

Recap

- Interpreting legislation – leg. Is drafted in generic words -> identify elements of each specific article ex: Spoliation Art. 535 of Cap 16 & 85 of Cap. 9
- Interpretation can be flexible vs rigid
- Wrong application of law (appealable) vs wrong Interpretation of law (not appealable)
- Interpretation Act

- Writing – format depends on what one is writing
- Judicial acts – application, sworn application, sworn reply



Legal Research and Interpretation Methodology

**Lecture Title: Legal Writing, Referencing and
Ethics**

Lecturer: Dr Elian Scicluna

Date: 19/02/2025



7. Writing – Legal Writing – Legal Correspondence – “Without prejudice”

- The term ‘without prejudice’ will generally prevent statements made in an attempt to settle an existing dispute, whether made in writing or orally, from being put before the court as evidence of admissions against the interests of the party which made them
- Emails can also be without prejudice
- E.g:- A owes B 10,000 euro
- B sends legal letter to A calling for payment of the 10,000 euro
- B replies with a ‘without prejudice’ legal letter saying that he does not owe money but to settle the matter amicably offers the 3,000euro
- A cannot submit B’s legal letter in a court case since it is without prejudice
- Chamber of Advocates Paper
<http://avukati.staging.wpx.rightbrain.cloud/wp-content/uploads/2018/02/Guidleines-on-the-use-of-the-term-Without-Prejudice-1.pdf>



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7. Writing – Legal Writing – Legal Correspondence – “Without prejudice” email

WITHOUT PREJUDICE

Dear Dr. Vella,

*Reference is made to the Provisional Estimates issued on 3rd May 2017 in respect of **Vat Reg.XXX**:*

- Output Tax Eur 24,274.80*
- Administrative Penalty Eur 4,854.96*
- Interest Eur 8,103.45.*

A meeting is hereby being requested to discuss prospects of reaching an agreement between the parties, to reach an out of court settlement on this pending matter.

In the interim period, the appeal case (XX/XX) is to be put on hold until a settlement is reached.

Thank you for your kind consideration.

Best regards,



7. Writing – Legal Writing – Case Briefs

- Case summary
- Include only most relevant facts of the case that highlight the main issue, identify the applicable law, application of the law to the issue, include court's reasoning and decision
- Check for assenting or dissenting opinions especially when dealing with ECHR judgments
- The summary of the facts is only a small fraction of case briefs

Example: https://www.youtube.com/watch?v=wzWq_XJE-w&t=1s



7. Writing – Legal Writing – Case Briefs



7. Writing – Legal Writing – Legal Briefs/ note of submissions - sottomissjonijiet/ observations - osservazzjonijiet

- <https://legaldictionary.net/legal-brief/> definition:-
 - *A short and concise statement*
 - *A document that presents a legal argument to a court explaining why that party should prevail over the other*
- Maltese version known as note of submission/ note of observation
- Art. 165 and 166 of Cap. 12:

165. It shall be lawful for the court, on the case being closed, at the request of either of the parties, to grant leave for filing, within a time to be fixed by the court, a written pleading containing a summary of his submissions provided the opposite party shall not show that such leave would cause a delay to his prejudice

166. Where leave as provided in the last preceding article is granted to either of the parties, the opposite party shall be entitled to file in reply another written pleading within a time equal to that which shall have been fixed by the court as aforesaid, to be reckoned from the day of the service of the written pleading for the filing of which the court shall have granted leave.

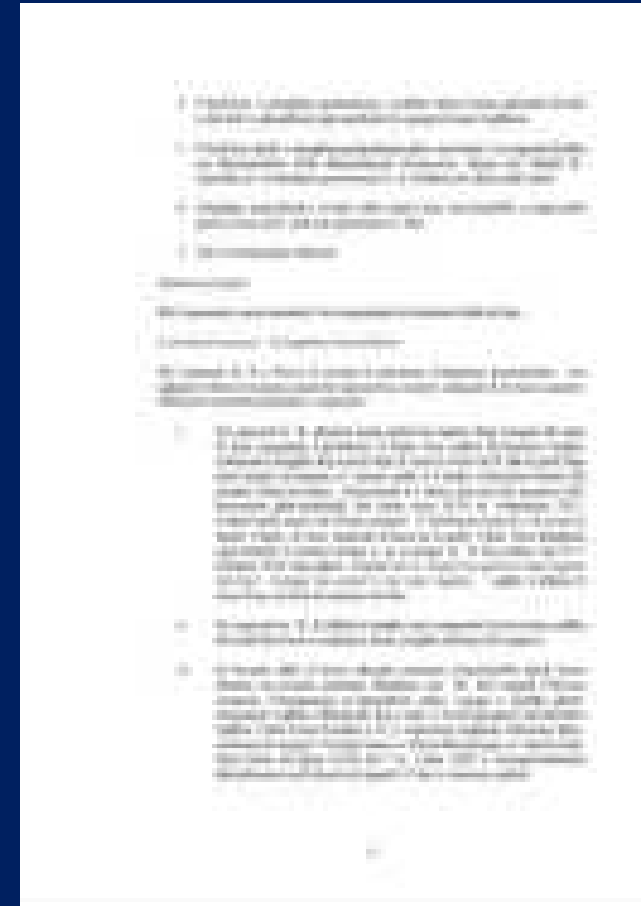


7. Writing – Legal Writing – Legal Briefs

- Legal brief may be done orally unless there are complicated legal issues/ facts
- May even take 3-4 days if matter is complex
- Brief needs to persuade
- If writing on behalf of plaintiff, quote application, reply, counterclaims and replies and any decrees or interim judgments given
- If writing on behalf of defendant, no need to quote application, reply and decrees unless you need to make reference to them
- Must be concise approx. 3-5 pages of observations/ submissions
- Go through court file, refer to fol. numbers for easier reference
- Target legal issues
- Do not include facts/evidence which does is not relevant
- Research case law
- Refer to the elements of the law
- Conclude by requesting the remedy sought
- Mostly done in Maltese
- Similar process is used for appeals and replies



7. Writing – Legal Writing – Legal Briefs



7. Writing – Legal Writing – Legal Briefs

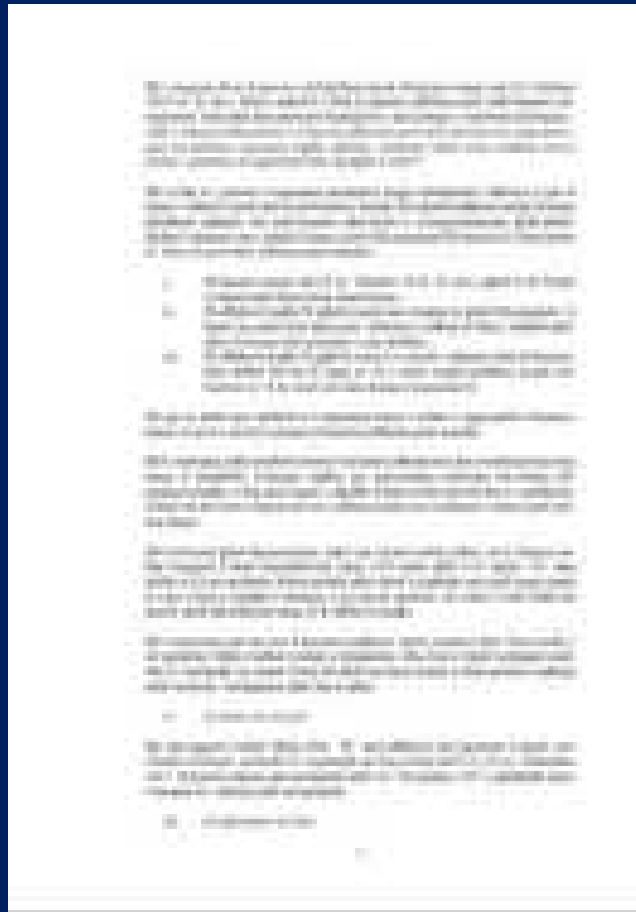
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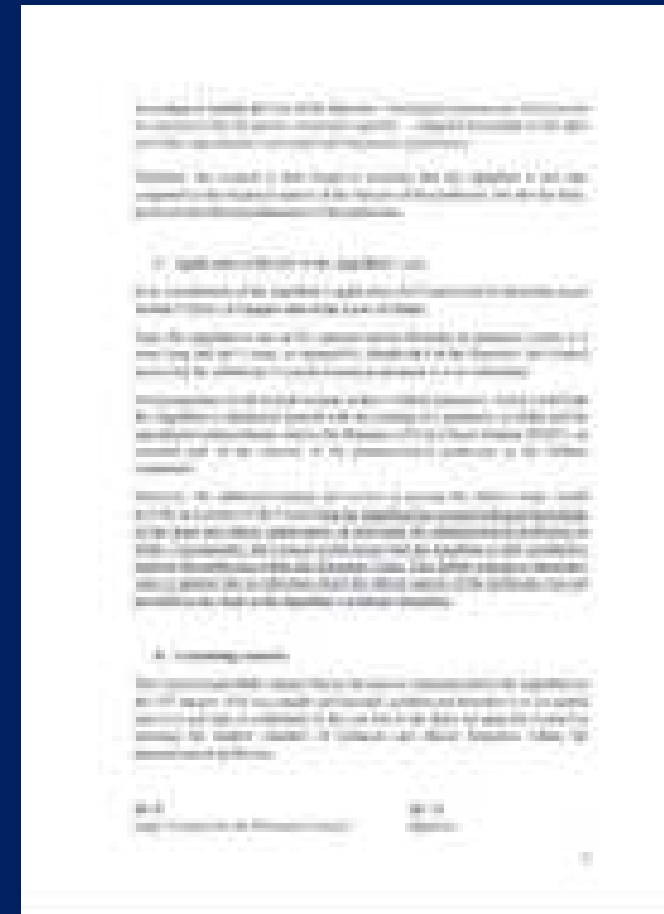
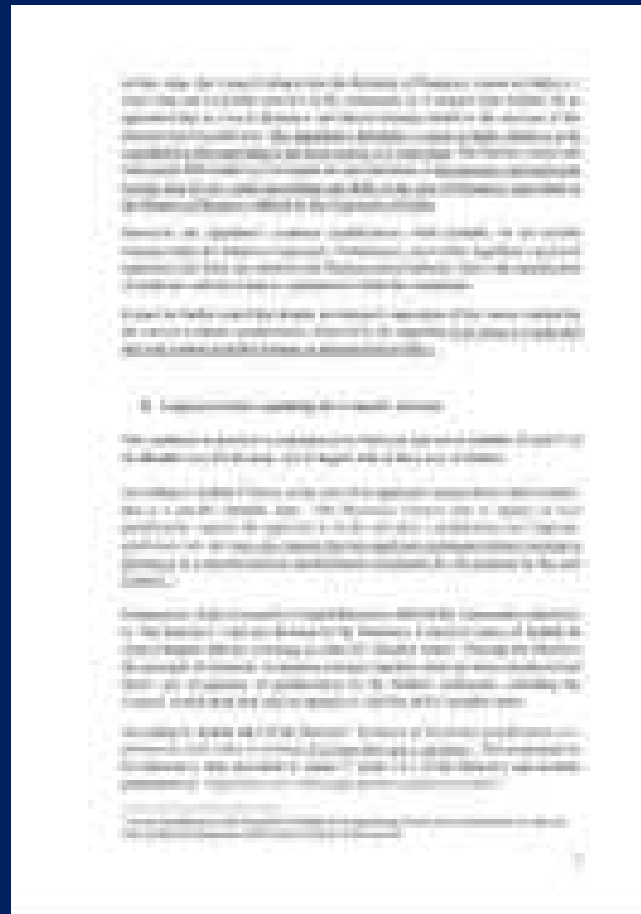
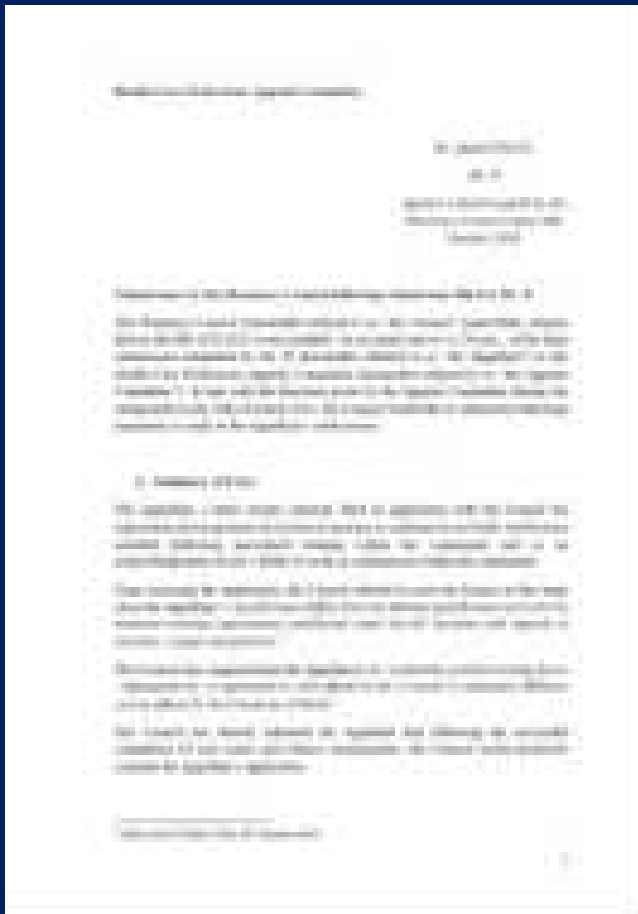
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7. Writing – Legal Writing – Legal Briefs



7. Writing – Legal Writing – Legal Briefs



7. Writing – Legal Writing Tips

- Use active voice unless you want to emphasise – active voice: the subject of sentence performs the action.
- Application will be targeted toward judge and opposing legal counsel unless it is a judicial letter
- Make objective not personal arguments
- Be direct and straight to the point
- Request in application must be clear
- Try to stick to short sentence
- Use citations
- If drafting note of submission/ observation/ appeal provide the solution/ answer to the problem
- If judicial letter use simpler language since it is directed to the opposing party who might not know legal terms
- In notes of observations/ submissions/ appeal applications if plaintiff, quote application and reply. If replying as defendant, no need to quote application and reply
- Make reference to case law if any and authors
- Watch for deadlines and particular articles of the law
- Video – 10 Legal Writing Tips with examples: <https://www.youtube.com/watch?v=FsJuGSL9vvg&t=99s>

Active Voice

Alex wrote an essay about his grandfather's Alzheimer's.



Passive Voice

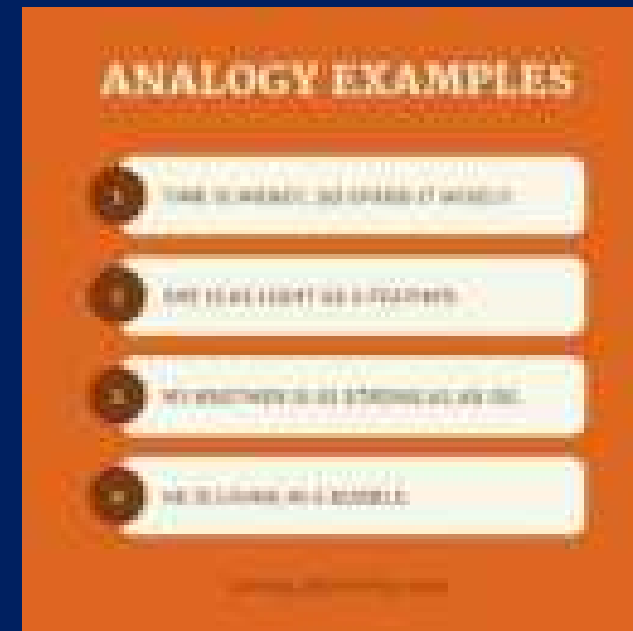
An essay about Alzheimer's was written by Alex.



7. Writing – Legal Writing Tips

Ross Guberman “Point Made – How to Write Like the Nation’s Top Advocates” tips:-

1. Provide the context of the case – explain who are the parties, what question is the case trying to answer, when and where the event happened and why should you win
2. Structure the argument section
3. Given the court a reason to want to find for you – include judicial fears: i. The fear of applying the wrong law, ii. the fear of creating new duties, rules or defenses and iii. The fear of reaching an unfair result or causing harm e.g. Include the possibility of anti-constitutionality of a judgment if awarded in a particular way
4. Pre-empt your opponent’s arguments
5. Use headings to attract attention
6. Acknowledge bad facts but put them in context and counter them by other arguments
7. Show why your client is right and if your client is in the wrong humanize the situation
8. Use analogies
9. Answer questions which the court might raise when writing the judgment
10. Link your case or party with caselaw you made reference to i.e. Applicability
11. Show that opponent’s caselaw is less applicable or inapplicable to caselaw cited by yourself
12. Search opponent’s caselaw
13. Use figures of speech
14. Use rhetorical questions to impugn opponent’s arguments
15. Use tables and charts to add interest
16. End the argument with a provocative quotation or thought
17. Wrap up by recasting your main points



Referencing

- Referencing allows you to acknowledge the contribution of other writers and researchers in your work.
 - Used to avoid plagiarism if used correctly
 - Various referencing styles – e.g. OSCOLA (law), Harvard (economics), APA (psychology), MLA (language and literature)
 - OSCOLA - Oxford University Standard for Citation of Legal Authorities - <https://www.law.ox.ac.uk/OSCOLA>
 - OSCOLA referencing system is used for legal referencing in Malta incl. legislation, case law, books, journals, websites and other sources.
 - Complete guide accessible on https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf
- Updates and FAQs available on <https://www.law.ox.ac.uk/oscola-faqs>

- Video:

[University Law Teacher Explains OSCOLA Referencing and Bibliographies - YouTube](#)

- Generators
- [OSCOLA Referencing Generator | Reference Tool \(lawteacher.net\)](#)
- [Free OSCOLA Referencing Generator by Cite This For Me](#)



Referencing

- OSCOLA distinguishes between primary and secondary sources
- Primary sources are legal sources, such as cases and legislative documents. Secondary sources include books, journal articles, and websites.
- In 2022 the GHSL (Ghaqda Studenti tal-Ligi) adapted the OSCOLA guideline to the Maltese Context



Referencing - Legislation

- Example OSCOLA References for EU Legislation

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community [2007] OJ C306/0

- Example OSCOLA References for Common Law Legislation:-
- *Housing Act 2004 (Commencement No. 6)(England) Order 2006, SI 2006/3191, art 2(a)*
- *Reletting of Urban Property (Regulation) Ordinance, 1931*
- *Reletting of Urban Property (Regulation) Ordinance, 1931, s 4A (can also use A for article)*
- “s” in “s 4A” is short for section. If it was more than one section, therefore sections, abbreviation would be “ss”
- Other abbreviations: subsection/sub-sections – sub-s/sub-ss, schedule/s –sch/schs, regulation/ regulations – reg/regs, article/articles – art/arts



Referencing – Caselaw

PARTY NAMES, YEAR, VOLUME NUMBER, REPORT SERIES, FIRST PAGE OF REPORT, INITIALS OF THE COURT

Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 1 AC 884

- The example above shows that this is a case involving Corr and IBC Vehicles Ltd. It was the thirteenth judgement issued by the House of Lords (UKHL) in 2008. It also indicates that a report of the judgement can be found in volume 1 of the series of the Law Reports called the Appeal Cases, beginning at page 884.

Joseph Borg vs Mary Borg [2022] (P.A)

- Order may change e.g. Initials of court are given after the year



Referencing – Maltese Caselaw

No standard in Maltese judgments

¹ App. no. 1497/13 (ECtHR, 12 April 2016)
² App. no. 1497/13 (ECtHR, 12 April 2016)
³ App. no. 1497/13 (ECtHR, 12 April 2016)
⁴ App. no. 1497/13 (ECtHR, 12 April 2016)

⁵ 188(2018)MVC decided 23/01/2020 (appealed Judgment by the Constitutional Court is adjourned for the 09th of October, 2020)
⁶ 2023M/02 - 2023/000 (published in French)

⁷ Feb. 83,
⁸ Feb. 85 – 87.

⁹ See by way of example verbal of the 11th of November, 2014 and that of the 14th of April, 2015.

¹⁰ App. no. 1497/13
¹¹ App. no. 1497/13

¹² Q.A. (Pop.), 14.12.2018.

¹³ European Court of Human Rights
¹⁴ App. no. 1497/13 (ECtHR, 12 April 2016)

¹⁵ *Kawwintawja tal-Pollatja* decided by the First Hall Civil Court (Constitutional jurisdiction) on the 23rd November 2017 (App. no. 92/2016 (FC))

¹⁶ Decided on the 23rd November, 2017 (App. no. 92/2016 (FC))

¹⁷ See like the Maltese system during that time (This reference can be found at the bottom of page 2 of the judgment in the name: *Christopher Bartolo (KI 99999M) vs Avukat Generali*)



Referencing - Books

- AUTHOR, TITLE, ADDITIONAL INFORMATION, EDITION, PUBLISHER YEAR

Gareth Jones, Goff and Jones: The Law of Restitution (1st supp, 7th edn, Sweet & Maxwell 2009)

Chapters in Books with multiple editors - AUTHOR, TITLE, IN EDITOR (ED), BOOK, ADDITIONAL INFORMATION, PUBLISHER, YEAR

Justine Pila, 'The Value of Authorship in the Digital Environment' in William H Dutton and Paul W Jeffreys (eds), World Wide Research: Reshaping the Sciences and Humanities in the Century of Information (MIT Press 2010)



Referencing – Journal Articles

- Start with the article author (first name/initial then surname,), then the article title in single quotes.
- After the title, give the publication information in the following order:
 1. year of publication, in square brackets if it identifies the volume, in round brackets if there is a separate volume number;
 2. the volume number if there is one (include an issue number only if the page numbers begin again for each issue within a volume, in which case put the issue number in brackets immediately after the volume number);
 3. the name of the journal in roman, in full or abbreviated form, with no full stops; and
 4. the first page of the article.
- Articles from journals without independently numbered volumes should follow the format: AUTHOR, TITLE, YEAR, JOURNAL NAME OR ABBREVIATION, FIRST PAGE OF ARTICLE.

Paul Craig, 'Theory, "Pure Theory" and Values in Public Law' [2005] PL 440.

- Articles from journals which do have independently numbered volumes should follow the format: AUTHOR, TITLE, YEAR, VOLUME, JOURNAL NAME OR ABBREVIATION, FIRST PAGE OF ARTICLE.

Alison L Young, 'In Defence of Due Deference' (2009) 72 MLR 554.

- Put a comma after the first page of the article if there is a pinpoint (particular reference to specific paragraph or page)

JAG Griffith, 'The Common Law and the Political Constitution' (2001) 117 LQR 42, 64.



Referencing - Websites

Follow the general principles for citing secondary source:-

1. Give the author's name exactly as it appears in the publication.
2. If no individual author is identified, but an organisation or institution claims editorial responsibility for the work, then cite it as the author.
3. If appropriate to cite an anonymous source (eg blog) start citation with the title.
4. All titles should be within single quotation marks and in roman. Capitalize the first letter in all major words in a title.

- The most important features of a citation to a website are the web address in <angled brackets> and the date on which you accessed it.

Sarah Cole, 'Virtual Friend Fires Employee' (Naked Law, 1 May 2009) <<http://www.nakedlaw.com/2009/05/index.html>> accessed 19 November 2009

- If you source a publication online which is also available in hard copy, cite the hard copy version. There is no need to cite an electronic source for such a publication

- For online journals - AUTHOR, TITLE, YEAR, VOLUME/ISSUE, JOURNAL NAME OR ABBREVIATION, <WEB ADDRESS>,DATE ACCESSED.

Graham Greenleaf, 'The Global Development of Free Access to Legal Information' (2010) 1(1) EJLT <<http://ejlt.org/article/view/17>> accessed 27 July 2010



Referencing – General Principles

Quotations

1. Quotations that are three lines or shorter should be incorporated in the text. Use 'single quotation marks', but if you need to submit your work to Turnitin, use "double quotation marks".
2. Quotations longer than three lines should be an indented paragraph. Do not include quotation marks.

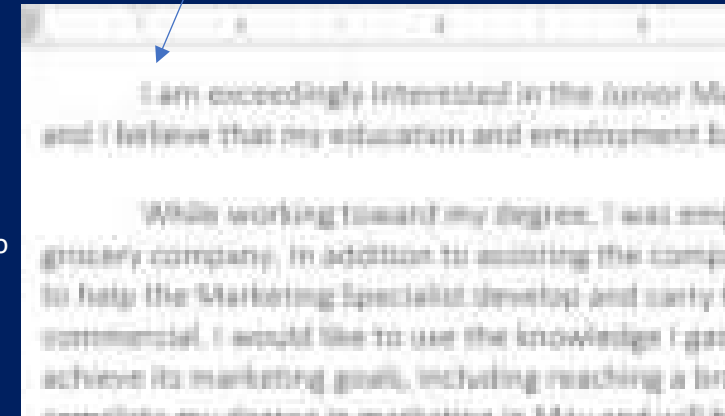
Footnotes

1. Put the footnote marker at the end of a sentence, unless for the sake of clarity it is necessary to put it directly after the word or phrase to which it relates
2. The superscript number (footnote number) should be after the full stop or comma

Authors' names

1. Give the author's name exactly as it appears in the publication, but omit postnominals such as QC
2. If there are more than three authors, give the name of the first author followed by 'and others'
3. If no individual author is identified, but an organisation or institution claims editorial responsibility for the work, then cite it as the author
4. If no person, organisation or institution claims responsibility for the work, begin the citation with the title
5. In footnotes, the author's first name or initial(s) precede their surname
6. In bibliographies, the surname comes first, then the initial(s), followed by a comma

Indented para.



Referencing – General Principles

Titles

1. *Italicise* titles of books and similar publications, including all publications with ISBNs
2. All other titles should be within ‘single quotation’ marks and not in *italics*
3. Capitalize the first letter in all major words in a title
4. Minor words, such as ‘for’, ‘and’, ‘or’ and ‘the’, do not take a capital unless they begin the title or subtitle



Referencing – General Principles

Dates

1. When a full date is required, the format should be '1 January 2016'
2. There is no specific need for 'st' or 'th' after the day
3. If something spans more than one year in the same century, the format is '1972-84'

Subsequent Citations

1. If a citation is the same as the one immediately before it, you can put 'ibid' in the footnote
2. If the citation is the same as another, you can use a shortened form, followed by a reference to the footnote e.g. Stevens (n 1) 110.



OSCEA Quick Reference Guide

Primary Sources

OSCEA can be found under the following links:
www.osce.org

OSCE

OSCE is the only security organisation in the world which addresses the full spectrum of security issues. OSCE's focus is on preventing conflict, resolving disputes peacefully, promoting human rights, and strengthening the rule of law. OSCE is the only organisation in the world which covers the entire continent of Europe, from the Atlantic to the Pacific.

- OSCE Secretariat: +38 (0) 31 240 0000
- OSCE Website: www.osce.org
- OSCE Human Rights and Rule of Law Division: +38 (0) 31 240 0000
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Secondary Sources

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Bibliography

Bibliography should be at the end of the work. It lists all sources used in the work. Each source only needs to be listed once, even if you have referred to it multiple times in your work. Do not include background reading in your bibliography. The bibliography should appear after the text and after appendices. The bibliography should list the sources in alphabetical order.

Video: OSCOLA: Creating a Bibliography https://www.youtube.com/watch?v=SZJuw0_wCNk

Bibliographies take the same form as all other citations in OSCOLA, with 3 exceptions:

1. The author's surname should precede his/her initial(s), with no comma separating them, but a comma after the final initial;
2. Only initials should be used, and not forenames;
3. The titles of unattributed works should be preceded by a double em-dash. Works should be arranged in alphabetical order of author surname, with unattributed works being listed at the beginning of the bibliography in alphabetical order of first major word of the title.

Jones G, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009)

Knapton S, 'Bad Owners to Blame for Aggressive Animals not their Breed' *The Daily Telegraph* (London, 3 Dec 2013)

<<https://www.telegraph.co.uk/lifestyle/pets/10491808/Bad-dog-owners-to-blame-for-aggressive-animals-not-their-breed.html>> accessed 16 Nov 2020)

If your piece of work is long, you can divide the bibliography into three sections: Cases, Legislation, and Bibliography

Unlike in footnotes, the author's surname should be listed first, followed by the author's initials. Unlike in the footnotes, you do not list the author's first names, just initials. The secondary material should also be listed alphabetically. If citing more than one work by the same author, list the author's works in chronological order (oldest first), and in alphabetical order of the first major word of the title within a single year.



For cases:-

1. