



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Malta

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

413609

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	2498463000
Regional / entity level	

3) Per capita GDP (in €)

13231

4) Average gross annual salary (in €)

12874

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

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

information obtained from the National Statistics Office, Malta

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

9073000

7) Please specify

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries

Yes

6520000

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	54000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	1260000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	1239000
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	186000
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1000
Other (please specify):		NA

Comment :

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

In 2006, the Actual Expenditure was €9,035,837. in 2007, the approved estimates were of €8,791,055.

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

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

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

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

8382000

12) Total annual approved budget allocated to the whole justice system (in €)

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 9073000

Comment :

This amount includes both total approved budget for the judicial system as well as the contribution to other Government Entities such as the Academy for Criminal Justice, the Malta Arbitration centre, the Mediation Centre and the Attorney general's Office

13) Total annual approved public budget allocated to legal aid (in €)**Please provide comments to explain the figure provided under question 13:**. Amount 35000

Comment :

This budget does not appear allocated in any official accounts, as the Legal Aid services is provided for by lawyers appointed by the Government and paid by the Attorney General's Office

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

15) Is the public budget allocated to legal aid included in the court budget ?

- Yes
 No

16) Total annual approved public budget allocated to the public prosecution system (in €)**Please provide comments to explain the figure provided under question 16:**. Amount 2569000

Comment :

This is the total budget allocated to the Attorney general's Office

17) Is the budget allocated to the public prosecution included in the court budget?

- Yes
 No

18) Authorities formally responsible for the budget allocated to the courts:

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

	Yes	No	Yes	Yes
Inspection body	No	No	No	No
Other	No	No	No	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

The Ministry of Finance is involved in discussions with the Minister of Justice when discussing future budgets.

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 the questions 6, 8, 11, 12, 13, 14 and 16.

Financial Estimates 2008 published by the Budget Office on the Ministry of Finance

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

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

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

All Court fees are borne by the Government

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	
Other than criminal cases	

Comment :

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

Yes

No

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases	yes	13950
for other than criminal cases?	yes	13950

Comment :

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

- Yes
 No

Please provide comments to explain the answer under question 27:

The Chief Legal Aid Officer meets with all potential users of the Legal Aid and, once he evaluates the merit of the case, he decides whether to grant legal aid or not.

28) If yes, is the decision for granting or refusing legal aid taken by:

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

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
 No

Please specify:

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	No
other than criminal cases?	Yes

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 the questions 24 and 26

2. 2. Users of the courts and victims

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

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

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.justice.gov.mt
- case-law of the higher court/s? Internet address(es): Yes www.justice.gov.mt
- other documents (for examples forms)? Internet address(es): Yes www.justice.gov.mt

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
- No

If yes, please specify:

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

- Yes
- No

If yes, please specify:

This is a help and customer care section on the website of the Ministry of Justice, www.justice.gov.mt

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	Yes	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	No	Yes	Yes	No
Victims of domestic violence	No	Yes	Yes	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	No	No
Juvenile offenders	No	No	No	No
Other	No	No	No	No

Comment :

There exists a system of video conferencing wherein, in case that children or victims of crimes fear the accused and would not like to appear before him, the Court may hear the evidence of such persons through a video conferencing facility available in Court.

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 a private fund?

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

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

The Victims of Crime have a right to appear together with the public prosecutor before the Court

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

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

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

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

The Citizen may take judicial action against the Courts requesting compensation for excessive length of proceedings or wrongful arrest.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (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 citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

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

No surveys are carried out

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

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

Comment :

There exists the Commission for the Administration of Justice where issues relating to the functioning of the Courts are forwarded by the citizens. The commission is composed of Judges and Magistrates,

lawyers and representatives of the Goernment and the Opposition.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	1
Specialised first instance Courts (legal entities)	2
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	2

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

At present there exist two specialised courts, namely the Family Court, the Court of First Instance and the Administrative Court. 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 Board, Value Added Tax Board, Partition of Inheritance Board, Rent Regulation Board and the Commission for Fair Trading.

47) Is there a change in the structure in the courts foreseen (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:

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	1
a dismissal	1
a robbery	1

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

3494 euros

Please indicate the sources for answering the questions 45 and 48:

This information is taken from the Code of Organization and Civil Procedure and its subsidiary legislation, as regards the Courts, as well as every other law which creates the Tribunal or Board referred to above.

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 36

Comment :

There are 19 Judges presiding over cases which appear before the Superior Courts and 17 Magistrates presiding over cases which appear before the Inferior Courts

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

	Number
gross figure	none
if possible, in full time equivalent	

51) Please provide comments to explain the answer under question 50:

Professional judges sitting in courts on an occasional basis are not contemplated in Maltese Law.

