



COUNCIL    CONSEIL  
OF EUROPE    DE L'EUROPE

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

**PILOT-SCHEME**  
**FOR**  
**EVALUATING JUDICIAL SYSTEMS**



# SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**Country:** .....MALTA.....

**Contact Name:** George VELLA.....

## I. General information

### 1. Number of inhabitants

Number: 382 525 Year of reference: 2000  
.....  
Source: ...website gov.mt.....

### 2. Total annual State/regional public budget

Budget: ..... Year of reference: .....  
Source: .....

### 3. Average gross annual salary

Salary: ..... Year of reference: .....  
Source : .....

## II. Access to Justice and to all courts

### II. A. Legal aid/cost of justice

#### 4. Annual public budget spent on legal aid

Annual budget: € 16631 (LM 7070) Year : 2003  
.....  
Source : Attorney General's Office.....

#### 5. If possible, specify

##### - the annual public budget spent on legal aid in criminal cases

Annual budget: Data not available Year :  
.....  
Source : .....

##### - annual public budget spent on legal aid in other court cases

Annual budget: Data not available Year :  
.....  
Source : .....

#### 6. Total number of legal aid cases (in a year)

Number of cases: Data not available Year :  
.....  
Source : .....

#### 7. If possible, specify:

##### - the total number of legal aid cases in criminal matters (in a year)

Number of cases: Data not available Year :  
.....  
Source : .....

##### - the total number of legal aid cases in other court cases (in a year)

Number of cases: 255 Year : 2003  
.....  
Source : .....Civil Courts Superior Registry.....

8. Does your country have an income and asset test for granting legal aid?

Yes -:

9. If yes, what is the maximum income level for granting legal aid?

Income level: € 7057 (LM 3000) Year : 2003  
.....

10. Is it possible to refuse legal aid for lack of the merit of the case?  
(eg. for frivolous or vexatious actions, or cases without merit)

Yes  
.....

If yes, is the decision taken by :  
(please indicate the right answer)

- ~~the court~~
- a body external to the court
- ~~a mixed decision making body (court and external)~~
- ~~other:~~

What factors are taken into account ?

Factors: Income levels  
.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes:  
.....

If yes, is this true for :  
- criminal cases? No  
- other than criminal cases? Yes

12. Does your country have a private system of legal expenses insurance for individuals?

No :  
.....

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

Yes  
.....

If yes, is this true for :  
- criminal cases ? / No  
- other than criminal cases? Yes

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? No  
- the State? No

If yes, please indicate the references of these studies published in the year 2002 or 2003:  
(Author / instance) (Title) (Type of courts or costs reported on):

.....  
.....  
.....

**II. B. Users of the courts and victims**

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes /  
internet address:

- to the case-law of the higher court/s? Yes /  
internet address:

- to other documents (for examples legal forms)? Yes /  
internet address:

If yes, please give the internet address

www.justice.gov.mt

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? / No

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? / No

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? / No

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?  
/ No

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes

Please specify:

- at court level/internal procedure No

- at court level/external procedure No

- at national level/internal procedure Yes

- at national level/external procedure No

Comments:

Commission of the Administration of Justice

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: / No

- time limit for dealing with the complaint: / No

### **III. Functioning of courts and efficiency of justice**

#### **III. A. Functioning**

22. Total number of courts

Number of courts: 10  
.....

23. Number of general jurisdiction first instance courts

Number of courts: 2  
.....

24. Number of specialised first instance courts

*Please specify the different areas of specialisation*

(area of specialisation)  
First Hall

(number of courts)  
2

Family Court	2
Voluntary Jurisdiction	2
Criminal Court	2
Juvenile	2

.....

.....

.....

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

Number of judges: 35 fte Year : 2004  
 ..... .....

(1 Chief Justice  
 17 Judges  
 17 Magistrates)  
 Source :

.....

**26. Number of non-professional judges sitting in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of judges: 2 fte Year : 2004  
 ..... .....

Source :  
 .....

Please give details: 2 non professional Judges sitting in Juvenile Court  
 .....

**27. Number of non-judge administrative staff who are working in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of staff: 374 fte Year : 2004  
 ..... .....

Source :Human Resources Section  
 .....

**28. Annual budget allocated to all courts**

Annual budget: € 9.000.000 (3.900.000 LM) Year :  
 ..... .....

Source :  
 ...Financial Estimates 2004.....

**29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts**

Annual budget: ..... Year :  
 ..... .....

Source :  
 .....



30. Has the budget for justice increased during the last 5 years? Yes /  
 What are the figures?

Budget	€ 2.700.000	.....	Year 1999
Budget	€ 9.000.000	.....	Year 2004

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes
- the Government Yes /
- the Parliament Yes /
- the Judicial Council No
- the Courts Yes /
- other:  
 .....

32. Who manages the budget of the courts?

- the President of the Court / No
- the person administratively responsible for the court Yes /
- other:  
 .....

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / ~~public prosecutor~~ / ~~lawyer~~ / other: .....
- in other than criminal cases the court / ~~public prosecutor~~ / ~~lawyer~~ / other: .....

**III. B. Efficiency**

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases:	.....375 approx.....	Year :	2003.....
Source :	.....Attorney General's Office.....		

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: .....None..... Year : ...2003.....  
 Source : ..... Attorney General's Office .....

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: ..... Year : .....  
 Source : .....Data not available.....

**36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)**

Number of cases: ..... Malta 809 Gozo 36..... Year : ...2002...  
 Source : Criminal Statistics 2002.....

**37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)**

Number of cases: ..... Malta 1059 Gozo 42..... Year : 2002...  
 Source : .....

**38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)**

Number of cases: ..... Malta 820 Gozo 15..... Year : 2002...  
 Source : ..... Criminal Statistics 2002.....

**39. Total number of judicial decisions, involving robbery (in a year)**

Number of cases: .....857 (Malta)..... Year : ...2002...  
 Source : ..... Criminal Statistics 2002.....

*Please indicate, if possible:*

Number of convicted persons:	.....DNA.....	% of convicted persons:	.....
Number of acquitted persons:	.....DNA.....	% of acquitted persons:	.....

**40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)**

Percentage of decisions: ..... Year : .....  
 Source : .....

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: ...12 Magistrates – 12 Criminal Courts..... Year : 2002  
Source : ..... Criminal Statistics 2002.....

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: .....11..... Year : ...2002.....  
Source : .....Criminal Councils.....

*Please indicate also if possible:*

Number of convicted persons:	.....11..	% of convicted persons:	...82%...
Number of acquitted persons:	.....2.....	% of acquitted persons:	...18%

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: .....91%... Year : ...2002.....  
Source : .....Criminal Councils.....

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: .....5884..... Year : 2003.....  
Source : .....www.justice.gov.mt.....

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: .....7064..... Year : ...2003  
Source : ..... www.justice.gov.mt .....

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: ...8.4% Year : 2003.  
Source : ..... www.justice.gov.mt .....

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: .....Not applicable..... Year : 2003  
Source : .....

#### 48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: ..... Not applicable..... Year : 2003  
Source : .....

#### 49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Not applicable..... Year : .....  
Source : .....

#### 50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: .....Malta 81 – Gozo 4..... Year : 2002  
Source : .....Criminal Courts 2002.....

#### 51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: .....Malta 36 – Gozo 0..... Year : 2002  
Source : ..... Criminal Courts 2002.....

#### 52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: ...NA..... Year : .....  
Source : .....

### **IV. Use of Information Technology in the court**

#### 53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: ..... Year : .....  
Source : .....

.....

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

- for judges Yes /
- for non-judges court staff Yes

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

If yes, please specify the name and the address of this institution

(Name) .....MITTS..... (Address) ...Gottard House, Blaka P. Bajda Malta.....

