CHAPTER 188

MALTESE CITIZENSHIP ACT

To provide for the acquisition, deprivation and renunciation of citizenship of Malta and for purposes incidental to or connected with the matters aforesaid.

21st September, 1964

ACT XXX of 1965, as amended by Acts: II of 1970, XXXI of 1972, LVIII of 1974, XXXI of 1975, IX of 1977, XIII of 1983, XXIV of 1989, IV of 2000 and X of 2007; Legal Notice 410 of 2007; and Act XV of 2013.

ARRANGEMENT OF ACT

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SCHEDULE

Oath of allegiance

PRELIMINARY

Short title.

1. The short title of this Act is the Maltese Citizenship Act.

Interpretation.
Amended by: XXXI. 1972.2; XXIV. 1989.3; IV. 2000.3; XV. 2013.2.

2. (1) In this Act, unless the context otherwise requires -

"alien" means a person who is not a citizen of Malta;

"appointed day" has the same meaning as is assigned to it by article 124 of the Constitution;

"certificate of naturalisation" means a certificate of naturalisation granted under this Act;

"the Constitution" means the Constitution of Malta;

"foreign country" means a country other than Malta;

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

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"Maltese consulate" means an office of a consular officer of the Government of Malta where a register of births or residents is kept or, where there is no such office, such office as may be prescribed;

"the Minister" means the Minister for the time being responsible for matters relating to Maltese citizenship and, to the extent of the authority given, includes any person authorised by such Minister to act on his behalf;

"oath", "swear" and "affidavit" include, in the case of persons allowed by any law to make a declaration or affirmation instead of taking an oath, a declaration or affirmation;

"prescribed" means prescribed by regulations made under this Act;

"stateless" means destitute of any nationality and "stateless person" shall be construed accordingly.

(2) For the purpose of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purposes of this Act, be of full age if he has attained the age of eighteen years and of full capacity if he is not of unsound mind.

PART I

Added by: IV. 2000.5.

CITIZENSHIP ACQUIRED ON THE APPOINTED DAY AND BY REGISTRATION BY CERTAIN OTHER PERSONS

Persons who became citizens of Malta on appointed day. *Amended by: X. 2007.2.*

3. (1) Every person who, having been born in Malta, was on the day before the appointed day a citizen of the United Kingdom and Colonies, shall be deemed to have acquired Maltese citizenship on the appointed day:

Provided that a person shall not be deemed to have become a citizen of Malta by virtue of this subarticle if neither of his parents was born in Malta.

(2) Every person who, having been born outside Malta, was on the day before the appointed day a citizen of the United Kingdom and Colonies shall, if his father became, or would but for his death have become, a citizen of Malta in accordance with the provisions of subarticle (1), be deemed to have become a citizen of Malta on the appointed day:

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 subarticle (1), 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.

(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 subarticle (3) 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 subarticle (3).

(5) Where any of the parents of a person applying to be registered as a citizen of Malta by virtue of subarticle (3) 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 subarticle (3) 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 subarticle (3) shall be deemed to have acquired such citizenship for the purposes of that subarticle.

(6) The person applying to be registered as a citizen of Malta under subarticle (3) 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.

Persons entitled to be registered as citizens.

4. (1) Any person who on the day before the appointed day was or had been married to a person -

(*a*) who became a citizen of Malta by virtue of article 3; or

(*b*) who having died before the appointed day would, but for his or her death, have become a citizen of Malta by virtue of that article,

shall be entitled upon making an application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(2) Any person who on the day before the appointed day was or had been married to a person who, on or after the appointed day, became a citizen of Malta shall be entitled upon making an application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(3) The provisions of subarticles (1) and (2) shall be without prejudice to the provisions of article 3.

(4) Any person who in accordance with article 44(4)(*b*) of the Constitution is deemed to be a citizen of Malta for the purposes of that article, and who has returned to, and taken up permanent residence in, Malta, shall be entitled, upon making an application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(5) Notwithstanding any other provision of this Act, but without prejudice to article 65(3) of Act LVIII of 1974, a person shall not be entitled to be registered as a citizen of Malta more than once under the same provisions of this Act.

(6) No person shall be entitled to be registered as a citizen of Malta under subarticles (1) and (2), unless -

(*a*) the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest; and

(*b*) on the date of the application such person was still married to a citizen of Malta, or is the widow or widower of a person who was a citizen of Malta or of a person who having died before the appointed day, would, but for his or her death, have become a citizen of Malta by virtue of article 3:

Provided that no person shall be entitled to be so registered unless such person on the date of the application, is still married to that citizen of Malta and had been so married for at least five years and on that date had been living with that citizen or, if on that date had been *de jure* or *de facto* separated, had lived with such citizen of Malta for at least five years after the celebration of the marriage, or is the widow or widower of such citizen and at the time of his or her death had been married to that person for at least five years and was still living with him or her or who would, but for the death of that person, have been so married on the date of the application or, if on the date of death of such citizen had been *de jure* or *de facto*

separated from such citizen, had lived with such citizen of Malta for at least five years after the celebration of the marriage.

PART II

Added by: IV. 2000.5.

ACQUISITION OF CITIZENSHIP BY BIRTH OR DESCENT

Acquisition of citizenship by birth or descent by persons born on or after appointed day. *Amended by: X. 2007.3.*

5. (1) Every person born in Malta on or after the appointed day shall be deemed to have become or shall become, a citizen of Malta at the date of his birth:

Provided that in the case of a person born on or before the 31st July, 1989, such person shall not be deemed to have become a citizen of Malta by virtue of this subarticle if at the time of his birth -

(*a*) neither of his parents was a citizen of Malta and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Malta; or

(*b*) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy:

Provided further that in the case of a person born on or after the 1st August, 1989 such person shall not become a citizen of Malta by virtue of this subarticle unless at the time of his birth, his father or his mother was or is:

(*a*) a citizen of Malta; or

(*b*) a person referred to in article 44(4)(*a*) or (*b*) of the Constitution;

Provided further that the preceding two provisos of this subarticle shall not apply in the case of a new-born infant found abandoned in any place in Malta who would in virtue thereof be stateless, and any such infant shall remain a citizen of Malta until his right to any other citizenship is established.

(2) A person born outside Malta on or after the appointed day shall be deemed to have become or shall become a citizen of Malta at the date of his birth:

(*a*) in the case of a person born on or before the 31st July, 1989, if at the date of such person's birth, his father was a citizen of Malta otherwise than by virtue of this subarticle or article 3(2):

Provided that a person born on or before the 31st July, 1989, if at the date of such person's birth his mother was a citizen of Malta otherwise than by virtue of this subarticle or article 3(2) 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*) in the case of a person born on or after the 1st August,

1989, if at the date of such person's birth, his father or mother is a citizen of Malta otherwise than by virtue of this subarticle, subarticle (3) of this article or subarticle (2) or (3) of article 3.

(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 subarticle (3) 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 subarticle (3).

(5) Where any of the parents of a person applying to be registered as a citizen of Malta by virtue of subarticle (3) 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 subarticle (3) unless the relevant parent had at any time acquired Maltese citizenship under this article or under article 3; so however that any such relevant parent who dies before 1st August 2010 and who would have been entitled to acquire such citizenship under subarticle (3) or under subarticle (3) of article 3 shall be deemed to have acquired such citizenship for the purposes of that subarticle.

(6) Where any of the parents of a person applying to be registered as a citizen of Malta by virtue of subarticle (3) 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 subarticle (3) 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 subarticle (3) 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.

PART III

Added by: IV. 2000.5.

CITIZENSHIP ACQUIRED BY REGISTRATION AFTER MARRIAGE

Marriage to citizens of Malta.

6. (1) Any person who on or after the appointed day marries a person who is or becomes a citizen of Malta shall be entitled, upon making application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(2) No person shall be entitled to be registered as a citizen of Malta in virtue of this article unless:

(*a*) the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest; and

(*b*) on the date of the application such person was still married to a citizen of Malta or is the widow or widower of a person who was a citizen of Malta at the time of his or her death:

Provided that no person shall be entitled to be so registered unless such person on the date of the application, is still married to that citizen of Malta and had been so married for at least five years and on that date had been living with that citizen or, if on that date had been *de jure* or *de facto* separated, had lived with such citizen of Malta for at least five years after the celebration of the marriage, or is the widow or widower of such citizen and at the time of his or her death had been married to that person for at least five years and was still living with him or her or who would, but for the death of that person, have been so married on the date of the application or, if on the date of death of such citizen had been *de jure* or *de facto* separated from such citizen, had lived with such citizen of Malta for at least five years after the celebration of the marriage.

PART IV

Added by: IV. 2000.5.

MULTIPLE CITIZENSHIP

Multiple citizenship.

7. It shall be lawful for any person to be a citizen of Malta, and at the same time a citizen of another country.

Re-aquisition of Maltese citizenship by registration.

8. Any person who prior to the coming into force of this article was deemed under the provisions of the Constitution of Malta or of any other law to have ceased to be a citizen of Malta because of the possession or acquisition, voluntary or involuntary of any other citizenship, shall be entitled upon making application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta:

Provided that no person shall be entitled to be registered as a citizen of Malta under this article if such person had been a citizen of Malta other than by virtue of articles 3 or 5 or by virtue of articles 22 or 25 of the Constitution as in force prior to the coming into force of the Constitution (Amendment) Act, 2000, and the Minister is satisfied that the grant of citizenship to such person

is contrary to the public interest.

Persons deemed never to have lost Maltese citizenship.

9. Any person who was at any time a citizen of Malta in terms of articles 3 or 5 of this Act or in terms of articles 22 or 25 of the Constitution as in force prior to the coming into force of the Constitution (Amendment) Act 2000, and resided in any country outside Malta for an aggregate period of at least six years, acquired or retained the citizenship of any other country, shall be deemed not to have ever ceased to be a citizen of Malta.

Substituted by: XXIV. 1989.4. Renumbered by: IV. 2000.04.

PART V

CITIZENSHIP BY NATURALISATION

Naturalisation of aliens or stateless persons. *Amended by: XXXI. 1975.2. Substituted by: XXIV. 1989.4. Renumbered by: IV. 2000.4. Amended by: IV. 2000.6; X. 2007.4; XV. 2013.3.*

10. (1) An alien or a stateless person, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may be granted a certificate of naturalisation as a citizen of Malta if he satisfies the Minister -

(*a*) that he has resided in Malta throughout the period of twelve months immediately preceding the date of application; and

(*b*) that, during the six years immediately preceding the said period of twelve months, he has resided in Malta for periods amounting in the aggregate to not less than four years; and

(*c*) that he has an adequate knowledge of the Maltese or the English language; and

(*d*) that he is of good character; and

(*e*) that he would be a suitable citizen of Malta:

Provided that the Minister may, if he so thinks fit in the special circumstances of any particular case, allow periods of residence earlier than seven years before the date of application to be reckoned in computing the aggregate mentioned in paragraph (*b*).

(2) Any person of full age and capacity born outside Malta may, on making application therefor to the Minister in the prescribed manner, be granted a certificate of naturalisation as a citizen of Malta -

(*a*) if his father, or in the case of a person born on or after the 1st August, 1989, if either of his parents became, or would but for his death have become, a citizen of Malta by virtue of article 3(2), or

(*b*) if his father, or in the case of a person born on or after the 1st August, 1989, if either of his parents, at the time of that person's birth, was, or would but for his death have been, a citizen of Malta by virtue of article 5(2).

(3) Any person of full age and capacity who -

(*a*) has emigrated from Malta (whether before, on or after the 21st September, 1964) and, having been a citizen of Malta by virtue of article 3(1) or article 5(1), has ceased to be such a citizen; or

(*b*) emigrated from Malta before the 21st September, 1964 and, but for his having ceased to be a citizen of the United Kingdom and Colonies before that day, would have become a citizen of Malta by virtue of article 3(1),

may, on making application therefor to the Minister in the prescribed manner, be granted a certificate of naturalisation as a citizen of Malta.

(4) Any person of full age and capacity who proves descent from a person born in Malta and who is a citizen of a country other than the country in which he resides, and whose access to the country of which he is a citizen is restricted, may on making application therefor to the Minister in the prescribed manner, be granted a certificate of naturalisation as a citizen of Malta:

Provided that such person shall not be entitled to be granted a certificate of naturalisation as a citizen of Malta under the provisions of this subarticle if the Minister is satisfied that the grant of citizenship to such person is contrary to the public interest.

(5) A person shall not be granted a certificate of naturalisation as a citizen of Malta under the foregoing subarticles unless and until he has taken an oath of allegiance in the form specified in the Schedule to this Act.

(6) Subject to the provisions of subarticles (7) and (8), a person shall be entitled, on making application to the Minister in the prescribed manner, to be granted a certificate of naturalisation as a citizen of Malta if he satisfies the Minister that he is and always has been stateless, and -

(*a*) that he was born in Malta, or

(*b*) that his father was a citizen of Malta at the date of his birth by virtue of the provisions of article 3(2) or article 5(2) or that his mother was at that date a citizen of Malta.

(7) A person referred to in subarticle (6)(*a*) shall not be entitled to be granted a certificate of naturalisation as a citizen of Malta under the provisions of that subarticle if the Minister is satisfied -

(*a*) that he has not been ordinarily resident in Malta throughout the period of five years ending with the date of the application; or

(*b*) that he has either been convicted in any country of an offence against the security of the State or has been sentenced in any country to a punishment restrictive of personal liberty for a term of not less than five years.

(8) A person referred to in subarticle (6)(*b*) shall not be entitled to be granted a certificate of naturalisation as a citizen of Malta

under the provisions of that subarticle if the Minister is satisfied -

(*a*) that he has not been ordinarily resident in Malta throughout the period of three years ending with the date of his application; or

(*b*) that he has been convicted in any country of an offence against the security of the State.

(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.

Minors. *Substituted by: XXIV. 1989.4. Renumbered by: IV. 2000.4.*

11. (1) The Minister may cause the minor child of any citizen of Malta to be granted a certificate of naturalisation as a citizen of Malta upon application made in the prescribed manner by the person who according to law has authority over him.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be granted a certificate of naturalisation as a citizen of Malta.

Effect of registration of naturalisation as a citizen. *Substituted by: XXIV.1989.4. Renumbered by: IV. 2000.4. Amended by: IV. 2000.7.*

12. A person registered as a citizen of Malta under article 4 or 6 of this Act or granted a certificate of naturalisation under this Act shall become a citizen of Malta by registration or naturalisation, as the case may be, on the date on which he is registered or naturalised.

Renumbered by: IV. 2000.04.

PART VI

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

Renunciation of citizenship. *Amended by: XXIV. 1989.5. Renumbered by: IV. 2000.4. Amended by: IV. 2000.8.*

13. (1) If any citizen of Malta of full age and capacity who is also a national of a foreign country makes a declaration in the prescribed manner of renunciation of citizenship of Malta, the Minister may cause the declaration to be registered; and upon registration, that person shall cease to be a citizen of Malta.

(2) The Minister may refuse to register any declaration of the kind mentioned in subarticle (1) if it is made during any war in which Malta may be engaged or if, in his opinion, it is otherwise contrary to public policy.

Deprivation of citizenship of citizens by registration or naturalisation. *Amended by: XXXI. 1975.3. Renumbered by: IV. 2000.4.*

14. (1) Subject to the provisions of this article, the Minister may by order deprive of his Maltese citizenship any citizen of Malta who is such by registration or naturalisation if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(2) Subject to the provisions of this article, the Minister may by order deprive of his Maltese citizenship any citizen of Malta who is such by registration or by naturalisation if he is satisfied that the citizen -

(*a*) has shown himself by act or speech to be disloyal or disaffected towards the President or the Government of Malta; or

(*b*) has, during any war in which Malta was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(*c*) has, within seven years after becoming naturalised, or being registered as a citizen of Malta, been sentenced in any country to a punishment restrictive of personal liberty for a term of not less than twelve months; or

(*d*) has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither -

(i) been at any time in the service of the Republic or of an international organisation of which the Government of Malta was a member; or

(ii) given notice in writing to the Minister of his intention to retain citizenship of Malta.

(3) The Minister shall not deprive a person of citizenship under this article unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Malta and, in the case referred to in subarticle (2)(*c*), it appears to him that that person would not thereupon become stateless.

(4) Before making an order under this article, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and of his right to an inquiry under this article; and if that person applies in the prescribed manner for an inquiry, the Minister shall refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he thinks proper.

(5) The Minister may make rules for the practice and procedure to be followed in connection with a committee of inquiry appointed under this article, and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.

Effect of renunciation or deprivation. *Renumbered by: IV. 2000.4. Amended by: X. 2007.5.*

15. (1) A citizen of Malta who is deprived of his citizenship by an order of the Minister under article 14 shall, upon the making of the order, cease to be a citizen of Malta.

(2) The renunciation by any person of his Maltese citizenship or the deprivation of any person's Maltese citizenship under the provisions of this Part of this Act shall not affect the liability of that person for any offence committed by him before the renunciation or deprivation of his citizenship.

Renumbered by: IV. 2000.04.

PART VII

SUPPLEMENTAL

Married women. *Renumbered by: IV. 2000.4. Amended by: IV. 2000.9.*

16. For the purposes of Parts V and VI of this Act, any woman who has been married shall be deemed to be of full age.

Illegitimate and adopted children and foundlings. *Amended by: LVIII. 1974.68 (2); IX.1977.2; XXIV.1989.6. Renumbered by: IV. 2000.4. Amended by: IV. 2000.10.*

17. (1) In this Act -

(*a*) any reference to the father of a person shall, in relation to a person born out of wedlock and not legitimated be construed as a reference to the mother of that person;

(*b*) any reference to the father of a person who was lawfully adopted before the 1st January, 1977, shall be construed as a reference to the adopter and in the case of a joint adoption, the male adopter; and

(*c*) any reference to the parents of a person who was lawfully adopted on or after the 1st August, 1989, and who was on the effective date of his adoption under the age of ten years, shall be construed as a reference to the adopters.

(2) For the purposes of this Act:

(*a*) an adoption of any person made on or after the 1st January, 1977, and before the 1st August, 1989, shall be without effect and shall be treated as if it had not been made; and

(*b*) an adoption of any person made on or after the 1st August, 1989, who on the effective date of his adoption was ten years or over, shall be without effect and shall be treated as if it had not been made.

(3) Where after the commencement of this Act a newborn infant is found abandoned in any place in Malta, that infant shall, unless the contrary is shown, be deemed to have been born in Malta and in any such case the provisions of the third proviso to article 5(1) shall apply to such infant.

Posthumous children. *Renumbered by: IV. 2000.4.*

18. Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference

to the national status of the father at the time of the father's death; and where that death occurred before, and the birth occurs on or after the appointed day as defined in article 124 of the Constitution, the national status that the father would have had if he had died on the appointed day shall be deemed to be his national status at the time of his death.

Decision of Minister to be final. *Renumbered by: IV. 2000.4.*

19. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act and the decision of the Minister on any such application shall not be subject to appeal to or review in any court.

Certificate of citizenship in cases of doubt. *Renumbered by: IV. 2000.4.*

20. The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Malta a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Malta; and a certificate issued under this article shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

Manner of making applications. *Renumbered by: IV. 2000.4. Amended by: IV. 2000.11.*

21. (1) Every application under this Act shall be made to the Minister.

(2) Every application to the Minister under this Act -

(*a*) shall be accompanied by the prescribed fee (if any);

(*b*) where the form of any such application is prescribed under this Act, shall be made in such form with such variations as the circumstances require and the Minister accepts;

(*c*) shall be supported by such evidence of the statements made therein as may be prescribed under this Act or as the Minister may require; and

(*d*) shall be verified by an affidavit made before a magistrate or commissioner for oaths.

Evidence. *Renumbered by: IV. 2000.4. Amended by: IV. 2000.12.*

22. (1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, or a subscription of an oath of allegiance or declaration of renunciation, given, granted or made under this Act, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act shall be received as evidence of the matters stated in the entry.

Offences.
Amended by: XIII. 1983.5. Renumbered by: IV. 2000.4. Amended by: IV. 2000.13; L.N. 410 of 2007; XV. 2013.4.

23. (1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months or to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) nor more than two hundred and thirty-two euro and ninety-four cents (232.94) or to both such imprisonment and fine.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation or certificates of registration shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months or to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) nor more than two hundred and thirty-two euro and ninety-four cents (232.94) or to both such imprisonment and fine.

(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).

Regulations.
Amended by: LVIII. 1974.68. Renumbered by: IV. 2000.4. Amended by: IV. 2000.14; XV. 2013.5.

24. (1) The President of Malta may by regulations make provision generally for carrying into effect the purposes of this Act and in particular -

(*a*) for prescribing anything which is to be prescribed under this Act;

(*b*) for the registration of anything required or authorised under this Act to be registered;

(*c*) for the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;

(*d*) for the giving of any notice required or authorised to be given to any person under this Act;

(*e*) for the cancellation of the registration of, and the cancellation and amendment of certificates relating to persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(*f*) for the registration of the births and deaths of persons of any class or description born or dying elsewhere than in Malta and otherwise for registration at Maltese consulates;

(*g*) for enabling the births and deaths of citizens of Malta born or dying in any country in which the Government

of Malta has for the time being no diplomatic or consular representative to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Malta, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the President of Malta, and for the registration thereby of citizens of Malta ordinarily resident outside Malta;

(*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 grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid, and for providing for any contributions or other fees of whatever nature in respect of the individual investor programme, 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; Cap. 35.

(*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.

(2) Any regulations made under this article shall be laid before the House of Representatives as soon as may be after they are made, and if, within the next twenty days beginning with the day on which any such regulations are so laid before it, the House of Representatives resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of any new regulations:

Provided that there shall not be included in the computation of the said twenty days any period of four or more consecutive days intervening between any two consecutive sittings of the House of Representatives.

Appointment of Regulator and monitoring of individual investor programme. *Added by: XXXI.1972.3. Renumbered by: IV. 2000.4. Substituted by: XV. 2013.6.*

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.

Investigation of complaints. *Added by: XV. 2013.7.*

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

The Monitoring Committee. *Added by: XV. 2013.8.*

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.

Added by: IV.2000.15.

PART VIII

PROVISIONS RELATING TO TIME

Provisions relating to time.

26. (1) The Minister and any officer of the Government authorised in that behalf by the Minister may:

(*a*) declare that any period specified in Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 2000, within which a person therein referred to could have made an application for registration, shall, in relation to any such person who is of unsound mind during that period, be so extended as to permit, in the opinion of the Minister or such authorised officer, such person when of sound mind an opportunity of making application for registration under the said Chapter III as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 2000;

(*b*) in any other case in which he is satisfied that any person referred to in Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 2000, is by reason of any circumstances not attributable to his default or neglect, unable to make application within the period specified or prescribed in relation to that person in such Chapter, declare that such period in relation to that person shall be so extended as to permit, in the opinion of the Minister or such authorised officer, that person an opportunity of making application for registration under Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 2000.

(2) The power of the Minister and any officer of the Government authorised on that behalf by the Minister under this article may be exercised before or after the expiration of the relevant period specified in Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 2000.

Transitory provision.

27. (1) The acquisition or retention of Maltese citizenship by any person under the Constitution of Malta or any other law, prior to the enactment of the Maltese Citizenship (Amendment) Act, 2000 shall not be affected in any way by the provisions of the said Act.

(2) This Act shall not apply with regard to any application for registration as a citizen of Malta filed before the 15th day of August, 1999.

Amended by:
LVIII. 1974.68(2).
Substituted by:
XXIV.1989.7.
Amended by:
IV. 2000.16.

SCHEDULE

[ARTICLE 10]

OATH OF ALLEGIANCE

I,..... solemnly swear/affirm that I will bear true faith and allegiance to the People and the Republic of Malta and its Constitution. (So help me God).