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	NO	

Comment :

Professional judges sitting in courts on an occasional basis are not contemplated in Maltese Law.

53) 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

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

180

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.**Please provide comments to explain the answer under question 55:**

Number	<input checked="" type="checkbox"/>	381
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Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | | |
|---|---|-----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | | NA |
| - non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars | <input checked="" type="checkbox"/> Yes | 281 |
| - staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | <input checked="" type="checkbox"/> Yes | 100 |
| - technical staff | | NAP |

Comment :

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

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 Precautionay Warrants.

3. 1. 3. Prosecutors**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number	<input checked="" type="checkbox"/>	9
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Comment :

These all work in the Attorney General's Office, and include the Attorney General himself.

59) Do any other persons have similar duties as public prosecutors? Yes No

If yes, please specify:

The Police Inspectors and other police officers with a higher rank may appear before the Magistrates' Court and prosecute accordingly.

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**Please provide comments to explain the answer under question 60:**

Number



39

Comment :

3. 1. 4. Court budget and new technologies**61) Who is entrusted with the individual court budget?**

	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	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

The Administration of the Courts budget is the sole prerogative of the Director General of Courts and his staff.

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

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

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

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	Yes	No	No	No
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

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

- Yes
 No

If yes, please specify 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 Agency (MITA) which is entrusted with the technical upkeep of the system.

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 has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
 number of decisions?
 number of postponed cases?

length of proceedings (timeframes)?

other?

Please specify:

Any other information relating to judicial acts filed in Court

69) Do you have a regular system to evaluate the performance of each court?

Yes

No

Please specify:

Our system is case orientated and not court orientated

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

Yes

No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are treated by a single sitting judge

enforcement of penal decisions

satisfaction of employees of the courts

satisfaction of clients (regarding the services delivered by the courts)

judicial quality and organisational quality of the courts

costs of the judicial procedures

other:

Please specify:

At present there exist no indicators placed upon the Court for their better functioning.

72) Are there performance targets defined for individual judges (if no go to question 74) ?

Yes

No

73) Please specify who is responsible for setting the targets:

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

If other, please specify:

Not applicable

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) Please specify who is responsible for setting the targets:

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

If other, please specify:

Not Available

76) Please specify the main targets applied

None

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

The Commission for the Administration of Justice.

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- 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 which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
 criminal cases?
 administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

Through an age analysis system

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

You can indicate below:

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

Though there not exist an official court monitoring system, the monitoring of the cases is done unofficially by the members of the judiciary themselves and, from time to time, they meet to discuss the workloads of the various courts and members of the judiciary and assign duties amongst themselves in order to ensure that the cases be administered as efficiently as possible

within the shortest time.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NAP

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

Yes

No

If possible, number of successful challenges (in a year):

NA

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (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

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?

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.

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

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.

89) Do courts and lawyers have the possibility to conclude agreements on the modalities 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 Parties may appear in Court and agree on the way the case should be processed, namely as to the way witnesses are to be produced and sittings to be heard, and this will be recorded in the Court minutes.

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	10417	4067	4064	10335
1 Civil (and commercial) litigious cases*	9536	3950	3901	9500
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	881	117	163	835
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	13214	15373	15763	12438
8 Criminal cases (severe criminal offences)	65	25	23	67
9 Misdemeanour and / or minor offences cases	13149	15348	15740	12371

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

This information was obtained from statistics published by the Courts on an annual basis. Item 1

includes statistics referring to the First Hall of the Civil Courts, Family Court, Magistrates Court in its Civil jurisdiction and the Small Claims Tribunal. Item 4 includes statistics referred to the Land Arbitration Board, the Rent regulation Board and Agricultural Leases Board. The Administrative Tribunal was set up in 2009. It is to be noted that there could be a discrepancy between the pending cases of the beginning of the year and the end of the year, once the number of incoming cases and resolved cases are catered for, and this is due to the fact that a number of cases would be adjourned 'Sine Die', as a result of which, they would be no longer continue to be considered as pending, however they are neither considered to be resolved.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	1061	578	697	965
1 Civil (and commercial) litigious cases*	1023	542	670	918
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NA	NA	NA	NA
7 Other	38	36	27	47
Total criminal cases (8+9)	291	418	454	273
8 Criminal cases (Severe criminal offences)	17	26	21	22
9 Misdemeanour and/or minor offences cases	274	392	433	251

Comment :

This information was obtained from statistics published by the Courts on an annual basis. Item 1 includes statistics referring to the Court of Appeal in its Superior Jurisdiction as well as in its Inferior Jurisdiction. Item 7 includes statistics referred to the Constitutional Court, which is the highest Court in Malta and which is presided by the same members of the Judicature who preside over the Court of Appeal, and no appeal is possible from its decision. It is to be noted that there could be a discrepancy between the pending cases of the beginning of the year and the end of the year, once the number of incoming cases and resolved cases are catered for, and this is due to the fact that a number of cases would be adjourned 'Sine Die', as a result of which, they would be no longer continue to be considered as pending, however they are neither considered to be resolved.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	NAP	NAP	NAP	NAP
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	NAP	NAP	NAP	NAP
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

Comment :

The Court of Appeal is the court of second instance and is the Highest Court of Malta, so the data requested herein is the same as that provided for in question 92.