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes /
- Mail Yes /
- Fax Yes /
- E-mail Yes /
- Internet Yes /

57. Is there an electronic form to carry out certain procedural steps? / No

**V. Fair trial**

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: ...Data no tavailable..... Year :  
Source : .....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes /

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes /

61. Are reasons given for all prison sentences? Yes /

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: ... Data no tavailable days Year : .....  
Source : .....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: Data no tavailable days Year : .....  
Source : .....

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: ...NA... days Year : .....  
Source : .....

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: ...NA... days Year : .....  
Source : .....

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: ...NA... days Year : .....  
Source : .....

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: ...NA... days Year : .....  
Source : .....

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes /

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

/ No

If yes, please specify:

.....

<b>VI. Judges</b>
-------------------

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : .....€ 31,627 p.a..... Year : ...2004

Source : .....Legal Notice 48/2004 Government Gazette.....

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : .....€ 36,530 p.a. Chief Justice..... Year : ...2004

Source : .....as .....

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No

If yes, please specify:

NO. (stipulated by Art. 16 of the Chapter 12 Lawss of Malta.....)

73. Are judges recruited and nominated by an independent institution? Yes /

(if yes), who are represented in this institution:

- the members of the judiciary No
- officials not part of the judiciary Yes /
- a mixture of the two categories referred to above / No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes /

74. Is there a system of induction l and continuation training for judges?

No

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: ..... Year : .....  
Source : .....

75. Is there a system of supervision and control on the courts - other than through appeal? Yes /

If yes, please specify:  
...Commission for the Administration of Justice.....

76. Is there in your country a system of temporary judges? / No

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:  
.....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: ..... Year : .....  
Source : .....

78. Annual number of sanctions against judges

Number of sanctions: ..... Year : .....  
Source : .....

## **VII. Public prosecutors**

79. Annual budget for the public prosecution

Annual budget: .....€1.000.000 - LM 436,500..... 2004-(Total annual budget for Attorney General's Office  
Source : .....

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: .....6..... Year : 2004.  
Source : ...Attorney General's Office.....







95. Is it possible to complain about the performance of lawyers? Yes / No

If yes, please specify:

.....Comm. Adm. Of Justice.....

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: .....NA..... Year : .....  
Source : .....

## IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators: .....35... Year : 2004.....  
Source : ...Legal notices on Government Gazette.....

98. How much public budget is devoted to mediation?

Amount: ...€ 23.000 approx LM 10.000..... Year : ...2004.....  
Source : .....Recently introduced.....

99. Number of incoming mediation cases (in a year)

Number of cases: ...579..... Year : 16/12/03 – 10/05/04.....  
Source : .....Family Court Registry.....

100. Number of cases solved through mediation (in a year)

Number of cases: .....255 Year : .....16/12/03 – 10/05/04..  
Source : ..... Family Court Registry ....

If possible, please specify:

- number of criminal cases solved through mediation:

.....NA...

- number of cases other than criminal solved through mediation:

...as above.

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? No

- in other than criminal cases? Yes (Family related issues)

Year : As for 1999..... Source : .....

**X. Enforcement agents and execution of court decisions**

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
.....Executive Police	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

- in other than criminal cases:

.....Court Marshals.....	.....32.....	.....	.....
...and Court Ushers	.....7.....	.....	.....
.....	.....	.....	.....

103. Is there an institution to supervise or control the activities of enforcement agents?

- Yes  
Courts of Justice  
Police Board  
Ombudsman in Executive Police  
Courts of Justice and Director General's Boards  
Marshals and Public Service Commission and Ushers

If yes, please specify: .....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: ..... Year : .....  
Source : .....

105. Annual number of sanctioned enforcements agents

Number of agents: .....

Year : .....

Source : .....

106. Is it possible to file a complaint against an enforcement agent? Yes

If yes, please specify:

To the persons listed in question 103.....

107. Does the court play a role in the execution of court decisions? Yes

If yes, please specify:

.....It authorises and gives directions.....

108. Are the courts competent to decide against public authorities? Yes

Are the courts involved in executing decisions against public authorities? Yes