

SUBSIDIARY LEGISLATION 595.38**COMMUNITY MALTA AGENCY
(ESTABLISHMENT) ORDER**

20th November, 2020

LEGAL NOTICE 436 of 2020, as amended by Legal Notices 452 of 2020 and 60 of 2026.*

- 1.** The title of this order is the Community Malta Agency (Establishment) Order. Citation.
- 2.** In this order, unless the context otherwise requires: Interpretation.
Amended by:
L.N. 60 of 2026.
- "Act" means the Public Administration Act; Cap. 595.
- "Agency" means the Community Malta Agency established by this order;
- "Consolidated Fund" means the Consolidated Fund established by article 102 of the Constitution;
- "Minister" means the Minister responsible for citizenship;
- "National Development and Social Fund" means the National Development and Social Fund established by article 3 of the National Development and Social Fund (Establishment as an Agency) Order; S.L. 595.12.
- "Permanent Secretary" means the Permanent Secretary in the Ministry responsible for citizenship.
- 3.** There shall be established an Agency, to be known as the Community Malta Agency which shall carry out functions and duties of public administration in the following matters: Establishment of the Community Malta Agency.
- (a) to administer the process of applications for the grant of citizenship under the Maltese Citizenship Act and regulations issued under the Maltese Citizenship Act; Cap. 188.
- (b) to advise the Minister on all matters concerning the functions of the agency; and
- (c) to perform all such other matters which are ancillary, incidental or consequential to the matters stipulated in this article, as the Minister may from time to time determine.
- 4.** (1) The Minister responsible for the Agency shall be the Minister responsible for citizenship. Minister responsible for the Agency.
- (2) The Permanent Secretary in the Ministry responsible for

*Vide Regulation 9 of Legal Notice 60 of 2026.

citizenship shall supervise the Agency in terms of article 29 of the Act:

Provided that the Prime Minister may assign the responsibility of the Agency to another Minister and its supervision to the Permanent Secretary of that Ministry.

Agency to be subject to the Act.

5. The Agency shall be subject to the provisions of the Act and shall be regulated accordingly.

Operational set-up of the Agency.

6. (1) The Agency shall, in consultation with the Minister, establish and re-organise units, divisions and sections as appropriate in order to exercise its functions.

(2) The operations of the Agency shall follow an agreement which is to be made in writing between the Permanent Secretary and the Agency.

Special arrangements.

7. (1) As a special arrangement in terms of article 26(2)(d), in conjunction with article 29 of the Act, the Agency shall be directed by a Board of Directors appointed by the Minister, and this saving the powers granted to the Minister, the Principal Permanent Secretary and the Permanent Secretary by articles 28 and 29 of the Act.

(2) The Board shall be composed of five (5) Directors appointed by the Minister. One (1) of the Directors shall be appointed by the Minister as the Chairperson of the Board.

(3) The members of the Board shall hold office for a period not exceeding three (3) years. Any member may, before the expiration of his term of office, resign by letter addressed to the Minister:

Provided that the members of the Board may be removed from office by the Minister prior to the expiry of their term of office where, in the opinion of the Minister, they have been found guilty of misconduct or where they are, in the opinion of the Minister, unable to perform the duties of their office.

(4) The Minister shall appoint a person to act as a Secretary of the Board.

(5) The remuneration paid to members of the Board shall be in accordance with the Act and established guidelines.

Functions of the Board of Directors.

8. (1) The functions of the Board shall be the following:

(a) to determine the mission and strategy of the Agency;

(b) to come up with the objectives of the Agency;

(c) to monitor the organisation's performance against planned goals;

(d) to support the Chief Executive Officer of the Agency in the execution of his duties;

(e) to approve the annual budgets that support the Agency's work plans;

(f) to support the executive team in its efforts to secure adequate resources for the organization to fulfil its mission.

(2) In the execution of its functions, the Board shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

9. (1) The Agency shall have a Chief Executive Officer who shall be responsible for the performance, functions and duties of the Agency in accordance with the Act and shall be responsible for the daily management of the Agency, and to give his findings to the Minister on applications presented, after all due diligence checks are performed.

Chief Executive Officer.

(2) The Chief Executive Officer shall be appointed by the Minister.

(3) The Chief Executive Officer shall be answerable to the Board, and this save the powers granted to the Minister, the Principal Permanent Secretary and the Permanent Secretary, by articles 28 and 29 of the Act.

(4) The legal and judicial representation of the Agency shall be vested in the Chief Executive Officer or in any officer of the Agency who the Minister may nominate for the purpose from time to time.

10. (1) The Agency shall retain fifteen percent (15%) from contributions received by means of the applications for naturalisation under the Granting of Citizenship by Naturalisation on the basis of Merit Regulations, as in force on 29th April 2025, for applications which have been approved for naturalisation prior to 29th April 2025 and shall allocate the remaining balance as follows:

National Development and Social Fund.
S.L. 188.06.
Substituted by:
L.N. 60 of 2026.

(a) thirty per cent (30%) to the Consolidated Fund;

(b) seventy per cent (70%) to the National Development and Social Fund.

(2) The funds received by the National Development and Social Fund in accordance with this order shall be used for the purposes established in the National Development and Social Fund (Establishment as an Agency) Order:

S.L. 595.12.

Provided that the National Development and Social Fund

when allocating funds derived from the Agency, shall expressly indicate that such funds have been provided by the Agency.

(3) The Agency shall hereby have the power and authority to use any operating profit of the Agency for the purposes of sponsoring or funding any worthy social or philanthropic causes that it may identify from time to time.

Deployment of public officers and recruitment with the Agency.

11. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 33 of the Act.

(2) Subject to the provisions of the Act and of any other legislation, the Agency shall have authority to engage its own employees.

Promotional support to Agents.
S.L. 188.06.
Substituted by:
L.N. 452 of 2020.

12. *Repealed by Legal Notice 60 of 2026.*

Power to administer oaths.
Substituted by:
L.N. 60 of 2026.

13. Lawyers, legal procurators, public officers and public employees performing duties as officers at the Agency, shall have the power to administer oaths.

Financial arrangements.

14. The Agency shall be governed by the provisions of the Public Finance Management Act unless otherwise stated in the Agency Agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency Agreement shall prevail.

Other special arrangements applying to the Agency.

15. The operations of the Agency shall follow an Agency performance agreement which is to be agreed between the Permanent Secretary and the Agency. The provisions of article 40 of the Act shall apply.

Continuity.

16. Anything that has been commenced by or under the authority of, or any application has been made with, Identity Malta and/or the Malta Individual Investor Programme Agency prior to the coming into force of this order and such thing or application is in relation to the Individual Investor Programme of the Government of Malta as established by and under the Maltese Citizenship Act, such thing or application may be carried on and completed by or under the authority of the Agency.

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Rights and obligations.

17. Rights and obligations arising from contracts for service entered into by Identity Malta and Malta Individual Investor Programme Agency with any agents, advisors or any service providers with respect to the administration of the Individual Investor Programme of the Government of Malta as established by and under the Maltese Citizenship Act, which were effective prior to the coming into force of this order, may by agreement between Identity Malta and/or the Malta Individual Investor Programme Agency and the Agency

Cap. 188.

be assigned to the Agency.

18. Where immediately before the coming into force of this order, any legal proceeding to which Identity Malta or the Malta Individual Investor Programme Agency is or was entitled to be a party, is pending and such proceeding refers to the administration of the grant of Maltese Citizenship under the Maltese Citizenship Act or to any application made in pursuance thereof, the Agency shall, with effect from such date, be substituted in such proceeding by the Agency.

Proceedings.

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19. The Agency shall be exempt from any liability for the payment of any tax on income and duty on documents under any law for the time being in force.

Exemption from
tax and duty.

Schedule

*Substituted by:
L.N. 452 of 2020.*

Repealed by Legal Notice 60 of 2026.