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NAP	NAP	NAP	NAP
Employment dismissal cases*	NAP	NAP	NAP	NAP
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NAP	NAP	NAP	NAP	NAP
Employment dismissal cases*	NAP	NAP	NAP	NAP	NAP
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

In Malta there exist no divorce proceedings, whether litigious or non-litigious. On the other hand, there exist separation proceedings, which may be either litigious or non litigious, as well as annulment proceedings, which are always litigious.

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

NAP

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand 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 enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

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

- Yes
- No

Please specify:

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	NA	NA	NA	NA	NA

Comment :

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**

Please indicate the sources for answering the questions 90 to 95 and 100:

The information provided above, where the courts are concerned, is published by the Court Administration and posted on the internet site www.justice.gov.mt, in the item called 'statistics' to be found on the page relating to Court services.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

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.

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

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

- Yes
- No

If no, please specify 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.

104) 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

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both

Other

Other, please specify:

From time to time, a call for applications is issued and, following an interview, the successful candidates will be recruited.

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

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

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

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting 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.

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

Judges and Magistrates can keep on working until the retiring age of 65 years.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	NA	

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

The Attorney General and the Assistant Attorney General can keep on working until the retiring age of 65 years. All other prosecutors are regulated by their contract of employment.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**Please specify the length**for judges? Yesfor prosecutors? Yes**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 prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training**114) Nature of the training of judges. Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president)
- In-service training for the use of computer facilities in the court)

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	Yes
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training

- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	Yes
Specialised in-service training (specialised public prosecutor)	No	No	Yes
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	Yes
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

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 prosecutors and the main reforms that has been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	32584.21	
Judge of the Supreme Court or the Highest Appellate Court	32584.21	
Public prosecutor at the beginning of his/her career	24873	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	39944.10	

Comment :

119) 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

120) If other financial benefit, please specify:

As to Judges and Magistrates, they are provided with a car and a driver, are given a bonus of 15% of their salary and have an allowance for fuel, telephone and internet facilities.

As for Prosecutors, other than the Attorney General, who is given the same salary as the Chief Justice, their benefits vary according to their contract of employment, but generally include a performance bonus of 15% of their salary and communication allowances.

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

	Yes with remuneration	Yes without remuneration	No
Teaching	No	Yes	No
Research and publication	No	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

122) If other function, please specify:**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	No	Yes	No
Research and publication	No	Yes	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	No	No	Yes
Other function	No	No	Yes

124) If other function, please specify:**125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

Yes No

If yes, please specify:

Please indicate the source for answering the question 118

The Salaries of the Judges and Magistrates is regulated by the Judges and Magistrates (Salaries) act, Chapter 175 of the Laws of Malta

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

The Commission for the Administration of Justice is authorized to initiate disciplinary proceedings against members of the judiciary as well as members of the legal profession.

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The Commission for the Administration of Justice

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	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 proceedings before the Commission for the Administration of Justice are private, as a result of which, no data is made available.

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)	NA	NA
1. Reprimand	NA	NA
2. Suspension		

	NA	NA
3. Withdrawal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Degradation of post	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Dismissal	NA	NA
9. Other	NA	NA

Comment :

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 prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

In Malta it is not mandatory to register with a Bar to practise law. Nevertheless, one has to be given a Warrant to practice as a Lawyer by the President of Malta. No data is available on the number of warrants actually issued. The Chamber of Advocates, being the sole Chamber representing the interests of the lawyers, has around 900 lawyers registered with it. This represents the vast majority of the lawyers actually practising in Malta.

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
- No
- Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)
NA

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
- Criminal cases - Defendant*?
- Criminal cases - Victim*?
- Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, 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

134) Is the lawyer profession organised through?

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

Please specify:

There is the Chamber of Advocates, which is the sole Chamber of Maltese Lawyers and represents the vast majority of lawyers in Malta. Nevertheless, it is not mandatory to be a member of the Chamber in order to a lawyer to practice in Malta.

