

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.

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" "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;"

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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"(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

