

A BILL

entitled

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.
Cap. 188

- 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”.

**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 paragraph (b) of sub-article (9) of article 10;”

**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 in regulations made under this Act..

Provided that such person makes an application in such manner as may be prescribed and upon taking the oath of allegiance.”

**Amendment of Article 23
of the principal Act**

4. In Article 23 of the principal Act a new sub-article (3) shall be added as follows:

“(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 paragraph (b) of sub-article (9) of Article 10 of this Act, shall be guilty of an offence against this Act and shall on conviction be liable to a fine (multa) not exceeding twenty thousand Euro.”

**Amendment of Article 24
of the principal Act**

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

“(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.”

**Substitution of Article 25
of the principal Act**

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

“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.

(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 Commissioner under subarticle (8) on the Table of the House of Representatives as soon as possible after the report is made to him.”

**Addition of a new Article 25A
to the principal Act**

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

“Investigation of complaints.

25A. The Regulator may also investigate complaints about the individual investor programme in the manner prescribed in regulations made under this Act.”

Objects and Reasons

The Objects and Reasons of this Bill are to make provision for the granting of a certificate of naturalisation as a citizen of Malta to any person who makes an extraordinary contribution to the Republic of Malta under the Individual Investor Programme and to make provision in respect of a spouse and eligible dependants of that person who meet the requirements of the individual investor programme. The Bill also makes provision for the updating of various provisions of the Maltese Citizenship Act and for the monitoring and control of the Individual Investor Programme and for the investigation of complaints related thereto.