

Recap

- Definition of research – Systematic continuous inquiry into seeking facts, based on logical reasoning, generates new questions, disproves lies, tests theories, contributes to existing knowledge
- Methodology – technique/ strategy on how to conduct research. Initial approach to research. An explanation and justification for using certain research methods and of the methods themselves
- Adv. of Methodology – research is more efficient, gives an element of objectivity to the research
- Research methods - techniques/ tools used in conducting the search and collecting data. 10 methods:-
Descriptive vs Analytical
 1. Basic/ Fundamental vs Applied (answers specific questions)
 2. Descriptive (reports what has happened/ what is happening. No opinion. Answers Qs: . How much/ how many/ how regularly/ what percentage/ what time?) vs Analytical (critical evaluation of facts, draws conclusions. Method used for legal writing)
 3. Qualitative (subjective, non-numerical data, generates new ideas for research) vs Quantitative (objective, focus on numbers)
 4. Correlational (see relationships between variables) vs Experimental (cause and effect)
 5. Empirical (based on experience, observation and testing) vs Conceptual (analyze current information and come up with a theory/ idea/concept)



Recap

- What is legal research - *systematic finding or ascertainment of law on an identified topic or in a given area as well as an inquiry into law with a view of making advancement in the science of law.*
- The finding of particular laws in a cast mass of statutes which are constantly amended, introduced and replead to the facts of your case. It also involves the finding of legal principles which do not emanate from law but emanate from out sources e.g. judgments
- S N Jain - Legal enquiries will be: Why a particular rule? What led to its adoption? What are its effects? Whether it is suited to the present conditions? How can it be improved? Whether it needs to be replaced entirely by a new rule?
- Purposes of legal research – introductions and reforms e.g. decriminalization of slanderous words in social media and cannabis



Recap

- Purpose of Legal Research:-
 1. Ascertain the Law – locating, know what the law says – ignorance of the law not an excuse
 2. Highlight gaps and ambiguities
 3. Determine coherence, stability and consistency – damages concept – Butler vs Heard
 4. Social auditing – identify gaps between legal ideal and society e.g. Cap. 69 The Reletting of Urban Property (Regulation) Ordinance – pre-1995 rent laws



Legal Research and Interpretation Methodology

Lecture Title: Legal Research Source

Lecturer: Marycien Vassallo

Date: 25/01/2023



Diploma in Law (Malta)



**CAMILLERI PREZIOSI
ADVOCATES**

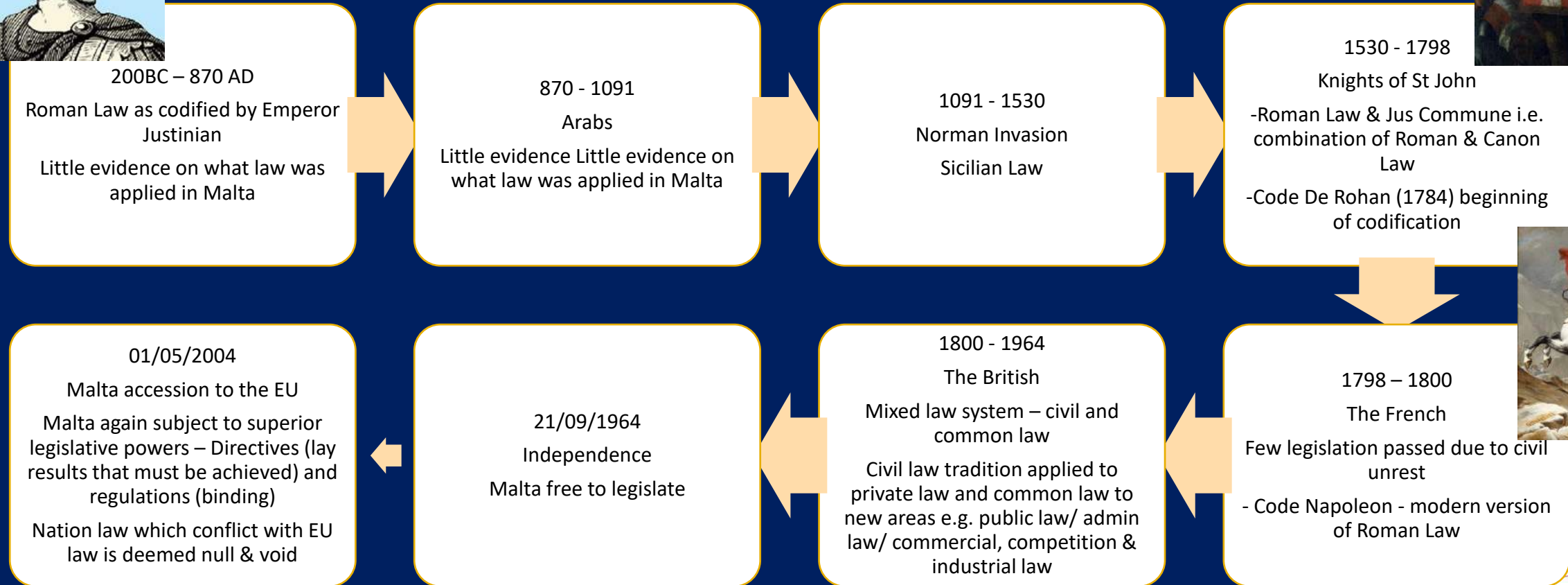
Historical background of Legal Research

- **The History of Law, Order & Justice! : Hidden Histories Video**

<https://www.youtube.com/watch?v=OxOZ7KUC1yk>



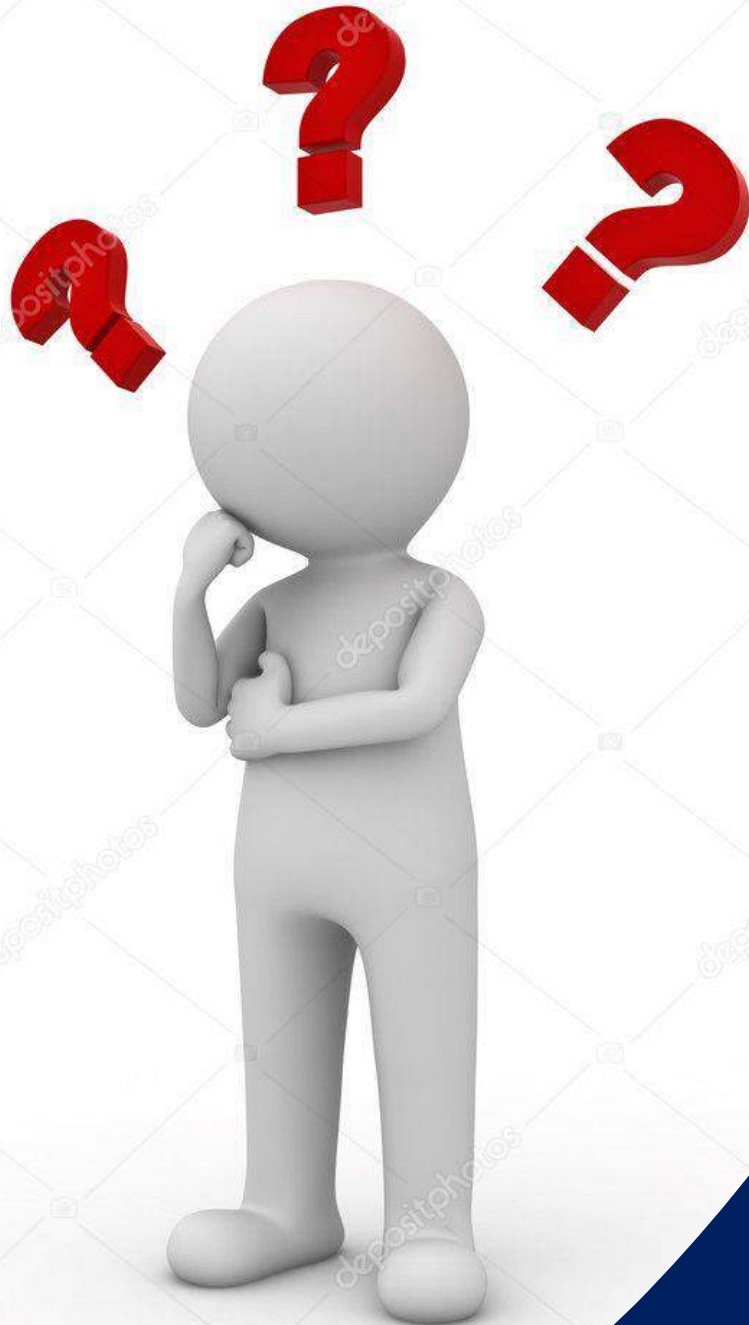
The Maltese Legal System



Historical background of Legal Research

- First attempt to codify common law can be traced back to Blackstone's era in 1765 with the publication of Commentaries on the Laws of England
- Modern research as we know it goes back to the introduction of the printing press technology in 1850s. Legal material started to be published leading to the creation of volume management problems
- Maltese publications are accessible from the National Library in Valletta
- Accessibility and increase in the volume of legal material hit with online databases. Information is easily accessible and more accurate and reliable





Where are we
headed?

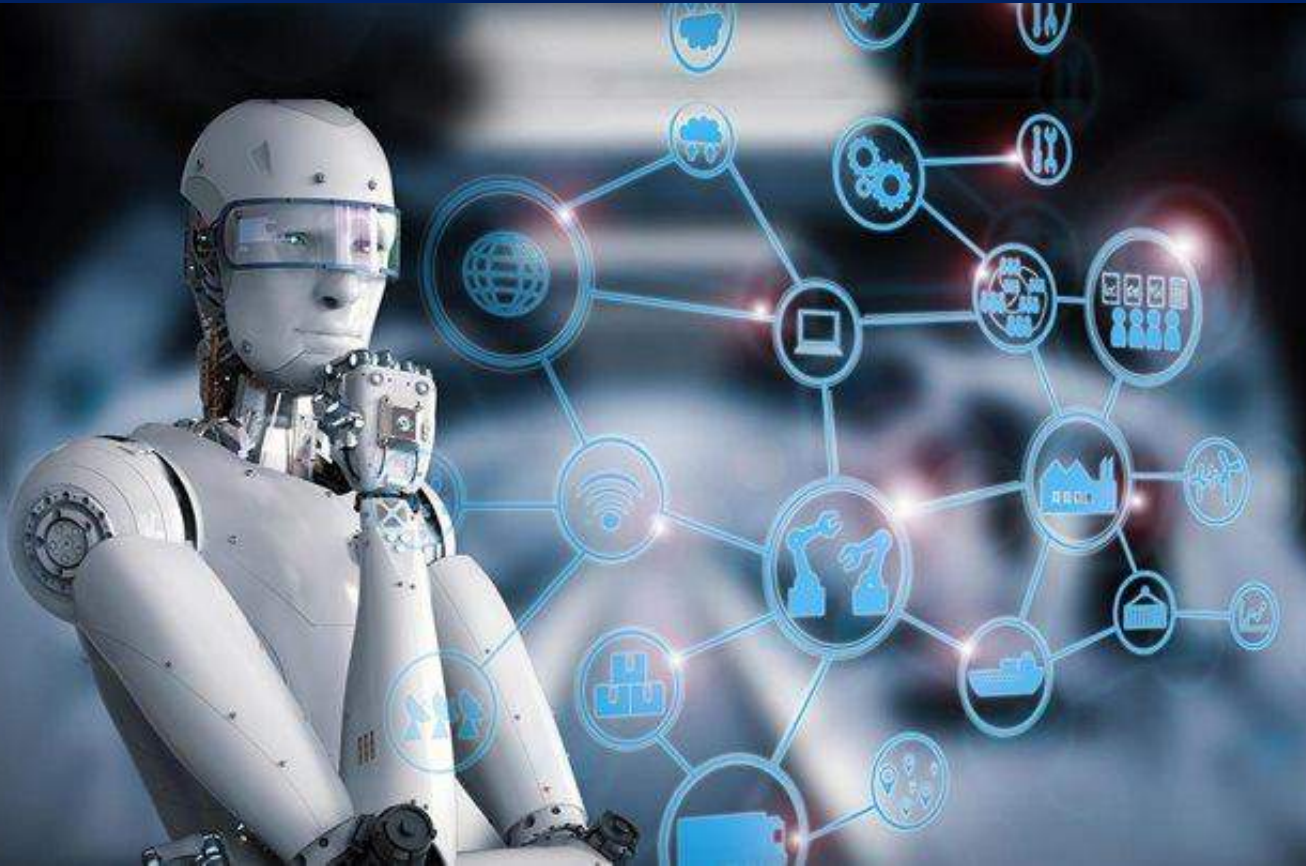
What about Artificial
Intelligence?

Artificial Intelligence

- Britannica definition:-

Artificial intelligence (AI) is the ability of a computer or a robot controlled by a computer to do tasks that are usually done by humans because they require human intelligence





Does A.I have a place
in the legal sphere?

How?

The future of Legal Research – Artificial Intelligence


- A.I has already been introduced in the sphere of legal research. Programs like Westlaw Edge, allow for the uploading of draft arguments. The system analyzes the text and provides further insight by identifying highly relevant authority that may have been missed
- Platforms inform you if a point of law in a case has been overruled
- Some programs are capable of generating insight into patterns in a judge's behavior by analyzing a judge's past rulings - How often does a judge side with a plaintiff? In your specific type of claim? What kind of arguments resonate with your judge? What kinds of authority does the judge prefer?
- This kind of insight is available also on opposing legal representatives. If your opposing counsel or their law firm has any history in the court system, you may be able to get data-driven analytics about them. How much experience does your opposing counsel have on a particular issue? How successful are they on certain types of claims? Do they have any history with your judge?
- Video Westlaw Edge
<https://www.youtube.com/watch?v=ONhECWOzUds>




APPLICATIONS OF AI IN THE LAW FIELD







Event: 15/02/2023 @8.30am – 11am

Policy & Representation Support 

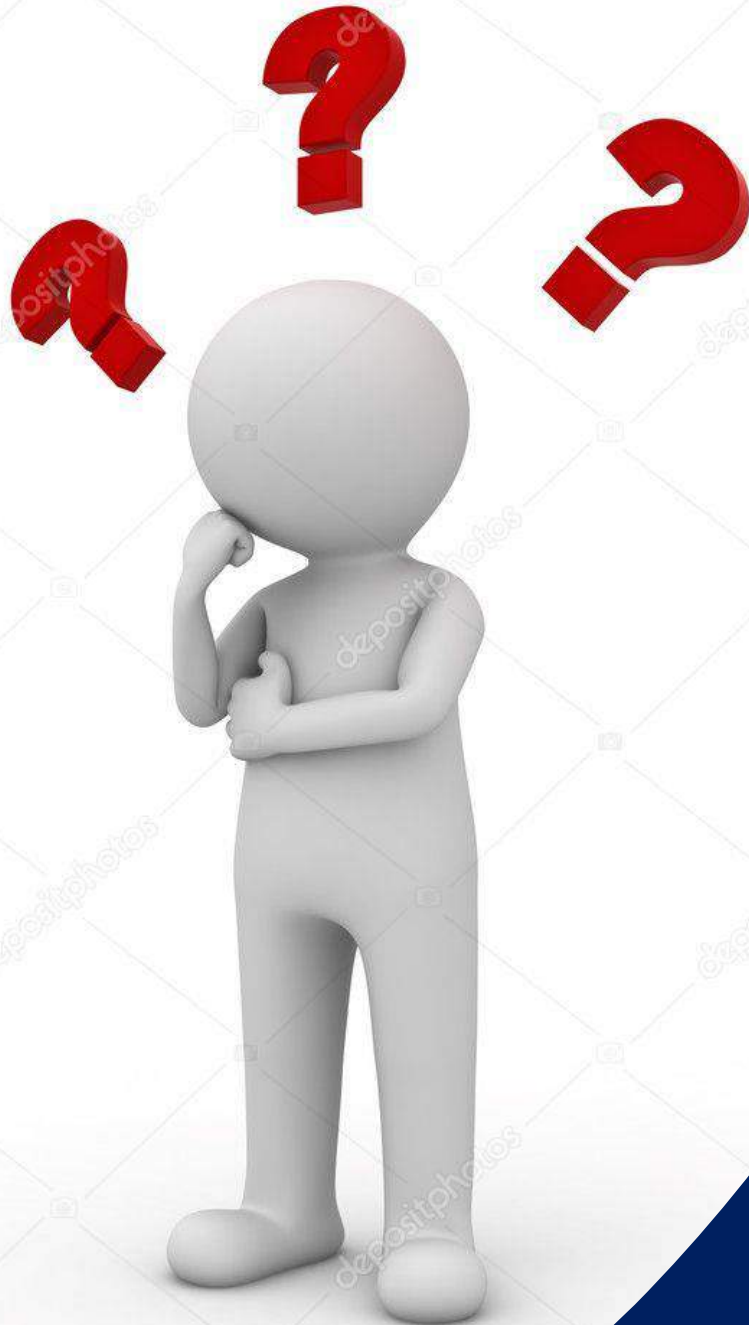
 TransformWork

The Ripple Effect of AI



This event is being organised by:   In association with: 

The Malta Chamber and the Malta Business Bureau, in collaboration with the General Workers Union, are organising a business seminar entitled 'The Ripple Effect of AI' as part of the TransformWork Project, which aims to promote a discussion on different aspects of digitalization at the workplace. Artificial Intelligence plays an important role in making business operations more efficient, but it does not come without potential impact on workers. During this event, we will discuss the impact of artificial intelligence at the workplace and learn more about the recent EU legislative initiatives in the field of AI. A discussion will follow with social partners and experts in the field of AI.



Skills in conducting legal research

Why do we need
skills?
Which are they?

Legal Research Skills

- Establish the legal issue – narrow the field? E.g Rent laws -> pre-1995
- Reduce, break, separate the law into different elements

E.g. Arbitrary exercise of pretended rights – Art. 85 of Cap. 9

85.(1) Whosoever, without intent to steal or to cause any wrongful damage, but only in the exercise of a pretended right, shall, of his own authority, compel another person to pay a debt, or to fulfil any obligation whatsoever, or shall disturb the possession of anything enjoyed by another person, or demolish buildings, or divert or take possession of any water-course, or in any other manner unlawfully interfere with the property of another person, shall, on conviction, be liable to imprisonment for a term from one to three months

85.(1) Kull min, bla ħsieb li jisraq jew li jagħmel ħsara kontra l-liġi, iżda biss biex jeżerċita jedd li jippretendi li għandu, iġiegħel bl-awtorità tiegħu nnifsu, lil xi hadd iħallas dejn, jew jeseġwixxi obligazzjoni, tkun li tkun, jew iħxkel lil xi hadd fil-pussess ta' hwejġu, jew iħott bini, jew jikser il-mixi tal-ilma jew jieħu l-ilmagħalih, jew b'xi mod ieħor, kontra l-liġi, jindaħal fi hwejjeġ haddieħor, jehel, meta jinsab hati, il-piena ta' priġunerija minn xahar sa tliet xhur:

The elements of this offence are when a person is deprived from the use of something and when the accused acted because he has a right to act in this way. The accused must be aware that he should have taken a legal route. There must be an act which deprives the possession of the object of the crime.

- Use correct terminology/ different terminology e.g. rent/ lease - kera/ kirja/ lokazzjoni - contract/private writing/public deed – promise of sale agreement/konvenju/conveyancing agreement
- Gather information about the legal issue – primary, secondary, tertiary sources
- Use latest law – go through amendments
- Filter through case law – check for conflicting judgments
- Locate authorities
- Check multiple sources
- Discuss with senior colleagues if needed
- Cite
- Don't lose hope!



Are the qualities of a legal researcher exhaustive?

Video:

Abhayraj Naik

Lecturer at Azim Premji
University in India

<https://www.youtube.com/watch?v=ISxRKddaXSM>



Why does one need to possess the skills to conduct proper legal research? Example

- Jill and Jane are twin law students who are undertaking their first research assignment. For their first assignment they are given the following question:-

Select one case of your choice from the High Court, write a case note on the decision. In your case note explain the facts, identify the legal issues, explain the outcome and explain if and how the case changed the law



Jill's Approach

- Jill reads through the question several times so she is very clear on what she has to do.
- She attends the lecture where her lecturer explains how it is important for this topic to search beyond the case. Students will need to use journal articles that can help them understand the case and see if and how it has changed the law.
- Jill understands that researching for the assignment is only one aspect of the overall task. She plans to include enough time to research, write and proofread before submitting the assignment before the due date.



Jill's Approach – Web Search

- Jill starts her research with a quick Google search and chooses the keywords 'famous high court case Australia'.
- Jill clicks the second link “Top 10 Most Influential Court Cases of the Last 40 Years”. She notes that the page was created by The College of Law, which may be ok as an initial source, was published in 2014 so it won't have any more recent cases unless it is updated.
- Jill decides to choose an older case since there might be more published information on the case. Reading through the list of cases Jill is interested in the cases of *Dietrich v The Queen* from 1992. She quickly looks through the summary of the legal issues and she thinks the right to a fair trial will be interesting to research.
- Jill then types 'Dietrich v The queen' in Google reads a Wikipedia entry which gives her the citation and a quick overview of what the case was about.



Jill's Approach (Searching for Case Law in FirstPoint)

- Jill then wants to check out a more detailed legal summary of the case to understand the legal issues. Jill remembers the Library workshop that she did early in the semester, Jill knows she can get some easy-to-read case summaries through FirstPoint (online caselaw research tool that provides citations, summaries and links to similar cases).
- From FirstPoint, Jill can read the summary of the case, she can also download the full-text case as a PDF. The PDF document is an official version
- Jill wants to know if this case is still good law. She goes to the bottom of the FirstPoint entry and sees that some cases that have been handed down since her case have been distinguished, some cases have also been applied and considered very recently. Jill makes her own conclusion about the case based on the evidence FirstPoint has given her.



Jill's Approach – Journals and Library Search

- Jill notes that she will have to go beyond just finding the case and will need to find out more about the right to a fair trial. Jill selects 4 journal articles: [A Constitutional Right to a Fair Trial? Implications for the Report of the Australian Criminal Justice System, Dietrich, the High Court and Unfair Trials](#) and [Difficulty in Obtaining a Fair Trial in Terrorism Cases](#). All of them have quick summaries at the top so Jill can scan through them easily, they are written by experts and the citation details at the top of the articles make them easy to cite.
- Jill realises that she may need more resources for her assignment so she searches *Library Search* from the Library home page. She types in the keywords: 'right fair trial australia'.
- Jill finds several more articles on the topic of a fair trial. They are [The Dietrich Dilemma, Legal Aid and Access to Legal Representation: Redefining the Right to a Fair Trial](#) and [The Truth Can Cost Too Much: The Principles of a Fair Trial](#). She chooses these articles as they are about the Dietrich case and they have been recently published in journals. These are useful articles for Jill as they help her analyse what the case was about, provide her with context, and explain the main legal issues.



Jill's Approach – Writing

- Now Jill has a good collection of resources, she can now start writing. Jill reads through the material and makes notes of the case, and on the secondary sources, she has found.
- She summarised the information in her own words and starts grouping the main ideas to form paragraphs in her essay. She plans out her essay and makes sure she has covered all the topics needed for a case note
- When Jill starts to write her assignment she refers to the authorised version of the Dietrich case from the Commonwealth Law Reports, mentions the primary sources of law including the Australian Constitution and the other relevant cases. She also relies on academic-quality journal articles to help her interpretation of the legal issues. Jill doesn't rely on the information from her initial Google or Wikipedia search, she now has better resources to choose from.



Jill's Approach – Final Result

- Jill gets her mark back a couple of weeks later. She got an A! The comments on her essay indicate that she got excellent marks due to her quality research, her selection of resources, and the academic quality of her work.
- **Take away: Have a plan, start with some easy search, READ THE LAW and build up to academic quality material**



Jane's Approach

- Jane reads through the assignment once and is really confused.
- She is not quite sure where to start but hears from another student that they are going to look at the He Kaw Teh case. Jane decides that she will do this too. She assumes that she has to talk about the main issue in the case.



Jane's Approach – Web Search

- Jane starts her search by typing the case name in Google and gets to the Wikipedia page He Kaw Teh v The Queen. She decides that this information summarises the case enough for her and decided to copy and paste the information into her essay and cite Wikipedia as the source. Jane still isn't quite sure about what is the main point of the case, but decides to get some information on drug trafficking in Australia as this seems to be the main issue.
- Jane does a Google Search by typing in 'what's the deal with drugs in Australia?'.
 - She finds some web pages including information on What It's Like to Deal Drugs in Australia's Capital City, she finds a page on drug use and possession in New South Wales called Lawstuff, then she finds a page called Drug Abuse from a website called HealthDirect and a page about penalties for drug supply from Armstrong Legal. It takes a while for Jane to read through all the web pages and she keeps on searching to add more resources for her assignment.
- Jane decides that she needs more information on the case so goes back and conducts a Google search using the case name. She finds a case summary of UnitStudy Guides, she can see that this information originally comes from a textbook. Jane also finds some criminal law summary notes of a site called student VIP and some cram notes that briefly mention the case. She does find a version of the case but gives up as the case is way too long to read through (120 pages) when she has to do all the research



Jane's Approach – Writing

- Jane has spent a fair amount of time surfing the web and decides the quickest way for her to finish the assignment is to copy the best part of her resources into her assignment to form her essay.



Jane's Approach – Final Result

- Jane is very surprised when she receives a fail grade! Where did it all go wrong?
- The comments on her paper reveal to Jane that she missed the main issue of the case. Even though the case did involve importing heroin into Australia, the main legal issue was that of intent or 'mens rea'. Research skills are really important, but it would have helped Jane if she was clear on what she had to research in the first place.
- Jane didn't look at the authorised case, did not search if the case is still being used in the law today.
- Jane also lost marks because her resources were of poor quality, using the web for the initial stage of research is useful, however, when selecting resources to include in an academic essay Jane would have been better off looking at academic sources to support her arguments.
- The most serious problem with Jane's essay was with what she was writing, she was mostly copying and pasting from the various sources she found without quotation marks and without analysis.
- Jane should have used her own words and her own work. Just copying and pasting from other sources, with or without citation, is poor academic practice. This has also raised an issue with plagiarism and now Jane may have breached academic integrity.



Who conducts legal research?

- Anyone who is wanting to know something about the law, how it operates and who is willing to search for it
- Legislators
- Judiciary
- Lawyers, notaries, lecturers and students, court employees, other professionals incl. accountants, auditors, govt. employees, paralegals



Who carries out legal research? - Legislators



Who carries out legal research? - Legislators

- Legislation in Malta is enacted by parliament
- Parliament is established by Chapter 6 the Constitution – Cap. 0
- Chapter 6 provides for the establishment of parliament, house of representatives, disqualification of members, voting, speaker and deputy, power to make laws, alteration of the constitution, procedure of house of representatives, quorums
- Article 72 of the Constitution – Mode of exercising legislative powers



Mode of exercising legislative powers.
Amended by:
[LVIII.1974.27.](#)

72. (1) The power of Parliament to make laws shall be exercised by bills passed by the House of Representatives and assented to by the President.

(2) When a bill is presented to the President for assent, he shall without delay signify that he assents.

(3) A bill shall not become law unless it has been duly passed

CONSTITUTION OF MALTA

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and assented to in accordance with this Constitution.

(4) When a law has been assented to by the President it shall without delay be published in the Gazette and shall not come into operation until it has been so published, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

74. Save as otherwise provided by Parliament, every law shall be enacted in both the Maltese and English languages and, if there is any conflict between the Maltese and the English texts of any law, the Maltese text shall prevail.

Language of Laws.



Who carries out legal research? - Legislators

- In the Maltese context legislation goes through a number of parliamentary procedures:-
 1. First Reading – Presentation of a motion. A motion consists of just the title of the bill to the House. After 3 days the bill is put on the parliament agenda. Motion is put to vote without any debate
 2. Second Reading - Upon publication, the bill is again included in the agenda of the House, for its Second Reading. The bill is discussed at this stage. Usually the Minister proposing the bill will give an introductory speech. After the winding up, the motion is put to the vote by the Speaker.
 3. Committee Stage – Each clause of the bill is examined separately and in detail. Both Government and Opposition Members may propose amendments during the discussion on a particular clause. At the end of discussion a vote is taken on all said amendments and the clause as amended. When the discussion ends the Chairperson informs the House about the progress made and whether the bill was passed with or without amendments.
 4. Third Reading – Members vote in favor or against the bill. The Speaker will then be in a position to declare whether the bill has been carried through its Third Reading stage by a majority of Members present and voting, save as otherwise provided in the Constitution. This voting procedure applies to all votes taken during the previously mentioned stages of the bill.
 5. The bill is then presented to the President of Malta for his assent and published in the Government Gazette, becoming a Parliamentary Act.



Thirteenth Legislature (2017 -)*
Twelfth Legislature (2013 - 2017)
Eleventh Legislature (2008 - 2013)
Tenth Legislature (2003 - 2008)
Ninth Legislature (1998 - 2003)
Eighth Legislature (1996 - 1998)
Seventh Legislature (1992 - 1996)
Sixth Legislature (1987 - 1992)
Fifth Legislature (1982 - 1987)
Fourth Legislature (1976 - 1981)

Standing Orders of the House of
Representatives

Media Archive

Tags

Marriage
Equality
Żwieg
Ugwaljanza

Bill No. 1

Marriage Bill and other Laws (Amendment) Bill

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Thirteenth Legislature (2017 -)

Download the Document

Debated in	1st Reading	2nd Reading	Committee	Recommittal	3rd Reading
Sitting No. 001 - 24 Jun 2017 <i>Plenary Session</i>	●				
Sitting No. 002 - 26 Jun 2017 <i>Plenary Session</i>		●			
Sitting No. 013 - 05 Jul 2017 <i>Plenary Session</i>		●			
Sitting No. 014 - 05 Jul 2017 <i>Plenary Session</i>		●			
Sitting No. 001 - 06 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 002 - 07 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 003 - 10 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 017 - 12 Jul 2017 <i>Plenary Session</i>					●

Objects and Reasons

The object of this Bill is to modernise the institution of marriage and ensure that all consenting, adult couples have the legal right to enter into marriage.

Media Archive

Tags

Marriage
Equality
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Sitting No. 001 - 06 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 002 - 07 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 003 - 10 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 017 - 12 Jul 2017 <i>Plenary Session</i>					●

Objects and Reasons

The object of this Bill is to modernise the institution of marriage and ensure that all consenting, adult couples have the legal right to enter into marriage.

Motion No. 9 - Marriage Bill and other Laws (Amendment) Bill

Act No. XXIII of 2017 - Marriage Act and other Laws (Amendment) Act

[Mr Speaker](#)[About Parliament](#) ▼[Parliamentary Business](#) ▼[Committees / Delegations](#) ▼[Reference Material](#) ▼[Get Involved](#) ▼

[Thirteenth Legislature \(2017 - \)*](#)
[Twelfth Legislature \(2013 - 2017\)](#)
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[Seventh Legislature \(1992 - 1996\)](#)
[Sixth Legislature \(1987 - 1992\)](#)
[Fifth Legislature \(1982 - 1987\)](#)

[Standing Orders of the House of Representatives](#)

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Tags

[First Reading](#)
[Amendment](#)
[L-Ewwel Qari](#)
[Żwieġ](#)
[Marriage](#)

Motion No. 9

Marriage Bill and other Laws (Amendment) Bill - First Reading

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Notice given on

Saturday, 24 June 2017

Presented by

Minister for European Affairs and Equality
Hon. Helena Dalli MP

Debated in

Sitting No. 1 - Saturday, 24 June 2017
Plenary Session

Bill

1 - Marriage Bill and other Laws (Amendment) Bill

Act

XXIII of 2017 - Marriage Act and other Laws (Amendment) Act

9. Il-Ministru għall-Affarijiet Ewropej u Ugwaljanza, l-Onor. Helena Dalli, tipproponi:

L-Ewwel Qari tal-Abbozz ta' Ligi msejjaħ "Att tal-2017 li jemenda l-Att dwar iż-Żwieġ u Ligijiet Ohrajn."

24.06.17

Second Reading – Transcript (in this case the bill was read 3 times at second reading stage)

ABBOZZ TA' LIĠI LI JEMENDA L-ATT DWAR IŻ-ŻWIEĠ U LIĠIJET OHRAJN

MARRIAGE ACT AND OTHER LAWS (AMENDMENT) BILL

L-ISPEAKER: Skont ftehim milhuq, il-hin ta' din is-seduta se jinqasam indaq bejn iż-żewġ naħat tal-Kamra. Għaldaqstant nitlob lill-Ministru Helena Dalli biex, jekk jogħġobha, tressaq it-Tieni Qari.

ONOR. HELENA DALLI: Sur President, nipproponi li l-Abbozz ta' Liġi msejjah "Att sabiex jemenda l-Att dwar iż-Żwieġ u liġijiet oħrajn b'konnessjoni mal-introduzzjoni taż-żwieġ indaq u biex jipprovdi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma anċillari għalihom" jiġi moqri t-Tieni Darba.

L-ISPEAKER: Min jissekonda, jekk jogħġobkom?

ONOR. JOSEPH MUSCAT: Nissekonda.

L-ISPEAKER: Rimarki? Il-Ministru Dalli.

ONOR. HELENA DALLI: Sur President, huwa ta' pjaċir kbir hafna għaliya bhala Ministru għall-Affarijiet Ewropej u l-Ugwaljanza li wara li nhar is-Sibt li għadda, mal-ftuħ tat-13-il Legiżlatura ta' dan il-Parlament, ipprezentajt l-Abbozz ta' Liġi msejjah "Att tal-2017 li jemenda l-Att dwar iż-Żwieġ u Liġijiet oħrajn", illejlja fit-tieni seduta ta' din il-Legiżlatura qiegħda nipproponi t-Tieni Qari tiegħu.

Sur President, ikkampanjajna għal qabza liberali 'l quddiem għal dan il-pajjiż u għal din is-soċjetà tagħna, u l-poplu wieġeb għal din is-sejha. Għalhekk jiena rrid nibda billi niringrazzja minn qalbi lill-Prim Ministru l-Onor. Joseph Muscat talli ta lil din il-proposta ta' liġi l-importanza li haqqha. Niringrazzja wkoll lil sħabi kollha tal-grupp parlamentari Laburista għas-sostenn tagħhom biex flimkien immexxu din il-proposta bhala parti mill-aġenda progressiva u komuni tagħna. Hawnhekk irrid intenni li l-prinċipji li jiffurmaw l-aġenda tagħna huma dawk tal-ugwaljanza u tal-gustizzja filwaqt li l-iskop tagħna hu li ma' kull pass li nagħmlu nimxu dejjem iżjed lejn soċjetà miftuħa u hanina għal kull wieħed u wahda minna.

Nixtieq nagħmel enfasi partikolari fuq soċjetà hanina għax din hija l-bażi ta' Partit Laburista jew inkella ta' Partit Soċjalista; il-hniena lejn kull persuna li tista' tinsab f'sitwazzjoni fejn ma tistax timxi 'l quddiem fil-hajja tagħha minhabba li s-soċjetà tkun qed iżżommha lura milli tagħmel dan. Irridu ngħidu wkoll li filwaqt li l-konċett tal-hniena huwa importanti għax biex tinduna li persuna qiegħda f'sitwazzjoni hażina trid tkun taf thoss u thenn għall-oħrajn bħal dik l-omm jew bħal dak il-missier li jkun qed jara lil ibnu jew lil bintu qiegħda tbat, id-drittijiet li ahna bhala legiżlaturi għandna nagħtu

Committee debate Video



Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19840, 1 ta' Awwissu, 2017

Taqsim A

MALTA

ATT Nru XXIII tal-2017

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar iż-Żwieġ u ligijiet oħrajn b'konnessjoni mal-introduzzjoni taż-żwieġ indaqs u biex jipprovdi dwar hwejjeg li ghandhom x'jaqsmu maghhom jew huma ancillari ghalihom.

ACT No. XXIII of 2017

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Marriage Act and various other laws in connection with the introduction of marriage equality and to provide for other matters dealing with it or ancillary thereto.

Naghti l-kunsens tieghi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

1 ta' Awwissu, 2017

ATT Nru XXIII tal-2017

ATT sabiex jemenda l-Att dwar iż-Żwieġ u liġijiet oħrajn b'konnessjoni mal-introduzzjoni taż-żwieġ indaqs u biex jipprovidi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma anċillari għalihom.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f' dan il-Parlament, u bl-awtorità tal-istess, harġet b'liġi dan li ġej:-

TAQSIM TAL-ATT

		Artikoli
Taqsim I	Preliminari	1
Taqsim II	Emendi tal-Kodiċi Kriminali	2-17
Taqsim III	Emendi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili	18-27
Taqsim IV	Emendi tal-Kodiċi Ċivili	28-91
Taqsim V	Emendi tal-Att dwar l-Interpretazzjoni	92-93
Taqsim VI	Emendi tal-Att dwar iż-Żwieġ	94-102
Taqsim VII	Emendi tal-Att dwar l-Unjoni Ċivili	103-104
Taqsim VIII	Emendi tal-Legizlazzjoni Sussidjarja Skeda	105-106

kwalunkwe sess illi żżewġu *ai termini* tal-Att dwar iż-Żwieg:".

Taqsimi VI

Emendi tal-Att dwar iż-Żwieg

94. Din it-Taqsimi temenda l-Att dwar iż-Żwieg, u ghandha tinqara u tinfliehem haġa waħda mal-Att dwar iż-Żwieg, hawn iżjed 'il quddiem f'din it-Taqsimi msejjah "l-Att prinċipali".

Emendi tal-Att
dwar iż-Żwieg.
Kap. 255.

95. Fit-tifsira tal-kelma "Reġistratur" fl-artikolu 2 tal-Att prinċipali, immedjatament wara l-kliem "Sindku ta' Kunsill Lokali" ghandhom jidhlu l-kliem "u persuni li ġew ċertifikati bhala ċelebranti taż-żwieg ċivili mir-Reġistru Pubbliku".

Emenda tal-
artikolu 2 tal-
Att prinċipali.

96. Fil-verżjoni Ingliża tal-artikolu 3 tal-Att prinċipali, il-kelma "paternal" ghandha tiġi sostitwita bil-kelma "parental".

Emenda tal-
artikolu 3 tal-
Att prinċipali.

97. Is-subartikolu (1) tal-artikolu 5 tal-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda tal-
artikolu 5 tal-
Att prinċipali.

(a) fil-paragrafu (b), il-kliem "missier u omm sew jekk mill-istess missier jew omm biss" ghandhom jiġu sostitwiti bil-kliem "ġenituri sew jekk minn ġenitur wiehed biss"; u

(b) fil-paragrafu (d), il-kliem "żewġ jew mart, il-" ghandhom jiġu sostitwiti bil-kliem "il-konjuġi tal-".

98. Fis-subartikolu (2) tal-artikolu 7 tal-Att prinċipali, il-kliem "il-missier u isem u kunjom l-omm" ghandhom jiġu sostitwiti bil-kliem "u kunjom il-ġenituri".

Emenda tal-
artikolu 7 tal-
Att prinċipali.

99. Fis-subartikolu (1) tal-artikolu 11 tal-Att prinċipali, minnufih wara l-kliem "għal żwieg ċivili" ghandhom jiżdiedu l-kliem "bejn żewġ individwi li jagħtu l-kunsens tagħhom".

Emenda tal-
artikolu 11 tal-
Att prinċipali.

100. L-artikolu 15 tal-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda tal-
artikolu 15 tal-
Att prinċipali.

(a) is-subartikolu (2) tiegħu ghandu jiġi sostitwit b'dan li ġej:

"(2) Matul iċ-ċerimonja r-Reġistratur jew l-uffiċjal l-iehor li quddiemu jsir iż-żwieg ghandu jistaqsi lill-persuni li jkunu ser jżżewġu, l-ewwel lil waħda minnhom u mbagħad lill-oħra, jekk din il-persuna tridx tiehu lill-persuna l-oħra bhala l-konjuġi tagħha u meta kull waħda mill-partijiet jiddikjaraw li hekk iridu, minghajr ebda kondizzjoni jew kwalifika, hu ghandu jiddikjarahom bhala miżżewġin."; u

A 824

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied is-subartikolu gdid li ġej:

"(4) Minghajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (2), il-persuni li ser jiżżewġu jistgħu jindikaw lir-Registratur jew l-uffiċjal l-iehor li quddiemu jsir iż-zwieġ il-forma tal-kliem li għandhom jintużaw waqt iċ-ċerimonja, inkluż xi qari, siltiet muzikali jew mużika:

Iżda tali rikjesta għandha ssir mill-persuni li ser jiżżewġu sa mhux iktar tard minn sebat ijiem mid-data stabbilita għaż-zwieġ."

Zjieda ta' artikolu gdid fl-Att prinċipali.

101. Minnufih wara l-artikolu 32 tal-Att prinċipali għandu jiżdied l-artikolu gdid 32A kif ġej:

"Protezzjoni Reliġjuża.

32A. Xejn f'dan il-Att ma għandu jinftiehem bhala qed jobbliga uffiċjal ta' entità reliġjuża skont l-artikolu 37 ta' dan l-Att sabiex iwettaq forma partikolari ta' zwieġ li mhuwiex rikonoxxut mill-entità reliġjuża liema uffiċjal ikun membru tagħha."

Emenda tal-artikolu 33 tal-Att prinċipali.

102. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kelma "sentenzi" għandha tiġi sostitwita bil-kliem "deċiżjonijiet jew atti uffiċjali ohra ekwivalenti";

(b) il-kliem "Deciżjoni ta' qorti barranija" għandhom jiġu sostitwiti bil-kliem "Minghajr preġudizzju għat-twettiq ta' kull regolament li jkun japplika bejn l-Istati Membri tal-Unjoni Ewropea, deciżjoni ta' qorti barranija jew deciżjoni jew att iehor uffiċjali li jkollu l-istess effett ta' awtorità kompetenti barranija"; u

(ċ) il-kliem "jekk id-deċiżjoni tinghata minn qorti kompetenti" għandhom jiġu sostitwiti bil-kliem "jekk id-deċiżjoni tinghata jew l-att iehor uffiċjali jinhareġ minn qorti jew awtorità kompetenti".

Taqsim VII

Emendi tal-Att dwar l-Unjoni Ċivili

Emenda tal-Att dwar l-Unjoni Ċivili. Kap. 530.

103. Din it-Taqsim temenda l-Att dwar l-Unjoni Ċivili, u għandha tinqara u tinftiehem haġa wahda mal-Att dwar l-Unjoni Ċivili, hawn iżjed 'il quddiem f'din it-Taqsim msejjaħ "l-Att prinċipali".

Zjieda ta' artikolu gdid fl-Att prinċipali.

104. Minnufih wara l-artikolu 10 tal-Att prinċipali għandu jiġi

A 838

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

1st August, 2017

ACT No. XXIII of 2017**ACT No. Marriage Act and other Laws (Amendment) of 2017**

AN ACT to amend the Marriage Act and various other laws in connection with the introduction of marriage equality and to provide for other matters dealing with it or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

ARRANGEMENT OF THE ACT

Articles

Part I	Preliminary	1
Part II	Amendment of the Criminal Code	2-17
Part III	Amendment of the Code of Organization and Civil Procedure	18-27
Part IV	Amendment of the Civil Code	28-91
Part V	Amendment of the Interpretation Act	92-93
Part VI	Amendment of the Marriage Act	94-102
Part VII	Amendment of the Civil Unions Act	103-104

A 862

"(2) Nor does it run, during the continuance of marriage, against any one of the spouses, in any case in which the action competent to such spouse, if exercised, would vest the defendant with a right of relief against the other spouse."

Amendment of the First Schedule of the Code. 90. The Forms C, D, H, I, K and L in Part II of the First Schedule to the Code shall be substituted by the Forms listed in the Schedule to this Act.

Amendment of the First Schedule to the Civil Code. 91. The title of Form V contained in Part II of the First Schedule to the Civil Code, shall be substituted by the following:

"DECLARATION BY A PERSON REQUESTING MINOR ALTERATION ON THE NAME IN THE ACT OF BIRTH OR FORM OF ENTRY IN ADOPTED PERSONS REGISTER".

Part V

Amendment of the Interpretation Act

Amendments to the Interpretation Act. Cap. 249. 92. This Part amends the Interpretation Act, and it shall be read and construed as one with the Interpretation Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 4 of the principal Act. 93. Article 4 of the principal Act shall be amended as follows:

(a) paragraphs (c) and (d) thereof shall be renumbered as paragraphs (d) and (e) respectively;

(b) in paragraph (b) thereof, immediately after the word "females" there shall be added the words "and words importing the female gender shall include males;"; and

(c) immediately after paragraph (b) thereof there shall be added the following new paragraph:

"(c) the words "spouse" and "husband and wife" shall be construed as referring to a spouse of either sex who has contracted marriage in accordance with the Marriage Act;".

Part VI

Amendment of the Marriage Act

Amendments to the Marriage Act. Cap. 255. 94. This Part amends the Marriage Act, and it shall be read and construed as one with the Marriage Act, hereinafter in this Part referred to as "the principal Act".

95. In the definition of the word "Registrar" in article 2 of the principal Act, immediately after the words "of a Local Council" there shall be inserted the words "or any person who has been certified as a celebrant of civil marriages by the Public Registry".

Amendment of article 2 of the principal Act.

96. In article 3 of the principal Act, for the word "paternal" there shall be substituted the word "parental".

Amendment of article 3 of the principal Act.

97. Sub-article (1) of article 5 of the principal Act shall be amended as follows:

Amendment of article 5 of the principal Act.

(a) in paragraph (b) thereof the words "a brother and a sister" there shall be substituted the word "siblings"; and

(b) in paragraph (d) thereof for the words "husband or wife" there shall be substituted the word "spouse".

98. In sub-article (2) of article 7 of the principal Act for the words "of the father and the name and surname of the mother" there shall be substituted the words "and surname of the parents".

Amendment of article 7 of the principal Act.

99. In sub-article (1) of article 11 of the principal Act immediately after the words "contracted either in a civil form" there shall be added the words "between two consenting individuals".

Amendment of article 11 of the principal Act.

100. Article 15 of the principal Act shall be amended as follows:

Amendment of article 15 of the principal Act.

(a) sub-article (2) thereof shall be substituted by the following:

"(2) During the ceremony, the Registrar or other officiating officer in front of whom the marriage takes place shall ask each of the persons to be married, first to one of them and then to the other, whether that person will take the other as such person's spouse, and upon the declaration of each of such persons that they so will, made without any condition or qualification, the Registrar or other officiating officer shall declare them to be spouses."; and

(b) immediately after sub-article (3) thereof, there shall be added the following new sub-article:

"(4) Without prejudice to the provisions of sub-article (2) the persons to be married may indicate to the Registrar or other officiating officer in front of whom the marriage takes place the form of words which will be used during the ceremony, including any readings, songs or music:

A 864

Provided that the persons to be married must make such request by not later than seven days prior to the date set for the marriage."

Addition of a new article to the principal Act.

101. Immediately after article 32 of the principal Act there shall be added the following new article 32A:

"Religious protection.

32A. Nothing contained in this Act shall be construed as obliging an official of a religious body in accordance with article 37 of this Act to solemnise a particular form of marriage which is not recognised by the religious body of which that official is a member."

Amendment of article 33 of the principal Act.

102. Article 33 of the principal Act shall be amended as follows:

(a) in the marginal note for the word "judgments" there shall be substituted the words "decisions or other equivalent official acts";

(b) the words "A decision of a foreign court" shall be substituted with the words "Without prejudice to the implementation of any regulation applicable between the Member States of the European Union, a decision of a foreign court or a decision or other official act of equivalent effect of a foreign competent authority"; and

(c) the words "if the decision is given by a competent court" shall be substituted with the words "if the decision is given or if the other official act is issued by a court or a competent authority".

Part VII

Amendment of the Civil Unions Act

Amendments to the Civil Unions Act. Cap. 330.

103. This Part amends the Civil Unions Act, and it shall be read and construed as one with the Civil Unions Act, hereinafter in this Part referred to as "the principal Act".

Addition of a new article to the principal Act.

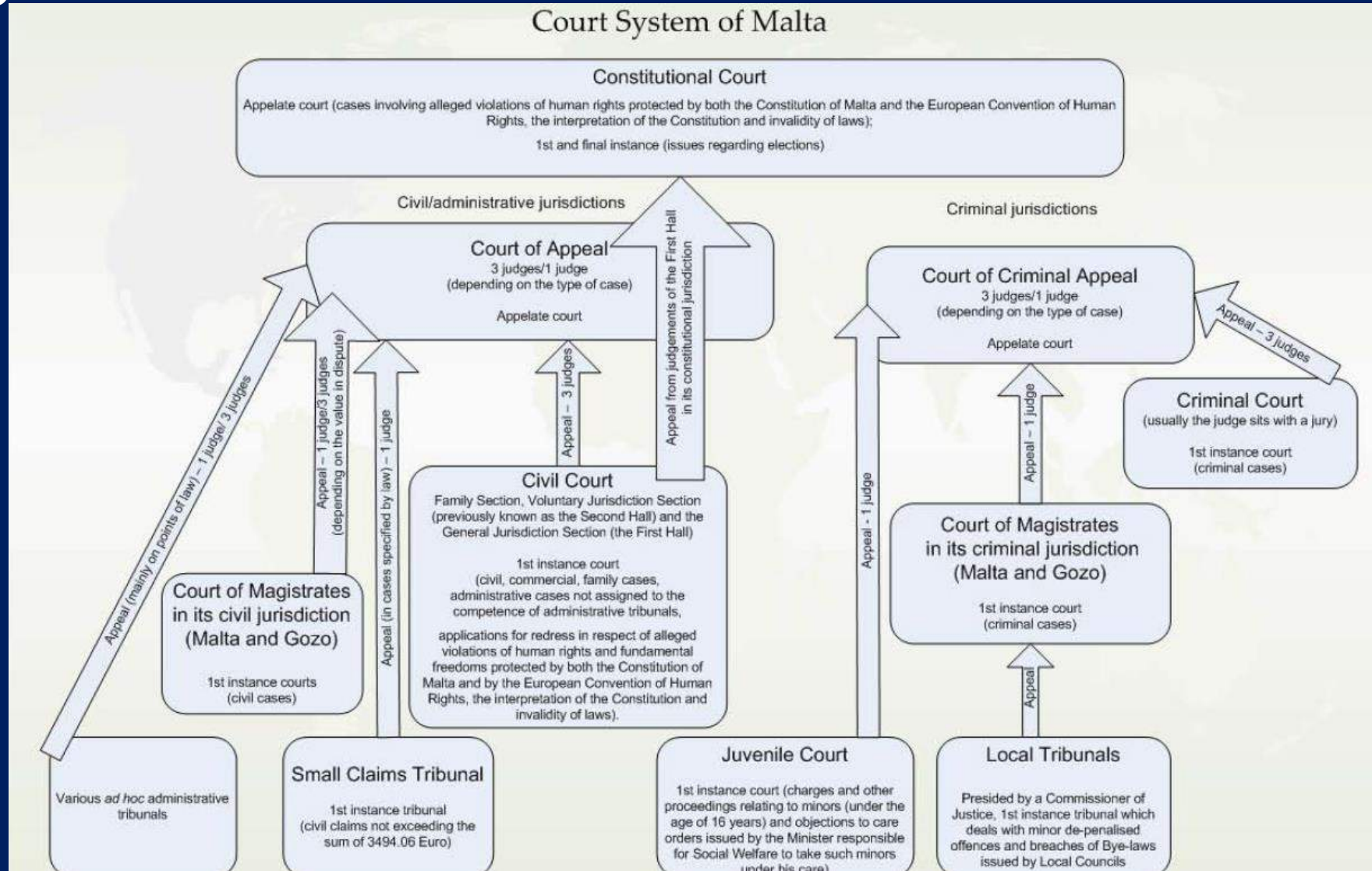
104. Immediately after article 10 of the principal Act there shall be

Who carries out legal research? – Judges, Magistrates and decision makers

- 24 judges + chief justice
- 27 magistrates
- Both appointed by the president
- Judge/magistrates/ umpire (adjudicators), chairpersons on boards and tribunals
- Must be aware of principles and latest laws
- Has to provide reasons why he is applying a particular law
- Expected to make a true interpretation of the law
- In Malta judges and magistrates are aided by court attorneys and judicial assistants for research and collection of evidence
- Will have to look into the laws that the court he presides over has jurisdiction e.g. Constitutional, rent, property rights matters
- Cannot exceed the competence given by law e.g. In money claims



Who carries out legal research? – Judges, Magistrates and decision makers



Who carries out legal research? – Judges, Magistrates and decision makers

List of Tribunals in Malta – not exhaustive

- Police Licenses Appeals Tribunal
- Prison Appeals Tribunal
- Building and Construction Tribunal
- International Protection Appeals Tribunal
- Industrial Tribunal
- Arbiter & Patents Tribunal
- Administrative Review Tribunal
- Information and Data Protection Appeals Tribunal
- Partition of Inheritances Tribunal
- Small Claims Tribunal
- Environment and Planning Review Tribunal
- Commercial Sanctions Tribunal
- Financial Services Tribunal
- Consumer Claims Tribunal



Who carries out legal research? - Lawyers

- Wrong advice might derail client
- Consequences re liability and professional indemnity insurance
- Responsibility – institute a case? Appeal or not? File a garnishee order? Expose client to retaliation with another garnishee? Penalty for frivolous garnishee? Court fees, Kawtela etc
- Similar to the judge must keep up with law introductions and amendments and case law
- Interpretation of the law - must look into the nitty gritty of the law/case especially if the facts are against his clients
- If lawyer is limited to certain areas e.g. Tort law – thorough legal research is not needed



Who carries out legal research? - Lawyers

- Note of submissions/ observations – Legal briefs
- Requirements of the acts e.g. Warning in 166A letter or sworn application
- Research is required to provide a good advice
- Procedural and Substantive law
- What to do in grey areas?



Who carries out legal research? – Lecturers and students

- Lecturers need to do legal research as part of their professional commitment especially if they are teaching procedural or substantive law
- Needs to keep track of developments
- Students – for performing assignments/ tasks assigned. It is the practice stage if one will pursue a career in the legal field – not necessarily as a lawyer, paralegal but even as a court official – same applies for professionals working in the legal field





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2022 Proposals for a Discussion on amendments in the Law and improvements to the Family Court procedures.

by Dr Ivan Sammut

Dr Ivan Sammut, Deputy Dean of the Faculty of Law, University of Malta, strongly believes that the Family Court needs urgent investment and updating to continue serving the needs of Maltese people. Many parents in Malta stop living together for various reasons, and many times they have to resort to the Courts. The two most common issues that arise concern maintenance and access to children. It results, judging from the various experiences of Maltese citizens or residents, that the Maltese state is not equipped enough to deal with this type of issue, whose very nature can create bitter disputes.

Let us take as an example a case in the field of parental alienation, where a parent denies the other parent access to their children for no valid reason. Lawyers involved in cases that concern children behave as if they are dealing with the cases that involve the evaluation of property.

Proposal for a long-term solution

HPM4HC is proposing the setting up of an authority or agency whose brief will be to examine such cases and to determine whether maintenance should be given and if so, how much. It will also determine whether shared parenting is feasible and if not, the modality of the access to minors that should be given. Then, of course, one will be able to apply for any required changes,



while there will be constant supervision by the Family Court on issues of rights or facts once certain conditions are met.

To understand this concept more clearly, one can draw a comparison with the Planning Authority. This entity has all the resources required to execute a planning policy: it has technical experts in the field. It is more accessible to the public and operates under the supervision of the Courts whenever this is required. In the same way that this authority has building architects, family 'architects' should run this proposed entity. This idea has not been invented by the HPM4HC but is based on the situation abroad including in the United Kingdom.

Proposals that can be implemented immediately

Since the above proposal is somewhat ambitious and, apart from a new legal framework, it requires considerable training, HPM4HC is making further proposals, some of which can be immediately implemented.

1. An improved notification system in the Family Court

It is necessary to strengthen and improve how the Family Court issues notifications. There should be wider use of electronic media to deliver notifications efficiently.

2. A reform in the composition of the Family Court

One should consider strengthening the Family Court, and this Court should be presided over by a judge and two family experts such as a psychologist and a therapist. This should apply to decrees, *in camera*, sittings and final sentences. The judge would focus on legal issues while the rest take place as a formation. It would be a good idea to establish a Board made up of two psychologists (specializing in children and parental alienation) and a lawyer. This Board



would study cases such as those of separation, where minor children are involved before they move on to litigation in Court, and within three months make recommendations on the type of co-parenting that would be suitable. Where this is not possible, appropriate access and maintenance would be established according to each case in question.

This could take place in an out-of-court process that would enable the parents to reach an agreement.

3. The strengthening of the Child Protection Services to enable them to intervene in the Courts

Knowledge and experience in the field of children are found in the officers working for this directorate, which was created for this purpose. Not all lawyers or judges would have studied and specialized in children. As a result, the need for Child Protection arises.

4. The enactment of a law focusing on the interests of children that recognizes in clear terms the existence of parental alienation

The concept of parental alienation should be recognized in civil and criminal law, as is happening in various European countries and globally. Thanks to Civil Law, adapted to cases arising in contemporary society, applicable measures can be taken so that children are not cut off completely from the harassed parent. A serious and comprehensive study of a case, and its various elements, may enable the designation of suitable access to the two parents as deemed appropriate and most conducive to the welfare of the children.



5. A reform in the Criminal Code Article 338 LL on access to children and Article 338 Z on maintenance.

Reforms should ensure that legal depositions conform to the European Human Rights Convention. For example, restricted access should be compensated by quality time with children. Regarding maintenance, this should make sense to all the parties involved in the case. Detention or clear imprisonment should be removed, both from access as well as from maintenance, to prevent these from being used as instruments of litigation instead of as a solution.

6. The Laws affecting children should uphold a general stance that the equal sharing of the raising of children is to be seriously considered.

Although the present legal provisions do not exclude this, there need to be legal interventions to change the current mentality, usually conservative, of the judiciary and the legal profession. We need to come into line with the 21st century with all the effects of the march of time. Contemporary society no longer embraces the values of yesteryear.

In the case of an inamicable separation, the rule should be that the care and custody of children would be automatically conjoined, without automatic maintenance, while medical and education expenses would be equally shared by the parents. It should be one of the parents who may request modification to this arrangement. Then valid reasons are given and a report is drawn by the experts. It should be the Court that modifies the custody, and thus determine maintenance, according to the means and wishes of the parent, as the case may be.

This means that, unless there is a valid reason established following an analysis, children would spend 50% of their time with either parent and that



parent would be financially responsible during that time. In the case of a 50/50 custody arrangement, maintenance would not be required. In this way, equality would be established between the parents. As things now stand, the Courts generally awards guardianship automatically to the mother and orders the father to pay maintenance.

7. Proposal for an improvement in the administration of family procedures

This could include the provision that the collection of evidence should not be done by practising lawyers. They could be officials who are directly engaged by the Courts and who are answerable directly to the Courts. Part-time judicial assistants may have a conflict of interest, affecting their selection and appointment.

It is a good idea for the Court to have a list of experts: doctors, psychologists, psychiatrists, experts in the field of parental alienation, social workers and approved therapists.

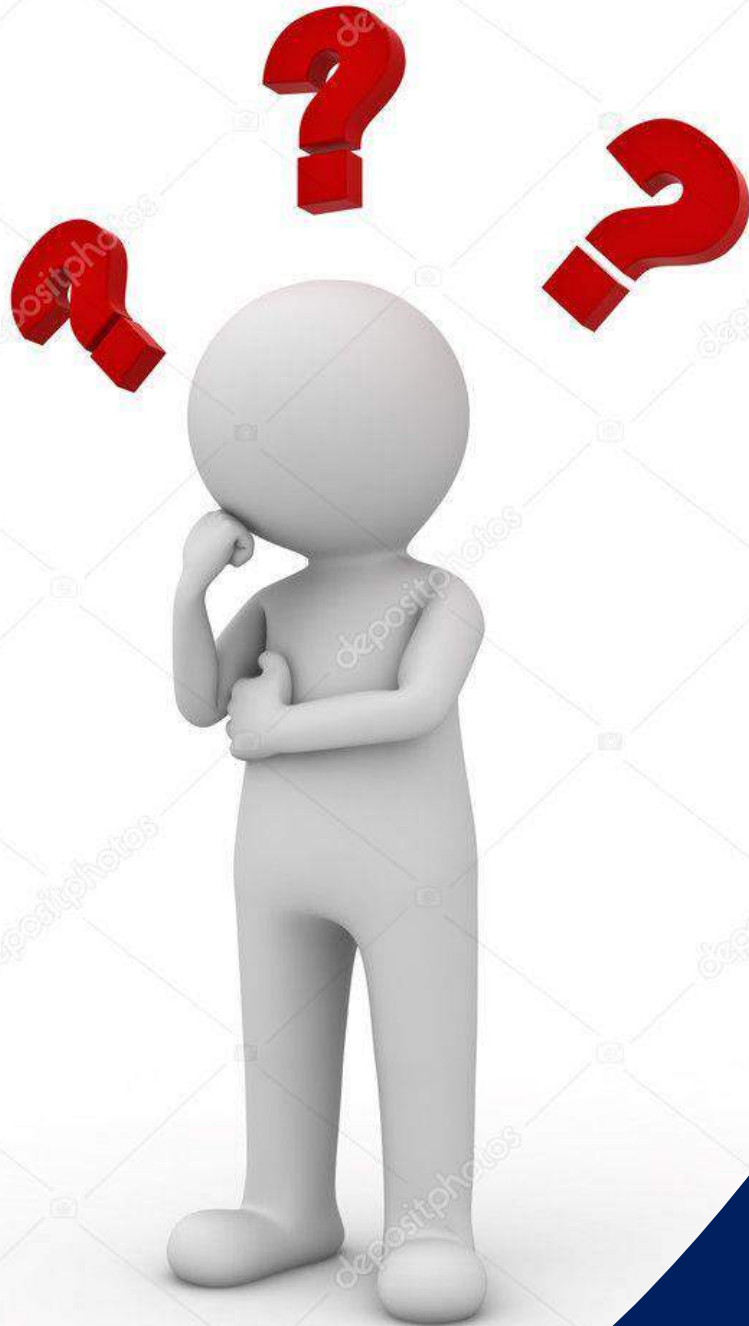
The time has come for the judiciary and the legal profession (judges, mediators and lawyers) to be trained professionally not to make judgements based on stereotypical ideas positing that only the woman knows how to look after children. These should be instructed on parental alienation.

There should be better facilities in a Court where minors are involved, such as the Family Court. This Court should have a format that is different from the ordinary Court, and ideally, it should be placed in a separate building. When children give their testimony, there should be transparency, and the parents should also be heard.



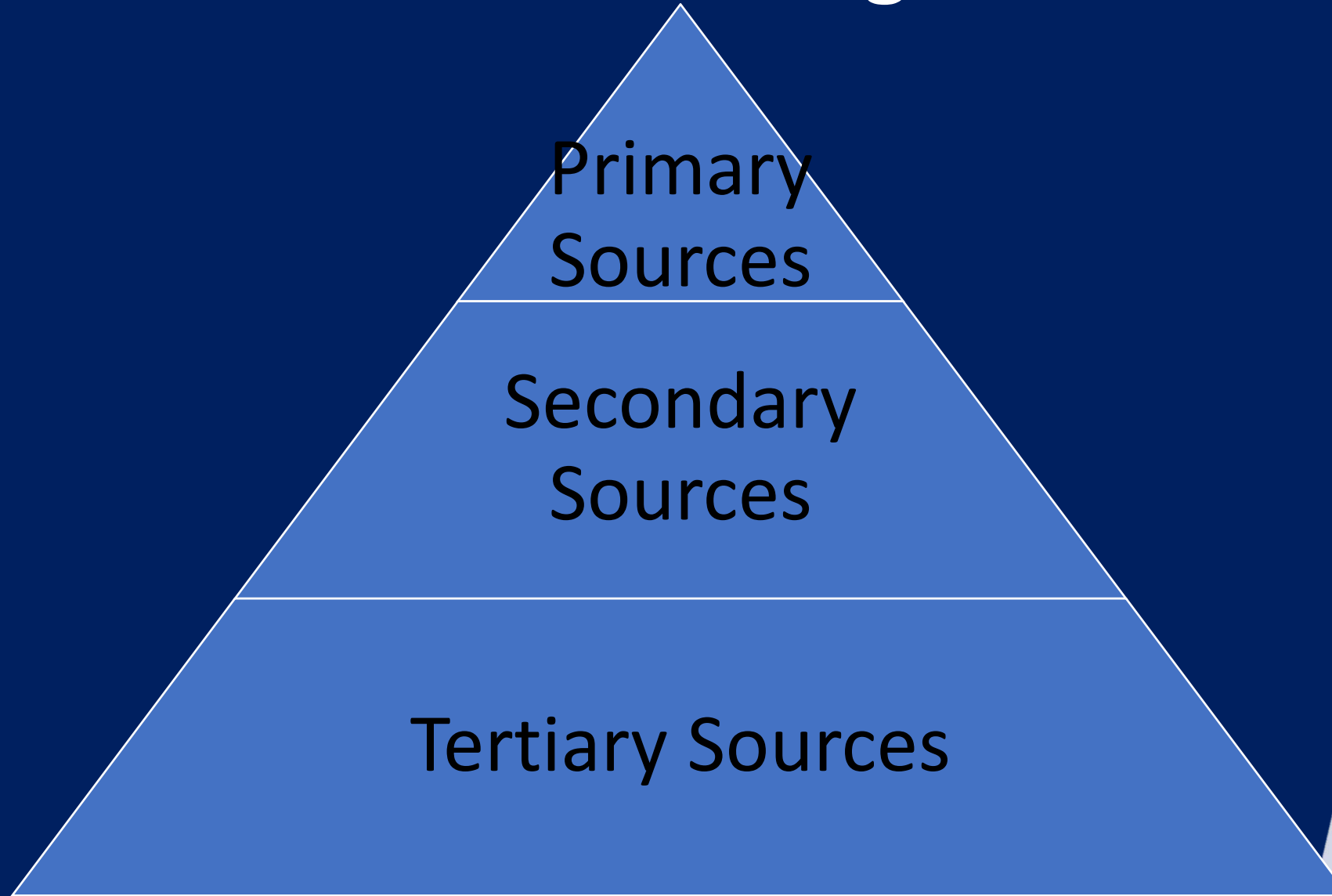
Conclusion

The proposals being made here are among many that are being mentioned and studied in various other countries. In the same way that we are ready to analyse developments in other areas of society to improve the situation in our country, we need to observe, analyse and study this field properly. Children's lives in the environment of the family, irrespective of whether it is an ideal one or one that hurts, leaves an indelible mark on their lived experiences. We cannot waste more time because today's children are the young people of tomorrow and the adult generation a few years down the line. What happens today reflects on our expectations of the future. You and I are responsible for our country's society.



Which are the sources
of legal research?

Which are the sources of legal research?



Which are the sources of legal research?

- Primary sources – written/ codified law - the core of all laws – includes varied forms e.g. S.L. and bye laws and international legislation applicable
- Secondary sources – Material that provides interpretation on primary sources
- Tertiary Source – lists and summarises secondary and primary sources
- Some grey areas and a source might fall in more than one category



Primary Sources of Legal Research

- Constitution – Cap. 0 – core of all laws. Allows parliament to enact acts of parliament i.e. laws
- Acts of Parliament – acts, subsidiary legislation, L.N, Bye laws
- Subsidiary Legislation – Covers particular areas of the main act e.g. S.L 12.11 – means test to increase rent
- Legal Notices – Similar to bye laws by are not issued by local councils
- Bye Laws – Laws issued by Local Councils for the purpose of carrying out their functions and for the prevention and suppression of nuisances in their locality
- Parliament Bills – Laws which are not yet in force but are at preliminary stage
- Treaties - An international agreement concluded between States in written form and governed by international law. Once ratified they become law. Unless ratified it is not a primary source but secondary
- Custom law (Customs law – taxation of imported goods) – set of rules which have existed since time in memorial and obtained the force of law. Mostly used in commercial and international law e.g the granting of immunity for visiting heads of state.
- Judgments – Malta does not subscribe to the theory of precedent unlike common law. Judgments include ECHR and ECJ judgments
- EU Directives and Regulations



The Constitution of Malta

CONSTITUTION OF MALTA 1

CONSTITUTION OF MALTA
ARRANGEMENT OF ARTICLES

CHAPTER I
The Republic of Malta

Article

1. The Republic and its Territories.
2. Religion.
3. National Flag.
4. National Anthem.
5. Language.
6. Constitution to be supreme law.

CHAPTER II
Declaration of Principles

7. Right to work.
8. Promotion of culture, etc.
9. Safeguarding of landscape and historical and artistic patrimony.
10. Compulsory and free primary education.
11. Educational interest.
12. Protection of work.
13. Hours of work.
14. Rights of women workers.
15. Minimum age for paid labour.
16. Safeguarding labour of minors.
17. Social assistance and insurance.
18. Encouragement of private economic enterprise.
19. Protection of artisan trades.
20. Encouragement of co-operatives.
- 20A. Participation of Maltese citizens living abroad.
21. Application of the principles contained in this Chapter.

CHAPTER III
Citizenship

22. Persons who become citizens on appointed day.
23. Persons entitled to be registered as citizens.
24. Persons naturalized or registered as resident before appointed day.
25. Acquisition of citizenship by birth or descent by persons born on or after

CONSTITUTION OF MALTA 6

CONSTITUTION OF MALTA

The Malta Independence Order, 1964, as amended by Acts: XLI of 1965, XXXVII of 1966, IX of 1967, XXVII of 1970, XLVII of 1972, LVIII, LVIII, 1974, XXXVIII of 1976, X of 1977, XXIX of 1979, IV of 1982, XXIII of 1989; Proclamations Nos. II and VI of 1990; Acts XIX of 1991, IX of 1994; Proclamations IV of 1995 and III of 1996; Acts XI of 1996, XVII of 1997, III of 2000, XIII of 2001, V of 2003, XIV and XXI of 2007, XX of 2011, VII and X of 2014, XXIV of 2015, XLII of 2016, XLIV of 2016 and IV of 2018, XXII of 2018 III of 2019 and XXV of 2019 and XIX, XLII, XLIII, XLIV, XLV and XLI and LV of 2020 and XII and XX and XXVI of 2021

21st September, 1964*

CHAPTER I
The Republic of Malta

Substituted by: LVIII, 1974, 2.

The Republic and its territories.
Substituted by: LVIII, 1974, 3.
Amended by: IV, 1982, 2.

1. (1) Malta is a democratic republic founded on work and on respect for the fundamental rights and freedoms of the individual.
- (2) The territories of Malta consist of those territories comprised in Malta immediately before the appointed day, including the territorial waters thereof, or of such territories and waters as Parliament may from time to time by law determine.
- (3) Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance. Such a status will, in particular, imply that:
 - (a) no foreign military base will be permitted on Maltese territory;
 - (b) no military facilities in Malta will be allowed to be used by any foreign forces except at the request of the Government of Malta, and only in the following cases:
 - (i) in the exercise of the inherent right of self-defence in the event of any armed violation of the area over which the Republic of Malta has sovereignty, or in pursuance of measures or actions decided by the Security Council of the United Nations; or
 - (ii) whenever there exists a threat to the sovereignty, independence, neutrality, unity or territorial integrity of the Republic of Malta;
 - (c) except as aforesaid, no other facilities in Malta will be allowed to be used in such manner or extent as will amount to the presence in Malta of a concentration of foreign forces;
 - (d) except as aforesaid, no foreign military personnel will be allowed on Maltese territory, other than military personnel performing, or assisting in the performance of, civil works or activities, and other than a

*See The Malta Independence Order of the 2nd of September, 1964.



The Civil Code

CIVIL CODE [CAP. 16. 1

**CHAPTER 16
CIVIL CODE**

To amend and consolidate the Laws relating to Persons and the Laws respecting rights relative of Things and the different modes of acquiring and transmitting such rights.

11th February, 1870
22nd January, 1874

This Code consolidates the following:

ORDINANCE VII of 1868 (as amended by Ordinances: I of 1870, IV of 1907, XIV of 1913, II and V of 1920, Act: III of 1930, XLII of 1933, Ordinances: XI of 1933, XIX of 1937, III of 1938, XXXIX of 1939 and XXV of 1940), ORDINANCE I of 1873 (as amended by Ordinances: I of 1906, XIII of 1912, Act XXI of 1933, Ordinances: XX of 1934, XXVII of 1938 and XXII of 1939), Article I of ORDINANCE VI of 1895 and Articles 2, 4, 5, 6, 7 (1) and 8 of ORDINANCE XIII of 1895.

This Code was subsequently amended by Ordinances, II and VII of 1944, Act: XXVIII of 1948, XI of 1952, Ordinances: IV and XXXIX of 1961, XXI and XXV of 1962, Legal Notice 4 of 1963, Act XXVIII of 1965, Legal Notice 46 of 1965, Act: XXII of 1966, II and XXXI of 1966, XVI of 1967, VI of 1968, VI and XXXVIII of 1972, XI and XXV of 1973, Legal Notice 54 of 1973, Act: XLVI of 1973, I and LIV of 1974, XXXVII of 1975, Legal Notice 93 of 1975, Act LVIII of 1975, Legal Notice 148 of 1975, Act LV of 1975, Legal Notice 46 of 1976, Act: XXII, XXVII and XXXIX of 1978, Legal Notice 43 of 1977, Act: VII and XI of 1977, XXII and XXX of 1979, XXX, XLII and I of 1981, VII and IX of 1982, VI and XIII of 1983, XX of 1984, VII of 1983, XII and XXXI of 1986, Legal Notice 161 of 1988, Act: VIII of 1989, XIII of 1991, IX of 1992, V and XXI of 1993, III and XXVIII of 1994, and II, XXIV and XXX of 1995, Legal Notice 212 of 1997, Act: IX and XXII of 2000, XX and XXXI of 2002, III, VI, IX, XIII and XXVIII of 2004, Legal Notice 255 of 2004, Act: XI, XIII, XX and XXII of 2005, V of 2006, VIII, XIII and XXIV of 2007, Legal Notice 407 of 2007, Act: III, IV and XV of 2008, III, X, XII and XV of 2009, I, VIII, XX and XXXII of 2010, XIV and XXIV of 2011, and II, XV, XIX and XXIV of 2012, Legal Notices 218, 311, 426 and 463 of 2012, Act: IV and VII of 2013, and IX and XXX of 2014, Legal Notice 24 of 2015, Act: VI, XII, XVI, XX and XXX of 2015, II, VIII, XII, XXVI, XXVII, XLII of 2016, VIII of 2016, XII of 2016, XVII of 2017, XXIII of 2017, VIII of 2018, XIII of 2018, XXVIII of 2018, XXX of 2018, XXXII of 2018, XXXV of 2018, XXXVI of 2018 and XLIII of 2018, XVI and XXVIII of 2019 and XXXIII, XXXIV, XLVII, XXXIX, LVI and LXX of 2020, XXXV, XXV of 2021, and XXXVIII of 2021 and Legal Notice 336 of 2019 and 38 and 40 of 2021.

2 [CAP. 16. CIVIL CODE

ARRANGEMENT OF CODE

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Sub-title IV.	Of Divorce 66A-66N
Title II.	Of Filiation 67-112
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Chapter of the laws of Malta and subsidiary legislation

LATEST UPDATED 

- Bye-Laws for the Degree of Master of Arts in Mediterranean Studies - M.A. - under the auspices of the Faculty of Arts
- Bye-Laws in terms of the General Regulations for University Postgraduate Awards, 2021 for the degree of Master of Arts in Baroque Studies - M.A. - under the auspices of the International Institute for Baroque Studies
- Bye-Laws for the Degree of Master of Arts in Global Maritime Archaeology - M.A. - under the auspices of the Faculty of Arts.
- Bye-Laws in terms of the General Regulations for University Postgraduate Awards, for the degree of Master of Arts in Health, Medicine and Society - M.A. - under the auspices of the Faculty of Arts
- Bye-Laws for the Degree of Master of Arts in Hospitaller Studies under the auspices of the Faculty of Arts

FAQs 

	Chapter 	Chapter Title 	View
▲	Cap. 16	Civil Code	
	S.L. 16(R)	Civil Code as at 31st December 2010	
	S.L. 16.01	Placing of Minors Regulations <i>Repealed by Act XXIII of 2019</i>	
	S.L. 16.02	Duplicate Acts of Civil Status Regulations	
	S.L. 16.03	Designation of Officers in relation to Acts of Birth and Acts of Death Order <i>Repealed by Act LXV of 2020</i>	
	S.L. 16.04	Adoption Regulations	
	S.L. 16.05	Overseas Adoption (Definition) Order	
	S.L. 16.06	Interest Rate(Exemption) Regulations	
	S.L. 16.07	Civil Code (Second Schedule) (Fees) Regulations	
	S.L. 16.08	Civil Code (Second Schedule) (Notifications and Forms) Regulations	
	S.L. 16.09	Amalgamation of Organisations Regulations <i>Repealed by Act XXXVI of 2018 - See article 121</i>	
	S.L. 16.10	Civil Code (Second Schedule) (Existing Organisations)Regulations	
	S.L. 16.11	Continuation of Tenancies (Means Testing Criteria) Regulations	

Subsidiary legislation under Cap. 16 (Art. 1622A)

<p><i>CONTINUATION OF TENANCIES (MEANS TESTING CRITERIA)</i></p>	<p>[S.L.16.11 1</p>
<p>SUBSIDIARY LEGISLATION 16.11</p> <p>CONTINUATION OF TENANCIES (MEANS TESTING CRITERIA) REGULATIONS</p> <p>1st January, 2010*</p> <p><i>LEGAL NOTICE 463 of 2011, as amended by Legal Notices 154 of 2012, 261 of 2018 and 396 of 2018 and Act XXIV of 2021.</i></p>	
<p>1. The title of these regulations is the Continuation of Tenancies (Means Testing Criteria) Regulations.</p> <p>2. (1) These regulations establish the criteria of the means test to be satisfied in terms of article 4A of the Reletting of Urban Property (Regulation) Ordinance and article 12B of the Housing (Decontrol) Ordinance by a person with a claim to the continuation of the tenancy under the said articles.</p> <p>(2) In order to satisfy the means test criteria established by these regulations a person shall be required to have both an income and capital within the limits established by these regulations.</p> <p>3. Without prejudice to the provisions of regulation 8, the only relevant period, hereinafter in these regulations referred to as the "relevant period", for the calculation of means for the purposes of these regulations shall be:</p> <p>(a) with regard to the income criterion, the income between the 1st January and the 31st December during the year immediately preceding the year in which the application is filed in terms of article 4A of the Reletting of Urban Property (Regulation) Ordinance and, or, article 12B of the Housing (Decontrol) Ordinance;</p> <p>(b) with regard to the capital criterion, the capital as of the 1 January 2021, or five (5) years prior the filing of the application before the Rent Regulation Board in terms of article 4A of the Reletting of Urban Property (Regulation) Ordinance and, or, article 12B of the Housing (Decontrol) Ordinance, whichever date comes earlier.</p> <p>4. (1) Means test proceedings shall be heard by the Rent Board behind closed doors and the record of the proceedings shall only be accessible to the parties subject to an obligation on the landlord to maintain the information contained in the said record as secret information. Any person who divulges information in breach of the provisions of this regulation shall be guilty of contempt of the Rent Board without prejudice to any other civil or criminal liability to which the said fact may give rise under any other law.</p> <p>(2) Subject to any procedural rights exercisable in or in respect of means test proceedings and to the provisions of regulation 8, a</p>	<p>Citation.</p> <p>Satisfying the means test criteria. Amended by: XXIV/2021/31, Cap. 69, Cap. 158.</p> <p>Relevant period for calculation of means. Amended by: XXIV/2021/32.</p> <p>Cap. 69.</p> <p>Cap. 158.</p> <p>Cap. 69.</p> <p>Cap. 158.</p> <p>Means test proceedings. Amended by: XXIV/2021/32.</p>

*See regulation 1(2) of these Regulations, as originally promulgated.

- In subsidiary legislation the rules are called regulations and not articles.
- The term 'articles' is used for Chapters/Acts



L.N. 470 of 2021

**VETERINARY SERVICES ACT
(CAP. 437)**

**Veterinary Medicinal Products (Amendment No. 2) Regulations,
2021**

IN EXERCISE of the powers conferred by articles 30, 38 and 53 of the Veterinary Services Act, the Minister for Agriculture, Fisheries, Food and Animal Rights after consulting the Head of the National Veterinary Laboratory, has made the following regulations:-

Citation and scope.

S.L. 437.47.

1. (1) The title of these regulations is Veterinary Medicinal Products (Amendment No. 2) Regulations, 2021 and these regulations shall be read and construed as one with the Veterinary Medicinal Products Regulations, hereinafter referred to as "the principal regulations".

(2) The scope of these regulations is to increase legal certainty in regulation 88 of the principal regulations with regard to penalties.

Substitutes regulation 88 of the principal regulations.

2. Regulation 88 of the principal regulations, shall be substituted by the following:

"88. Any person who contravenes regulations 5(1), 39(1)(a)(b), 39(2)(a), 58(1) and 58A shall be guilty of an offence against article 38 and shall be liable, on conviction, to a fine (multa) of not less than five thousand euro (€5,000) and not more than ten thousand euro (€10,000)."

Legal Notice

L.C.B.L 20/10/2021

**LOCAL GOVERNMENT ACT
(CAP. 363)**

Control of Pigeons (Gudja Local Council) Bye-Laws, 2021

IN EXERCISE of the powers conferred by article 34 of the Local Government Act, the Gudja Local Council has made the following Bye-Laws:-

1.1 The title of these Bye-Laws is the Control of Pigeons (Gudja Local Council) Bye-Laws, 2021. Citation and commencement.

1.2 These Bye-Laws shall come into force one (1) month after their publication in the Gazette.

2. In these Bye-Laws, unless the context otherwise requires: Interpretation.

"Act" means the Local Government Act; Cap. 363.

"Council" means the Gudja Local Council;

"domestic pigeons" means pigeons which are kept in a residential place or in some other place for the purpose of recreation, hobby or sport;

"locality" means the Gudja locality as shown in the Second Schedule to the Act;

"wild pigeons" means pigeons which are not domestic pigeons.

3.1 The feeding of wild pigeons by any person in any part of the locality is prohibited. The feeding of wild pigeons by any person is prohibited.

3.2 It is also prohibited for a person to voluntarily leave food in places which are accessible to wild pigeons.

3.3 The provisions of this bye-law do not apply to those persons who keep or take care of domestic pigeons.

4. The owners of immovable property within the locality shall ensure that the said property be sealed in such a manner that no wild pigeons can go in or make nests therein. Abandoned immovable property.

5. Any person who fails to comply with any provisions of these Bye-Laws shall be deemed to have committed a contravention and shall, on conviction, be liable, unless a higher penalty is applicable Penalties.

under any other law:

(a) for a first contravention to a fine (*ammenda*) of forty-six euro (€46);

(b) for a second or subsequent contravention to a fine (*ammenda*) of seventy euro (€70); and

(c) in the case of a continuing contravention to a fine (*ammenda*) of twelve euro (€12) for each day that the contravention continues.

Bye-laws



Treaties

A tax treaty concluded by Malta becomes law by Ministerial order. The treaty is attached to the Maltese instrument used

VERŻJONI ELETRONIKA

B 682

L.N. 82 of 2012

INCOME TAX ACT
(CAP. 123)

Double Taxation Relief (Taxes on Income)
(Kingdom of Bahrain) Order, 2012

IN exercise of the powers conferred by article 76 of the Income Tax Act, the Minister of Finance, the Economy and Investment has made the following order:-

Citation. 1. This title of this Order is the Double Taxation Relief (Taxes on Income) (Kingdom of Bahrain) Order, 2012.

Arrangements to have effect. 2. It is hereby declared:

(a) that the arrangements specified in the Convention set out in the Schedule to this Order have been made with the Government of the Kingdom of Bahrain with a view to affording relief from double taxation in relation to the following tax imposed by the laws of the Kingdom of Bahrain:

- income tax payable under Amiri Decree No. 22/1979;

(b) that it is expedient that those arrangements should have effect;

(c) that the Convention has entered into force on the 28 February 2012.

SCHEDULE

(Article 2)

CONVENTION
BETWEEN
THE GOVERNMENT OF MALTA
AND
THE GOVERNMENT OF THE
KINGDOM OF BAHRAIN
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND
THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME

The Government of the Kingdom of Bahrain and the Government of Malta, desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:

Article 1

PERSONS COVERED

This Convention shall apply to persons who are residents of one or both of the Contracting States.

Article 2

TAXES COVERED

1. This Convention shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property and taxes on the total amounts of wages or salaries paid by enterprises.

The existing taxes to which this Convention shall apply are in particular:

- (a) in Bahrain:
- income tax payable under Amiri Decree No. 22/1979 (hereinafter referred to as "Bahrain tax"); and
- (b) in Malta:



Judgments



PRIM'AWLA TAL-QORTI ĊIVILI

IMHALLEF

ONOR. CHRISTIAN FALZON SCERRI

Seduta ta' nhar il-Ġimgħa, 28 ta' Jannar, 2022

Rikors Maħluf Nru: 524/2021

MAGRI BATHROOMS LIMITED

vs.

BUILDING ENERGY TECHNOLOGIES LTD

Il-Qorti:

1. Dan huwa digriet dwar talba tal-kumpannija konvenuta Building Energy Technologies Ltd sabiex hija tithalla żżid eċċezzjoni oħra fir-risposta maħlufa tagħha;

Dahla

2. B'rikors imressaq fl-1 ta' Settembru, 2021, il-kumpannija konvenuta Building Energy Technologies Ltd talbet biex hija żżid l-eċċezzjoni dwar in-nullità tal-kitba privata tas-16 ta' Ottubru, 2020 minhabba li hija tgħid li din ma sarixt b'att pubbliku skont l-**artikolu 1719(1) tal-Kap 16 tal-Liġijiet ta' Malta**;
3. Il-kumpannija attriċi Magri Bathrooms Limited wiegħbet fl-4 ta' Ottubru, 2021 u qalet li din it-talba għandha tiġi miċħuda peress li din l-eċċezzjoni setgħet titressaq mill-ewwel

fir-risposta maħlufa u peress li l-validità ta' din il-kitba ġa qiegħda tiġi mistharrġa f'kawża oħra separata minn din;

4. Waqt is-seduta tat-18 ta' Jannar, 2022, il-qorti semgħet it-trattazzjoni tal-avukati tal-partijiet fuq dan ir-rikors u minn hemm il-kawża ġiet differita għal-lum sabiex jingħata dan id-digriet;

Fatti

5. Fit-28 ta' Mejju, 2021, il-kumpannija attriċi ressqet rikors maħluf (ara paġni 1 sa 6 tal-atti tal-kawża), li permezz tiegħu hija talbet biex il-kumpannija konvenuta tiġi kkundannata tħallasha għad-danni li ġarrbet minhabba li skontha l-kumpannija konvenuta ma qagħditx mal-obbligi msemmija f'kitba privata tas-16 ta' Ottubru, 2020;
6. Il-kumpannija konvenuta ressqet risposta maħlufa fil-25 ta' Ġunju, 2021 u fiha hija tat sensjela ta' eċċezzjonijiet għaliex ir-rikors maħluf għandu jiġi miċħud (ara paġni 11 sa 15 tal-atti tal-kawża);
7. FI-1 ta' Settembru, 2021 il-kumpannija konvenuta ressqet dan ir-rikors biex tithalla żżid eċċezzjoni oħra (ara paġni 84 u 85 tal-atti), li qiegħed jiġi deciz illum f'dan id-digriet;

Konsiderazzjonijiet

8. Il-liġi tgħid fl-**artikolu 728(1) tal-Kap 12 tal-Liġijiet ta' Malta** li meta l-kawża tkun inbdiet permezz ta' rikors maħluf, allura bħala regola ġenerali l-eċċezzjonijiet kollha tal-konvenut għandhom jingħataw fir-risposta maħlufa. Skont l-**artikolu 158(1) tal-Kap 12 tal-Liġijiet ta' Malta**, din ir-risposta maħlufa trid tiġi preżentata fi żmien għoxrin jum mid-data tan-notifika tar-rikors maħluf;



9. L-artikolu 728(2) tal-Kap 12 tal-Liġijiet ta' Malta jkompli jgħid li ebda eċċezzjoni oħra ma tista' tingħata f'waqt ieħor tal-kawża, b'dan li l-qorti tista' meta jsirilha rikors mill-konvenut tippermetti li jingħataw iktar eċċezzjonijiet, jekk il-qorti tkun sodisfatta li kien hemm raġunijiet validi l-għaliex dawn l-eċċezzjonijiet ma jkunux ingħataw fir-risposta oriġinali;
10. Madankollu din ir-regola ġenerali li eċċezzjonijiet addizzjonali għandhom jithallew jittressqu biss jekk ikun hemm il-barka tal-qorti, ma tghoddx f'zewg sitwazzjonijiet speċifiċi, viz. (i) jekk l-eċċezzjoni addizzjonali tkun waħda li tista' titressaq f'kull waqt tal-proċeduri skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (ara artikolu 731 tal-Kap 12 tal-Liġijiet ta' Malta); u (ii) jekk l-eċċezzjoni addizzjonali tkun waħda ta' sura perentorja (ara artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta). Għal aktar taġrif dwar dan is-suġġett wiehed jista' jara s-sentenzi *Sunspot Tours Limited v. C.H. Caterers Limited* deciza mill-Qorti tal-Appell fis-16 ta' Diċembru, 2003, *Bank of Valletta plc v. Sand & Gravel Limited et* deciza mill-Qorti tal-Appell fil-25 ta' Ottubru, 2013, *Nicholas de Giorgio v. Vincent Paul Savona et* deciza mill-Qorti tal-Appell fit-30 ta' Settembru, 2016 u *Paul Fiorentino et v. David Jones noe* deciza mill-Qorti tal-Appell fil-5 ta' Ottubru, 2018);
11. Kif ingħad mill-Prim'Awla tal-Qorti Ċivili fis-sentenza *Kevin Azzopardi v. L-Onorevoli Prim Ministru et* deciza fis-27 ta' Marzu, 2014, jekk l-eċċezzjoni addizzjonali tkun ta' sura perentorja jew l-eċċezzjoni addizzjonali tkun waħda li tista' titqajjem f'kull stadju skont il-Kap 12 tal-Liġijiet ta' Malta, allura l-qorti ma tistax tinqeda bid-diskrezzjoni li tara jekk kienx hemm raġuni tajba għaliex dawn l-eċċezzjonijiet ma jkunux tressqu qabel iżda hija marbuta li thallihom jittressqu fil-kawża. Tassew l-uniku s'fharriġ li trid taġhmel il-qorti f'qagħda bħal din, huwa li tikkonferma jekk l-eċċezzjoni addizzjonali li trid titressaq mill-konvenut hijiex tabilhaqq ta' sura perentorja jew inkella din hijiex eċċezzjoni li tista' titqajjem f'kull stadju skont il-Kap 12 tal-Liġijiet ta' Malta;

12. Imħaddem dan kollu għall-każ taġhna, l-eċċezzjoni addizzjonali li l-kumpannija konvenuta trid iżżid mal-eċċezzjonijiet taġhna hija l-eċċezzjoni li l-ftehim tas-16 ta' Ottubru, 2020 li fuqu l-kumpannija attriċi sejsset il-kawża taġhna, huwa null minħabba li dan ma sarx fis-sura ta' att pubbliku skont l-artikolu 1719(1) tal-Kap 16 tal-Liġijiet ta' Malta;
13. Ma hemmx dubju li kif tajjeb tgħid il-kumpannija attriċi fit-twegiba taġhna, din l-eċċezzjoni kienet żgur magħrufa lill-kumpannija konvenuta meta hija hejjet u pprezentat ir-risposta mahlufa għaliex jekk il-ftehim tas-16 ta' Ottubru 2020 sarx b'att pubbliku jew b'kitba privata, wiehed seta' jkunu jafu dakinhar li gie ffirmat il-ftehim. Għalhekk skont l-artikolu 728 tal-Kap 12 tal-Liġijiet ta' Malta din l-eċċezzjoni kien imissha tqajmet mill-ewwel fir-risposta mahlufa u l-qorti ma tistax tkun sodisfatta li hemm raġunijiet tajba għaliex din l-eċċezzjoni ma ngħatax minnufih fir-risposta mahlufa;
14. Madankollu l-qorti ma tistax tieqaf hawn, imma trid tara jekk din l-eċċezzjoni addizzjonali li trid tiġi mressqa, hijiex waħda li tista' titqajjem f'kull stadju skont il-Kap 12 tal-Liġijiet ta' Malta jew inkella hijiex waħda ta' sura perentorja skont l-artikoli 731 u 732 tal-Kap 12 tal-Liġijiet ta' Malta;
15. L-eċċezzjoni tan-nullità tal-ftehim ta' transazzjoni minħabba li din ma sarix fil-forma ta' att pubbliku mhijix eċċezzjoni li skont il-Kap 12 tal-Liġijiet ta' Malta tista' titqajjem f'kull stadju tal-proċeduri. Għalhekk id-deroga msemmija fl-artikoli 731 tal-Kap 12 tal-Liġijiet ta' Malta ma tghoddx;
16. Li rridu naraw mela huwa jekk din l-eċċezzjoni hijiex waħda ta' għamla perentorja skont l-artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta;
17. Inghad mill-Qorti tal-Appell fis-sentenza *Pauline Brockdorff v. Mondial Travel* maqtugħa fit-28 ta' Novembru, 2008, illi eċċezzjonijiet perentorji li jaqgħu taħt l-artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta, «huma daww li jekk jintlaqgħu jeżawrixxu

għalkollox il-mertu b'mod li l-kawża ma tistax terġa' tiġi proposta kontra l-istess konvenut»;

18. Il-qorti tqis li l-eċċezzjoni ulterjuri tan-nullità tal-ftehim ta' transazzjoni li l-kumpannija konvenuta trid illi tiffirma tressaq hija waħda ta' sura perentorja għaliex jekk din l-eċċezzjoni tinstab li hija waħda tajba, din għandha s-saħħa li toqtol il-jedd li qiegħda tfitx il-kumpannija attriċi f'din il-kawża. Jekk il-ftehim tas-16 ta' Ottubru, 2020 jiġi dikjarat null minhabba li skont l-artikoli 1212 u 1716(1) tal-Kap 16 tal-Liġijiet ta' Malta ma tkunx ġiet imħarsa xi formalità mitluba mil-liġi, allura ma jkunx possibbli għall-kumpannija attriċi li hija titlob li tiġi mħallsa d-danni minhabba nuqqas ta' twettiq ta' dak il-ftehim. Dan hu hekk, għaliex ladarba dak il-ftehim jiġi dikjarat null allura dak il-ftehim ma jkunx jorbot aktar bejn il-partijiet;
19. Barra minn hekk, din il-qorti aktar tkompli tikkonvinci ruħha li din l-eċċezzjoni hija waħda ta' sura perentorja għaliex skont l-artikolu 1226(1) tal-Kap 16 tal-Liġijiet ta' Malta, l-eċċezzjoni ta' nullità ta' ftehim tista', **f'kull żmien**, tiġi mogħtija minn dak li jkun imħarek għall-esekuzzjoni tal-kuntratt, fil-każijiet kollha li fihom huwa nnifsu seta' jaġixxi għar-rexxissjoni (ara f'dan is-sens *Jeffrey Farrugia et v. Salvina Xuereb pro et noe* deċiża mill-Qorti tal-Appell fit-13 ta' Lulju, 2020). F'dan il-każ, in-nullità tal-ftehim tas-16 ta' Ottubru, 2020 tista' titqajjem mill-kumpannija konvenuta għaliex kienet parti fih;
20. Darba għalhekk li l-eċċezzjoni li trid tqajjem il-kumpannija konvenuta hija waħda perentorja, din il-qorti ma tistax skont l-artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta żżommha milli tressaqha;
21. Il-qorti tagħlaq billi tirreferi għas-sottomissjoni tal-kumpannija attriċi li ġa hemm proċeduri oħra bejn il-partijiet dwar in-nullità tal-ftehim tas-16 ta' Ottubru, 2020. Dawn il-proċeduri li l-kumpannija attriċi qiegħda tagħmel riferenza għalihom huma l-proċeduri bin-numru 435/2021AJD li Building Energy Technologies Limited fetthet kontra Magri Bathrooms Limited u oħrajn;

22. Il-qorti fliet ir-rikors maħluf li tressaq minn Building Energy Technologies Ltd fil-kawża 435/2021AJD, li kopja tiegħu ġie esebit f'paġni 18 sa 81 ta' dawn l-atti, u tqis li għalkemm f'dik il-kawża qiegħed tabilhaqq jintalab in-nullità tal-ftehim tas-16 ta' Ottubru, 2020, madankollu r-raġuni tan-nullità mqajma f'dawk il-proċeduri ma saritx fuq il-fatt li l-ftehim ma sarx b'att pubbliku iżda saret fuq il-fatt li dak il-ftehim sar b'qerq jew bi żball;
23. Minhabba f'hekk ma hemmx dak ix-xkiel li qed tgħid li hemm il-kumpannija attriċi sabiex titressaq din l-eċċezzjoni ulterjuri, ladarba r-raġuni tan-nullità li trid tqajjem Building Energy Technologies Ltd f'din il-kawża hija differenti mir-raġuni ta' nullità mqajma fil-kawża 435/2021AJD;

Deċiżjoni

Għaldaqstant għal dawn ir-raġunijiet, din il-qorti qiegħda tilqa' t-talba tal-kumpannija konvenuta, kif miġjuba fir-rikors tagħha tal-1 ta' Settembru, 2021, u b'hekk tawtorizzaha illi tressaq l-eċċezzjoni miżjuda dwar in-nullità tal-ftehim tas-16 ta' Ottubru, 2020 minhabba allegat nuqqas ta' harsien tal-artikolu 1719(1) tal-Kap 16 tal-Liġijiet ta' Malta. Din l-eċċezzjoni għandha tiġi mressqa formalment mill-kumpannija konvenuta permezz ta' risposta maħlufa ulterjuri li għandha tiġi mressqa fl-atti ta' din il-kawża fi żmien ġimagħtejn mil-lum.

Christian Falzon Scerri
Imħallef

Mary Josephine Musu
Deputat Reġistratur

Government Gazette



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779

Nru. 126

No. 126

NUMRI ĠODDA TA' BIBIEN FL-IMĠARR

BIS-SAHHA tal-poteri mogħtija bl-artikolu 115 tal-Kodiċi tal-Ligijiet tal-Pulizija (Kap. 10), il-Prim Ministru għogħbu jordna illi n-numri/ismijiet ta' bibien fit-triq imsemmija fl-Imġar, hawn taħt elenkati u speċifikati f'din l-iskeda, għandhom jinbidu kif jidher fl-iskeda msemmija.

NUMBERING OF DOORS AT L-IMĠARR

IN exercise of the powers conferred by section 115 of the Code of Police Laws (Cap. 10), the Prime Minister has been pleased to order that the numbers/names of the doors in the undermentioned street at L-Imġar, specified in the subjoined schedule, be altered as stated in the said schedule.

SKEDA/SCHEDULE L-IMĠARR

TRIQ PROFS. DAVID H. TRUMP

In-naha tax-xellug meta tidhol minn
Triq Sir Temi Zammit

In-naha tal-lemin meta tidhol minn
Triq Sir Temi Zammit

Left side entering from Triq Sir Temi Zammit

Right side entering from Triq Sir Temi Zammit

Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number	Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number
Garaxx	1	Sit bla bini	2
Bieb bla numru (Flettijiet)	3	Sit bla bini	4
Garaxx	5	Sit bla bini	6
Garaxx	7	Garaxx	8
Sabinella	9	Springfield	10
Garaxx	11	Garaxx	12
Bieb bla numru	13	Bieb bla numru	14
Garaxx	15	Mystic Rose	16
Great White	17	Garaxx	18
Garaxx	19	Bieb bla numru (Flettijiet)	20
Thistle	21	Garaxx	22
		Garaxx	24
		Garaxx	26

It-28 ta' Jannar, 2022

28th January, 2022

Nru. 127

No. 127

NUMRI ĠODDA TA' BIBIEN F'MARSASKALA

BIS-SAHHA tal-poteri mogħtija bl-artikolu 115 tal-Kodiċi tal-Ligijiet tal-Pulizija (Kap. 10), il-Prim Ministru għogħbu jordna illi n-numri/ismijiet ta' bibien fit-triq imsemmija f'Marsaskala, hawn taħt elenkati u speċifikati f'din l-iskeda, għandhom jinbidu kif jidher fl-iskeda msemmija.

IN exercise of the powers conferred by section 115 of the Code of Police Laws (Cap. 10), the Prime Minister has been pleased to order that the numbers/names of the doors in the undermentioned street at Marsaskala, specified in the subjoined schedule, be altered as stated in the said schedule.

SKEDA/SCHEDULE MARSASKALA

TRIQ IL-GRIGAL

In-naha tax-xellug meta tidhol minn
Triq is-Salini

In-naha tal-lemin meta tidhol minn
Triq is-Salini

Left side entering from Triq is-Salini

Right side entering from Triq is-Salini

Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number	Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number
14, Le Chaim	1	Garaxx	2



kerrej bejn l-1 ta' Jannar u l-31 ta' Diċembru, 2020, u fuq il-kapital tal-kerrej fil-31 ta' Diċembru tal-2020;

3. Jiddikjara u jiddeciedi illi ai termini tal-Att XXIV tal-2021, il-keira għandha tiġi riveduta għal ammont li ma jeċċedix it-2 fil-mija fis-sena tal-valur liberu u frank tas-suq miġjub tal-fond 117, Fl 3, Triq is-Sur, L-Isola u sabieħ jġu stabbiliti kundizzjonijiet godda fir-rigward tal-keira;

4. Jordna, f'każ illi l-intimat Carmel sive Charles Degiorgio (KI 354863M) ma jissodisfax il-kriterji tad-dhul u tal-kapital tat-test tal-mezzi, l-iżgumbrament tal-istess intimat Carmel sive Charles Degiorgio (KI 354863M) mill-fond inkwistjoni 117, Fl. 3, Triq is-Sur, L-Isola, fi żmien qasir u perentorju stabbilit minn dan il-Bord u mhux aktar tard minn sentejn mill-1 ta' Gunju, 2021.

Bl-ispejjeż u bl-ingunzjoni tal-intimati għas-subizzjoni u b'riserva u mingħajr preġudizzju għal kwalsijasi azzjoni oħra li tista' talvolta tiġi prezentata.

Rikorrenti: 79, The Orchid, St Francis Street, Hal Balzan
Intimat: 117, Fl. 3, Triq is-Sur, L-Isola
L-Awtorità tad-Djar

Ir-rikors fi-ismijiet Jean Paul Zammit et vs Carmel sive Charles Degiorgio et, Rikors numru 660/2021LC, jinsab differit għall-4 ta' Frar, 2022, fi-10.00 a.m.

Registru tal-Qrati Superjuri, illum 26 ta' Jannar, 2022

ALEXANDRA DEBATTISTA
Għar-Registatur, Qrati Civili u Tribunali

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Permezz ta' digriet mogħti mill-Qorti tal-Magistrati (Malta) fil-15 ta' Diċembru, 2021, fi-atti tal-ittra uffiċjali numru 973/2021, fi-ismijiet Finance House plc vs Aaron Galea ordnat is-segweni pubblikazzjoni biex iservi ta' notifika fil-konfront tal-intimat Aaron Galea a tenur tal-Artikolu 187(3) et sequitur tal-Kap. 12.

Fil-Qorti tal-Magistrati (Malta)

Illum t-28 ta' April, 2021
Lil Aaron Galea (KI 499994M) ta' Blk B, Flat 18, Triq il-Hawha, San Gwann

Permezz tal-preżenti Finance House plc (C58869) ta' Anes House, Triq l-Imdina, Haz-Zebbuġ, Malta, tinterpellak sabieħ immedjament thallas is-somma ta' €1,442.16 oltre l-imghax legali mill-iskadenza ta' kull kambjala sal-pagament effettiv, rappreżentanti 9 skadenzi ta' kambjali, kull waħda b'valur ta' €160.24, liema kambjali mmaturaw fil-15-il

shall be based on the income of the lessee between 1st January and 31st December, 2020, and on the capital of the same lessee on the 31st December, 2020;

3. Declare and decide that in accordance with Act No XXIV of 2021, the rent shall be revised to an amount not exceeding 2% of the free and unencumbered open market value of the premises 117, Fl 3, Triq is-Sur, Isla and to establish new conditions regarding the lease;

4. Order that if the respondent Carmel sive Charles Degiorgio (ID 354863M) does not meet the criteria of income and capital of the means test, the eviction of the same respondent from the premises in question within a short and peremptory time established by this Board and by not later than two years from the 1st June, 2021.

With costs against the respondents who are from now summoned so that a reference to their oath be made and without prejudice to any other action that may eventually be brought.

Applicants: 79, The Orchid, St Francis Street, Hal Balzan
Respondent: 117, Fl. 3, Triq is-Sur, Isla
Housing Authority

The application in the names Jean Paul Zammit et vs Carmel sive Charles Degiorgio et, Application number 660/2021LC, has been postponed for hearing to the 4th February, 2022, at 10.00 a.m.

Registry of the Superior Courts, today 26th January, 2022

ALEXANDRA DEBATTISTA
For the Registrar, Civil Courts and Tribunals

By means of a decree of the 15th December, 2021, handed down by the Court of Magistrates (Malta) in the records of the judicial letter number 973/2021 in the names Finance House plc vs Aaron Galea the following publication was ordered for the purpose of effecting service on the respondent Aaron Galea in terms of Article 187(3) et sequitur of Cap. 12.

In the Court of Magistrates (Malta)

Today 28th April, 2021
To Aaron Galea (ID 499994M) of Blk B, Flat 18, Triq il-Hawha, San Gwann

By the present Finance House plc (C58869) of Anes House, Triq l-Imdina, Haz-Zebbuġ, Malta, solicits you so that immediately you pay the amount of €1,442.16 besides the legal interest from the due day of each bill of exchange till the effective payment representing 9 bills of exchange each of the value of €160.24, which bill of exchange matured on the

gurnata ta' kull xahar minn Settembru 2019 sa Mejju 2020 rispettivament (kopji hawn annessi u mmarkati Dok. A1-A9).

Din l-ittra uffiċjali qed issirlek a tenur tal-Artikoli 253(e) u 256(2) tal-Kodiċi tal-Organizzazzjoni u Procedura u għaldaqstant il-mittenti javvertik illi jekk fi żmien ghoxrin gurnata min-notifika ta' din l-ittra uffiċjali inti ma turix lill-Qorti raġunijiet gravi u validi biex topponi l-eżekuzzjoni ta' dawn il-kambjali allura dan il-kreditu jiġi rez titolu eżekuttiv u jingħarġu kontra tiegħek il-mandati eżekuttivi kollha spettanti lilu skont il-liġi.

Tant biex tghraf timxi u tirregola ruhek u bl-ispejjeż kontra tiegħek.

Registru tal-Qrati tal-Magistrati (Malta), illum s-27 ta' Jannar, 2022

ALEXANDRA DEBATTISTA
Għar-Registatur tal-Qrati Civili u Tribunali

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B' digriet tad-19 ta' Jannar, 2022, mogħti mill-Qorti Civili Prim'Awla, din il-Qorti ordnat il-pubblikazzjoni tal-estratt li jidher hawn taht biex iservi ta' notifika skont l-Artikolu 187(3) u 338 (1) tal-Kodiċi tal-Procedura u Organizzazzjoni Civili (Kap. 12)

B' digriet tas-27 ta' Jannar, 2020, mogħti mill-Qorti Civili Prim'Awla, din il-Qorti ordnat il-pubblikazzjoni tal-estratt li jidher hawn taht biex iservi ta' notifika skont l-Artikolu 338 (1) tal-Kodiċi tal-Procedura u Civili (Kap.12)

Illib'Rikors u Ċedola ta' Kompensazzjoni kontestwalment preżentati minn Bank of Valletta plc (C2833) fit-23 ta' Jannar, 2020, qed tintalab tpaċija tal-ammont ta' €150,000 prezz minnhom offert fil-bejgħ bl-irkant 74/16 fi-ismijiet Bank of Valletta plc (C2833) vs John Bugeja (KI 16067M) miżmum taht l-Awtorità ta' din il-Qorti fis-16 ta' Jannar, 2020.

Skont Artiklu 338 (2) tal-Kapitlu 12: Kull min jista' jkollu interess u l-persuni hekk notifikati għandhom żmien ghoxrin gurnata biex jipprezentaw twegiba li fih jiddikjaraw bid-dettall ir-raġunijiet għall-oppozzjoni tagħhom u s-somom kontestati; u meta dik l-oppozzjoni tkun imsejha fuq talba li tolgot ir-rikavat tal-bejgħ u allegata kawza ta' preferenza, huma għandhom jiddikjaraw l-ammont ta' dik it-talba u l-bażi għal dik il-preferenza. Dawn il-persuni għandhom fimmkien mar-risposta jipprezentaw kull prova rilevanti sabieħ jissostanzjaw l-opoizzjoni tagħhom.

Registru tal-Qorti Superjuri, illum il-Hamis, 27 ta' Jannar, 2022

GAETANA AQUILINA
Għar-Registatur, Qrati Civili u Tribunali

15th day of each month from September 2019 till May 2020 respectively (copies here attached and marked as Doc. A1-A9).

This judicial letter is being made in terms of Articles 253(e) and 256(2) of the Code of Organisation and Civil Procedure and thus the interpellant warns you that if within twenty days from the notification of this judicial letter you do not show to this Court grievous and valid reasons to oppose the execution of this bills of exchange, thus this credit will be rendered executive title and all the executive warrants will be issued against you according to law.

For you to be guided accordingly and to know how to proceed and with costs against you.

Registry of the Court of Magistrates (Malta), today 27th January, 2022

ALEXANDRA DEBATTISTA
For the Registrar, Civil Courts and Tribunals

By a decree of the 19th January, 2022, given by the Civil Court First Hall, the Court ordered that the extract hereunder mentioned be published for the purpose of service according to article 187(3) and 338 (1) of the Code of Organization and Civil Procedure (Cap. 12)

By a Decree of the 27th January, 2020, given by the First Hall Civil Court, the Court ordered that the extract hereunder mentioned be published for the purpose of service according to the Article 338 (1) of the Code of Organization and Civil Procedure (Cap. 12).

That by application and a Schedule of set-off filed contemporaneously by Bank of Valletta p.l.c. (C2833) on the 23rd January 2020, the approval of the said judicial acts is being demanded for the amount of €150,000 following judicial sale by auction 74/16 in the names Bank of Valletta plc (C2833) vs John Bugeja (ID 16067M) held under the Authority of the said Court on the 16th January, 2020.

According to Article 338 (2) of Cap. 12: Any person who may have an interest and the persons so served shall be allowed the time of twenty days to file an answer stating in detail the reasons for their opposition and the amounts in contestation; and where such opposition is based on a claim against the proceeds of sale an alleged cause of preference, they are to state the amount of such claim and the basis for the preference. Such persons shall with the answer file all relevant evidence to substantiate their opposition.

Registry of the Superior Courts, this Thursday, 27th January, 2022

GAETANA AQUILINA
For the Registrar, Civil Courts and Tribunals