Please indicate the source for answering the questions 130 and 132:

The Chamber of Advocates Database and the Code of Organization and Civil Procedure

6. 1. 2. Training

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

Yes

No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

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

Yes

No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

Yes

No

Please provide comments to explain the answer under question 138

Tarrif E of the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) clearly stipulates what fees may be charged by lawyers in litigation. The Chamber of Advocates, furthermore, publishes Guidelines, from time to time, for lawyers as to what fees are accepted as being reasonable, and these are available to the general public on the internet.

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

Litigation costs are regulated by law however, the client and the lawyer may agree to any other fee, provided that it is not on a 'quotae litis' bases. The Chamber of Advocates issues guidelines as to what fees, being of an extra judicial nature, are reasonable.

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

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

- the bar association?
 the legislature?
 other?

Please specify (including a description of the quality criteria used):

142) Is it possible to complain 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.

143) Which authority is responsible for disciplinary procedures

- the judge?
 the Ministry of justice?
 a professional authority or other?

Please specify:

The Commission for the Administration of Justice is responsible for disciplinary procedures.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	NA	NA	NA	NA

Comment :

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

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	NA	NA	NA	NA	NA

Comment :

You can indicate below:

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

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	No	Yes	No	No
Family law cases (ex. Divorce)	Yes	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

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

Yes

No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

50

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	<input checked="" type="checkbox"/> Yes	4
family cases?	<input checked="" type="checkbox"/> Yes	1429
administrative cases?		NAP
employment dismissals?		NAP
criminal cases?		NAP

Please indicate the source for answering the question 150:

This information is collected by the Administration of Courts

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

Arbitration is mandatory in cases relating to traffic collision which do not exceed €11,600 in value and which do not include bodily injury. Furthermore Arbitration is mandatory in cases of Condominium and contestations of Water & Electricity bills. Furthermore, parties may choose to go to arbitration on any civil and commercial litigious matter, provided both parties agree.

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**

The Malta Arbitration Centre is constantly improving the services for arbitration and promotes the issue of Arbitration regularly. Its web site is www.mac.com.mt

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

25

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

- judges?
 bailiff practising as private profession ruled by 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.

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

The information is obtained from the Director General of Courts

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No
 Not applicable

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

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

Please specify:

The Court Administration, headed by the Director General of Courts, is responsible for the Court Marshals.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

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

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions

164) What are the main complaints of 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?

Please specify:

165) Has your country prepared or has 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:

Recently, new Executive warrants were introduced in order to grant the winning party various tools so as to enforce the title given to it by the Courts. However, there do not exist any difficulties in enforcing court decisions against public authorities, so measures in this regard were not introduced.

166) Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases?
 for administrative cases?

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

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

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

- | | |
|--|---------------------------------------|
| Total number of disciplinary proceedings | <input type="checkbox"/> number: |
| for breach of professional ethics | <input type="checkbox"/> number: |
| for professional inadequacy | <input type="checkbox"/> yes, number: |
| for criminal offence | <input type="checkbox"/> number: |
| Other | <input type="checkbox"/> number: |

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

- | | |
|---------------------------|----------------------------------|
| Total number of sanctions | <input type="checkbox"/> number: |
| Reprimand | <input type="checkbox"/> number: |
| Suspension | <input type="checkbox"/> number: |
| Dismissal | <input type="checkbox"/> number: |
| Fine | <input type="checkbox"/> number: |
| Other | <input type="checkbox"/> number: |

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 has been implemented over the last two years

Please indicate the source for answering the questions 167, 168 and 169:

Information on this matter is provided by the Court Administration and, since the Enforcement Officers and Government employees, no information is disclosed on the actions taken, under Data Protection regulations.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

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

Yes

No

If yes, please specify:

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. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input type="checkbox"/> number	yes
other?	<input type="checkbox"/> number	

Comment :

174) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Amongst their many duties set out in law, there also exists the duty of the Notary to collect all the Government Taxes on behalf of the Commission of Inland revenue when publishing contracts.

Please indicate the source for answering the question 173

The Notaries Act

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

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

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

The Chamber of Notaries

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**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NAP

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

The Courts appointed court interpreters from persons it is made aware of by the parties to the case.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

The functioning of the judicial system is always subject of debate in Malta. Attempts were made in the past to control the actions of the members of the judiciary and a Code of Ethics has recently been approved by the Commission for the Administration of Justice. Amendments to the Code of Organization and Civil Procedure were carried out recently in order to facilitate the enforcement of executive titles as well as to introduce a pre trial stage so as to accelerate the judicial process. The number of Judges and Magistrates is always an issue of contestation as the Judicial Body laments that there should be more member of the Judiciary. Amendments are being presently discussed in order to improve the Code of Organization and Civil Procedure.