

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

15 ta' Novembru, 2013

ATT Nru. XV tal-2013

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, hareġ b'ligi dan li ġej:-

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 haġa waħda mal-Att dwar iċ-Ċittadinanza Maltija, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

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

Emenda tal-artikolu 2 tal-Att prinċipali.

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

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

Emenda tal-artikolu 10 tal-Att prinċipali.

"(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 eliġgibli 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 f'Malta."

Emenda tal-artikolu 23 tal-Att prinċipali.

4. Minnufih wara s-subartikolu (2) tal-artikolu 23 tal-Att prinċipali, għandu jżded 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, tehel 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 jżdeddu 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 jidhlu l-kliem "kienu drittijiet preskritti bis-saħħa tagħhom;" u minnufih wara għandu jidhol 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.

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

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

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25. (1) Il-Prim Ministru, wara konsultazzjoni mal-Kap tal-Oppożizzjoni, għandu jahtar bhala 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 Generali, jew Segretarju Permanenti jew li pprattika bhala avukat f'Malta għal żmien ta' mhux inqas minn tnax-il sena:

Iżda li matul dak iż-żmien meta Regolatur ma jkunx mahtur l-Ombudsman mahtur taht l-Att dwar l-Ombudsman għandu jaġixxi *ex officio* bhala Regolatur.

(2) Ir-Regolatur għandu jzomm il-kariga skont it-termini tal-hatra tiegħu.

(3) B'żjieda mal-funzjonijiet tiegħu taht dan l-Att u dawk il-funzjonijiet oħra kif jistgħu jiġu assenjati lilu taht kull ligi, r-Regolatur għandu jzomm taht revizjoni kull aspekt 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 taht 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 taht 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 hin jirraporta lill-Ministru fuq kull kwistjoni li jkollha x'taqsam mal-qadi tal-funzjonijiet tiegħu taht 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 taht il-programm ta' investitur individwali.

(9) Il-Ministru għandu jqiegħed kopja ta' kull rapport annwali magħmul mir-Regolatur taht 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.

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

"Investigazzjoni ta' ilmenti.

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

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

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

"Il-Kumitat ta' Monitoraġġ.

25B. (1) Għandu jkun hemm kumitat li jkun magħruf bhala l-Kumitat ta' Monitoraġġ sabiex jagħmel monitoraġġ fuq it-tħaddim tal-programm ta' investitur individwali.

(2) Il-Kumitat ta' Monitoraġġ għandu jikkonsisti fil-Prim Ministru, il-Ministru u l-Kap tal-Oppożizzjoni. Il-laqgħat tal-Kumitat għandhom ikunu presjeduti mill-Prim Ministru u l-Kumitat għandu jirregola l-proċedura tiegħu.

(3) Il-Kumitat ta' Monitoraġġ għandu jiltaqa' mill-inqas darba fis-sena u jkollu s-setgħa illi jsejjaħ lir-regolatur sabiex jirrapporta lill-Kumitat waqt il-laqgħat tiegħu."

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 79 tat-12 ta' Novembru, 2013.

ANGLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 332

I assent.

(L.S.)

GEORGE ABELA
President

15th November, 2013

ACT No. XV of 2013

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:-

Short title.

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".

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Amendment of
article 2
of the principal
Act.

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

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

Amendment of
article 10 of the
principal Act

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

"(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 in Malta."

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

Amendment of article 23 of the principal Act

"(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)."

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:

Amendment of article 24 of the principal Act

"(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."

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

Substitution of article 25 of the principal Act

"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."

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

Addition of a new article 25A to the principal Act.

"Investigation of complaints.

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

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

Addition of a new article 25B to the principal Act.

"The Monitoring Committee.

25B. (1) There shall be a Committee, to be known as the Monitoring Committee, to monitor the workings of the individual investor programme.

(2) The Monitoring Committee shall consist of the Prime Minister, the Minister and the Leader of the Opposition. The meetings of the Committee shall be presided by the Prime Minister and the Committee shall regulate its own procedure.

(3) The Monitoring Committee shall meet at least once a year, and it shall be entitled to call the Regulator to report to the Committee at its meetings."

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Passed by the House of Representatives at Sitting No. 79 of the
12th November, 2013.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives