



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Malta

National correspondent

First Name - Last Name: **DE PASQUALE Francesco**
Job title: **Magistrate**
Organisation: **Magistrates' Chambers - Law courts**
E-mail: **francesco.depasquale@gov.mt**
Phone Number : **25902225**

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

421 364

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	3 668 677 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

16 417

4) Average gross annual salary (in €)

15 536

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

These figures are as reported in the National Statistics Office and Eurostat

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	11 527 427
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	8 425 403
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	1 342 265
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	1 476 078
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	200 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	82 681
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 000
7. Other (please specify):		NAP

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

8) Are litigants in general 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?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

There exist exception in the eventuality that the litigant applies for Legal Aid services, in which case, all court tax fees and legal fees are borne by the Government.

8.1) Please briefly present the methodology of calculation of courts fees?

Court fees are calculated in accordance with Tariffs set out in Schedules A to K of the Code of Organisation and Civil Procedures (Chapter 12), which provides for Registry Fees, Lawyers Fees and various other Fees which may arise in proceedings in Court.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

Fees payable by the plaintiff amount to €23.29 in Registry Fees, €170 in Legal fees due to the lawyer and €6.99 for every notification which needs to be issued. As a result, a typical case where there is one defendant involved would cost a total of €200.

With regards to the defendant, his expenses amount to €11.65 in Registry Fees, €170 in Legal fees due to the lawyer and €6.99 for every notification which needs to be issued.

9) Annual income of court taxes or fees received by the State (in €)

6 399 974

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	49500
12.1 Annual public budget allocated to legal aid for cases brought to court	49500
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

The amount indicated above represents the full amount allocated by the Government to the appointment of Legal Aid lawyers for persons requiring their services. This fund caters solely for the legal aid services provided for lawyers who would give their services to persons requiring such and assistance. All judicial fees incurred by such persons are also borne by the Government, however it is not possible to quantify such expenses as these vary from case to case.

mail CN 10/1/14: explication sur différence par rapport au cycle précédent: The previous figure was more generic as it is not clearly indicated in any beget. This year's figure is much more to the mark as was obtained following a detailed examination of the funds available.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount 1 828 559

Comment :

The Public Prosecution Services is carried out by the Attorney General's office who not only acts as a Public Prosecution but also acts as the Principal Legal Advisor of all the Government Departments. As a result, the amount budgeted cannot be considered as being funds allocated solely for public prosecution purposes, but also for other purposes relating to legal work and advise for the Government, both locally and internationally.

mail CN 10/1/14: explication sur différence par rapport au cycle précédent: Funds allocated to the Attorney General's Office were reduced due to reorganisation purposes

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	Yes	Yes	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	No	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

The office of the Auditor General inspects all expenses incurred by the various Government Departments, from time to time, including that of the Justice Department.

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering questions 6, 9, 12 and 13.

All the data is as reported in the Budgetary estimates for the year 2014, this report indicating the expenses which were actually incurred in the year 2012.

[1. 1. 3. Budgetary data concerning the whole justice system](#)

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

105152000

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	Yes
Judicial management body	Yes
State advocacy	Yes

Enforcement services	Yes
Notariat	No
Forensic services	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	No
Refugees and asylum seekers services	Yes
Other	No

Comment :

Since this approved budgets actually spread between different ministries, a breakdown of the amount indicated in accordance with the various information collected is being provided for clarity: Attorney General's Office - €1,828,559; Courts -€11 527 427; Probation & Parole Services - €655,079; Prison system - €8,974,218; Commissioner for Refugees Office - €125,841; Commission for the Administration of Justice - €29,928;

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	No	No

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

All expenses are borne by the Government

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
No	No

Comment :

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	528
in criminal cases	217
other than criminal cases	311

Comment :

In criminal cases, statistics started being collected with effect from August 2012, and the number of cases indicated above refers to the period August till December 2013. Between January to October 2013, the number of criminal cases granted legal aid amounted to 463. As the 'other than criminal law' statistics, this refers to all the number of legal aid requests made for civil proceedings to be commenced.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data

is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

Legal Aid is provided to whoever does not have the financial means to afford a lawyer, as a result of which, when an accused appears in Court and is not in a position to defend himself with the services of a lawyer, as he does not afford one, the Court will grant him the right to assisted by a lawyer of the Legal Aid services.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	8221	6998
for other than criminal cases?	8221	6998

Comment :

In terms of Section 912 of the Code of Organization and Civil Procedure, a person will be granted legal aid provided he does not possess property of any sort, the net value of which amounts to, or exceeds, €6,988.12 not including everyday household items that are considered reasonably necessary for the use by applicant and his family, and that his yearly income is not more than the national minimum wage established for persons of eighteen years and over, which value is the National Minimum wage established by law from time to time, in accordance with Subsidiary Legislation 452.71. However, in calculating the net asset value mentioned above, no account shall be taken of the principal residence of applicant or of any other property, immovable or movable, which forms the subject matter of court.

Mail CN 10/1/14: explication sur défférence par rapoport au cycle précédent: These figures are more precise and updated.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

The Chief Legal Officer examines the case with the applicant and if he deems that applicant has no case, he is not given the services of a Legal Aid Lawyer.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?
- an authority external to the court?
- a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
- No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	No
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 20 and 23:

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|----------------------------|
| legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.justiceservices.gov.mt |
| case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.justiceservices.gov.mt |
| other documents (e.g. downloadable forms, online registration)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.justiceservices.gov.mt |

Comment :

In this web site, access is available both for all the legislation which is in force in Malta, as well as all the information relating to the civil cases being heard before a Court of Law.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
- No
- Yes only in some specific situations

If yes only in some specific situations, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

Yes No

If yes, please specify:

All data is available on the web site free of charge. Furthermore, an SMS system informing lawyers of cases being adjourned exists and is to be extended to all parties to the cases in the near future.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	No	No	No
Disabled persons	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

Juvenile Offenders are not heard in the Court building, however in another building situated elsewhere, before a different Court, the Juvenile Court, where proceedings are heard in a more informal and private manner so as to protect, as far as possible, the privacy of the minor.

31.1) Is it possible for minors to be a party to a judicial proceedings :

 Yes No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

32) Does your country allocate compensation for victims of crime?

 Yes No

If yes, for which kind of offences

These offences are not established however there exists a fund set up by the Government from which it may pay victims of crimes whilst exercising their public office, such as Police.

33) If yes, does this compensation consist in:

 a public fund? damages to be paid by the responsible person (decided by a court decision)? a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

 Yes

No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

Yes

No

If yes, please specify:

36) Do victims of crime have the right to dispute a public prosecutor’s decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The users can take their claim to Court by filing a case against the Government and, should it be successful, as has happened in several instances, the Court will award compensation.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No

Surveys at court level	No	No
------------------------	----	----

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
 No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	No	No

Comment :

Though all complaints on the administration of justice are addressed to the Commission for the Administration of Justice, set up in terms of Chapter 369 of the Laws of Malta, there exists also an ad hoc procedure wherein, when a case has been adjourned for judgment for over three years, any one of the parties may, personally, write to the Chief Justice, requesting the case to be transferred from one judge/magistrate to another, and the Chief Justice, after considering the case, may choose to transfer the case or retain the case before the presiding Judge/Magistrate.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

All complaints forwarded to the Commission for the Administration of Justice are protected by secrecy, as a result of which, no information as to the number of complaints referred to on this basis is available

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	1
42.2 First instance specialised Courts (legal entities)	7
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	2

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	7
Commercial courts (excluded insolvency courts)	0
Insolvency courts	0
Labour courts	0
Family courts	1
Rent and tenancies courts	0
Enforcement of criminal sanctions courts	0
Fight against terrorism, organised crime and corruption	0
Internet related disputes	0
Administrative courts	1
Insurance and / or social welfare courts	0
Military courts	0
Other specialised 1st instance courts	5

Comment :

At present there exist three specialized courts, namely the Family Court, the Court of First Instance and the Administrative Tribunal. There exist a couple of Tribunals, these being the Industrial Tribunal and the Small Claims Tribunal. There also exist several other Boards which exist, these being the Land Arbitration Board, Rural Leases Control Board, Value Added Tax Board, Partition of Inheritance Board and the Rent Regulation Board.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	2
a dismissal	2
a robbery	2

Please give the definition for small claims and indicate the monetary value of a small claim:

In terms of Chapter 380 of the Laws of Malta entitled Small Claims Tribunal Act, the Small Claims Tribunal shall have jurisdiction to hear and determine only all money claims of an amount not exceeding three thousand and four hundred and ninety- four euro and six cents (3,494.06)

Please indicate the sources for answering questions 42, 43 and 45:

All this information emerges from the various laws enacted in Malta which relate to judicial actions which can be taken by citizens.

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	40	26	14	
1. Number of first instance professional judges	34	20	14	
2. Number of second instance (court of appeal) professional judges	6	6	0	
3. Number of supreme court professional judges	NAP	NAP	NAP	

Comment :

In Malta we have no Supreme Court, the Court of Appeal is the Court of Second Instance. The Constitutional Court, then, is presided over by the 3 Judges who compose the Court of second Instance also known as the Court of Appeal in its Superior Jurisdiction.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	3	3	0	
1. Number of first instance court presidents	2	2	0	
2. Number of second instance (court of appeal) court presidents	1	1	0	
3. Number of supreme court presidents	NAP	NAP	NAP	NAP

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure Yes 19
 If possible, in full-time equivalent NAP

Comment :

In Malta we do not have part time professional judges who sit in the Courts, as all the Courts are presided over by a Judge or a Magistrate, depending on the competency. Nevertheless, there is the Small Claims Tribunal, which is presided by a lawyer, not being a judge, acting on a part-time basis and who has a security of tenure for a period of five years, and which decide all money claims up till €3,494. Furthermore, we also have Commissioners for Justice, acting on a part-time basis, who hear and decide upon penalised contraventions, such as traffic contraventions and petty offences, The figures indicated as professional judges on an occasional basis reflect these two Tribunals, there being 9 Commissioners for Justice and 10 Small Claim Tribunal adjudicators.

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure

NAP

Comment :

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

This applies to cases involving crimes punishable by imprisonment for more than 10 years or, in the case of cases punishable by imprisonment for more than four years, should the accused choose to avail of the trial by jury

51) Number of citizens who were involved in such juries for the year of reference:

69

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 360

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes (among which women) 213

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes (among which women) 111

4. Technical staff Yes (among which women) 8

5. Other non-judge staff Yes (among which women) 28

Comment :

As to Question 2, the numbers in more detail are as follows: Deputy registrars-65, Court messengers-19, Judicial assistants-30, Clerical staff-59, Ushers-25, Senior court recorders-12, Court recorder in charge-1, Children's advocate-2.

As to Question 3, the numbers in more details are as follows: Directorate Support Services-83, Directors and staff-13, Asset Management unit-3, Archives-3, One stop shop-4, Subasti-2, Library-1, Publications-2.

As to Question 4, the numbers on more detail are as follows: Tradesmen-7, Bookbinder-1.

As to Question 5, the numbers are as follows: Cleaners-7, Chief Marshal-1, Marshals-20.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

In Malta there exists no concept of Rechtspfleger. All executive actions which may be taken in pursual of an Executive Title obtained by courts or through any other legal instrument has to be executed by the Officials of the Courts, namely the Court Marshals, who are the assigned particular duties in the Enforcement of Executive and Precautionary

Warrants

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

IT services are handled by the Government Agency which takes care of the IT, namely the Malta Information Technology and Training Limited.

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

The number of jurors, which, as per law, is composed of nine persons, however, when certain members of the jury are requested to abstain from hearing the case, they are still indicated as having served on the jury in the statistics collected. Furthermore, the number of jurors in one year vary in accordance with the number of juries actually heard in one calendar year. Finally, criminal cases may also be heard without a jury, upon the request of the accused. [mail CN 12/5/14: The number of juries being heard at present has significantly reduced due to legal issues being debated before the Constitutional Court and limitation of number of judges available to hear juries, which fact could probably indicate this decrease.]

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

All this data was provided by the Registrar of Courts

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	29	8	21	
1. Number of prosecutors at first instance level				
2. Number of prosecutors at second instance (court of appeal) level				
3. Number of prosecutors at supreme court level	NAP	NAP	NAP	

Comment :

All the lawyers at the Office of the Attorney General work both in Court, in its various compositions, as well as advisers to the various Ministries and Departments.

mail CN 12/5/14: there has been a considerable turnaround of persons in the office over the two years mentioned. Furthermore, I indicate blank spaces as all prosecutors act in all levels, whether its first instance on second instance (we have no supreme court)

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	1			
1. Number of heads of prosecution offices at first instance level				
2. Number of heads of prosecution offices at second instance (court of appeal) level				
3. Number of heads of prosecution offices at supreme court level				

Comment :

The Attorney General is the head of the Attorney General's Office which is also the prosecution office, as a result of which, he is the Head of the prosecution office too.

57) Do other persons have similar duties to public prosecutors?

- Yes
 No
 NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

The Police also act as Prosecutors in cases which are heard in front of the Court of Magistrates, however it is not possible to indicate the number of Police carrying out such duties as they vary in accordance with the needs

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number NA 21
 Among which women NA 16

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60.

Information was obtained from the Attorney General's office

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

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

Comment :

The Budget of the Courts is drawn up by the Director General of Courts who prepares his annual budget on the expenses which the administration of the Court incurs from year to year, including investments and developments which have to be made. The members of the Judiciary are not involved in the drawing up and management of any budgets. As to the evaluation and control of the budget, as indicated before, the Office of the Auditor General is entrusted with evaluating the manner in which budgets of all Government Departments, including that of Justice, is utilised.

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	100% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	100% of courts
Videoconferencing	100% of courts
Other electronic communication facilities	100% of courts

Comment :

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	No
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	No
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

Video conferences are used in civil cases relating the family matters when minors necessitating protection are involved.

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

3. 2. Monitoring and evaluation**3. 2. 1. Performance and evaluation****66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes
 No

If yes, please indicate the name and the address of this institution:

There exists an in house 'ad hoc' database and management system of all the acts and proceedings taking place in Court, which system is maintained by the Court Administration together with the Malta Information Technology and Training Services Limited (MITTS) which is entrusted with the technical upkeep of the system

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

If yes, please specify:

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to

question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff
 satisfaction of users (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

76) Please specify the main targets applied to the courts:**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
 Ministry of Justice
 Inspection authority
 Supreme Court
 External audit body
 Other

If other, please specify :

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

There exists a Code of Ethics for the members of the Judiciary which, though not providing for the organisation and quality of the judicial work, does lay upon the members of the Judiciary certain obligations which are important in ensuring the transparency and independence of the judicial process

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

mail cn 10/1/14: explication différence par rapport au cycle précédent: Previously, they were marked as yes since an "informal" monitoring used to take place however, seeing that the request was for a "formal" monitoring system, it has to be indicated as 'No'

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

mail cn 10/1/14: explication différence par rapport au cycle précédent: Previously, they were marked as yes since an "informal" monitoring used to take place however, seeing that the request was for a "formal" monitoring system, it has to be indicated as 'No'

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

To date, the administration of the case load is left in the hands of the individual Judge and Magistrate together with the Chief Justice who assigns the particular duties to each Judge and Magistrate

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NAP

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

In any of the cases, any party may file an application in Court requesting a matter to be dealt with, with urgency, and the Court may choose to decree accordingly, possibly even after hearing the parties. Furthermore, in Civil procedures, a special summary proceeding exists wherein a plaintiff having a debt which is certain, liquid and due may request the attain a judgment within a period of 30 days. Similar summary proceedings exists in proceedings before the Rent Regulation Board.

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

In Civil cases, there exists a procedure, regulated by Section 166A of the Code of Organization and Civil Procedure, wherein anyone having a claim, which is certain and due, of up to €23,300, may file a judicial letter and notify it onto the debtor and, should the debtor fail to reply within 30 days, then the amount being requested is considered to have been admitted and the creditor is given an executive title against the debtor without any further act to be filed. In Criminal cases, proceedings up to six months imprisonment are heard summarily and are decided in one hearing.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
 No

If yes, please specify:

The lawyers of the parties generally appear in front of the president Judge or Magistrate and agree on the way the case should be processed, namely as to how witnesses are to be produced and sittings to be set, and this will be recorded in the Court minutes by the Registrar

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	9805	4507	4875	9437
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	9457	4161	4736	8882
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	348	346	139	555
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

93) If "other cases", please indicate the case categories included:

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	17558	19131	21157	15532
8. Severe criminal cases	3417	1546	2119	2844
9. Misdemeanour and / or minor criminal cases	14141	17585	19038	12688

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

In the Maltese legal system, all proceedings which appear before the Court of Magistrates may be punishable with a fine or imprisonment, bar a few contraventions which still appear before the Court of Magistrates, and it is not possible to obtain data relating to these few cases. Nevertheless, all cases which lead to an imprisonment of ten years or more can only be heard by the Criminal Court. As a result, the category in No. 8 will relate solely to cases being heard by the Criminal Courts while the category in No. 9 will relate solely to cases heard by the Court of Magistrates, which cases could lead to a fine or imprisonment in the vast majority of cases.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

mail CN 15/5/14: Q94: "Since in Malta the vast majority of the cases contemplate the possibility of imprisonment, barring a few contraventions, the cases indicated as "misdemeanours/ minor offences, are those cases which are heard by the Court of Magistrates having a maximum punishment of 6 mths imprisonment while the cases indicated as "severe criminal offences" are those having a punishment of over 6 mths."

mail CN 10/1/14: Q91: explication sur différences par rapport au cycle précédent: Concerning administrative law cases: The Administrative Court was set up in late 2010, as a result of which, figure given in the previous report reflect the operation of the Court over a couple of months only. This years figures, on the other hand, reflect the operation of the Court over a twelve month period.

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	1 134	990	542	1 582
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	1 134	990	542	1 582
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA

7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA
---	----	----	----	----

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	658	637	413	882
8. Severe criminal cases	52	27	18	61
9. Misdemeanour and/or minor criminal cases	606	610	395	821

Comment :

mail CN 12/5/14: The increase was dictated by the fact that for some time the number of judges hearing the appeals, particularly in the Criminal Court of Appeal (Inferior Jurisdiction), was reduced due to retirement and re-allocation of duties, as a result of which, the number of appeals in the inferior jurisdiction increase considerably

In the Maltese legal system, all proceedings which appear before the Court of Criminal Appeal (Inferior Jurisdiction) may be punishable with a fine or imprisonment, bar a few contraventions which still appear before the Court of Criminal Appeal (Inferior Jurisdiction), and it is not possible to obtain data relating to these few cases. Nevertheless, all cases which lead to an imprisonment of ten years or more can only be heard by the Court of Criminal Appeal. As a result, the category in No. 8 will relate solely to cases being heard by the Court of Criminal Appeal while the category in No. 9 will relate solely to cases heard by the Court of Criminal Appeal (Inferior Jurisdiction), which cases could lead to a fine or imprisonment in the vast majority of cases.

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NAP	NAP	NAP	NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NAP	NAP	NAP	NAP
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NAP	NAP	NAP	NAP
8. Severe criminal cases	NAP	NAP	NAP	NAP
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	NAP	NAP	NAP	NAP
Insolvency	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NAP	NAP	NAP	NAP	NAP	NAP
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

mail CN 12/5/14: The item "to propose a sentence to the judge" was added in view of amendments to the law which now allow parties to agree on a punishment beforehand.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
 No

If yes, please specify:

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	NA	NAP	NA

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NA	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NA
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

- Yes
 No

D.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

mail CN 10/1/14: Q97: explication sur différences par rapport au cycle précédent: This is due to the fact that a number of Judges in the Appeal Courts retired in 2012 and their replacement took sum time to materialise, as a result of which, the number of decided cases decreased.

Q101 et 102: NAP (et non NA comme au cycle précédent) for Employment Dismissal cases: these are not heard by the Courts but rather by the Industrial Tribunal which has no connection whatsoever to Courts or the Ministry of Justice.

109 - In Malta there exists no High Court, as all the Courts are structured solely in cases of 1st Instance subject to an appeal before the Court of Appeal. No data is collected on a particular case category, as a result of which, it is not possible to provide the information requested in questions 101 till 104.

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

All the information is compiled by the Registrar of the Civil Courts and Tribunals as well as the Registrar of the Criminal Courts and is made available on line, where applicable, on the site www.justiceservices.gov.mt/courtservices/Statistics/default.aspx

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Judges are appointed by the Executive (appointed by the Head of State, having been proposed by the Government) and are chosen amongst the members of the legal profession by the Government, basing itself on the reputation, standing and experience of the lawyer chosen to sit as a Judge or Magistrate. Judges are expected to have had 12 years experience as a lawyer whilst Magistrates are expected to have had 7 years of experience as a lawyer

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Recruitment, as indicated above, is carried out solely by the Executive, namely the Government.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

Judges are the highest member of the Judiciary and, as such, there exist no promotion amongst them. The post of Chief Justice, however, is appointed by the Government.

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

The law provides that Magistrates have to have seven years experience as a lawyer while Judges have to have twelve years experience. Apart from these criteria, there exist no other conditions. Nevertheless, the Government of the day, when choosing the lawyer who is to be appointed as a Magistrate or Judge, ensures that such person enjoys the respect of the legal community, has sufficient experience to carry out the function of a Magistrate or Judge, and has the capabilities of administering a Court

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

If yes, please indicate the frequency
 mail CN 10/1/14: explication sur la différence par rapport au cycle précédent: the qualitative assessment applicable to date is an "informal" one, as a result of which, it was best to indicate "no" in this report

115) Is the status of prosecution services:

- Independent?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
 An authority composed of non-public prosecutors only?
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
 No

If "yes", please specify:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:
 The Ministry under which the Attorney General's Office falls is responsible for such promotions.

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Other than the Attorney General and the Assistant Attorney General, who are appointed by the Government, all other prosecutors are employed on contract, as a result of which, their promotions will be regulated therein.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

The Attorney General is one of the public offices which is provided for in the Constitution, as a result of which, his position is protected like that of a Judge and a Magistrate and is subject to their same conditions, thus being pensionable at the age of 65. As to the other members of the Attorney General's office, some of them are Government employees, thus entitled to work up till the age of 61, whilst others, who were employed after the Attorney General's office was changed into an Agency falling under the remit of the Government, were employed by means of a contract of employment, which thus provides for a probation period and a period of employment, nevertheless, should one be employed for more than three years, in terms of EU law, their employment would be deemed to be indefinite, as a result of which, they would be entitled to work up till pensionable age, namely 61 years.

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NAP

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

The method of selection and nomination of Judges and Magistrates has been the subject of much debate throughout the years, and a Commission was set up in March 2013 to discuss possible changes to the system, which changes are now being discussed by all the stakeholders in order to change the system to reflect the requirements of society in this day and age.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	No training offered
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	No training offered

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	No training proposed
In-service training for the use of computer facilities in courts	No training proposed

129) Training of public prosecutors

Initial training	No training proposed
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	No training proposed

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	No training proposed

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NAP	Yes	NAP	No
One institution for prosecutors	NAP	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	NAP	NAP

Comment :

There exists the Judicial Studies Committee which is the body responsible for the on going training of the members of the judiciary. It assists judges and magistrates in skills training and continued professional development mainly through seminars conducted by both local and foreign experts and speakers. The JSC is composed of four (4) members, two appointed by the Chief Justice and two members appointed by the Minister responsible for justice, and acts under the general direction of the Chief Justice. It was officially launched on the 17th of October, 2003 and was set up following amendments to Article 9 of the Code of Organisation and Civil Procedure (Cap. 12) which specifically provides that a judge or magistrate may undertake the administration of activities within the Judicial Studies Committee

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

As indicated above, judges and magistrates are chosen from members of the legal profession who would be working in the Courts of Malta. Magistrates need seven years experience whilst Judges need twelve years experience. The Executive, when considering who to chose for the position they are seeking to appoint, apart from such requirements, take also into consideration the experience such a person has in the legal field, the reputation such person enjoys in the legal community, as well as other considerations the Executive may deem fit for its purpose, from time to time.

E.2 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

mail CN 10/1/14: Q127: explication sur les différences par rapport au cycle précédent: No training is offered at all. Judges and Magistrates are not trained. They are chosen from the practising lawyers and then no training is given to

them, other than the occasional activity which they organise amongst themselves through the Judicial Studies Committee.

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	40221	32919
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	40221	32919
Public prosecutor at the beginning of his/her career	22515	20792
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	32434	27861

Comment :

In Malta, a distinction is made between a Magistrate and a Judge, wherein a Magistrate, as a rule, has competence to heard all civil cases up till a value of €11,650 and criminal cases up till a period of imprisonment of 10 years whilst Judges are competent to heard all the other cases. For the purpose of this exercise, the figure mentioned above relates to the initial salary of Judge, though, in practice and as a rule, the beginning of one's career in the judicial field is as a Magistrate, whose salary is far less than that indicated above.

In terms of the Judges and Magistrates Salaries Act, the Chief Justice has a gross annual salary of €46,456, a judge has a gross annual salary of €40,221 whilst Magistrates have a gross annual salary of €34,188.

The Net Annual Salary varies according to the Income Tax Bands announced, from time to time, and therefore it is not possible to indicate the amounts, since the income may vary due to some other permissible income the judge or magistrate may perceive. Nevertheless, for the purpose of this exercise, the figures provided for as net income were calculated on the salary above-indicated for a married person.

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	Yes	Yes

134) If other financial benefit, please specify:

Apart from the salary, members of the judiciary are given various allowances, which are taxable yet non-pensionable. These amount to €27,380 in gross annual allowance, which would be equivalent to €17,797 in net annual allowances. Apart from this, every member of the judiciary is given an executive car and a driver, as well as an allowance of 1,500 litres of fuel annually. The service of an executive car and a driver is also given to the Attorney General as well as other allowances relating to communication whilst the service of an executive car and allowances relating to communication is also given to the Deputy Attorney General.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	No	Yes
Research and publication	No	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	No	Yes
Research and publication	No	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman

- Professional body
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

Proceedings against public prosecutors, as lawyers, are taken before the Commission for the Administration of Justice, and any individual may request proceedings to be taken.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
 Higher Court / Supreme Court
 Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other

If "executive power" and/or "other", please specify:

Whilst the Commission for the Administration of Justice has the power to admonish a Judge or a Magistrate after being investigated, it is only Parliament, on advice of the Commission for the Administration of Justice after its own investigations, that may impeach a Judge or Magistrate.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other

If "executive power" and/or "other", please specify:

Proceedings against public prosecutors, as lawyers, are taken before the Commission for the Administration of Justice.

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	NA	NA
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

All the proceedings which are held before the Commission for the Administration of Justice are subject to secrecy, as a result

of which, no data is made available

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	NA	NA
1. Reprimand	NA	NA
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	NA
9. Other	NA	NA

Comment :

All the proceedings which are held before the Commission for the Administration of Justice are subject to secrecy, as a result of which, no data is made available

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

1400

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Before any Court of Law, a party may be assisted in Court, however always by a Lawyer in the Superior Courts and by a Lawyer or Legal Procurator, in the Inferior Courts

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

Please indicate the sources for answering questions 146 and 148:

Information was obtained from the Chamber of Advocates of Malta, this being the sole Bar Association in Malta representing all lawyers

F1 Comments for interpreting the data mentioned in this chapter:**6. 2. Practising the profession****6. 2. 1. Practising the profession**

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
 Yes standards of the bar association provide rules
 No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

The fees of the legal profession are regulated by means of Schedule E of the Code of Organisation and Civil Procedure, which Code clearly stipulates that lawyers may not agree fees on a 'quotae lit is' basis and have to stick to the schedule provided for. Nevertheless, with the exception of certain cases, lawyers may agree a different fee with their clients, provided that such fee may be subject to scrutiny by the Committee of Lawyers and Legal Procurators set up within the Commission for the Administration of Justice.

mail CN 10/1/14: Q 155: Actually, in Malta we have a Scheme of Tarrifs which regulate cases, as a result of which, lawyers should abide by those tarrifs. Nevertheless, if the client agrees with the lawyer a higher tarrif, once he agrees to it in writing, then those fires apply however they cannot be claimed back from the other party - only the approved tariffs can. Thats why both boxes were ticked.

6. 3. Quality standards and disciplinary proceedings**6. 3. 1. Quality standards and disciplinary proceedings**

157) Have quality standards been determited for lawyers?

- Yes
 No

If yes, what are the quality criteria used?

There exists a Code of Ethics for Lawyers which was drawn up by the Commission for the Administration of Justice in collaboration with the Chamber of Advocates of Malta and the cteria adopted were the Rules of Ethics applied by the same Chamber of Advocates since its inception in 1877.

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the Parliament?
 other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

One may complain to the Chamber of Advocates, and the case will then be investigated and, if need be, referred to the Committee of Advocates of the Commission for the Administration of Justice. Alternatively, one may refer the matter directly to the Committee of Advocates of the Commission for the Administration of Justice.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

A Judge or Magistrate may discipline a lawyer for his actions in open court. Furthermore, the Committee on Advocates and Legal Procurators set up within the Commission for the Administration of Justice is responsible for disciplinary procedures which are initiated against the lawyer, either as mentioned above, or else upon the request of a Judge or Magistrate

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	NA
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

Proceedings are held in closed chambers and are private, as a result of which, no data is published.

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Removal	NA

4. Fine	NA
5. Other (e.g. disbarment)	NA

Comment :

Proceedings are held in closed chambers and are private, as a result of which, no data is published.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
- No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

In cases relating to family issues, before a case is filed before the Family Court, proceedings have to take place before a mediator, whether a Court appointed mediator, or one agreed to by the parties, and no judicial proceedings may commence before the mediation proceedings are closed. In Civil cases, whilst mediation prior to the judicial proceedings is not mandatory, the Judge or Magistrate, at any given moment in time, may order the parties to go to mediation.

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	No	Yes	No	No
Family law cases (ex. divorce)	Yes	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
- No

If yes, please specify:

Since persons entitled to receive legal aid may be assisted in all proceedings, they may also be assisted by a legal aid lawyer in Court related mediation proceedings but not in ADR proceedings.

166) Number of accredited or registered mediators who practice judicial mediation:

69

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5) NA
1. civil cases NA

2. family cases	<input checked="" type="checkbox"/> Yes	1 581
3. administrative cases		NAP
4. employment dismissals cases		NAP
5. criminal cases		NAP

Comment :

In Malta, mediation is mandatory in all family law related proceedings. Mediation in family cases may take place either before one of the 10 mediators employed by the Court or else, privately, by any other mediator from the list of mediators. As to proceedings in Civil law cases, these are not mandatory and no record is kept of such cases.

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

21

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

The enforcement agents are actually the Court Marshals. Many are assigned to particular tasks of enforcement whilst others are assigned to assist the Judges and Magistrates.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Data provided for by the Director General of Courts

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

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

If other, please specify:

The Court Administration, headed by the Director General of Courts, is responsible for the Court Marshals, being employees who fall under his remit.

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

The same procedures available for the executing of court decisions against private citizens apply to public authorities.

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

185) Is there a system measuring the length of enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents.

If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
---------------------------------------	----

1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA
4. Fine	NA
5. Other	NA

Comment :

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

mail CN 10/1/14: Q 177 et cohérence question 177 et 178: there is no body entrusted with supervising and monitoring the enforcement agents' activity. true, they can be taken up to Court if they fail their duties but, as such, there is no body controlling them. The Court Administration employs them, as a result of which, they may discipline them as employees, but will not go into the legal issues as to whether the enforcement agent acted correctly or not.

Please indicate the sources for answering questions 186, 187 and 188:

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

All Court judgments in criminal matters are to be enforced by the Commissioner of Police. The Court may also appoint Probation Officers to assist in the enforcement of the judgment.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?		NAP
public agents?	<input checked="" type="checkbox"/> number	320
other?		NAP

Comment :

The Notary is a Public Officer and as such is an emanation of the State. At the same time he is a free professional with his own personal office, independent of the State and of the parties. This dual-nature ensures the right balance between the legal-fiscal functions for which the Notary is the ultimate reference point.

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

Conveyancing (property sales, purchase, leasing, etc), financing collateral (hypothecation of immovables), succession (wills, trusts, etc) and matters pertaining to civil status (matrimonial regimes, personal separations, etc) are all within the ambit of the Profession and form the portfolio of a Notary's day-to-day work. It is only through a Notarial act that most transactions related to the above are given legal effect and this adds certainty and improves efficiency. Being a necessary passage at Law, the Notarial requirement makes for a very cost-effective way of crystallizing a state of certainty in that Notarial tariffs are stipulated by Law and the Citizen is all the more protected. The Notarial intervention is thus imposed by Law to safeguard legality and ensuring at all times that the autonomy of the private citizen never goes beyond what is legally and statutorily permitted.

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

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

If other, please specify:

In terms of Chapter 55 of the laws of Malta, entitled, Notarial Profession and Notarial Archives Act, supervision over all notaries, the Notarial Archives and the Public Registry shall be exercised by the Court of Revision of Notarial Acts which shall be presided by a retired Judge or a retired Magistrate or a retired advocate who has practised his profession for over twelve years, who shall be appointed by the Ministry responsible for the Notarial Acts for renewable periods of two years.

I.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over
the last two years**

The data provided above is published by the Notarial College, which is composed of all the notaries actually in the exercise of their profession in Malta and Gozo and the Notarial Council which runs the Notarial College, as better described in Subsidiary Legislation 55.01 of the Laws of Malta.

Please indicate the sources for answering question 193:

Data was compiled from the official website of the Notarial Council, namely www.notariesofmalta.org

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functionning

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

NAP

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
No .

Comment :

Interpreters are appointed by the Courts, in accordance with Section 596 of the Code of Organisation and Civil Procedure, as the need arises during the running of the procedures and, on many occasions, either the prosecution or the accused provide their own interpreters who, prior to commencing their work as an interpreter, confirm under oath that they shall be faithfully report the words of the witnesses.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NAP

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

In terms of Section 89 of the Code of Organization and Civil Procedure, the Minister responsible for Justice shall nominate panels of experts, in the various fields he deems fit, to act as experts in the Courts of Malta and Gozo, from which list members of the judiciary are to nominate their experts. Nevertheless, this list is not an exhaustive one and any person may be chosen as an expert provided he is deemed fit to carry out such duties by the Court appointing him.

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

Following the publication of the European Score Board in 2013, the whole system of the Administration of Justice was subject to much debate and controversy and, following the election of a new Government in March 2013, the reform of the Judicial system was indicated as one of its principal goals.

As a result, a Justice Reform Commission was set up in April 2013. The Commission issued two reports for consultation which included many proposals intended to improve the whole administration of Justice in Malta. These two reports were discussed with all the major stakeholders in the Maltese judicial system and, on the 30th November 2013, the final report was presented to the Government.

The final report put forward 450 different proposals on how various aspects of the judicial system could be improved. These ranged from changes to the procedure in summary criminal proceedings in the absence of the accused up to changes to the procedures of discipline and removal of Judges and Magistrates. Changes to the composition of the Commission of the Administration of Justice are also being proposed as well as the setting up of three authorities within this Commission, being an Agency for the Appointment of Judicial Services, an Agency for the Discipline of Judicial Service Providers and an Agency for the Supervision of the Judicial Services. Due to limited space it is impossible to indicate all the changes being proposed, as there are too many to report in detail however, wide ranging and fundamental changes are being proposed.

This report will now be discussed with the Judiciary and the legal community, and will be debated in Parliament. Proposals which enjoy support by all the judicial stakeholders will be implemented in the near future while those which necessitate more discussion, will be debated in detail so as to ensure that consensus on the proposals be attained prior to implementing them. Legislative instruments will then be drawn up to reflect the proposals made and discussions which ensued, so as to implement reforms in the judicial system and improve the quality of justice.