieghu, minflok il-kliem "ta' l-artikolu 22(1) ta' din il-Kostituzzjoni" ghandhom jidhlu l-kliem "tas-subartikolu (1) ta' l-artikolu 3 ta' l-Att dwar ic-Cittadinanza Maltija kif ikun fis-sehh mal-bidu fis-sehh ta' l-Att ta' l-2000 li jemenda l-Att dwar ic-Cittadinanza Maltija";

(iii) fil-paragrafu (c) tieghu, minflok il-kliem "li tkun il-mara" ghandhom jidhlu l-kliem "li tkun ill-konjugi", u minflok il-kliem "u tkun qed tghix ma' dik il-persuna jew tkun l-iben jew il-bint taht il-wiehed u ghoxrin sena ta' età ta' dik il-persuna," ghandhom jidhlu l-kliem "u li tkun mizzewga lil dik il-persuna ghal mill-inqas hames snin u li tkun tghix ma' dik il-persuna, jw tkun l-iben jew il-bint taht il-wiehed u ghoxrin sena ta' età ta' dik il-persuna, jew";

(iv) minnufih wara l-paragrafu (c) tieghu ghandu jizdied dan il-paragrafu gdid li gej:-

"(d) li tkun l-armla jew l-armel ta' persuna msemija fil-paragrafu (a) jew fil-paragrafu (b) ta' dan is-subartikolu jew ta' persuna li fil-waqt tal-mewt tieghu jew taghha kienet cittadin ta' Malta bis-sahha tas-subartikolu (1) ta' l-artikolu 3 jew tas-subartikolu (1) ta' l-artikolu 5 ta' l-Att dwar ic-Cittadinanza Maltija kif ikun fis-sehh mal-bidu fis-sehh ta' l-Att ta' l-2000 li jemenda l-Att dwar ic-Cittadinanza Maltija, u li kienet ghadha tghix mieghu jew jghix maghha fil-waqt tal-mewt tieghu jew taghha u li kienet ilha mizzewga lil dik il-persuna ghal mill-inqas hames snin, jew li kieku kienet, li ma kienx ghall-mewt ta' dik il-persuna, tkun ilha hekk mizzewga ghal mill-inqas hames snin, jew tkun l-iben jew il-bint taht l-età ta' wiehed u ghoxrin sena ta' dik il-persuna,"; u

(v) minflok il-kliem " ta' l-artikolu 22 (1) jew 25 (1) ta' din il-Kostituzzjoni." ghandhom jidhlu l-kliem "tas-subartikolu (1) ta' l-artikolu 3 jew tas-subartikolu (1) ta' l-artikolu 5 ta' l-Att dwar ic-Cittadinanza Maltija kif ikun fis-sehh mal-bidu fis-sehh ta' l-Att ta' l-2000 li jemenda l-Att dwar ic-Cittadinanza Maltija,"; u minnufih fi tmiem is-subartikolu ghandhom jizdiedu dawn il-provisos li gejjin:-

"Izda jekk il-Ministru responsabbli ghall-hwejjeg li ghandhom x'jaqsmu mac-cittadinanza Maltija f'xi zmien b'ordni jiddikjara li jkun kontra l-interess pubbliku li konjugi kif hemm imsemmi fil-paragrafu (c) ta' dan is-subartikolu, jew armla jew armel kif hemm imsemmi

fil-paragrafu (d) ta' dan is-subartikolu, jew iben jew bint li jkollhom 'il fuq minn tmintax il-sena ta' età kif hemm imsemmi fil-paragrafu (c) jew (d) ta' dan is-subartikolu ghandhom hekk jitqiesu, jew ikomplu hekk jitqiesu, dawk il-konjuġi, armla, armel, iben jew bint, skond il-każ, ghandhom ma' dan itemmu milli jitqiesu bhala ċittadini ta' Malta kif imsemmi qabel;

Iżda wkoll, il-Ministru responsabbli għall-hwejjeg li ghandhom x'jaqsmu maċ-ċittadinanza Maltija ma ghandux ikun mehtieg li jaghti ebda raġuni għall-hruġ ta' xi ordni msemmi fil-proviso li jiġi minnufih qabel, u d-deċiżjoni tal-Ministru dwar xi ordni bhal dan ma ghandha tkun suġġetta għal appell jew stharrig f'ebda qorti.”.

3. Fil-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 66 tal-Kostituzzjoni, minflok il-kliem “l-artikoli 113, 114, 118, 119 jew 120”, ghandhom jidhlu l-kliem “l-artikoli 113, 114, 115A, 118, 119 jew 120”.

Emenda ta' l-artikolu 66 tal-Kostituzzjoni.

4. Minnufih wara l-artikolu 115 tal-Kostituzzjoni ghandu jidhol dan li ġej:

Zieda tal-Kapitolu XA gdid mal-Kostituzzjoni.

“KAPITOLU XA

KUNSILLI LOKALI

Kunsilli Lokali.

