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Version finale

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

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**MALTA/MALTE**



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 24 June 2005

**CEPEJ (2005) 2 REV 2  
Malta Version 1**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting  
(Strasbourg, 15 – 17 June 2005)**

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## DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

### COUNTRY:

### National correspondent

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### I. Demographic and economic data

#### I. A. General information

1. **Number of inhabitants** **402,668**  
*Source* **National statistics office**
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**  

State level	<b>1,519,354,800€</b>
Regional / entity level	<b>0€</b>

  
*Source* **Budget office - Malta**
3. **Per capita GDP** **2,858€**  
*Source* **National statistics office**
4. **Average gross annual salary** **11,644€**  
*Source* **National statistics office**

#### I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** **8,679,000€**  
*Source* **Budget office - Malta**

Please specify:

--

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	Yes	6,658,100€
▪ IT?	No	€
▪ Justice expenses borne by the State?	Yes	676,700€

Source *Budget office - Malta*

7. Annual public budget spent on legal aid **16,720€**

Source *Attorney General Office*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	€
▪ the annual public budget spent on legal aid in other court cases	€

Source

9. Annual public budget spent on prosecution system **1,023,260€**

Source *Budget office - Malta*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Yes			Yes
Other ministry. Please specify	Ministry of Finance			
Parliament				
Supreme Court				
Judicial Council				
Courts		Yes	Yes	Yes
Inspection body. Please specify.				
Other. Please specify				

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system
-

*The Ministry of Justice in collaboration with the Ministry of Finance prepares the budgets for the Judicial and Administrative financial years, after which the Administrative department would have put forward its proposals. Consultation with Judiciary department only applied on judicial related matters.*

*Budget for the Judiciary members forms part of the consolidated fund as established by the Constitution of Malta*

## II. Access to Justice and to all courts

### II. A. Legal aid

#### 11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify		

#### 12. Number of legal aid cases:

- total
- criminal cases
- other than criminal cases



Source *Courts of Malta – Statistics Department*

#### 13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes **Yes** No 

#### 14. Does your country have an income and asset test for granting legal aid:

- |                                  | No  | Yes/Amount          |
|----------------------------------|---|---------------------|
| ▪ for criminal cases?            |  | <b>Yes / 13950€</b> |
| ▪ for other than criminal cases? |  | <b>Yes / 13950€</b> |

Source *Courts of Malta – Statistics Department*

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes **Yes** No

16. If yes, is the decision taken by:

- the court?
- a body external to the court?
- a mixed decision-making body (court and external)?

Yes

**Yes**

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
- for other than criminal cases?

Yes No

**No**  
**Yes**

If yes, are there exceptions? Please specify:

*The Courts decide if the case is considered an exception*

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No **No**

Yes Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- criminal cases?
- other than criminal cases?

Yes No

**Yes** **Yes**

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

*Regulated by Code of Organisation and Civil Procedure of the Maltese Laws (COCP) and administered by the Advocate of the Legal Aid appointed by the Government who is assisted by a team of practicing team of lawyers and legal prosecutors engaged on a part-time basis*

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- |  |            |                          |
|--|------------|--------------------------|
|  | Yes        | No                       |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)?                             | <b>Yes</b> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.justice.gov.mt">www.justice.gov.mt</a> |            |                          |
| ▪ case-law of the higher court/s?  | <b>Yes</b> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.justice.gov.mt">www.justice.gov.mt</a> |            |                          |
| ▪ other documents (for examples legal forms)?                                    | <b>Yes</b> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.justice.gov.mt">www.justice.gov.mt</a> |            |                          |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes  No **No**

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes  No **No**

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape		<b>No public audience by Court order</b>	<b>Video conferencing</b>	
Victims of terrorism				
Child/Witness/Victim		<b>Video conferencing</b>	<b>Video conferencing</b>	
Victims of domestic violence		<b>No public audience by Court order</b>	<b>Video conferencing</b>	
Ethnic minorities				
Disabled persons				<b>Court building have full accessibility</b>
Juvenile offenders			<b>Yes</b>	<b>Sessions are held in a special building outside the official courts</b>



Other				
-------	--	--	--	--

24. Does your country have compensation procedure for victims of crimes?

Yes  No

25. If yes, does this compensation procedure consist in:

- |                  |                                     |
|------------------|-------------------------------------|
|                  | Yes                                 |
| ▪ a public fund? | <input type="checkbox"/>            |
| ▪ a court order? | <input checked="" type="checkbox"/> |
| ▪ private fund?  | <input type="checkbox"/>            |

26. If yes, which kind of cases does this procedure concern?

*The court decide the procedure concerned*

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No   
 Yes  Please specify:

*The Judge / Magistrate, following the reports compiled from the courts appointed experts, evaluate the recovery rate*

**II. B.2. Confidence of citizens in their justice system**

28. Is there a system for compensating users in the following circumstances:

- |                                    |                          |                                     |
|------------------------------------|--------------------------|-------------------------------------|
|                                    | Yes                      | No                                  |
| ▪ excessive length of proceedings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ wrongful arrest?                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ wrongful condemnation?           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If yes, please specify (fund, daily tariff):

*However Constitutional Court may grant compensation which my also be pecuniary*

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes  No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes **Yes** No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned		
Higher court		
Ministry of Justice		
High Council of Justice		
Other external organisations (e.g. Ombudsman)	<b>Commission for the Administration for Justice</b>	

Can you give information elements concerning the efficiency of this complaint procedure?

*Although there are no established time limits, the commission makes every effort to conclude its findings as soon as possible*

### III. Organisation of the court system

#### III. A. Functioning

33. Total number of courts (administrative structure):

- first instance courts of general jurisdiction **1 (one)**

Source

- specialised first instance courts **1 (one)**

Source

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

*The areas of specialisation are various and number over a hundred among which the most important are: Small Claim Tribunals, Land Arbitration board, Industrial Tribunals, Rural*

*leases board, commission for fair trading, Value Added Tax courts, Partition of inheritance, Rent regulation board.*

34. Total number of courts (geographic locations) **3 (three)**

Source **Courts of Malta**

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims **9 (nine) Adjudicators**

Please specify what is meant by small claims in your country:

**Small claims are all case that in their value does not exceed the amount of 3488€**

- a dismissal
- a robbery

36. Number of professional judges sitting in courts **18 (eighteen)**  
(present the information in full time equivalent and for permanent posts)

Source **Courts of Malta Statistics**

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

- gross figure
- if possible, in full time equivalent

**Nil**

Source **Courts of Malta Statistics**

Please specify:

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs **Nil**

Source

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

- No
- Yes **Yes** For which type of case(s)?

**Court offenders above 10 years imprisonment**

If possible, number of citizens who were involved in such juries for the year 2004?

**2180 (two thousand one hundred and eighty)**

40. Number of non-judge staff who are working in courts **380 ( three hundred eighty)**  
(present the information in full time equivalent and for permanent posts)

Source **Courts of Malta Statistics**

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: **170 (One hundred seventy approx.)**
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): **160 (one hundred sixty)**
- technical staff: **50 (fifty)**

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes  Number of staff **7 (Seven)**

43. Number of public prosecutors **6 (six)**  
(present the information in full time equivalent and for permanent posts)

Source

44. Do you have persons who have similar duties as public prosecutors?

No

Yes  Please specify:

**Police Inspectors and/or higher rank in the Magistrates courts**

45. Is the status of prosecutors:

- independent within the judiciary? **Yes**
- independent from the judiciary ? **Yes**
- under the authority of the Ministry of Justice?

46. Number of staff (non prosecutors) attached to the public prosecution service **7 (Seven)**  
(present the information in full time equivalent and for permanent posts)

Source

**47. Who is entrusted with the individual court budget?**

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				
Court President				
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office				
Other. Please specify				

**48. In general, do the courts in your country have computer facilities?**

Yes  No

**49. What are the computer facilities used within the courts?**

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	Yes			
	Electronic data base of jurisprudence	Yes			
	Electronic files	Yes			
	E-mail	Yes			
	Internet connection	Yes			
Administration and management	Case registration system	Yes			
	Court management information system	Yes			
	Financial information system	Yes			

Communication between the court and the parties	Electronic forms	Yes			
	Special Website	Yes			
	Other electronic communication facilities	Yes			

Source *Courts of Malta Statistics*

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No   
Yes

Please specify the name and the address of this institution:

*It is an in-house 'ad hoc' made system maintained by the Courts Administration. The IT contractor is called Malta Information Technology and Training Services (MITTS) which is a government owned organisation.*

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

*All data is inputted from all sectors of the court's registries and court halls are centralised with a network, which allows different levels of access to different categories of staff both administrative and judicial*

### III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes  No

52. Do you have a regular monitoring system of court activities concerning the:

	Yes	No
▪ number of incoming cases?	Yes	<input type="checkbox"/>
▪ number of decisions?	Yes	<input type="checkbox"/>
▪ number of postponed cases?	Yes	<input type="checkbox"/>
▪ length of proceedings?	Yes	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

*Derived from the Courts Statistics database of the Courts IT network*

53. Do you have a regular evaluation system of the performance of the court?

No

Yes  **Yes** Please specify:

*The Commission for the Administration for Justice*

54. Concerning court activities, have you defined:

- performance indicators? Yes  No

Please specify the 4 main indicators for a proper functioning of justice:

- targets? Yes  No

Please specify who is responsible for setting the targets:

- executive power? Yes
- legislative power? Yes
- judicial power? Yes
- other? Yes  Please specify:

Please specify the main objectives applied:

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary? Yes
- the Ministry of justice? Yes
- an Inspection body? Yes
- the Supreme Court? Yes
- an external audit body? Yes
- other? Yes  Please specify:

56. Does the evaluation system include quality standards concerning judicial decisions?

- No  **No** Please specify:
- Yes

Source  

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- |                         | Yes   | No   |
|-------------------------|---|--|
| ▪ civil cases?          | Yes <span style="background-color: #f4a460; padding: 0 5px;"> </span> | <span style="background-color: #f4a460; padding: 0 10px;"> </span> |
| ▪ criminal cases?       | Yes <span style="background-color: #f4a460; padding: 0 5px;"> </span> | <span style="background-color: #f4a460; padding: 0 10px;"> </span> |
| ▪ administrative cases? | <span style="background-color: #f4a460; padding: 0 5px;"> </span>     | <span style="background-color: #f4a460; padding: 0 10px;"> </span> |

58. Do you have a way of analysing queuing time during court procedures?

No   **No**  
Yes   Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No    
Yes   **Yes** Please specify:

*The office of the Attorney General monitors the performance of the Prosecutors through an individual performance appraisal*

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

#### IV. Fair trial

##### IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?  
Yes **Yes**   No
- the right to have reasons given for all prisons sentences?  
Yes **Yes**   No
- for all cases, an effective remedy to a superior jurisdiction?  
Yes **Yes**   No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? **0 %**

Source   *Courts of Malta Statistics*

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?



No   
 Yes  **Yes** If possible, number of successful challenges (in a year):  **N/A**

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
Civil proceedings	Article 6§1 (equity)		1						1		
	Article 6§1 (duration)		1		1						
	Article 6§1 (non execution only)	1									

Source *Office of the Attorney General*

**IV.B. Timeframes of proceedings**  
**IV. B. 1. General**

64. Are there specific procedures for urgent matters in:

- civil cases?  Yes  No
- criminal cases?  Yes  No
- administrative cases?  Yes  No

65. Are there simplified procedures for:

- civil cases (small claims)?  Yes  No
- criminal cases (petty offences)?  Yes  No
- administrative cases?  Yes  No

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes  No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No   
 Yes  **Please specify:**

***By mutual agreement after which is recorded in the records of proceedings***

**IV. B. 2. Civil and administrative cases**

**68. Total number of civil cases in courts (litigious and not litigious):** **5858**

**Please specify the main types of cases:**

Source

**69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	5858	N/A	N/A	N/A
	Decisions on the merits				
	Percentage of decisions subject to appeal in a higher court	N/A			
	Pending cases by 1 January 2005	14277			
	Percentage of pending cases of more than 3 years	33%			
Average length (from date of lodging of court proceedings*)	1st instance decisions	N/A			
	2nd instance decisions	N/A			
	Total procedure	N/A			

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

**Where appropriate, please specify the specific procedure as regards divorce:**

***Divorce is not legal in Malta***

Source Courts  *of Malta Statistics*

**IV. B. 3. Criminal cases**

70. Please describe the role and powers of the prosecutor in the criminal procedure:

- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | Yes                      | No                       |
| ▪ to conduct or supervise police investigation?                                     | Yes                      | <input type="checkbox"/> |
| ▪ to conduct investigation?   | <input type="checkbox"/> | No                       |
| ▪ when necessary, to demand investigation measures from the judge?                  | Yes                      | <input type="checkbox"/> |
| ▪ to charge?  | Yes                      | <input type="checkbox"/> |
| ▪ to present the case in the court?   | Yes                      | <input type="checkbox"/> |
| ▪ to propose a sentence to the judge?   | Yes                      | <input type="checkbox"/> |
| ▪ to appeal?  | Yes                      | <input type="checkbox"/> |
| ▪ to supervise enforcement procedure?   | <input type="checkbox"/> | No                       |
| ▪ to end the case by dropping it without the need for a judicial decision?          | Yes                      | <input type="checkbox"/> |
| ▪ to end the case by imposing or negotiating a penalty without a judicial decision? | <input type="checkbox"/> | No                       |
| ▪ other significant powers?   | Yes                      | <input type="checkbox"/> |

Please specify:

*Other specific role include to authorise to take criminal proceedings under a number of specific laws*

71. Does the prosecutor also have a role in civil and/or administrative cases?

- No  No  Please specify:

*However, if Government is involved in civil and/or administrative cases, it is the Office of the Attorney General who represents the Government in those cases*

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		<i>The data is not derived in this manner but catergorised by case and judge presiding</i>
Discontinued by the public prosecutor	In general	
	Because the offender could not be identified	
	Due to the lack of an established offence or a specific legal situation	
Concluded by a penalty, imposed or negotiated by the public prosecutor		
Charged by the public prosecutor before the courts		

Source

73. **Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases			
	Judicial decisions			
	Convicted persons			
	Acquitted persons			
	Percentage of decisions subject to appeal in a higher court			
	Pending cases by 1 January 2005			
	Percentage of pending cases of more than 3 years			
Average length*(from the date of official charging)	1st instance decision			
	2nd instance decision			
	Total procedure			

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source 

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings

**The length of a case is monitored by an age analysis system**

**V. Career of judges and prosecutors**

**V. A. Appointment and training**

74. **Are judges initially/at the beginning of their carrier recruited and nominated by:**

- a body composed of members of the judiciary?
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and external to the judiciary?

Yes



**Yes**

75. **Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- a body composed of members of the prosecution system?
- a body composed of members external to the prosecution

Yes



- system?
- a body composed of members of the prosecution system and external to the prosecution system?

76. Is the mandate given for an undetermined period for:

- |                |                                     |                                     |
|----------------|-------------------------------------|-------------------------------------|
|                | Yes                                 | No                                  |
| ▪ judges?      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ prosecutors? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Are there exceptions ? Please specify:

*The Attorney General and the Deputy Attorney General*

If no, what is the length of the mandate:

Is it renewable?

- |                   |                                     |                                     |                          |
|-------------------|-------------------------------------|-------------------------------------|--------------------------|
|                   |                                     | Yes                                 | No                       |
| ▪ of judges?      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| ▪ of prosecutors? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

*The Government selects Judges and Magistrates from practising legal lawyers, nevertheless different entities are consulted to establish the capabilities and background of the lawyers short-listed for the post.*

*Prosecutors are selected through a call for application though the Government administrative network. Short listing and final selection is effected through the Attorney General office.*

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	No		
	Highly recommended	Yes		
	Optional	Yes		
General in-service training	Compulsory	No	Annual	No
	Highly recommended	Yes	Regular	No
	Optional	Yes	Occasional	Yes
In-service training for specialised functions (e.g. judge for economic or administrative	Compulsory	No	Annual	No
	Highly recommended	Yes	Regular	No
	Optional	Yes	Occasional	Yes

issues)				
In-service training for specific functions (e.g. head of court)	Compulsory	No	Annual	No
	Highly recommended	No	Regular	No
	Optional	No	Occasional	No

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional	Yes	Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional	Yes	Occasional	

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your training system for judges and prosecutors

**The Judicial Studies Committee was officially launched in October 2003 and is the body charged with the training of Maltese Magistrates and Judges, numbering 35 persons in all.**

**Initial training is performed through mentoring. In service, training is done by means of seminars and conferences on particular legal topics or judicial skills, targeting all the members of the Bench.**

**Participation at these training events is highly recommended, but not compulsory.**

**The JSC, being a member of the European Judicial Training Network, also finds placements with training institutions abroad for members of the Maltese judiciary, especially for those who have specialised or specific functions.**

**V. B. Practice of the profession**

**79. Gross annual salary of a first instance professional judge at the beginning of his/her career**  
**26548€**

Source *Courts of Malta – Human Resources Department*

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court  
31235€

Source *Courts of Malta – Human Resources Department*

81. Gross annual salary of a public prosecutor at the beginning of his/her career  
22735€

Source *Office of the Attorney General – Human resource department*

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court  
22735€

Source *Office of the Attorney General – Human resource department*

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	
Special pension	No	
Housing	No	
Other financial benefit (If yes, please specify)	Yes Fringe benefits	Yes Fringe benefits

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching		Yes		Yes		
Research and publication		Yes		Yes		
Arbitrator			No			No
Consultant			No			No
Cultural function			No		Yes	
Other function to specify						

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No **No**

Yes  Please specify:

### V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	<b>Nil</b>	<b>Nil</b>
	Breach of professional ethics (Yes/No) If yes, please specify the number		
	Professional inadequacy (Yes/No) If yes, please specify the number		
	Criminal offence (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		
Types of sanctions	Total number		
	Reprimand (Yes/No) If yes, please specify the number		
	Suspension (Yes/No) If yes, please specify the number		
	Dismissal (Yes/No) If yes, please specify the number		
	Fine (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

**The Commission for the Administration of justice evaluate and determine any disciplinary action on the merits of the case.**

## VI. Lawyers

87. Number of lawyers practising in your country

**657(registered)**

Source **Malta Chambers of Lawyers**

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?



Yes **Yes**

No

**89. Do lawyers have a monopoly of representation:**

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	<b>Yes</b>		Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>
Criminal cases*	Defendant	<b>Yes</b>	Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>
	Victim	<b>Yes</b>	Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>
Administrative cases*	<b>Yes</b>		Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>

\* If appropriate, please specify if it concerns first instance and appeal.

**90. Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Yes

**Yes**

Please specify:

**91. Is there a specific initial training or examination to enter the profession of lawyer?**

Yes **Yes**

No

**92. Is there a mandatory general system for lawyers requiring continuing professional development?**

Yes

No **No**

**93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

No **No**

Yes  Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes **Yes (for Civil Cases)** No **No (for Criminal cases)**

95. Are lawyers fees:

- regulated by law? Yes **Yes (for Civil Cases)**
- regulated by Bar association?
- freely negotiated? **Yes (for Criminal Cases)**

96. Have quality standards been formulated for lawyers?

Yes **Yes** No

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes **Yes**
- the legislature? **Yes**
- other?  Please specify:

98. Is it possible to complain about :

- the performance of lawyers? No   
Yes **Yes**

Please specify:

*To the Chamber of Advocates and to the Commission for the Administration of Justice*

- the amount of fees? Yes **Yes** No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	<b>37 (thirty seven)</b>
	Professional inadequacy	
	Criminal offence	
	Other	
Type of sanctions	Reprimand	<b>1 (one)</b>
	Suspension	
	Removal	
	Fine	

Other

100. Who is the authority responsible for the disciplinary procedures:

- a professional body?

Yes  
**Yes**

Please specify:

*The Commission for the Administration of Justice*
  
- the judge?

▪ the Ministry of justice?

▪ other?

**Yes**

Please specify:

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning the organisation of the Bar*

**VII. Alternative Dispute Resolution**

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

Family cases	Compulsory stage prior to court proceedings		Private mediator	Yes
			Public or authorised by court body	Yes
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

**102. Can you provide information about accredited mediators?**

*The mediators are accredited by the Government through the Mediation Centre after which they have provided authentic prove of adequate qualifications and training together with an amount practical hours (under the supervision of an accredited mediator) as established by the Mediation Centre*

- 103. Can you provide information about the total number of mediation procedure concerning:**
- civil cases?
  - family cases?
  - administrative cases?
  - employment dismissals?
  - criminal cases?

1001

Source Courts **of Malta Statistics**

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

**Arbitration is mandatory only in cases related to traffic accidents that do not exceed 11,600€ worth of expenses and not involving bodily harm. Otherwise the option to go to Arbitration for any civil cases is voluntary and with mutual agreement between the parties.**

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

## VIII. Enforcement of court decisions

### VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges?
  - bailiff practising as private profession ruled by public authorities?
  - bailiff working in a public institution?
  - other enforcement agents?
- Please specify their status:

Yes

Yes

106. Number of enforcement agents

**17(seventeen)**

Source

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes **Yes**

No

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

**Yes**

109. Can users establish easily what the fees of the enforcement agents will be?

Yes **Yes**

No

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

Yes  
Yes

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No  
Yes

Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Yes

Please specify:

*Court Administration is in charge of the supervision*

112. Have quality standards been formulated for enforcement agents?

No  
Yes

No

Who is responsible for formulating these quality standards?

*At the initial stage of their career as bailiff, the candidates have to sit for an examination. If successful, they are engaged in a series of posting within the judicial network that will direct them to become bailiffs. This process takes a few years and every aspect of the work and responsibilities of the bailiffs is managed during such period.*

Source Courts of Malta – Human Resources Department

113. What are the main complaints of users concerning the enforcement procedure:

- no execution at all?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

Yes

No

Yes

Yes

Yes

Yes

Source

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No  
Yes

Yes Please specify:

***New legislation being prepared (consultation phase)***

115. Is there a system measuring the timeframes of the enforcement of decisions :

- |                             |                          |                                     |
|-----------------------------|--------------------------|-------------------------------------|
|                             | Yes                      | No                                  |
| ▪ for civil cases?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- |   |                                     |
|---|-------------------------------------|
|   | Yes                                 |
| ▪ between 1 and 5 days                          | <input type="checkbox"/>            |
| ▪ between 6 and 10 days                         | <input checked="" type="checkbox"/> |
| ▪ between 11 and 30 days                        | <input type="checkbox"/>            |
| ▪ more: please specify <input type="checkbox"/> | <input type="checkbox"/>            |

Source

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Sanctions	Reprimand	<b>Yes</b>
	Suspension	
	Dismissal	
	Fine	
	Other	

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

***The chronological events of the enforcement system is as follows:***

- 1) the Party presents warrant to Courts***
- 2) The Judge issue the decree after his evaluation***
- 3) The courts administration passes the decree to the Marshall in call for execution***
- 4) Marshal makes adequate preparation in line with the nature of the warrant.***
- 5) Courts Administration monitors execution of warrant***

**VIII. B. Enforcement of decisions in criminal matters**

118. Is there a judge who has in charge the enforcement of judgments?

Yes  Please specify his/her functions and activities (e.g. Initiative or control functions):

No  Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

*Bailiffs and court administration*

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No   
Yes  Please specify:

*All fines transactions are recorded on the main data base and evaluated upon request*

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

*The chronological events of the enforcement system is as follows:*

- 1) Judge/ Magistrates sentences the accused to Corrective Facility*
- 2) The Deputy Registrar issues a conviction ticket*
- 3) Accused is escorted to the Corrective Facility by the Police*

*If a fine is imposed*

- 1) The Judge/ Magistrate issue the amount and term in which the fine is to be settled*
- 2) If the accused does not pay the fine in accordance with the conditions set by the Judiciary  
This fine is converted in prison term according to the Law.*
- 3) The Conviction ticket is sent to the Police to effect arrest and escort to the Corrective Facility*

## IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?

Yes	Number
<input type="checkbox"/>	<input type="checkbox"/>



- a public one?
  - other?
- Please specify:

Yes

Source

121. Do notaries have duties:

- within the framework of civil procedure?
  - in the field of legal advice?
  - to authenticate legal deeds?
  - other?
- If yes, please specify:

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
Yes	<input type="checkbox"/>
Yes	<input type="checkbox"/>

122. Is there a body entrusted with the supervision and the control of the notaries?

No

Yes

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Yes

Please specify:

*The Chamber of Notaries*

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries

\*\*\*\*\*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

