

Award in Introduction in Business Law

Lecture Title: *The Maltese Legal System*

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Date: 17th October 2023



The law is is a living instrument

- What is law?
- Why are laws needed?



The law is a living instrument

- Amendments and promulgation aimed to reflect society & its evolution
- Interpretation of laws
- Judgments delivered by adjudicating bodies
- EU Legislation & Human Rights
- Precedent
- Customary law



Legal History

- A brief study of *Maltese history* tells us about the impact different colonisers & rulers had on *Maltese legislation*;
- 21st September 1964 – Malta gains independence
- Mixed legal system
- Roman Law - Codified by Justinian – basic principles
- Common Law – British Rule – legal institutions & principles (evidence, trial by jury etc)
- Two of the largest legal systems creating a hybrid legal system



Customary law

- Usages of Trade – Article 3 of the Commercial Code, Chapter 13 of the Laws of Malta – *“In commercial matters, the commercial law shall apply: Provided that where no provision is made in such law, the usages of trade or, in the absence of such usages, the civil law shall apply”*
- *“Unwritten rules established by constant and uniform practice based on a collective conviction that those unwritten rules are applicable as law”*
– Navarini
- Uniform, continuous observance coupled with a collective conviction of persons involved in the trade



Precedent

- Not adhered to in *Malta* however *Maltese Courts*, in particular the *Constitutional Court* & the *Court of Appeal* have the tendency of basing their decisions on previous decisions taken either by local courts or the *European Court on Human Rights*



Civil Law v Common Law

Civil Law

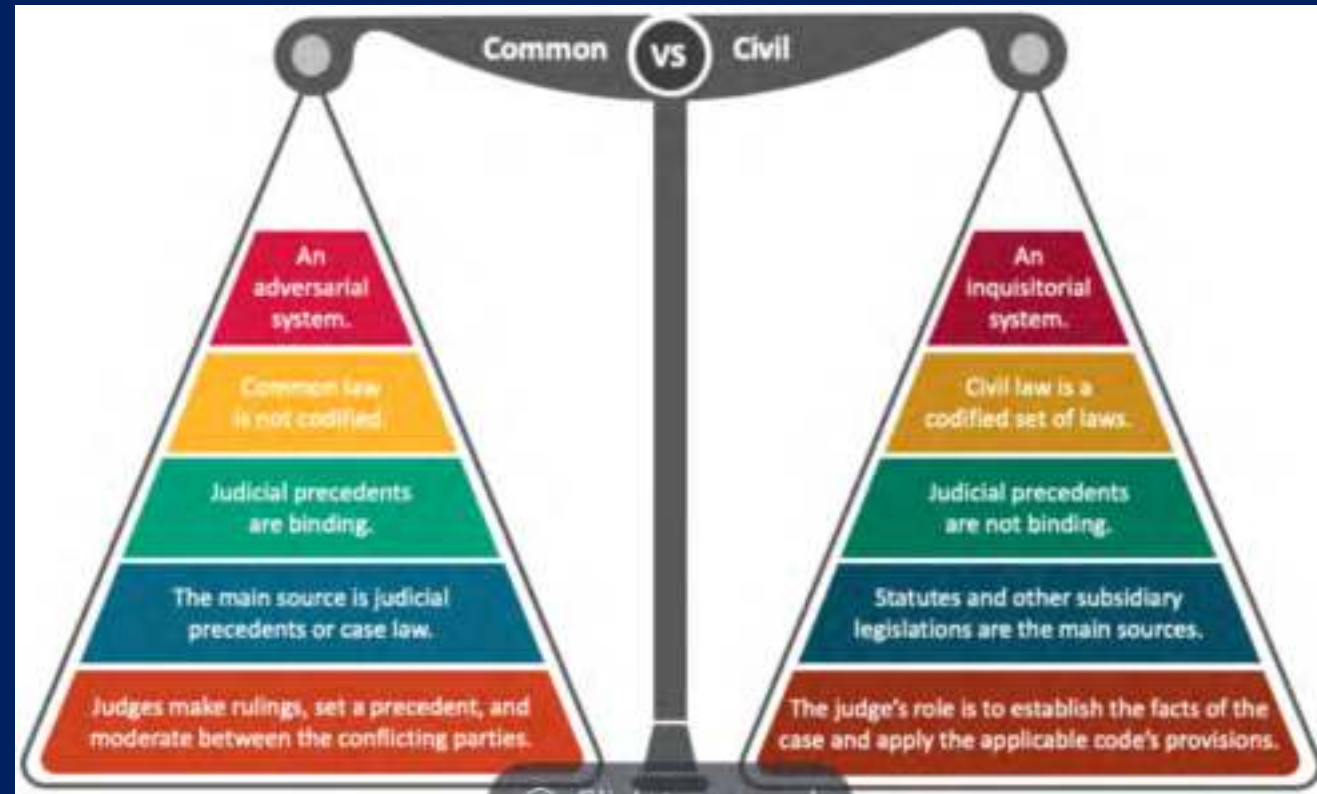
- Roman Law
- Regulates private law
- Custom
- Codification supercedes custom

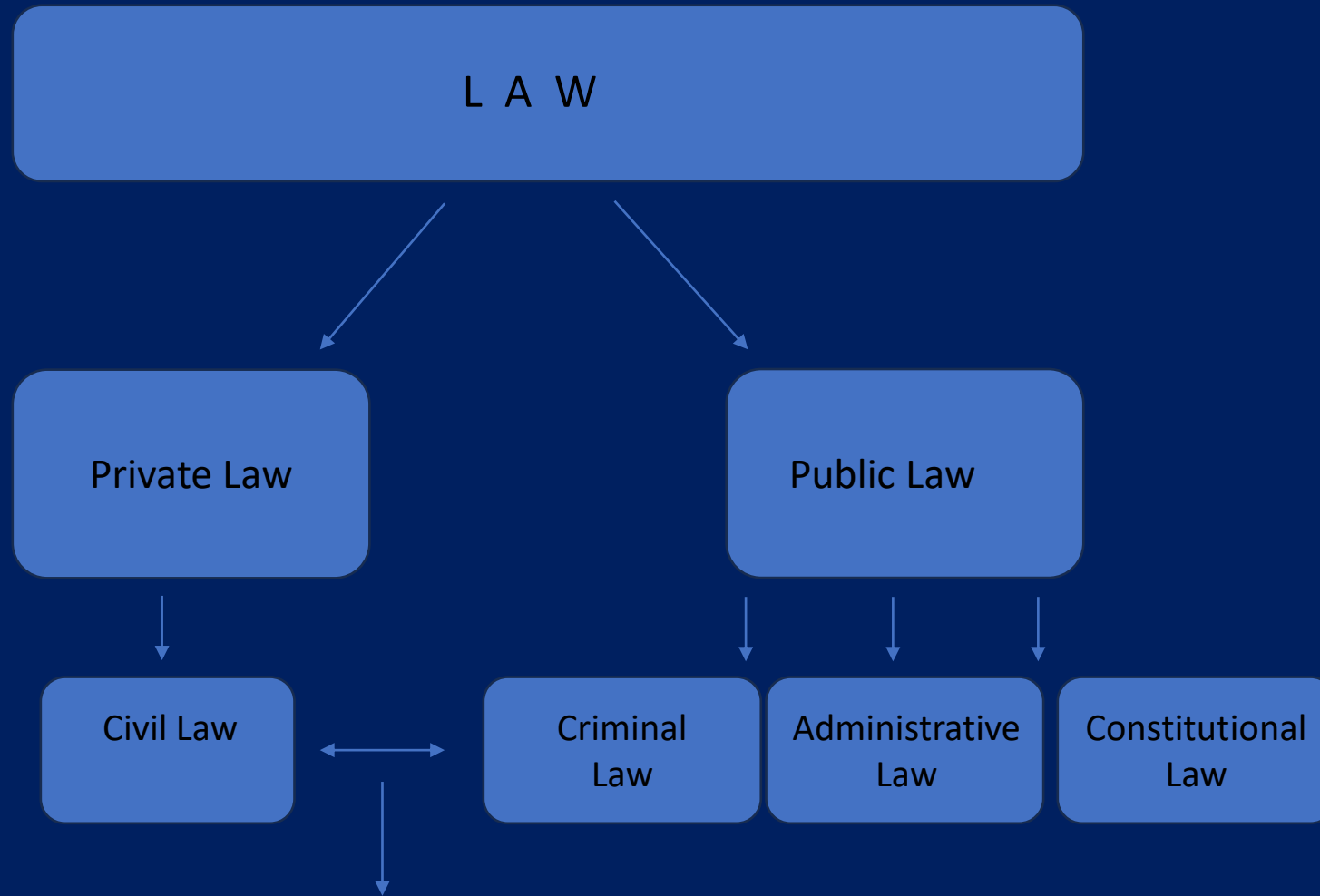
Common law

- British
- Traditions of Royal Courts
- Precedent
- Statute to supplement custom



Civil Law v Common Law





Article 3 Chapter 9 of the Laws of Malta

European
Union Law

Substantive
Law

Procedural
Law



Separation of Powers

- Democratic Society – a system which aims to ensure checks and balances
- Each are independent on one another

- The Executive – Cabinet – Implementation of Laws
- The Legislature – Parliament – Enactment of Laws
- The Judiciary – Courts – Interpretation of Laws



Rule of Law

- The separation of powers helps to ensure that the principles of the Rule of Law are present in a democratic society
- Every person is subject to the law
- All persons are equal in the eyes of the law
- The rights and liberties of persons are embodied in the law of the land

Independence and impartiality of the judiciary – systems of government and democracy



The Constituton

- A Commentary on the Constitution of Malta by Tonio Borg
- 1964 – Final Independence Constitution
- *“Constitutions are not laws – they are the law of laws. They legislate the legislator, they judge the judiciary, they execute the executive. The constituton is the ultimate protector of the defenceless, the last bastion against state injury. For it to survive it requires the untiring homage of all, of the dominant and of the underdog.”*



The Constitution

- Language
- Flag
- Religion
- Territory
- Citizenship
- Human Rights
- Composition of Parliament
- Voting



Attorney General

*Attorney General.
Amended by:
LVIII.1974.43;
XIV.2007.4;
XIV.2020.3;
XLI.2020.3.*

91. (1) There shall be an Attorney General whose office shall be a public office and who shall be appointed by the President acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified to hold office as Attorney General unless he is qualified for appointment as a judge of the Superior Courts.

(3) In the exercise of his powers to institute, undertake and discontinue criminal proceedings and of any other powers conferred on him by any law in terms which authorise him to exercise that power in his individual judgment the Attorney General shall have Constitutional independence and shall not be subject to the direction or control of any other person or authority except insofar as a law may provide:

- (a) for the judicial review of a decision not to prosecute or of any other decision taken by the Attorney General, on the grounds of illegality or unreasonableness; or
- (b) for the judicial review on the basis of criteria established by law of a decision of the Attorney General that a prosecution should take place in a superior court of criminal jurisdiction where the punishment applicable would be higher than that which would apply had the same offence been tried before an inferior court of criminal jurisdiction.

(4) Subject to the provisions of sub-article (5) of this article,



State Advocate

State Advocate.
Added by:
[XXV.2019.10](#);
Amended by:
[XLV.2020.4](#).

91A. (1) There shall be a State Advocate whose office shall be a public office and who shall be appointed by the President acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified to hold office as State Advocate unless he is qualified for appointment as a judge of the Superior Courts.

CONSTITUTION OF MALTA

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(3) The State Advocate shall be the advisor to Government in matters of law and legal opinion. He shall act in the public interest and shall safeguard the legality of State action. The State Advocate shall also perform such other duties and functions as may be conferred upon him by this Constitution or by any law. In the exercise of his functions, the State Advocate shall act in his individual judgment and he shall not be subject to the direction or control of any other person or authority.



Enactment of Laws

- Main Legislation – Enacted by Parliament
- First Reading – Title
- Bill – Draft Law published on Government Gazette
- Parliamentary Discussion
- Second Reading – Minister to introduce the Bill to the house
- Committee Stage – provisions revised – amendments etc
- Third Reading – Formally read as revised and amended
- Bill transmitted to President of Republic whos signature makes the bill officially law



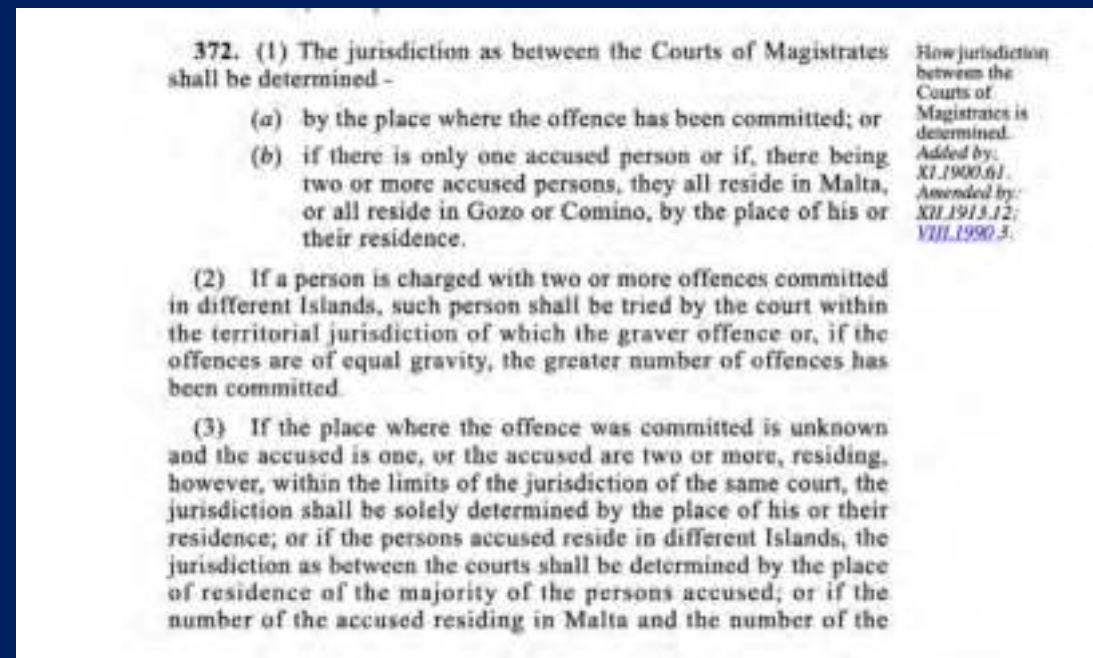
Language

- Reflected in the Maltese Language
 - 1934 – Italian
 - National Language v Official Languages
 - Chapter 189 Judicial Proceedings (Use of English) Act
 - Maltese prevails over English (sidebar)
-
- *“every person shall be deemed to be Maltese-speaking unless the court shall be satisfied to the contrary”*



Jurisdiction & Competence

- Jurisdiction relates to where a judicial entity can carry out its duties or enforce decisions – for instance Malta & Gozo in criminal matters – Article 372 of the Criminal Code, Chapter 9 of the Laws of Malta



Jurisdiction & Competence

- Competence on the other hand refers to the limitations imposed on courts in so far as their authority to deal with a specific matter – 15,000 for the Court of Magistrates

deems himself aggrieved, to bring an action before the Civil Court, First Hall, for the necessary order.

36. (1)* The Civil Court, First Hall and the Civil Court (Family Section) shall be competent to hear cases in Malta and Gozo.

(2)[†] The Civil Court, First Hall and the Civil Court (Family Section) shall hold sittings both in Malta and in Gozo.

(3)[‡] When the Civil Court, First Hall and the Civil Court (Family Section) hold sittings in Malta, they shall take cognizance of all claims against persons residing or having their ordinary abode in the Island of Malta, and of all other causes expressly assigned by law to such sections of the Civil Court.

