

Nru. 88

12. 7. 89

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tat-12 ta' Gunju, 1989.

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, and read the First time at the Sitting of the 12th June, 1989.

ATT biex jemenda l-Kostituzzjoni.

AN ACT to amend the Constitution.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjaħ

ATT biex jemenda l-Kostituzzjoni.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1989 li jemenda l-Kostituzzjoni, u għandu jinqara u jiftiehem haġa waħda mal-Kostituzzjoni ta' Malta, hawnhekk iżjed 'il quddiem imsejjaħ "il-Kostituzzjoni".

Titolu
fil-qosor.

2. L-artikolu 23 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

Emenda ta'
l-artikolu
23 tal-
Kostituzzjoni.

(a) fis-subartikolu (2) tiegħu —

(i) minflok il-kliem "Kull mara" għandhom jidhlu l-kliem "Kull persuna";

(ii) fil-paragrafu (b), minflok il-kliem "li ma kienx għall-mewt tiegħu," għandhom jidhlu l-kliem "li ma kienx għall-mewt tiegħu jew tagħha,";

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "Kull mara" għandhom jidhlu l-kliem "Kull persuna"; u

(ċ) minnufih wara s-subartikolu (7) tiegħu għandu jżied dan is-subartikolu ġdid li ġej:

"(8) Hadd wara l-1 ta' Awissu, 1989, ma għandu jkollu dritt li jiġi registrat bħala ċittadin ta' Malta bis-saħħa tas-subartikoli (2) u (3) ta' dan l-artikolu hlied jekk:

(a) il-Ministru huwa sodisfatt li l-għoti ta' ċittadinanza lil dik il-persuna ma tmurx kontra l-interess pubbliku; u

(b) fid-data ta' l-applikazzjoni dik il-persuna kienet għadha miżżewġa ma' ċittadin ta' Malta, jew kienet l-armla jew l-armel ta' persuna li kienet ċittadin ta' Malta jew ta' persuna li billi tkun mietet qabel il-ġurnata stabbilita kienet, hlief għall-mewt tiegħu jew tagħha, issir ċittadin ta' Malta bis-saħħa ta' l-artikolu 22 ta' din il-Kostituzzjoni."

Sostituzzjoni ta' l-artikolu 25 tal-Kostituzzjoni.

3. Minflok l-artikolu 25 tal-Kostituzzjoni għandu jidhol dan li ġej:

"Ksib ta' ċittadinanza bi twelid jew dixxendenza minn persuni mwielda fi jew wara l-ġurnata stabbilita.

25. (1) Kull min jitwield f'Malta fi jew wara l-ġurnata stabbilita isir ċittadin ta' Malta fil-ġurnata tat-twelid tiegħu:

Iżda fil-każ ta' persuna mwielda fi jew qabel il-31 ta' Lulju, 1989, dik il-persuna ma ssirx ċittadin ta' Malta bis-saħħa ta' dan is-subartikolu jekk fil-hin tat-twelid tagħha —

(a) ebda wiehed mill-ġenituri tagħha ma kien ċittadin ta' Malta u missierha kellu dik l-immunità minn kawżi u proċeduri legali bhalma hija mogħtija lil *envoy* ta' potenza sovrana stranġiera akkreditat lil Malta; jew

(b) missierha kien frustier għadu u t-twelid sar f'post li f'dak iż-żmien kien taħt okkupazzjoni mill-għadu:

Iżda wkoll, fil-każ ta' persuna mwielda fi jew wara l-1 ta' Awissu, 1989, dik il-persuna ma ssirx ċittadin ta' Malta bis-saħħa ta' dan is-subartikolu hlief jekk fil-hin tat-twelid missieru jkun jew ommu tkun:

(a) ċittadin ta' Malta; jew

(b) persuna imsemmija fil-paragrafi (a) jew (b) tas-subartikolu (4) ta' l-artikolu 44 ta' din il-Kostituzzjoni.

(2) Min jitwield barra minn Malta fi jew wara l-ġurnata stabbilita jsir ċittadin ta' Malta fil-ġurnata tat-twelid tiegħu:

(a) fil-każ ta' persuna mwielda fi jew qabel il-31 ta' Lulju, 1989, jekk fil-ġurnata tat-twelid ta' dik il-persuna, missierha jkun ċittadin ta' Malta b'mod iehor milli bis-saħħa ta' dan is-subartikolu jew tas-subartikolu (2) ta' l-artikolu 22 ta' din il-Kostituzzjoni; u

(b) fil-każ ta' persuna mwielda fi jew wara l-1 ta' Awissu, 1989, jekk fil-ġurnata tat-twelid ta' dik il-persuna missierha jkun jew ommha tkun ċittadin ta'

Malta b'mod ieħor milli bis-saħħa ta' dan is-subartikolu jew tas-subartikolu (2) ta' l-artikolu 22 ta' din il-Kostituzzjoni.”.

4. Minflok l-artikolu 26 tal-Kostituzzjoni għandu jidhol dan li ġej:

“ Żwieġ ma'
cittadin
ta'
Malta.

26. (1) Kull persuna li fi jew wara l-ġurnata stabbilita tiżżewwieg lil xi hadd li jkun jew li jsir ċittadin ta' Malta jkollha d-dritt, wara li tagħmel applikazzjoni b'dak il-mod kif jista' jkun preskritt u wara li tieħu l-ġurament ta' lealtà, tkun reġistrata bħala ċittadin ta' Malta.

Sostituzzjoni
ta' l-artikolu
26 tal-
Kostituzzjoni.

(2) B'seħħ mill-1 ta' Awissu, 1989, hadd ma jkollu jedd jiġi reġistrat bħala ċittadin ta' Malta bis-saħħa ta' dan l-artikolu hliet jekk:

(a) il-Ministru jkun sodisfatt li l-ġhoti taċ-ċittadinanza lil dik il-persuna ma jmurx kontra l-interess pubbliku; u

(b) fid-data ta' l-applikazzjoni tagħha dik il-persuna kienet għadha miżżewġa ma' ċittadin ta' Malta, jew tkun l-armla jew l-armel ta' persuna li kienet ċittadin ta' Malta filwaqt tal-mewt tiegħu jew tagħha.”.

5. L-artikolu 27 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

Emenda ta'
l-artikolu 27
tal-Kostituzzjoni.

(a) minflok il-proviso għas-subartikolu (1) tiegħu għandu jidhol dan il-proviso li ġej:

“Izda dwar persuna —

(a) li tikseb l-età ta' tmintax-il sena fi jew qabel l-20 ta' Settembru, 1966, dan is-subartikolu għandu japplika daqslikieku minflok ir-riferenza dwar il-ksib tagħha ta' l-età ta' dsatax-il sena, kien hemm riferenza għall-20 ta' Settembru, 1967; u

(b) li hi jew kienet ċittadin ta' Malta bis-saħħa tas-subartikolu (2) ta' l-artikolu 25 ta' din il-Kostituzzjoni, bis-saħħa tal-fatt li missierha jitqies li qatt ma tilef iċ-ċittadinanza Maltija tiegħu skond id-dispożizzjonijiet tal-paragrafu (b) tal-proviso għas-subartikolu (3) ta' dan l-artikolu, u li kisbet l-età ta' tmintax-il sena qabel l-1 ta' Awissu, 1989, dan is-subartikolu għandu japplika daqslikieku minflok ir-riferenza dwar il-ksib tagħha ta' l-età ta' dsatax-il sena, kien hemm riferenza għall-1 ta' Awissu, 1990;

Izda wkoll dan is-subartikolu ma japplikax fil-każ ta' persuna li tkun ċittadin ta' Malta bis-saħħa tas-subartikolu (1) ta' l-artikolu 25 ta' din il-Kostituzzjoni u li wara li tkun emigrat lejn pajjiż ieħor qabel il-ġurnata tad-dsatax-il-sena mit-twelid tagħha tikseb iċ-ċittadinanza ta' dak il-pajjiż l-ieħor;

B'dan illi jekk dik il-persuna terġa' lura biex tirisjedi f'Malta qabel ma jghaddu ghaxar snin minn meta tkun emigrat hija ma tibqax cittadin ta' Malta hlief jekk tkun irrinunzjat iċ-ċittadinanza taghha ta' dak il-pajjiż l-iehor jew

(a) wara li tkun kisbet l-età ta' tmintax-il sena u qabel ma tikseb l-età ta' dsatax-il sena; jew

(b) qabel ma tghaddi sena minn meta tkun reġghet lura Malta;

skond liema minnhom jiġi l-iktar tard. Izda kull permanenza f'Malta ghal perjodu jew perjodi li ma jaqbzux hdax-il xahar f'xi sena waħda jew ta' tletin xahar b'kollox ma ghandhiex titqies u ma ghandhiex tiġi kunsidrata bhala li dik il-persuna tkun reġghet lura Malta.”;

(b) minnufih fi tmiem is-subartikolu (3) tieghu ghandu jidhol dan il-proviso li ġej:

“Izda —

(a) dan is-subartikolu ma ghandux japplika fil-każ ta' persuna li tkun cittadin ta' Malta bis-sahha tas-subartikolu (1) ta' l-artikolu 22 jew tas-subartikolu (1) ta' l-artikolu 25 ta' din il-Kostituzzjoni u li wara li temigra lejn pajjiż ieħor tikseb fi jew wara l-1 ta' Awissu, 1989, iċ-ċittadinanza ta' dak il-pajjiż l-ieħor;

(b) persuna li wara li temigra lejn pajjiż ieħor u li qabel l-1 ta' Awissu, 1989, tkun kisbet iċ-ċittadinanza ta' dak il-pajjiż l-ieħor u li qabel ma tkunx baqgħet cittadin ta' Malta kienet cittadin ta' Malta bis-sahha tas-subartikolu (1) ta' l-artikolu 22 jew tas-subartikolu (1) ta' l-artikolu 25 ta' din il-Kostituzzjoni ikollha dritt wara li tagħmel l-applikazzjoni taghha b'dak il-mod li jista' jiġi hekk preskritt u wara li tiehu l-ġurament ta' lealtà, li tiġi reġistrata bhala cittadin ta' Malta minghajr ma tiffinunzja iċ-ċittadinanza ta' dak il-pajjiż l-ieħor u meta tiġi reġistrata dik il-persuna ghandha titqies li ma tkunx tilfet iċ-ċittadinanza Maltija taghha meta tkun assumiet iċ-ċittadinanza tal-pajjiż li tkun emigrat lejha;

B'dan illi jekk dik il-persuna terġa' lura sabiex tirisjedi f'Malta qabel ma jghaddu ghaxar snin minn meta tkun emigrat hija ma tibqax cittadin ta' Malta hlief jekk tkun irrinunzjat iċ-ċittadinanza taghha ta' dak il-pajjiż l-ieħor qabel ma tghaddi sena minn meta tkun reġghet lura Malta. Kull permanenza f'Malta ghal perjodu jew perjodi li ma jaqbzux hdax-il xahar f'xi sena waħda jew ta' tletin xahar b'kollox ma ghandhiex tietqies u ma ghandhiex tiġi kunsidrata bhala li dik il-persuna tkun reġghet lura Malta.”.

6. Minflok is-subartikolu (3) ta' l-artikolu 28 tal-Kostituzzjoni għandhom jidhlu dawn is-subartikoli (3) u (4) li ġejjin:

Emenda ta' l-artikolu 28 tal-Kostituzzjoni.

“(3) Il-pajjiżi li għalihom jghodd dan l-artikolu huma dawk elenkati fir-Raba' Skeda li tinsab ma' din il-Kostituzzjoni.

(4) Il-President jista' bi Proklama jemenda, iżid ma', jirrevoka jew jissostitwixxi l-elenku ta' pajjiżi li hemm fir-Raba' Skeda li tinsab ma' din il-Kostituzzjoni.”.

7. L-artikolu 31 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 31 tal-Kostituzzjoni.

(a) minnufih qabel it-tifsira ta' “persuna protetta Ingliża” fis-subartikolu (1) tiegħu għandha tiżdied din it-tifsira li ġejja:

“ “Ministru” tfisser il-Ministru li f'dak iż-żmien ikun responsabbli għal hwejjeġ li għandhom x'jaqsmu maċ-ċittadinanza Maltija u, sal-limitu ta' l-Awtorità mogħtija, tinkludi lil kull min jiġi awtorizzat minn dak il-Ministru sabiex jaġixxi minflok;”; u

(b) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:

“(3) (a) F'dan il-Kapitolu:

(i) kull riferenza għall-missier ta' persuna għandha, dwar persuna mwielda barra miż-żwieġ u mhux legittimata, tiftiehem bħala riferenza għall-omm ta' dik il-persuna;

(ii) kull riferenza għall-missier ta' persuna li tkun għet adottata legalment qabel l-1 ta' Jannar, 1977, għandha tiftiehem bħala riferenza għall-adottant u fil-każ ta' adożzjoni minn żewġ persuni flimkien, għall-adottant raġel; u

(iii) kull riferenza għall-ġenituri ta' persuna li tkun għet adottata legalment fi jew wara l-1 ta' Awissu, 1989, u li kienet fil-ġurnata effettiva tal-adożzjoni tagħha taht l-età ta' għaxar snin, għandha tiftiehem bħala riferenza għall-adottanti;

(b) għall-finijiet ta' dan il-Kapitolu:

(i) l-adożzjoni ta' xi persuna li ssir fi jew wara l-1 ta' Jannar, 1977, u qabel l-1 ta' Awissu, 1989, ma għandhiex ikollha effett u għandha titqies daqsliekeku ma saritx;

(ii) l-adożzjoni ta' xi persuna li ssir fi jew wara l-1 ta' Awissu, 1989, li fil-ġurnata effettiva tal-adożzjoni tagħha kellha għaxar snin jew iktar, ma għandhiex ikollha effett u għandha titqies daqsliekeku ma saritx; u

(ċ) il-Ministru ma jkunx meħtieġ jagħti ebda raġuni għall-ghoti jew għar-rifjut tiegħu ta' xi applikazzjoni skond l-artikoli 23 u 26 ta' din il-Kostituzzjoni u d-deċiżjoni tal-Ministru dwar xi applikazzjoni bħal dik ma għandhiex tkun sugġetta għal xi appell jew skrutinju f'ebda qorti."

Emenda ta'
l-artikolu 123
tal-Kostituzzjoni.

8. L-artikolu 123 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "barra mill-kariga ta' President iżda" għandhom jithassru;

(b) is-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (3) tiegħu; u

(ċ) minnufih wara s-subartikolu (1) tiegħu għandu jidhol dan is-subartikolu li ġej:

"(2) Is-subartikolu (1) ta' dan l-artikolu ma għandux japplika għall-kariga ta' President, iżda għandu japplika għal persuna li tkun inħatret sabiex taqdi l-funzjonijiet ta' President skond l-artikolu 49 tal-Kostituzzjoni."

Zieda ta'
Skeda ġdida
mal-
Kostituzzjoni.

9. Minnufih wara T-TIELET SKEDA li tinsab mal-Kostituzzjoni għandu jiżdied dan li ġej:

"IR-RABA' SKEDA

(Artikolu 28)

Elenku ta' Pajjiżi tal-'Commonwealth' minbarra Malta

Antigua u Barbuda
Awstralja
Bahamas
Bangladesh
Barbados
Belize
Botswana
Brunei Darussalam
Ċipru
Dominica
Il-Gambia
Ghana
Grenada
Guyana
Indja
Jamaica
Kanada
Kenya
Kiribati
Lesotho
Malawi

Malaysia
 Maldives
 Mauritius
 Nauru
 New Zealand
 Nigerja
 Papua New Guinea
 Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq
 St. Kitts u Nevis
 St. Lucia
 St. Vincent u l-Grenadines
 Seychelles
 Sierra Leone
 Singapore
 Solomon Islands
 Sri Lanka
 Swaziland
 Tanzania
 Tonga
 Trinidad u Tobago
 Tuvalu
 Uganda
 Vanuatu
 Western Samoa
 Zambja
 Zimbabwe.

Għanijiet u Raġunijiet

L-Għan ewlieni ta' dan l-Abbozz huwa biex jibdel id-dispożizzjonijiet tal-Kostituzzjoni billi jipprovdi li f'ċerti każi jkun hemm ċittadinanza doppja. L-Abbozz jipprovdi wkoll sabiex persuni mwelldin Malta ikunu biss jistgħu jakkwistaw iċ-ċittadinanza Maltija jekk wiehed mill-ġenituri huwa ċittadin ta' Malta jew kien ċittadin ta' Malta li għandu libertà ta' moviment, jipprovdi wkoll għat-trasmissjoni taċ-ċittadinanza ukoll minn mara għal persuna oħra, u jagħmel ċerti dispożizzjonijiet oħrajn dwar l-irġiel jew in-nisa ta' ċittadini ta' Malta u persuni adottati.



A BILL
entitled

AN ACT to amend the Constitution

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.

1. This Act may be cited as the Constitution (Amendment) Act, 1989, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as "the Constitution".

Amendment of
section 23
of the
Constitution.

2. Section 23 of the Constitution shall be amended as follows:

(a) in subsection (2) thereof —

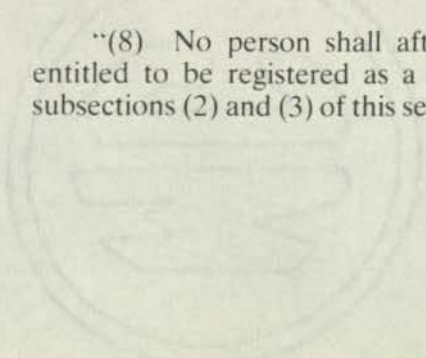
(i) for the words "Any woman" there shall be substituted the words "Any person";

(ii) in paragraph (b), for the words "but for his death," there shall be substituted the words "but for his or her death,";

(b) in subsection (3) thereof, for the words "any woman" there shall be substituted the words "any person"; and

(c) immediately after subsection (7) thereof there shall be added the following new subsection:

"(8) No person shall after the 1st August, 1989, be entitled to be registered as a citizen of Malta in virtue of subsections (2) and (3) of this section, unless:



(a) the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest; and

(b) on the date of the application such person was still married to a citizen of Malta, or is the widow or widower of a person who was a citizen of Malta or of a person who having died before the appointed day would, but for his or her death, have become a citizen of Malta by virtue of section 22 of this Constitution.”.

3. For section 25 of the Constitution there shall be substituted the following:

Substitution
of section
25 of the
Constitution.

“Acquisition
of citizenship
by birth
or descent by
persons born
on or after
appointed
day.

25. (1) Every person born in Malta on or after the appointed day shall become a citizen of Malta at the date of his birth:

Provided that in the case of a person born on or before the 31st July, 1989, such person shall not become a citizen of Malta by virtue of this subsection if at the time of his birth —

(a) neither of his parents was a citizen of Malta and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Malta; or

(b) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy:

Provided further that in the case of a person born on or after the 1st August, 1989 such person shall not become a citizen of Malta by virtue of this subsection unless at the time of his birth his father or his mother is:

(a) a citizen of Malta; or

(b) a person referred to in paragraphs (a) or (b) of subsection (4) of section 44 of this Constitution.

(2) A person born outside Malta on or after the appointed day shall become a citizen of Malta at the date of his birth:

(a) in the case of a person born on or before the 31st July, 1989, if at the date of such person's birth, his father is a citizen of Malta otherwise than by virtue of this subsection or subsection (2) of section 22 of this Constitution; and

(b) in the case of a person born on or after the 1st August, 1989, if at the date of such person's birth his father or his mother is a citizen of Malta otherwise than by virtue of this subsection or subsection (2) of section 22 of this Constitution."

Substitution of section 26 of the Constitution.

4. For section 26 of the Constitution there shall be substituted the following:

"Marriage to citizen of Malta.

26. (1) Any person who on or after the appointed day marries a person who is or becomes a citizen of Malta shall be entitled, upon making application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(2) With effect from the 1st August, 1989, no person shall be entitled to be registered as a citizen of Malta in virtue of this section unless:

(a) the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest; and

(b) on the date of the application such person was still married to a citizen of Malta or is the widow or widower of a person who was a citizen of Malta at the time of his or her death."

Amendment of section 27 of the Constitution.

5. Section 27 of the Constitution shall be amended as follows:

(a) for the proviso to subsection (1) thereof there shall be substituted the following proviso:

"Provided that in relation to a person

(a) who attains the age of eighteen years on or before the 20th September, 1966, this subsection shall apply as if for the reference to his attainment of the age of nineteen years there were substituted a reference to the 20th September, 1967; and

(b) who is or was a citizen of Malta in virtue of subsection (2) of section 25 of this Constitution, in virtue of his father being deemed never to have lost his citizenship of Malta in accordance with the provisions of paragraph (b) of the proviso to subsection (3) of this section, and who attained the age of eighteen years prior to the 1st August, 1989, this subsection shall apply as if for the reference to his attainment of the age of nineteen years, there were substituted a reference to the 1st August, 1990;

Provided further that this subsection shall not apply in the case of a person who is a citizen of Malta in virtue of subsection (1) of section 25 of this Constitution and who after emigrating to another country prior to his nineteenth birthday acquires the citizenship of that other country:

So however that if such person returns to reside in Malta before the expiration of ten years from the date of his emigration he shall cease to be a citizen of Malta unless he has renounced his citizenship of that other country either

(a) after attaining the age of eighteen years and before attaining the age of nineteen years; or

(b) before the expiration of one year from his return to Malta;

whichever is the later. Provided that any stay in Malta for a period or periods not exceeding eleven months in any one year or of thirty months in the aggregate shall not be taken into account and shall not be considered as a return to Malta.”;

(b) immediately at the end of subsection (3) thereof there shall be added the following proviso:

“Provided that

(a) this subsection shall not apply in the case of a person who is a citizen of Malta in virtue of subsection (1) of section 22 or subsection (1) of section 25 of this Constitution and who after emigrating to another country acquires on or after the 1st August, 1989, the citizenship of that other country; and

(b) a person who after emigrating to another country and who before the 1st August, 1989, has acquired the citizenship of that other country and who prior to ceasing to be a citizen of Malta was a citizen of Malta in virtue of subsection (1) of section 22 or subsection (1) of section 25 of this Constitution shall be entitled upon making application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta without renouncing the citizenship of such other country and upon registration such person shall be deemed not to have lost his citizenship of Malta on taking up the citizenship of the country to which he had emigrated;

So however that if such person returns to reside in Malta before the expiration of ten years from the date of his emigration he shall cease to be a citizen of Malta unless he has renounced his citizenship of that other country before the expiration of one year from his return to Malta. Any stay in Malta for a period or periods not exceeding eleven months in any one year or of thirty months in the aggregate, shall not be taken into account and shall not be considered as a return to Malta.”.

Amendment of
section 28
of the
Constitution.

6. For subsection (3) of section 28 of the Constitution there shall be substituted the following subsections (3) and (4):

“(3) The countries to which this section applies are those listed in the Fourth Schedule to this Constitution.

(4) The President may by Proclamation amend, add to, revoke or substitute the list of countries in the Fourth Schedule to this Constitution.”

Amendment of
section 31
of the
Constitution.

7. Section 31 of the Constitution shall be amended as follows:

(a) immediately after the definition “British protected person” in subsection (1) thereof there shall be added the following definition:

““Minister” means the Minister for the time being responsible for matters relating to Maltese citizenship and, to the extent of the authority given, includes any person authorised by such Minister to act on his behalf;” and

(b) for subsection (3) thereof there shall be substituted the following:

“(3) (a) In this chapter:

(i) any reference to the father of a person shall, in relation to a person born out of wedlock and not legitimated, be construed as a reference to the mother of that person;

(ii) any reference to the father of a person who was lawfully adopted before the 1st January, 1977, shall be construed as a reference to the adopter and in the case of a joint adoption, the male adopter; and

(iii) any reference to the parents of a person who was lawfully adopted on or after the 1st August, 1989, and who was on the effective date of his adoption under the age of ten years, shall be construed as a reference to the adopters;

(b) for the purposes of this chapter:

(i) an adoption of any person made on or after the 1st January, 1977, and before the 1st August, 1989, shall be without effect and shall be treated as if it had not been made;

(ii) an adoption of any person made on or after the 1st August, 1989, who on the effective date of his adoption was ten years or older, shall be without effect and shall be treated as if it had not been made; and

(c) the Minister shall not be required to assign any reason for the grant or refusal of any application under sections 23 and 26 of this Constitution and the decision of the Minister on any such application shall not be subject to appeal to or review in any court.”.

8. Section 123 of the Constitution shall be amended as follows: Amendment of
section 123
of the
Constitution.

(a) in subsection (1) thereof, the words “other than the office of President but” shall be deleted;

(b) subsection (2) thereof shall be renumbered as subsection (3) thereof; and

(c) immediately after subsection (1) thereof there shall be inserted the following subsection:

“(2) Subsection (1) of this section shall not apply to the office of President, but shall apply to a person appointed to perform the functions of President in accordance with section 49 of the Constitution.”.

9. Immediately after the THIRD SCHEDULE to the Constitution there shall be added the following: Addition of
new Schedule
to the
Constitution.

“FOURTH SCHEDULE

(Section 28)

List of Commonwealth Countries other than Malta

Antigua and Barbuda
Australia
Bahamas
Bangladesh
Barbados
Belize
Botswana
Brunei Darussalam
Canada
Cyprus
Dominica
The Gambia
Ghana
Grenada
Guyana
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia

Maldives
Mauritius
Nauru
New Zealand
Nigeria
Papua New Guinea
St. Kitts and Nevis
St. Lucia
St. Vincent and the Grenadines
Seychelles
Sierra Leone
Singapore
Solomon Islands
Sri Lanka
Swaziland
Tanzania
Tonga
Trinidad and Tobago
Tuvalu
Uganda
United Kingdom of Great Britain and Northern Ireland
Vanuatu
Western Samoa
Zambia
Zimbabwe.”

Objects and Reasons

The main object of this Bill is to reform the citizenship provisions of the Constitution by making provision for dual citizenship in certain cases. The Bill also provides that persons born in Malta shall only acquire Maltese citizenship if one of the parents is a citizen of Malta or a former citizen of Malta who enjoys freedom of movement, it further provides for the transmission of citizenship also in the female line, and makes certain other provisions with regard to spouses of citizens of Malta and adopted persons.