115A. L-Istat, għandu jadotta sistema ta' gvern lokali li biha t-territorju ta' Malta jinqasam f' dak l-ghadd ta' lokalitajiet hekk kif jista' minn żmien għal żmien jiġi stabbilit b'liġi, b'dan li kull lokalità tkun amministrata minn Kunsill Lokali elett mir-residenti tal-lokalità u li jitwaqqaf u jithaddem skond dik il-liġi li tista' minn żmien għal żmien tkun fis-sehh.”.

5. L-emenda ta' l-artikolu 44 tal-Kostituzzjoni magħmula bl-artikolu 2(b)(iii) ta' dan l-Att ma ghandha tolqot ebda jedd li jkun ġie legittimament miksub minn xi persuna qabel il-bidu fis-sehh ta' dan l-Att.

Disposizzjoni transitorja.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 525 tat-2 ta' April, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

24th April, 2001

ACT No. XIII of 2001

AN ACT to amend the Constitution of Malta.

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:-

Short title
and
commencement.

1. The title of this Act is the Constitution of Malta (Amendment) Act, 2001, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as “the Constitution”.

Amendment of
article 44 of the
Constitution.

2. Article 44 of the Constitution shall be amended as follows:

(a) in paragraph (b) of subarticle (3) thereof, for the words “article 22 (1) or 25 (1) of this Constitution” there shall be substituted the words “subarticle (1) of article 3 or subarticle (1) of article 5 of the Maltese Citizenship Act as in force upon the coming into force of the Maltese Citizenship (Amendment) Act, 2000”;

(b) subarticle (4) thereof shall be amended as follows:

(i) in paragraphs (a) and (c) thereof, for the words “article 22 (1) or 25 (1) of this Constitution” wherever these occur there shall be substituted the words “subarticle (1) of article 3 or subarticle (1) of article 5 of the Maltese Citizenship Act as in force upon the coming into force of the Maltese Citizenship (Amendment) Act, 2000”;

(ii) in paragraph (b) thereof, for the words “article 22(1) of this Constitution” there shall be substituted the words “subarticle (1) of article 3 of the Maltese Citizenship Act as in force upon the coming into force of the Maltese Citizenship (Amendment) Act, 2000”;

(iii) in paragraph (c) thereof, for the words “who is the wife” there shall be substituted the words “who is the spouse”, and for the words “and is living with that person or is the child under twenty-one years of age of such a person,” there shall be substituted the words “and who has been married to that person for at least five years and is living with that person, or is the child under twenty-one years of age of such a person; or”;

(iv) immediately after paragraph (c) thereof there shall be added the following new paragraph:

“(d) who is the widow or the widower of a person mentioned in paragraph (a) or paragraph (b) of this subarticle or of a person who at the time of his or her death was a citizen of Malta by virtue of subarticle (1) of article 3 or subarticle (1) of article 5 of the Maltese Citizenship Act as in force upon the coming into force of the Maltese Citizenship (Amendment) Act, 2000, and who was still living with him or her at the time of his or her death and had been married to that person for at least five years or who would, but for the death of that person, have been so married for at least five years, or is the child under twenty-one years of age of such a person,”; and

(v) for the words “article 22 (1) or 25 (1) of this Constitution.” there shall be substituted the words “subarticle (1) of article 3 or subarticle (1) of article 5 of the Maltese Citizenship Act as in force upon the coming into force of the Maltese Citizenship (Amendment) Act, 2000:”, and immediately thereafter there shall be added the following provisos:

“Provided that if the Minister responsible for matters relating to Maltese citizenship at any time by order declares that it is contrary to the public interest that a spouse as is mentioned in paragraph (c) of this subarticle, or a widow or widower as is mentioned in paragraph (d) of this subarticle, or a child over eighteen

years of age as is mentioned in paragraph (c) or (d) of this subarticle is to be so deemed, or to continue to be so deemed, such spouse, widow, widower or child, as the case may be, shall thereupon cease to be deemed to be a citizen of Malta as aforesaid;

Provided further that the Minister responsible for matters relating to Maltese citizenship shall not be required to assign any reason for the issue of any order referred to in the immediately preceding proviso, and the decision of the Minister on any such order shall not be subject to appeal to or review in any court.”.

Amendment of article 66 of the Constitution.

3. In paragraph (b) of subarticle (2) of article 66 of the Constitution for the words “articles 113, 114, 118, 119 or 120” there shall be substituted the words “articles 113, 114, 115A, 118, 119 or 120”.

Addition of new Chapter XA to the Constitution.

4. Immediately after article 115 of the Constitution there shall be inserted the following:

“CHAPTER XA

LOCAL COUNCILS

Local Councils.

115A. The State shall adopt a system of local government whereby the territory of Malta shall be divided into such number of localities as may by law be from time to time determined, each locality to be administered by a Local Council elected by the residents of the locality and established and operating in terms of such law as may from time to time be in force.”.

Transitory provision.

5. The amendment to article 44 of the Constitution made by article 2(b)(iii) of this Act shall not affect any right legally acquired by any person before the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 525 of the 2nd April, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives