

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

28 ta' Ġunju, 2007

ATT Nru. X ta' l-2007

Att li 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 ta' l-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2007 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, (Kap. 188) u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar iċ-Ċittadinanza Maltija, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali". Titolu fil-qosor.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-affarijiet dwar iċ-ċittadinanza Maltija jista' jstabbilixxi b'avviż fil-Gazzetta u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:- Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "fil-ġurnata stabbilita." għandhom jidhlu l-kliem "fil-ġurnata stabbilita:" u minnufih wara dan għandu jiżdied dan il-proviso li ġej:

“Iżda persuna mwielda barra minn Malta qabel il-ġurnata stabbilita minn omm li tkun saret, jew li ma kienx għal mewtha kienet issir, ċittadin ta’ Malta skond id-disposizzjonijiet tas-subartikolu (1) ta’ dan l-artikolu, ikollha jedd, wara li tagħmel applikazzjoni skond ma jista’ jkun preskritt u wara li tiegħu l-ġurament ta’ lealtà, tkun reġistrata bhala ċittadin ta’ Malta.”; u

(b) minnufih wara s-subartikolu (2) tiegħu, għandu jizdied dawn is-subartikoli ġodda li ġejjin:

“(3) Persuna mwielda barra minn Malta qabel il-ġurnata stabbilita li ġgħib prova li tkun dixxendenti fil-linja diretta ta’ persuna mwielda Malta minn ġenitur li kien ukoll imwieved Malta ikollha, bla hsara għal dawn id-disposizzjonijiet li ġejjin ta’ dan l-artikolu, jedd, wara li tagħmel applikazzjoni skond ma jista’ jkun preskritt u wara li tiegħu l-ġurament ta’ lealtà, li tkun reġistrata bhala ċittadin ta’ Malta.

(4) Kull axxendent kif provdut fis-subartikolu (3) ta’ dan l-artikolu li jmut qabel l-1 ta’ Awissu 2007 u li kien, li ma kienx għal mewtu, ikollu jedd li jikseb iċ-ċittadinanza Maltija taht dan l-artikolu, għandu jitqies li jkun kiseb dik iċ-ċittadinanza għall-finijiet tas-subartikolu (3) ta’ dan l-artikolu.

(5) Meta xi ġenitur ta’ persuna li tkun qeghda tapplika sabiex tiġi reġistrata bhala ċittadin ta’ Malta bis-sahha tas-subartikolu (3) ta’ dan l-artikolu kienet ghadha hajja fl-1 ta’ Awissu 2007 (għall-fini ta’ dan l-artikolu msejjah “il-ġenitur rilevanti”) u l-ġenitur rilevanti jkun ukoll dixxendent fil-linja diretta ta’ axxendent imwieved Malta minn ġenitur ukoll imwieved f’Malta, dik il-persuna m’għandux ikollha jedd li tiġi reġistrata bhala ċittadin ta’ Malta bis-sahha tas-subartikolu (3) ta’ dan l-artikolu kemm-il darba l-ġenitur rilevanti ma kienx f’xi żmien akkwista iċ-ċittadinanza Maltija taht dan l-artikolu; b’dan illi ġenitur rilevanti bhal dak li jmut qabel l-1 ta’ Awissu 2010 u li kien ikollu jedd jikseb dik iċ-ċittadinanza taht is-subartikolu (3) ta’ dan l-artikolu għandu jitqies li jkun kiseb dik iċ-ċittadinanza għall-finijiet ta’ dak is-subartikolu.

(6) Il-persuna li tapplika biex tiġi reġistrata bhala ċittadin ta’ Malta taht is-subartikolu (3) ta’ dan l-artikolu għandu jkollha jedd li tiġi reġistrata bhala ċittadin ta’ Malta jekk il-ġenitur rilevanti jmut wara l-31 ta’ Lulju, 2010 u l-ġenitur rilevanti jkun applika għal, u kien ikollu jedd li jinghata, iċ-ċittadinanza Maltija taht dan l-artikolu.”.

3. L-artikolu 5 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:- Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

(a) f'paragrafu (b) tas-subartikolu (2) tiegħu, minflok il-kliem “dan is-subartikolu jew tas-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att ” għandhom jidhlu l-kliem “dan is-subartikolu, tas-subartikolu (3) ta' dan l-artikolu jew tas-subartikolu (2) jew tas-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att ”; u

(b) minnufih wara s-subartikolu (2) tiegħu, għandu jżied dan is-subartikolu ġdid li ġej:

“(3) Persuna mwiġda barra minn Malta fi jew wara l-ġurnata stabbilita li ġġib prova li tkun dixxendenti fil-linja diretta ta' axxendenti mwieled Malta minn ġenitur bl-istess mod imwieded Malta jkollha jedd, wara li tagħmel applikazzjoni skond ma jista' jkun preskritt u wara li tiegħu l-ġurament ta' lealtà, tkun reġistrata bhala ċittadin ta' Malta:

Iżda meta dik il-persuna tkun minuri, dik il-persuna li skond il-liġi jkollha awtorità fuq il-minuri, tista' tagħmel rikors għar-reġistrazzjoni ta' dak il-minuri bhala ċittadin ta' Malta.

(4) Kull axxendent kif provdut fis-subartikolu (3) ta' dan l-artikolu li jmut qabel l-1 ta' Awissu 2007 u li kien, li ma kienx għal mewtu, ikollu jedd li jikseb iċ-ċittadinanza Maltija taht dan l-artikolu, għandu jitqies li jkun kiseb dik iċ-ċittadinanza għall-finijiet tas-subartikolu (3) ta' dan l-artikolu.

(5) Meta xi ġenitur ta' persuna li tkun qegħda tapplika sabiex tiġi reġistrata bhala ċittadin ta' Malta bis-sahha tas-subartikolu (3) ta' dan l-artikolu kienet għadha hajja fl-1 ta' Awissu 2007 (għall-fini ta' dan l-artikolu msejjah “il-ġenitur rilevanti”) u l-ġenitur rilevanti jkun ukoll dixxendent fil-linja diretta ta' axxendent imwieded Malta minn ġenitur ukoll imwieded f'Malta, dik il-persuna m'għandux ikollha jedd li tiġi reġistrata bhala ċittadin ta' Malta bis-sahha tas-subartikolu (3) ta' dan l-artikolu kemm-il darba l-ġenitur rilevanti ma kienx f'xi żmien akkwista iċ-ċittadinanza Maltija taht dan l-artikolu jew taht l-artikolu 3 ta' dan l-Att; b'dan illi ġenitur rilevanti bħal dak li jmut qabel l-1 ta' Awissu 2010 u li kien ikollu jedd jikseb dik iċ-ċittadinanza taht is-subartikolu (3) ta' dan l-artikolu jew taht is-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att għandu jitqies li jkun kiseb dik iċ-ċittadinanza għall-finijiet ta' dak is-subartikolu.

(6) Meta xi ġenitur ta' persuna li tkun qeghda tapplika sabiex tiġi reġistrata bhala ċittadin ta' Malta bis-saħħa ta' subartikolu (3) ta' dan l-artikolu, twieled fi jew wara l-1 ta' Awissu, 2007, (ghall-fini ta' dan l-artikolu msejjah "il-ġenitur rilevanti") u l-ġenitur rilevanti jkun ukoll dixxendent fil-linja diretta ta' axxendent imwieved Malta minn ġenitur ukoll imwieved f'Malta, dik il-persuna m'ghandux ikollha jedd li tiġi reġistrata bhala ċittadin ta' Malta bis-saħħa tas-subartikolu (3) ta' dan l-artikolu kemm-il darba l-ġenitur rilevanti ma kienx f'xi żmien akkwista ċ-ċittadinanza Maltija taht dan l-artikolu.

(7) Il-persuna li tapplika biex tiġi reġistrata bhala ċittadin ta' Malta taht is-subartikolu (3) ta' dan l-artikolu ghandu jkollha jedd li tiġi reġistrata bhala ċittadin ta' Malta jekk il-ġenitur rilevanti jmut wara l-31 ta' Lulju, 2010 u l-ġenitur rilevanti jkun applika ghal, u kien ikollu jedd li jinghata, iċ-ċittadinanza Maltija taht dan l-artikolu jew taht l-artikolu 3 ta' dan l-Att."

Emenda ta'
l-artikolu 10
ta' l-Att prinċipali.

4. Minnufih wara s-subartikolu (8) ta' l-artikolu 10 ta' l-Att prinċipali, ghandu jżidded dan is-subartikolu ġdid li ġej:

“(9) Minkejja d-disposizzjonijiet ta' dan l-Att jew ta' kull Att iehor, il-Prim Ministru jista', b'avviż li jiġi pubblikat fil-Gazzetta, jawtorizza lill-Ministru johroġ ċertifikat ta' naturalizzazzjoni bhala ċittadin ta' Malta lir-raġel jew il-mara ta' ċittadin ta' Malta meta jew dak il-konjuġi jew dak iċ-ċittadin ikun ta servizzi eċċezzjonali lil Malta jew lill-umanità:

Iżda dik il-persuna ghandha tagħmel applikazzjoni b'dak il-mod li jiġi preskritt u wara li tieħu l-ġurament ta' lealtà.”.

Emenda ta'
l-artikolu 15
ta' l-Att prinċipali.

5. Fis-subartikolu (1) ta' l-artikolu 15 ta' l-Att prinċipali, il-kliem “artikolu 9 ta' dan l-Att” ghandhom jiġu sostitwiti bil-kliem “artikolu 14 ta' dan l-Att”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 542 tal-25 ta' Ġunju, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

28th June, 2007

ACT No. X of 2007

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 under the authority of the same as follows:-

1. (1) The short title of this Act is the Maltese Citizenship (Amendment) Act, 2007 (Cap. 188) and it shall be read and construed as one with the Maltese Citizenship Act, hereinafter referred to as “the principal Act”. Short title.

(2) This Act shall come into force on such date as the Minister responsible for matters relating to Maltese citizenship may by a notice in the Gazette appoint and different dates may be so appointed for different provisions or different purposes of this Act.

2. Article 3 of the principal Act shall be amended as follows:- Amendment of article 3 of the principal Act.

(a) in sub-article (2) thereof, for the words “on the appointed day.” there shall be substituted the words “on the appointed day:” and immediately thereafter there shall be inserted the following proviso:

“Provided that a person born outside Malta before the appointed day of a mother who became, or would but for her

death have become, a citizen of Malta in accordance with the provisions of sub-article (1) of this article, shall be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.”; and

(b) immediately after sub-article (2) thereof, there shall be inserted the following new sub-articles:

“(3) Any person born outside Malta before the appointed day who proves he is a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta shall, subject to the following provisions of this article, be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(4) Any ascendant as provided in sub-article (3) of this article who dies before the 1st August 2007 and who would, but for his death, have been entitled to acquire Maltese citizenship under this article, shall be deemed to have acquired such citizenship for the purposes of sub-article (3) of this article.

(5) Where any of the parents of a person applying to be registered as a citizen of Malta by virtue of sub-article (3) of this article was alive on 1st August 2007 (for the purposes of this article referred to as “the relevant parent”) and the relevant parent is also a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta, such person shall not be entitled to be registered as a citizen of Malta by virtue of sub-article (3) of this article unless the relevant parent had at any time acquired Maltese citizenship under this article; so however that any such relevant parent who dies before 1st August 2010 and who would have been entitled to acquire such citizenship under sub-article (3) of this article shall be deemed to have acquired such citizenship for the purposes of that sub-article.

(6) The person applying to be registered as a citizen of Malta under sub-article (3) of this article shall be entitled to be registered as a citizen of Malta if the relevant parent dies after the 31st July, 2010 and the relevant parent had applied for and would have been entitled to be granted Maltese citizenship under this article .”.

3. Article 5 of the principal Act shall be amended as follows:-

Amendment of
article
5 of the principal
Act.

(a) in paragraph (b) of sub-article (2) thereof, for the words “this sub-article or sub-article (2) of article 3 of this Act” there shall be substituted the words “this sub-article, sub-article (3) of this article or sub-article (2) or sub-article (3) of article 3 of this Act”; and

(b) immediately after sub-article (2) thereof, there shall be added the following new sub-article:

“(3) A person born outside Malta on or after the appointed day who proves he is a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta shall be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta:

Provided that when the said person is a minor, any such person who according to law has authority over that minor, may submit an application for the registration of the said minor as a citizen of Malta.

(4) Any ascendant as provided in sub-article (3) of this article who dies before the 1st August 2007 and who would, but for his death, have been entitled to acquire Maltese citizenship under this article, shall be deemed to have acquired such citizenship for the purposes of sub-article (3) of this article.

(5) Where any of the parents of a person applying to be registered as a citizen of Malta by virtue of sub-article (3) of this article was alive on 1st August 2007 (for the purposes of this article referred to as “the relevant parent”) and the relevant parent is also a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta, such person shall not be entitled to be registered as a citizen of Malta by virtue of sub-article (3) of this article unless the relevant parent had at any time acquired Maltese citizenship under this article or under article 3 of this Act; so however that any such relevant parent who dies before 1st August 2010 and who would have been entitled to acquire such citizenship under sub-article (3) of this article or under sub-article (3) of article 3 of this Act shall be deemed to have acquired such citizenship for the purposes of that sub-article.

(6) Where any of the parents of a person applying to be registered as a citizen of Malta by virtue of sub-article (3) of this article was born on or after 1st August 2007 (for the purposes of this article referred to as “the relevant parent”) and the relevant parent is also a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta, such person shall not be entitled to be registered as a citizen of Malta by virtue of sub-article (3) of this article unless the relevant parent had at any time acquired Maltese citizenship under this article.

(7) The person applying to be registered as a citizen of Malta under sub-article (3) of this article shall be entitled to be registered as a citizen of Malta if the relevant parent dies after the 31st July, 2010 and the relevant parent had applied for and would have been entitled to be granted Maltese citizenship under this article or under article 3 of this Act.”.

Amendment of article 10 of the principal Act.

4. Immediately after sub-article (8) of article 10 of the principal Act, there shall be added the following new sub-article:

“(9) Notwithstanding the provisions of this or any other Act, the Prime Minister may, by a notice to be published in the Gazette, authorise the Minister to grant a certificate of naturalization as a citizen of Malta to the spouse of any citizen of Malta when either the spouse or the said citizen has rendered exceptional services to Malta or humanity:

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

Amendment of article 15 of the principal Act.

5. In subarticle (1) of article 15 of the principal Act, the words “article 9 of this Act” shall be substituted by the words “article 14 of this Act”.

Passed by the House of Representatives at Sitting No. 542 of 25th June, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives