

Dear Student/s,

The Maltese legal system is composed of the continental law, common law and local traditions.

Trust you are well. Apologies for bothering however wanted to clarify the point regarding Continental Law with yourself. When we discussed in class Continental law if I understood correctly is the law originating from the Eu. However, when searching for more information I have found that civil law is often referred to as civil and I am uncertain if I am on the correct path and hope that you can clarify further. The continental law is the law (as you said) which refers to the civil realm of the law but has its roots in Roman law and the legal systems of continental Europe. This is why there is a link with the European legal system (this system is used also in countries like Italy, Spain, France, Germany). The reason why when you searched for the continental law, you found information to civil law is simply because they cross-refer to the each other.

Then there is the Common law. This originated in England and spread in various countries that were once part of the British Empire. It is primarily found in English-speaking countries such as the United States, Canada, Australia, and the United Kingdom.

Since over the centuries, Malta experienced various dominations, these have left their mark and brought changes to the legislative system. This is also why we have different sources of legislation: the Roman Law, the Sicilian Law, the Canon Law, the Code de Rohan, and the Code Napoleon. But you do not need to explain these.

To put things into perspective I choose the following question "The Courts of Justice in Malta operate under a unique judicial system influenced by both Continental law and Common law traditions. Discuss the structure of the Maltese Courts of Justice, highlighting the key roles and functions of each court." You have to explain the **judicial system**, the Superior and Inferior Courts. The Superior Courts which are directed and chaired by Judges and the Inferior Courts which are chaired by Magistrates. What are their roles and their functions. What do the courts of justice hear? The civil realm and the criminal realm. This means that you cannot exclude the criminal realm notwithstanding that the course is focused on the civil realm.

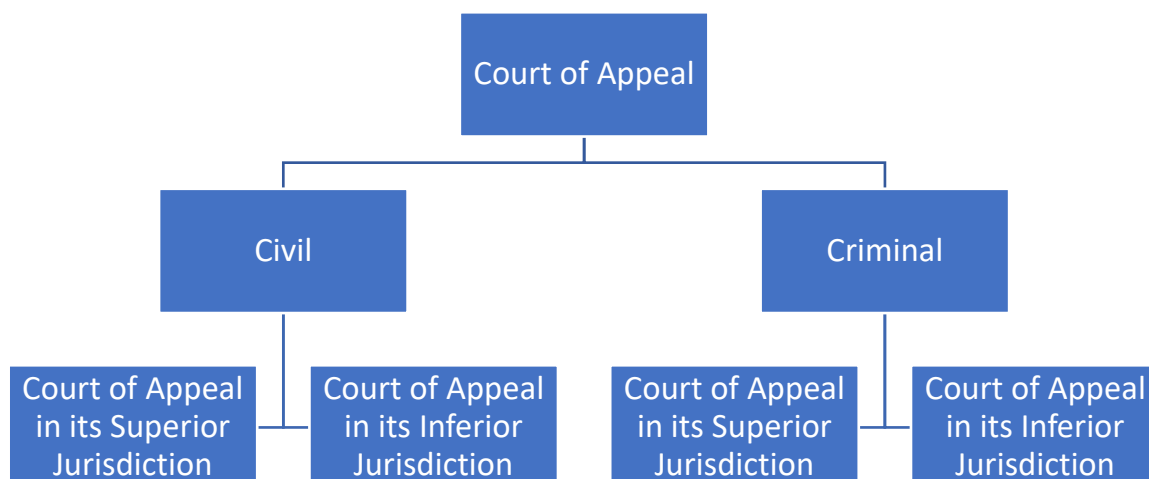
Considering the word count, as I have already explained in class, do not focus on the history of our legal system but concisely explain the Continental law and Common law. What are these? (you need to show the reader that you know the difference between the different systems) We all know Malta's history so you should not focus on who visited Malta and their impact.

What is of most importance and relevance is that you know and can explain the different courts in Malta (including the applicability in our sister island (Gozo)) focusing therefore on the Constitutional Court, Civil Courts, Criminal Courts and what fall within these courts. (May I remind about the different tribunals/boards such as the Small Claims Tribunal or the Land Arbitration Board- which there is no need to mention all of them if you are restricted with the word count)

Also, you do not have to elaborate on the procedures specific to each court. This is outside the scope of the title.

To give you a small example you need to state that under the civil and the criminal realm we have the Court of Appeals. In this case you have to explain what are the functions of these courts in both realms, which cases they hear and their roles.

Now to also help you do not forget that we have :



For clarity, please avoid including diagrams or hierarchies in your assignment, unless they are supplementary to any explanation.

Hope this clears all doubts.

Should you have any further queries, kindly let me know.

With kind regards

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