

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,877, 6 ta' Ottubru, 2017

Taqsimha C

Nru. 11

6. 10. 2017

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Julia Farrugia Portelli, M.P., Segretarju Parlamentari għar-Riformi, Ċittadinanza u Simplifikazzjoni tal-Proċessi Amministrattivi, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Ottubru, 2017.

A BILL introduced by the Honourable Julia Farrugia Portelli, M.P., Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes, and read the First time at the Sitting of the 2nd October, 2017.

**ATT biex jemenda l-Att dwar iċ-
Ċittadinanza Maltija, Kap. 188.**

**AN Act to amend the Maltese Citizenship
Act, Cap. 188.**

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

ATT biex 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 tal-istess, ħarġet b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2017 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, (Emenda Nru 2), u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar iċ-Ċittadinanza Maltija, hawn aktar 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.
Kap. 188.

2. Fil-proviso tas-subartikolu (1) tal-artikolu 10 tal-Att prinċipali, il-kliem "msemmija fil-paragrafu (b)." għandhom jiġu sostitwiti bil-kliem "msemmija fil-paragrafu (b):" u minnufih wara dan għandu jizdied it-tieni proviso li ġej:

Emenda tal-artikolu 10 tal-Att prinċipali.

"Iżda wkoll il-ħtiġijiet tal-paragrafu (ċ) m'għandhomx japplikaw għal kull persuna li f'isimha tiġi sottomessa applikazzjoni bl-awtorizzazzjoni tal-Qorti Ċivili (Ġurisdizzjoni Volontarja) taħt is-subartikolu (3) tal-artikolu 21."

3. Minnufih wara s-subartikolu (2) tal-artikolu 21 tal-Att prinċipali għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 21 tal-Att prinċipali.

"(3) Minkejja d-disposizzjonijiet l-oħra ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu, tista' ssir applikazzjoni dwar persuna tal-età sħiħa iżda mhux ta' kapacità sħiħa f'isem dik il-persuna minn kuratur jew tutur debitament awtorizzat minn digriet tal-Qorti Ċivili (Ġurisdizzjoni Volontarja) wara li l-Qorti tkun sodisfatta li l-applikazzjoni hija fl-aħjar interess ta' dik il-persuna:

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Iżda, mingħajr preġudizzju għat-tieni proviso tal-artikolu 10(1), il-kriterji l-oħra kollha li jridu jiġu sodisfatti minn persuna ta' età sħiħa u kapaċità sħiħa għandhom bl-istess mod jiġu sodisfatti meta tiġi sottomessa applikazzjoni taħt dan is-subartikolu:

Iżda wkoll l-akkwist ta' ċittadinanza Maltija taħt dan is-subartikolu m'għandux ikun soġġett għal-ħtigiet li jittiehed għurament ta' lealtà."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz jikkonsistu fl-eliminazzjoni tal-projbizzjoni assoluta fuq persuni b'diżabilità mentali li tikkwalifikahom bħala persuni 'ta' ħsieb mhux sod' skond l-Att milli jiksbu ċittadinanza Maltija permezz tan-naturalizzazzjoni u b'hekk telimina forma oħra ta' diskriminazzjoni kontra persuni b'diżabilità.

**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:-

1. The short title of this Act is the Maltese Citizenship (Amendment No 2) Act, 2017, and this Act shall be read and constructed as one with the Maltese Citizenship Act, hereinafter referred to as the "principal Act".

Short title.

Cap. 188.

2. In the proviso to sub-article (1) of article 10 of the principal Act the words "mentioned in paragraph (b)." shall be substituted with the words "mentioned in paragraph (b):" and immediately thereafter there shall be added the following second proviso:

Amendment of article 10 of the principal Act.

"Provided further that the requirements of paragraph (c) shall not apply to any person on behalf of whom an application is submitted with the authorisation of the Civil Court (Voluntary Jurisdiction) under sub-article (3) of article 21."

3. Immediately after sub-article (2) of article 21 of the principal Act there shall be added the following new sub-article:

Amendment of article 21 of the principal Act.

"(3) Notwithstanding the other provisions of this Act or of any regulations made thereunder, an application in respect of a person of full age but not of full capacity may be made on behalf of such person by a curator or guardian duly authorised by a decree of the Civil Court (Voluntary Jurisdiction) after the Court is satisfied that the application is in the best interests of the said

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person:

Provided that, without prejudice to the second proviso to article 10(1), all other criteria which must be satisfied by a person of full age and full capacity must likewise be satisfied when an application is submitted under this sub-article:

Provided further that the acquisition of Maltese citizenship under this sub-article shall not be subject to the requirement of taking an oath of allegiance."

Objects and Reasons

The Objects and Reasons of this Bill consist of the elimination of the absolute prohibition on persons with a mental disability which qualifies them as persons 'of unsound mind' in terms of the Act from obtaining Maltese citizenship by naturalisation thereby eliminating another form of discrimination against persons with disability.

