

L.N. 156 of 2020

**PUBLIC ADMINISTRATION ACT
(CAP. 595)**

**Malta Residency Visa Agency (Establishment) (Amendment)
Order, 2020**

IN EXERCISE of the powers conferred by article 26 of the Public Administration Act, the Prime Minister has made the following order:-

- Title. **1.** The title of this order is the Malta Residency Visa Agency (Establishment) (Amendment) Order, 2020 and this order shall be read and construed as one with the Malta Residency Visa Agency (Establishment) Order, hereinafter referred to as the "principal order".
- S.L. 595. 26.
- Amends article 8 of the principal order. **2.** Article 8 of the principal order shall be amended as follows:

(a) sub-articles (2), (3), (4) and (5) thereof shall be substituted by the following:

"(2) The distribution of applications among the Approvals Board shall be carried out by the Chief Executive Officer, accordingly, so that each Approvals Board, as far as possible, is assigned an equal number of cases. Each Approvals Board shall be composed of a Chairperson and four (4) other members all appointed by the Minister.

(3) The members of the Approvals Board shall hold office for a period of three (3) years, but each board member may be reappointed at the end of his term. Any member may, before expiration of his term of office, resign by letter addressed to the Minister:

Provided that the members of the Approvals Board may be removed from office by the Minister prior to the expiry of their term of office where, in the opinion of the Minister, a member is unable to perform the duties of his office or there are other reasonable grounds for his removal.

(4) The Chief Executive Officer, employees and the members of the Board of Directors, are not eligible to be

members of the Approvals Board.

(5) The remuneration paid to members of the Approvals Board shall be fixed by the Minister.";

(b) immediately after sub-article (5) thereof, there shall be added the following new sub-articles:

"(6) The meetings of the Approvals Board shall be called by the Chairperson as often as may be necessary for the performance of its functions either on his own initiative or at the request of the Chief Executive Officer, but the Approvals Board shall meet at least once every month.

(7) The quorum at all meetings of the Approvals Board shall in no case be less than three (3) members.

(8) Subject to the provisions of this order, the Approvals Board may regulate its own procedure.

(9) An act or proceeding of the Approvals Board shall be valid notwithstanding any vacancy among its members.

(10) In the absence of the Chairperson at any meeting of the Approvals Board, the Approvals Board members present may select from amongst themselves a person to act as Chairperson at the meeting.

(11) The decisions of the Approvals Board shall be taken by a majority of the votes of the members present and voting. In the case of equal votes, the Chairperson or other person presiding at the meeting shall have a second or casting vote.

(12) The Approvals Board may appoint any employee of the Agency to act as Secretary to the Approvals Board.

(13) The Board of Approvals shall review applications submitted to it by the Chief Executive Officer of the Agency and shall have the final say on whether an application is favourably considered for approval or not, ensuring that decisions made are fair and objective, and according to law. When reviewing applications, the Approvals Board shall:

(a) receive and consider due diligence reports

on applicants, and exercise appropriate methods of inquiry and examination with respect to the information presented;

(b) request the Agency to conduct further due diligence or other checks in line with legal and regulatory requirements when it considers that it is appropriate to do so taking into account the budget allocated for such purpose;

(c) request all necessary information from the Agency.

(14) Approvals Board members shall treat as confidential all information concerning applicants and any information communicated to them by the Chief Executive Officer or any other officer, employee, or advisor of the Agency."