(4)[§] When the Civil Court, First Hall and the Civil Court (Family Section) hold sittings in Gozo, they shall take cognizance of all claims against persons residing or having their ordinary abode in the Islands of Gozo and Comino, and of all other causes expressly assigned by law to such sections of the Civil Court.

(5)^{**} The rules set out in this Code concerning the *privilegium fori* and the exceptions thereto shall apply also between the Civil Court, First Hall and the Civil Court (Family Section) when sitting in the island of Malta and when sitting in the island of Gozo.

(6)^{††} Causes which are not included in the causes which may be heard by the Civil Court, First Hall and the Civil Court (Family

of Court of
voluntary
jurisdiction.
Amended by:
IX.2006.11.

Competence of the
Civil Court.
Added by:
I.2018.2.
Amended by:
XII.2019.3;
I.2021.64.

*Not yet in force. See Legal Notice 164 of 2018.

[†]Not yet in force.

[‡]Not yet in force.

Title III

OF THE INFERIOR COURTS

47. (1) A magistrate shall sit in the Court of Magistrates (Malta), and such court shall, as a court of first instance, hear and determine all claims of an amount not exceeding fifteen thousand euro (€15,000), against persons residing or having their ordinary abode in any part of the Island of Malta.

(2) Such court shall also take cognizance of all other causes expressly assigned to it by law.

(3) Nevertheless, causes involving questions of ownership of immovable property, or relating to easements, burdens or other rights annexed to such property, including any claim for the ejectment or eviction from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode within the limits of the jurisdiction of such court, shall not fall within the jurisdiction of the Court of Magistrates (Malta) independently of the value of the claim.

Civil Court of
Magistrates
(Malta)
Constitution and
Jurisdiction.
Amended by:
IX.1985.1;
XII.1913.16;
XXXI.1934.9;
XXIII.1977.3;
XIII.1983.3;
XII.1983.2;
XIII.1990.3;
XXVI.1995.21;
II.2001.3;
XXXI.2002.21;
L.N. 407 of 2007;
II.2016.3.

Main Legislation

- Civil Code, Chapter 16 of the Laws of Malta
- Code of Organisation and Civil Procedure, Chapter 12 of the Laws of Malta
- Criminal Code, Chapter 9 of the Laws of Malta – Includes procedure unlike the Chapter 16 of the Laws of Malta



Subsidiary Legislation

- Delegated powers from parliament to ministries
- Table of House of Representatives – so long as nothing is tabled against – becomes law
- More specific to main legislation but is equal to the respective main act/ parent act
- Definitions in line with parent act



Tribunals

Small Claims Tribunal

3. (1) There shall be a Tribunal to be styled the Small Claims Tribunal.

(2) Subject to subarticle (5), the Small Claims Tribunal shall have jurisdiction to hear and determine only all money claims of an amount not exceeding five thousand euro (€5,000):

Provided that, in determining the sum referred to in this subarticle, no account shall be taken of fees and costs relative to the same claim.

- (3) (a) If the plaintiff claims payment of several sums due for the same cause, the value of the claim is to be determined by the total amount of the claims.
- (b) If the plaintiff claims payment of several sums due for different causes, the value of the claim is determined by the highest sum, irrespective of the smaller sums.
- (c) If the claim is for capital and interest, the value is determined by the aggregate of all the capital sums claimed, and the Tribunal shall have jurisdiction over the claim notwithstanding that the capital and interest claimed in their aggregate exceed five thousand euro (€5,000).

(4) The Tribunal shall hold its sittings in such place or places in Malta and Gozo as the Minister may by order in the Gazette determine and the Tribunal shall, as far as practicable, hold the sittings in the Island where the person against whom the claim is made has his ordinary residence .

*Establishment of tribunal.
Amended by:
XII, 1998.2;
VI, 2001.27;
XXXI, 2002.227;
L.N. 425 of 2007;
IV, 2016.26.*

(4) The Tribunal shall hold its sittings in such place or places in Malta and Gozo as the Minister may by order in the Gazette determine and the Tribunal shall, as far as practicable, hold the sittings in the Island where the person against whom the claim is made has his ordinary residence .

**See Legal Notice 142 of 1995.*

2 CAP. 380.]

SMALL CLAIMS TRIBUNAL

(5) Causes involving questions of ownership of immovable property, or relating to easements, burdens or other rights annexed to such property, even though the claim does not exceed five thousand euro (€5,000), and causes of ejection or eviction from immovable property shall not fall within the jurisdiction of the Tribunal.

*Adjudicators.
Amended by:
VI, 2001.27.*

4. (1) The Tribunal shall be presided by an adjudicator sitting alone:

Provided that more than one adjudicator may be appointed to sit in any of the said Tribunals, but only one adjudicator shall sit in any one case.

(2) Adjudicators shall be appointed by the President acting in accordance with the advice of the Prime Minister. A person shall not be qualified to be appointed as an adjudicator unless he has



Magistrates

Magistrates.
Amended by:
[LVIII.1974.50;](#)
[XIV.2007.5;](#)
[XLIV.2016.6;](#)
[XLIII.2020.5;](#)
[XLV.2020.6;](#)
[LV.2020.3.](#)

100. (1) Magistrates of the inferior courts shall be appointed by the President acting in accordance with the recommendation made by the Judicial Appointments Committee established by article 96A of the Constitution.

(2) A person shall not be qualified to be appointed to or to act in the office of magistrate of the inferior courts unless he has practised as an advocate in Malta for a period of, or periods amounting in the aggregate to, not less than seven years.

(3) Without prejudice to sub-article (4), a magistrate of the inferior courts shall vacate his office upon reaching the age of sixty-five (65) years:

Provided that a magistrate of the inferior courts shall inform the Chief Justice and the President of Malta of this decision before he reaches the age of sixty-five (65) years once he chooses to remain in office until he reaches the age of sixty-eight (68) years.

(4) The provisions of sub-article (2) of article 97 of the Constitution shall apply to a magistrate of the inferior courts.



Judges

Appointment of judges.

Amended by:
[LVIII.1974.47](#);
[XLIV.2016.3](#);
[XLIII.2020.2](#).

96. (1) The judges of the superior courts shall be appointed by the President acting in accordance with the recommendation made by the Judicial Appointments Committee established by article 96A of the Constitution.

(2) A person shall not be qualified to be appointed a judge of the Superior Courts unless for a period of, or periods amounting in the aggregate to, not less than twelve years he has either practised as an advocate in Malta or served as a magistrate in Malta, or has partly so practised and partly so served.

(3) The Chief Justice shall be appointed by the President acting in accordance with a resolution of the House supported by the votes of not less than two-thirds of all the members of the House:

Provided that notwithstanding the provisions of article 97(1), if the Resolution is not supported by the votes of not less than two-thirds of all the members of the House, the person occupying the office of Chief Justice shall, in any circumstance, remain in office until the Resolution is supported by the votes of not less than two-thirds of all the members of the House.



The Courts

Superior Courts

- First Hall Civil Court
- Constitutional Court
- Family Section
- Voluntary Section
- Commercial Section
- Criminal Court
- Court of Appeal

Inferior Courts

Court of Magistrates (Malta)
Court of Magistrates (Gozo)
Court of Appeal (Inferior)



The Courts

Superior Courts

- First Hall – Prim' Awla - General – claims over 15,000 exceeding competence of the Court of Magistrates – 1 judge
- First Hall – Constitutional Jurisdiction – Human Rights – 1 judge
- Constitutional Court – Appeal from above – Validity of laws – 3 judges
- Family Section – Family matters – separation, divorce, custody, maintenance – 1 judge
- Voluntary Section – non contentious – incapacitation, succession, interdiction, adoption – 1 judge
- Commercial Section – Companies Act – reintroduced in 2018 – 1 judge
- Criminal Court – Criminal matters 1 judge

Inferior Courts

- Court of Magistrates (Malta) – civil or criminal jurisdiction – under 15,000
- Court of Magistrates (Gozo) – same
- Court of Appeal (Inferior) – from 1 magistrate to judge



For Example

Title III

OF THE INFERIOR COURTS

47. (1) A magistrate shall sit in the Court of Magistrates (Malta), and such court shall, as a court of first instance, hear and determine all claims of an amount not exceeding fifteen thousand euro (€15,000), against persons residing or having their ordinary abode in any part of the Island of Malta.

(2) Such court shall also take cognizance of all other causes expressly assigned to it by law.

(3) Nevertheless, causes involving questions of ownership of immovable property, or relating to easements, burdens or other rights annexed to such property, including any claim for the ejectment or eviction from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode within the limits of the jurisdiction of such court, shall not fall within the jurisdiction of the Court of Magistrates (Malta) independently of the value of the claim.

Civil Court of Magistrates (Malta).
Constitution and jurisdiction.

Amended by:

IV.1865.1;

XV.1913.16;

XXXI.1934.9;

XXIII.1971.3;

XIII.1983.5;

XII.1985.2;

VIII.1990.3;

XXIV.1995.21;

VI.2001.3;

XXXI.2002.21;

L.N. 407 of 2007;

IV.2016.3.



Juridical Interest/ Locus Standi

- A term not mentioned explicitly in the law
- Both plaintiff – attur (person instituting proceedings) and defendant – konvenut (person against whom proceedings have been instituted)
- Any person who has juridical interest may appeal decision
- Institute of joinder & Intervention - Article 960 COCP



Persons

- Includes a body or other association of persons – legal personality as per Second Schedule of Civil Code
- Natural person v Legal person
- Assets & Liabilities = patrimony
- Creditors & Debtors – ranking in terms of law



Company Search Malta Business Registry

↑ About Contact Us Careers Legislation Log in Register

MBR MALTA BUSINESS REGISTRY

Other Links Company Search

Searches

Companies

Company Registration Number

Company Name

Exact Any Name Combinations

If searching by an exact Company Registration Number, tick the Exact checkbox next to the Registration No. field.

If searching by Company Name, insert the company name or part of the company name. If the company you require is not returned in the search results, tick the Any Name Combinations checkbox, to enable a more thorough search. This is especially useful in companies which have punctuation in their names e.g. A.B.C. Ltd. If you know the exact name, you can tick the Exact checkbox.

Company Search

The screenshot displays the Malta Business Registry (MBR) website. The top navigation bar includes links for 'About', 'Contact Us', 'Careers', and 'Legislation', along with 'Log in' and 'Register' options. The main header features the MBR logo and the text 'MALTA BUSINESS REGISTRY'. Below the header, there is a navigation menu with 'Company Details', 'Authorised Shares', 'Involved Parties', and 'Documents'. A search bar is located on the left side of the page. The main content area shows the details for 'Company Registration Number C 97225 - KHELLO CONTRACTORS LTD'. A table lists the following information:

Company Registration Number	C 97225
Company Name	KHELLO CONTRACTORS LTD
Registration Date	Dec 04, 2020
Registered Office	15, GROGNET STREET
City/Locality	MOSTA MST 3613
Country	MALTA

Primary & Subsidiary Legislation

- Primary Legislation – Acts or codes – divided into chapters – Parent

A

The screenshot displays the following information:

EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452.]

CHAPTER 452 (Annotated as Chapter)

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (Annotated as Title)

To consolidate, with amendments, the Conditions of Employment (Regulation) Act (Cap. 133) and the Industrial Relations Act (Cap. 286).

2nd December, 2002
27th December, 2002

ACT XXII of 2002, as amended by Acts IX of 2001, III of 2004 and XLX of 2006; Legal Notice 427 of 2007, Acts V of 2009, V of 2011 and XVI of 2012; Legal Notice 426 of 2012; and Acts IV of 2013 and XXXIII of 2016, XII of 2018, VI and XXX of 2019, and LVIII of 2020 and XI of 2022.

ARRANGEMENT OF ACT

	Articles
General	1-2
Title I - Employment Relations	
Part I Employment Relations Board	3
Part II Recognised Conditions of Employment	4-10
Part III Protection of Wages	11-25
Part IV Protection against Discrimination related to Employment	26-32
Part V Termination of Contracts of Service	33-42
Part VI Enforcement and Non-Compliance related to Employment	43-47
Part VII Administration related to Employment	48
Title II - Industrial Relations	
Part I Organization of Workers and Employers	
Sub-Part I Status, registration and conduct of trade unions and employer's associations	49-62

Annotations on the right side of the screenshot include:

- Tip: Chapter
- Titolu: Employment and Industrial Relations Act
- Keywords:
 - + Employment
 - + Relations
 - + Employment Relations
 - + Industrial Relations
- Language: Ingliż (Malta)
- Format: PDF
- Buttons: Segwi
- Orizzontali: Relazzjonijiet
- Status: In Force
- Data ta' dhaq fis-sewba: 2002-12-02
- Data tal-pubblikazzjoni: 2022-12-20

Primary & Subsidiary Legislation

EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452. 1]

CHAPTER 452
EMPLOYMENT AND INDUSTRIAL RELATIONS ACT

Short title.

Definitions. Amended by: XVI, 2012.2; IV, 2015.17; VI, 2019.2; LVIII, 2020.2; XX, 2022.2.

Cap. 411.

Employment Relations Board. Amended by: XXXIII, 2016.2.

National Standard Orders and Sectoral Regulation Orders.

Recognised conditions of employment.

Cap. 36.

Working hours and overtime.

Conditions of employment to be brought to notice.

Cost of living increases. Amended by: XVI, 2012.3.

Occupational health and safety. Cap. 424.

Maternity leave, parental leave and leave for urgent family reasons.

Wages to be paid entirely in legal tender to the employee.

CHAPTER 452
EMPLOYMENT AND INDUSTRIAL RELATIONS ACT

To consolidate, with amendments, the Conditions of Employment (Regulation) Act (Cap. 135) and the Industrial Relations Act (Cap. 266).

2nd December, 2002
27th December, 2002

ACT XXII of 2002, as amended by Acts IX of 2003, III of 2004 and XIX of 2006; Legal Notice 427 of 2007; Acts V of 2009, V of 2011 and XVI of 2012; Legal Notice 426 of 2012; and Acts IV of 2015 and XXXIII of 2016, XIII of 2018, VI and XXIX of 2019 and LVIII of 2020 and XX of 2022.

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Tip: Chapter
Titolu: Employment and Industrial Relations Act
Link ta' ELI: eli/cap/452
Keywords
+ Relations
+ Employment Relations
+ Industrial Relations
Language: Ingliz Multi
Format: PDF
Segwi

Ontoloġija Relazzjonijiet

Status
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Data ta' dhuq fis-sebh
2002-12-02

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2022-12-20

Rationale

Primary & Subsidiary Legislation

EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452. 1]

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Enactment & Amendment

Promulgation/Enactment Dates



Primary & Subsidiary Legislation

CHAPTER 452

- ▶ EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
- Short title.
- Definitions. Amended by: XVI, 2012.2; IV, 2015.17; VI, 2019.2; LVIII, 2020.2; XX, 2022.2.
- ▶ Cap. 411.
- ▶ Employment Relations Board. Amended by: XXXIII, 2016.2.
- National Standard Orders and Sectoral Regulation Orders.
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- ▶ Maternity leave, parental leave and leave for urgent family reasons.
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EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452. 1]

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Tip: Chapter

Industrial Relations Act

Link tal-ELI: eli/cap/452

Keywords

- + Employment
- + Relations
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- + Industrial Relations

Language: Inqiliz Multi

Format: PDF

Segwi

Dittoloġġa

Relazzjonijiet

Status

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2002-12-02

Data tal-pubblikazzjoni
2022-12-20

Primary & Subsidiary Legislation

The screenshot displays the legal text of the Employment and Industrial Relations Act (Cap. 452). The left sidebar lists various sections, including the short title, definitions, and amendments. The main text area shows the general provisions of the Act, starting with the short title and definitions. Annotations with blue arrows point to the 'Short title' and 'Definitions' sections in the sidebar.

Short title →

Definitions & Interpretations →

2 CAP. 452.] EMPLOYMENT AND INDUSTRIAL RELATIONS

GENERAL

1. The short title of this Act is the Employment and Industrial Relations Act.

2. (1) In this Act, unless the context otherwise requires -

"act" and "action" each includes omission and references to doing an act or taking action shall be construed accordingly;

"class" when used in the context of a group or a category of employees shall refer to the groups or categories listed in a collective agreement.

Provided that where there is no collective agreement or where a collective agreement does not stipulate groups or categories of employees, it shall refer to the work performed or expected to be performed independently of the title or name given to the post;

"collective agreement" means an agreement entered into between an employer, or one or more organisations of employers, and one or more organisations of employees regarding conditions of employment in accordance with the provisions of any law in force in Malta;

"comparable whole-time employee" means a whole-time employee in the same establishment who is engaged in the same or similar work or occupation, due regard being given to other considerations including seniority, qualification and skills:

Provided that where there is no comparable whole-time employee in the same establishment, the comparison shall be made by reference to collective agreements covering similar comparable whole-time employees in other establishments:

Provided further that where there is no applicable collective agreement, reference shall be made to law or in default of provision by law to the provisions relating to may be established

Tip: Chapter
Titolu: Employment and Industrial Relations Act
Link tal-ELI: [eli/cap/452](#)
Keywords:
 + Employment
 + Relations
 + Employment Relations
 + Industrial Relations
Language: Inqiz Multi
Format: PDF
 Segwi

Ontoloġija Relazzjonij

Status
In Force

Data ta' dhuq fis-seħh
2002-12-02

Data tal-pubblikazzjoni
2022-12-20

Primary & Subsidiary Legislation

Article

Sub Article

PART I	
EMPLOYMENT RELATIONS BOARD	
3. (1) A Board to be designated Employment Relations Board and hereinafter referred to as the "Board", shall be appointed by the Minister.	<i>Employment Relations Board, Amended by XXXIII, 2016.2.</i>
(2) The Board shall be composed as follows:	
(a) an independent chairperson;	
(b) the Director responsible for Employment and Industrial Relations who shall act as Deputy Chairperson;	
(c) four representatives of employees nominated by the Malta Council for Economic and Social Development from amongst the representative national workers' organisations sitting on the said Council;	
(d) four representatives of employers nominated by the Malta Council for Economic and Social Development from amongst the representative national employers' organisations sitting on the said Council; and	
(e) three other persons to be appointed by the Minister.	
(3) The functions of the Board shall be -	
(a) to make recommendations to the Minister as to any national minimum standard conditions of employment, hereinafter referred to as a national standard recommendation, for eventual inclusion in a national standard order;	
(b) to make recommendations to the Minister as to any sectoral conditions of employment, hereinafter referred to as a sectoral regulation recommendation, for eventual inclusion in a sectoral regulation order;	
(c) to advise the Minister on any matter relating to conditions of employment, or on any matter referred to	

Primary & Subsidiary Legislation

PART I
EMPLOYMENT RELATIONS BOARD

3. (1) A Board to be designated Employment Relations Board and hereinafter referred to as the "Board", shall be appointed by the Minister. *Employment Relations Board,
Amended by:
XXXXX, 2018.2.*

(2) The Board shall be composed as follows:

- (a) an independent chairperson;
- (b) the Minister responsible for Employment and Industrial Relations who shall act as Deputy Chairperson;
- (c) four representatives of employees nominated by the Malta Council for Economic and Social Development from amongst the representative national workers' organisations sitting on the said Council;
- (d) four representatives of employers nominated by the Malta Council for Economic and Social Development from amongst the representative national employers' organisations sitting on the said Council; and
- (e) three other persons to be appointed by the Minister.

(3) The functions of the Board shall be -

- (a) to make recommendations to the Minister as to any national minimum standard conditions of employment, hereinafter referred to as a national standard recommendation, for eventual inclusion in a national standard order;
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- (c) to advise the Minister on any matter relating to conditions of employment, or on any matter referred to



Primary & Subsidiary Legislati

National Standard
Orders and
Sectoral
Regulation Orders.

PART II

RECOGNISED CONDITIONS OF EMPLOYMENT

4. (1) Where the Minister receives any national standard recommendation or any sectoral regulation recommendation he may, subject as hereinafter provided, make a national standard order or a sectoral regulation order, as the case may be, to be published in the Gazette, giving effect to the national standard recommendation or the sectoral regulation recommendation as from such date as may be specified in the order.

Provided that the Minister may, if he thinks fit, before making an order as aforesaid, refer the national standard recommendation or the sectoral regulation recommendation received by him back to the Board and the Board shall thereupon reconsider it having regard to any observations made by the Minister and may, if it thinks fit, re-submit the national standard recommendation or the sectoral regulation recommendation to the Minister either without amendment or with such amendments as it thinks fit having regard to those observations.

(2) Any national standard recommendation and any sectoral regulation recommendation as well as any national standard order or sectoral regulation order for giving effect thereto, may make different provisions for different cases and may contain provisions for the amendment or revocation of previous national standard orders or sectoral regulation orders and may contain any incidental, supplemental or consequential provisions which may appear necessary for carrying out the provisions of any national standard order and any sectoral regulation order.

(3) No national standard order or sectoral regulation order shall have effect so as to prejudice any rights as to conditions of employment conferred on any employee by or under any law other

Proviso





Exhaustive & Non Exhaustive lists

Ritrattazzjoni ta' kawża deċiża.
Emendat:
XI.1859.33;
IX.1896.101;
XXI.2005.62;
VII.2007.22.

Raġunijiet għar-
ritrattazzjoni

811. Kawża deċiża b'sentenza mogħtija fi grad ta' appell jew mill-Qorti Ċivili, Prim Awla, fil-gurisdizzjoni kostituzzjonali tagħha, tista', fuq talba ta' wahda mill-partijiet li jkollha interess, tiġi ritrattata, wara li qabel xejn tiġi mhassra dik is-sentenza, għal wahda minn dawn ir-raġunijiet li ġejjin:

- (a) jekk is-sentenza tkun ittiebdet bil-qerq ta' wahda mill-partijiet bi hsara tal-oħra;
- (b) jekk ir-rikors ġuramentat ma jkunx ġie notifikat lill-parti telliefa, basta li din il-parti, għad li ma tkunx ġiet innotifikata, ma tkunx dehret fis-smiġh tal-kawża;
- (c) jekk wahda mill-partijiet fil-kawża ma tkunx persuna legittima, kemm-il darba ma tkunx ġiet mogħtija u deċiża l-eċċezzjoni ta' illegittimità;
- (d) jekk is-sentenza tkun ġiet mogħtija minn qorti nkompetenti minhabba n-nuqqas ta' gurisdizzjoni kif imsemmi fi-artikolu 741(a), basta li qabel ma tkunx ġiet mogħtija u deċiża l-eċċezzjoni tal-inkompetenza;
- (e) jekk is-sentenza tkun applikat il-liġi hażin;

għall-finijiet ta' dan il-paragrafu, jitqies li kien hemm applikazzjoni hażina tal-liġi, fil-każ biss li d-deċiżjoni, meta l-fatt kien tassew kif stabbilit fis-sentenza artakkata, ma tkunx skont il-liġi, basta li l-kwistjoni ma tkunx dwar interpretazzjoni ta' liġi, li fuqha l-qorti tkun espressament tat deċiżjoni;
- (f) jekk is-sentenza tkun ġiet mogħtija fuq huġa mhix imdahlha fit-talba;
- (g) jekk bis-sentenza jkun ġie mogħti iżjed minn dak li ntalab;
- (h) jekk is-sentenza tkun kuntrarja għal sentenza oħra ta' qabel, deċiża bejn l-istess partijiet, fuq l-istess oġġett, u li għaddiet f'għudikat, basta li l-eċċezzjoni ta' *res judicata* ma tkunx ġiet mogħtija u deċiża;

- (i) jekk fis-sentenza jkun hemm dispożizzjonijiet kontra xulxin;
- (j) jekk is-sentenza tkun ġiet deċiża fuq provi li, b'sentenza mogħtija wara, jiġu ddikjarati foloz, jew, li

KODIĊI TA' ORGANIZZAZZJONI U PROCEDURA ĊIVILI [KAP. 12. 219

jkunu ġew hekk iddikjarati b'sentenza mogħtija qabel, iżda l-parti telliefa ma kinitx taf b'dan il-fatt;

- (k) jekk, wara s-sentenza, ikun instab dokument deċiżiv, u li l-parti li għgħibu ma kinitx taf bih, inkella, illi, bil-mezzi li tagħti l-liġi, ma setgħatx iġġibu, qabel dik is-sentenza;
- (l) jekk is-sentenza kienet l-effett ta' żball li jidher mill-atti jew mid-dokumenti tal-kawża.

Għall-finijiet ta' dan il-paragrafu, jitqies li hemm dak l-iżball, fil-każ biss li d-deċiżjoni tkun ibbażata fuq is-suppożizzjoni ta' xi fatt li l-verità tiegħu tkun bla ebda dubju eskluża, jew fuq is-suppożizzjoni li ma jeżistix xi fatt, li l-verità tiegħu tkun stabbilita pożittivament, basta li, fil-każ il-wieħed u l-iehor, il-fatt ma jkunx punt ikkontestat illi jkun ġie deċiż bis-sentenza.

Exhaustive & Non Exhaustive lists

<p>Rights of persons ceasing to be partners.</p>	<p>34. (1) A partner who is expelled or who by virtue of the immediately preceding article is not entitled to continue as partner shall have the right to have his interest in the partnership liquidated.</p> <p>(2) There shall be included in the liquidation of the interest of a partner who is expelled, or who by virtue of the immediately preceding article is not entitled to continue as a partner, a <i>pro rata</i> share of the profits or losses on all work in progress up to the date of the expulsion.</p>
<p>Dissolution of partnerships <i>en nom collectif</i>. Amended by: D. 2003.32.</p>	<p>35. A partnership <i>en nom collectif</i> is dissolved -</p> <ul style="list-style-type: none"> (a) where the period, if any, fixed for its duration expires; (b) if, subject to the provisions of article 21, all the partners so agree; (c) if the partnership is adjudged bankrupt; (d) if in the opinion of the Court there exist grounds of sufficient gravity to warrant dissolution; (e) if the number of partners is reduced below two and remains so reduced for more than six months; (f) subject to the provisions of article 21, in such other cases for which provision is made in the deed of partnership.
<p>Notice of dissolution. Amended by: XXIV. 1995.362.</p>	<p>36. (1) On the dissolution of a partnership, and in no case later than fourteen days after such dissolution, the partners having the administration or the representation thereof shall deliver to the Registrar for registration a notice of the dissolution:</p> <p style="padding-left: 40px;">Provided that, where a partnership is adjudged bankrupt or</p>

Subsidiary Legislation

Chapter
Number

Relative
S.L

Chapter Number	Relative S.L	Content
		Kap. 452. Att dwar l-Impiegi u r-Relazzjonijiet Industrijali
		L.S. 452.01. Regolamenti dwar Bordijiet ta' Konciljazzjoni
		L.S. 452.02. Ordni dwar Drittijiet li jithallau lil Membri ta' Bord ta' Konciljazzjoni
		L.S. 452.03. Regolamenti dwar il-Qrati ta' Inkjesta
		L.S. 452.04. Drittijiet li jithallsu lil Membri ta' Qorti ta' Inkjesta
		L.S. 452.05. Ordni ghal Kunsilli tal-Pagi għal-Cinematografi u l-Teatri
		L.S. 452.06. Ordni ghal Kunsilli tal-Pagi tal-Trasport Pubbliku
		L.S. 452.07. Ordni ghal Kunsilli tal-Pagi għax-Xogħol ta' l-Stampa u Pubblikazzjoni
		L.S. 452.08. Ordni ghal Kunsilli tal-Pagi għali-Kostruzzjoni
		L.S. 452.09. Regolamenti dwar il-Procedura tal-Kunsilli tal-Pagi
		L.S. 452.10. Regolamenti dwar il-Procedura tal-Kunsilli tal-Pagi
		L.S. 452.11. Ordni ghal Kunsilli tal-Pagi għali-Industrija ta' l-Armar tal-Trasport, tal-Metall u Industrija li jagħmlu magħhom
		L.S. 452.12. Ordni ghal Kunsilli tal-Pagi għali-Iskejjel Privati
		L.S. 452.13. Ordni ghal Kunsilli tal-Pagi għan-Negozji bi-Ingrossa u bi-Imnut
		L.S. 452.14. Ordni ghal Kunsilli tal-Pagi għax-Xogħol ta' l-Hnyam
		L.S. 452.15. Ordni ghal Kunsilli tal-Pagi għali-Lukandi u Każini
		L.S. 452.16. Regolamenti dwar il-Trade Unions
		L.S. 452.17. Ordni ghal Kunsilli tal-Pagi dwar l-Industrija tax-Xorb

Subsidiary Legislation

Same layout
as primary
legislation

As previously
noted



The screenshot shows a PDF document titled "BOARDS OF CONCILIATION REGULATIONS" (S.L.452.01) dated 15th March, 1949. It is a subsidiary legislation under the Employment and Industrial Relations Act. The document lists five regulations, with a blue arrow pointing to the second one. The second regulation states that the meanings set out in article 2 of the Employment and Industrial Relations Act are applicable to these regulations. The other regulations cover the title, appointment, terms of reference, and oath of members.

Regulation Number	Text of Regulation	Interpretation
1.	The title of these regulations is the Boards of Conciliation Regulations.	Title.
2.	The meanings set out in article 2 of the Employment and Industrial Relations Act are applicable to these regulations.	Interpretation. Cap. 452.
3.	A Board of Conciliation shall be appointed by the Minister by means of a letter addressed to each member, and the appointments and the composition of a Board of Conciliation shall be published in the Gazette. When a board consists of more than one member one of the members, to be designated as such by the Minister, shall be chairman.	Appointment of Board of Conciliation.
4.	The terms of reference of a Board of Conciliation shall be set out in writing by the Minister and transmitted to it before it holds its first sitting.	Terms of reference.
5.	Before a Board of Conciliation initiates proceedings, in the matters with which it is entrusted, each member thereof other than a Judge or a Magistrate shall take an oath to conduct the proceedings with equity and impartiality and to the best of that	Oath.

Judgments - eCourts

The screenshot displays the eCourts website interface. At the top, there is a navigation bar with the following items: eCourts, KAWZI CIVILI, SENTENZI, INSOLVENZI, SUBBASTI, UŻU TAL-AWLI, SERVIZZI, GHAJNUNA, CHAT, and a language selector for Malli, English, and Iloggja. Below the navigation bar, there are two logos: the eCourts logo (2014-2020) and the CONvErGE logo. The main content area is divided into three columns:

- Iloggja:** Contains a blue button labeled "Iloggja billi tuza l-e-ID", a sub-heading "ONloq konj tal-e-ID", and two paragraphs of text explaining the e-ID system and how to access it.
- Links:** A vertical list of links including Kawzi Civil, Sentenzi, Reġistru tal-Insolvenza, Subbasti, Użu tal-Awli, Inċievi Notifiki bil-Mowbajl, Mallas Multi tal-Qorti, Mallas id-Dritt tar-Reġistru tal-Qorti, Dritt li Tintesa (Linji Gwida), Statistika tal-Qrati, and Portali tad-Deċiżjonijiet Onlajn.
- Applikazzjonijiet Onlajn:** A vertical list of online applications including Sottomissjoni tal-Atti - Civil, Sottomissjoni tal-Atti - Kriminal, Arkivju tal-Atti, Testmenti Sigrieti, Tribunal għal Talbiet Żgħar - Avviż tal-Talba, Tribunal għal Talbiet Żgħar - Risposta, Tribunal għal Talbiet Żgħar - Risposta għall-kontrolla, Rikors Elettorali Ai Termini Tal-Art 35/40 tal-Kap 354, and Proċedura Ewropea għal Talbiet Żgħar.

Judgments

eCourts

KAWŻI CIVILI SENTENZI INSOLVENZI SUBBASTI UŻU TAL-AWLI SERVIZZI QMAJNUNA CHAT Malti English Italiano

Data tas-Sentenza

Il-aħħar 15-il jumata biss

L-aħħar 12-il Xahar biss

bejn: minn u Data ta' għaxxa

Iwalunkwe jumata

Referenza

REF-NRU: REF-SENTA: NRU TA' SENTENZA:

Qorti

Ġudikatura

Partijiet

vs

ECLI

Kliem

Kliem Ewleni

Aghzel il-kelma ewlenija minn go lista Aghlas hawn

Judgments

eCourts

KAWZI CIVILI SENTENZI INSOLVENZI SUBRASTI UZIJ TAL-AWLJ SERVIZZI GHAJNUNA CHAT

Malti English Italiano

Riżultati

In-riżultat tiegħek giet imstata għal 1000 riżultati. Jekk jogħġbok iftraq il-filtrarja tiegħek għal riżultati oħra:

Kriterji Qorti: Civili, Prim Awla, Kwalunkwe gurnata
Sentenzi Misjuba: 1000

Uri: 100 rekord

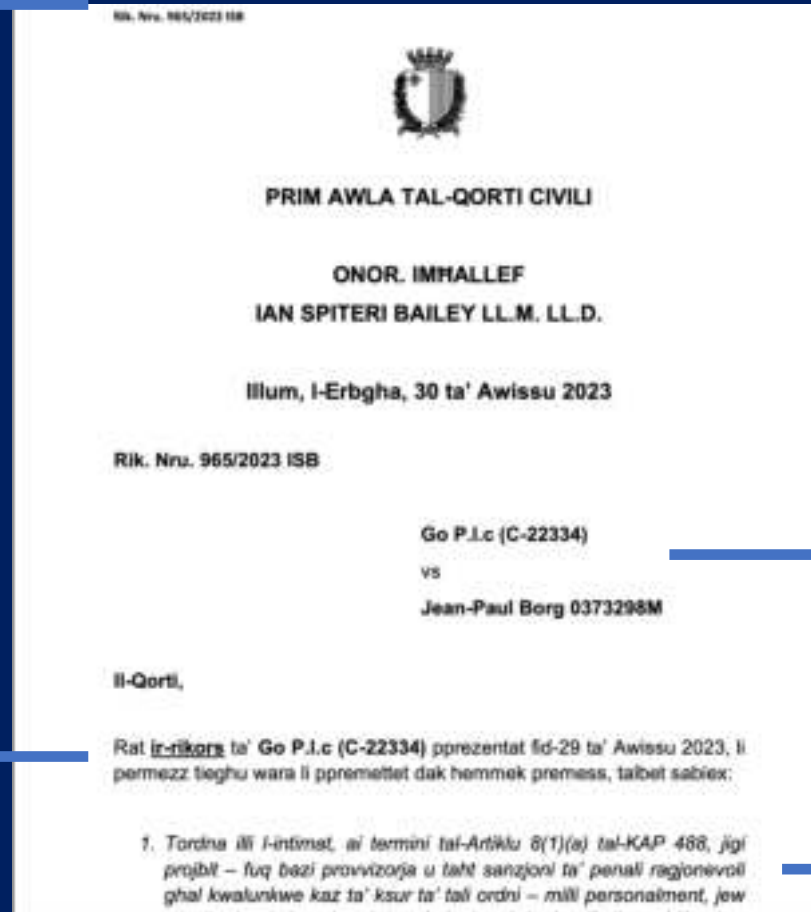
Data	Referenza	Qorti	Partijiet	Ara d-Dejjali
30/08/2023	965/2023	CIVILI, PRIM AWLA	GO P.L.C. vs BORG JEAN-PAUL	Dejjali
22/08/2023	276/2023	CIVILI, PRIM AWLA	PULIS ALEXANDRA vs DEGABRIELE KEVIN	Dejjali
09/08/2023	564/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	Dejjali
09/08/2023	561/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	Dejjali
09/08/2023	560/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	Dejjali
08/08/2023	738/2023	CIVILI, PRIM AWLA	NASSAU MARITIME HOLDING DAC vs IL-BASTIMENT M/V DOMINIA	Dejjali
08/08/2023	553/2023	CIVILI, PRIM AWLA	DUTKA ROMAN ET vs ID-DIRETTUR TAR-REGISTRU PUBBLIKU	Dejjali
08/08/2023	1248/2023/1	CIVILI, PRIM AWLA	CARUANA MARIE THERESE SIVE MARTES ET vs GRECH MARK DOTT	Dejjali

Judgments



Judgments

Used in Search



Okkju - parties

Rikors/ Application - by which court proceedings are initiated

Talbiet



Judgments

Basis on which the Court made its decision



Rat id-dokumenti li kienu prezentati mar-rikors.

Ikkunsidrat:

Illli din hija azzjoni mressqa mis-socjeta' rikorrent al termini tal-**Artiklu 8(1) tal-KAP 488** tal-Ligijiet ta' Malta.

Art. 8(1) tal-KAP 488 tal-Ligijiet ta' Malta

Kull persuna msemmija fl-artikolu 3 tista' permezz ta' rikors tlibb il-Qorti :

(a) tohrog kontra min ikun qiegħed alliegament jikkommetti l-ksur ta' dritt ta' proprjeta' intellettwali, dignat li jkun intizi blex jipprevjeni kull ksur imminenti ta' dritt ta' proprjeta' intellettwali bhal dak, jew li jipprojbixxi, fuq bażi provvizorja u, fejn ikun adatt, bla hsara għal hias ta' penali li jista' jsir għal diversi drabi fejn ikun hemm provdut dwar dan skont il-liġi, milli jikkompla jsehh kull tali ksur allegat ta' dak id-dritt, jew li tagħmel dak il-kompjje sogġetta għal garanzji li jkunu intizi blex jizguraw li jingħata kumpens lid-detentur tad-dritt. Tista' wkoll tinfhareg' projbizzjoni interlokutorja, taft l-istess kondizzjonijiet, kontra kull intermedjarju li jkollu s-

Pagna 2 min 5

88. Nru. 965/2023 08

servizzi tiegħu qiegħdin jigu użati minn terzi hekk li dawn ikunu jksru dritt ta' proprjeta' intellettwali;

(b) jordna l-qbid jew il-kunsinna tal-oġġetti li jkunu suspettati li



Judgments

Decision ←

(1) TILQA' l-ewwel talba u ordna illi l-intimat, si termini tal-Artiklu 8(1)(a) tal-KAP 488, jigi projbit – fuq bazi provvizorja u taht sanzjoni ta' penali ragjonevoli ghal kwalunkwe kaz ta' ksur ta' tali ordni – milli personalment, jew tramite terzi, ixandar, ixerred, jaghmel "upload", jippunblika jew b'mod lehor jaghmel u/jew izomm disponibbli ghal terzi, fuq il-youtube channel "Drammi Maltin" u/jew fuq il-midja socjali u/jew fuq l-internet u/jew bi kwalunkwe mod lehor, b'mod shih u/jew in parte, xi episodju jew episodji mid-drammi "L-Ispettur Leonard" u/jew "Ic-Caqqufa" (Raba' Stagun) u/jew kwalunkwe drammi lehor li fuqu GO Pic ghandha drittijiet ta' proprjeta' intelletwali.

(2) TILQA' t-tieni talba fis-sens illi qed tghaddi ghali-ghoti ta' dan id-digriet in camera minghajr dewmien.

(3) TIPPROVDI dwar it-tielet talba billi tordna lis-socjeta' rikorrenti sablex tinnotifika illi-intimat minnufieh b'dan id-digriet.

¹ Sub-art 3

² Sub-art 4

MB. No. 163/2023 GB

Bi-ispejjes ta' dawn il-proceduri li jkunu a karigu tal-intimati.

Digriet Kamerali moghti ilum l-Erbgha, 30 ta' Awissu 2023.



Corporate Personality

- Article 4 (4) of the Companies Act
- When does a company acquire legal personality?
- When does the legal personality of the company end?
- Is a company deemed to have a legal personality through the process of dissolution?



Separate Juridical Personality

- How is a company's nationality and domicile determined?
- For what purpose does a company need the above?



Lifting of the Corporate Veil

- Statutory or judicial inroads whereby the legal personality of a commercial partnership is put aside or ignored
- Where the number of members in a company falls under 2
- In cases of fraudulent or wrongful trading



Memorandum & Articles of Association

- Article 68 Companies Act
- The Memorandum of Association is the backbone of a company
- Gives the overall aspect of a company
- Article 69 lists 9 minimum clauses which are deemed to be “the fundamental provisions of the company’s constitution”



MoA

1. Name & Nature of the Company Clause
2. Registered Office Clause
3. Objects Clause
4. Share Capital Clause
5. Subscribers' Clause
6. Management Clause
7. Representation Clause
8. Company Secretary Clause
9. Duration Clause
- 10.(Limited Liability Clause)



Name

- Cannot be used if Registrar deems it offensive or undesired
- Quite flexible
- Cannot be a name which is similar to others – will cause confusion
- Reserved names cannot be used
- The words trustee, fiduciary or nominee are not to be used unless duly authorised
- Private / Public Company must be included in the name



Registered Office

- Must be in *Malta* - PO box is not valid
- Where documents of registered members, minutes of meetings, accounts are kept etc
- Notification of judicial acts
- May be changed by a resoluti



Objects

- The purpose for which the company is formed
- Cannot be a general such as 'trade'
- Although included does not mean the company is restricted from carrying out another business
- Must amend the *MoA* in order to carry out another business



Share Capital

- Article 69(1)(f)
- Share capital may be in a foreign currency however the said currency must be convertible and the rates of exchange are established upon registration



Subscribers Clause

- Original members of the company & details – even if a body corporate
- The amount of shares each member has taken up
- All members must sign the MoA



Management Clause

- Company acting through its directors
- Number, name, residence of directors must be stated
- Minimum number of directors for a public company is two whilst the minimum number of directors for a private company



Representation Clause

- Details of person entrusted with the representation of the company
- Judicial representation
- Contractual representation



Company Secretary Clause

- Must be physical persons
- One or more may be appointed, if more than one is appointed they shall be jointly and severally liable for their actions
- Name and residence of the first company secretary must be stated



Duration of Company Clause

- In perpetuity or for a limited time?
- Duration must be clearly stated which duration may be extended by an extraordinary resolution



Limited Liability Clause

- Liability of members indicating the amount, whether unpaid or not of the shares held by each member



Articles of Association

- Shareholders can opt to;
 1. Draw up the AoA catering for everything that is set out in the First Schedule of the Companies Act
 2. Alter some aspects that are set out in the First Schedule of the Companies Act – preliminary clause needed
 3. Allow for the First Schedule of the Companies Act to apply in its entirety, hence not drawing up the AoA



Articles of Association

- In those cases where the *MoA* and the *AoA* are delivered together, they are to be signed by the shareholders
- Issue of shares and share capital
- Transfer and forfeiture of shares
- Rules & Procedures of General Meetings
- Rules of procedures of the Board of Directors
- Amendments to the *MoA* & *AoA*



Companies Act – Chapter 386

PART II - GENERAL PROVISIONS

4. (1) A commercial partnership may be of the following kinds:

- (a) a partnership *en nom collectif*; or
- (b) a partnership *en commandite* or limited partnership; or
- (c) a company.

(2) A commercial partnership other than a company may be formed for the exercise of one or more acts of trade.

(3) A company may be formed for any lawful purpose and shall have the status of -

- (a) a public company; or
- (b) a private company.

(4) A commercial partnership has a legal personality distinct from that of its member or members, and such legal personality shall continue until the name of the commercial partnership is struck off the register, whereupon the commercial partnership shall cease to exist.

Formation of commercial partnerships and different kinds of commercial partnerships.
Amended by: IV. 2003.28.



Limited & General Partners

- General partners are liable for losses of the partnership in an unlimited way
- Limited partners are not liable for losses of the partnership beyond the amount of their share in the partnership



Commercial Partnerships

- Partnership En nom collectif – creditors can demand payment from any partner
- Partnership En commandite or limited partnership – partners have no limited liability (same as above) but this partnership includes partners whos liability is limited. (minimum one partner – limited liability partners of shareholders are liable only to the amount of their share)
- Limited Liability – exposure and liability capped
- Certificate of registration = formally a trader
- Legal obligations are more strenuous in limited liability for creditors to be in a position to verify credit



Trader & Acts of Trade

- Commercial partnership – Trader
- Trader means any person who, by profession exercises acts of trade in his own name, and includes any commercial partnership
- Person – by profession – primary and constant occupation
- Partnership - ?
- Trader - actual exercise of this trade, need not be same line of trade.
- Trader – continuity
- Trader – purpose of trade is that of making profit
- Trader – “in his own name” assumes full responsibility of transaction – minors, persons incapacitated etc may still be deemed traders when duly represented



Chapter 386

- - Duties of Directors – Article 136A of the Companies Act, Chapter 386 of the Laws of Malta
- - Company Secretary – Article 138 of the Companies Act, Chapter 386 of the Laws of Malta
- - Joint & several liability of directors for breach of duty – Article 147 of the Companies Act, Chapter 386 of the Laws of Malta
- - Public Company – Private Company – Single Member Company



Chapter 386

PART V - LIMITED LIABILITY COMPANY	
TITLE I - FORMATION AND FUNCTIONING OF COMPANIES	
Chapter I - Formation of a company and matters incidental thereto	
<p>67. A company is formed by means of a capital divided into shares held by its members. The members' liability is limited to the amount, if any, unpaid on the shares respectively held by each of them.</p>	<p>Definition.</p>
<p>68. A company shall not be validly constituted under this Act unless a memorandum of association is entered into and subscribed by at least two persons, or in the case of a single member company constituted in terms of article 212, by the single member, and a certificate of registration is issued in respect thereof. Companies formed and registered under the Ordinance shall comply with this Act in accordance with the provisions of article 428.</p>	<p>How a company is constituted. <i>Amended by:</i> <i>XX 2013.75.</i></p>
<p>69. (1) The memorandum of every company shall state:</p> <ul style="list-style-type: none"> (a) whether the company is a public company or a private company; (b) the name and residence of each of the subscribers thereto; (c) the name of the company; (d) the registered office in Malta and the electronic mail address of the company; (e) the objects of the company; (f) the amount of share capital with which the company proposes to be registered (hereinafter referred to as "the authorised capital"), the division thereof into shares of a fixed amount, the number of shares taken 	<p>Contents of memorandum. <i>Amended by:</i> <i>IX 2003.41;</i> <i>XXXI 2017.75;</i> <i>LX 2021.1.</i></p>



Chapter 452 – Employment & Industrial Relations Act

- Wages
- Termination of Employment
- Industrial Tribunal
- Administration of Employment
- Conditions of Employment



EU Legislation

- European Convention on Human Rights – European Convention Act – Chapter 319 of the Laws of Malta
- European Court of Human Rights
- 5 Chambers – President, Vice President, Registrar and Deputy Registrar
- Grand Chamber – 17 Judges
- After all remedies have been exhausted



Regulations v Directives

- Regulations unlike directives have binding legal force vis a vis all Member States
- Directives are results which must be achieved by Member States however each and every Member State is at liberty to decide how to transpose the relative directive into national law



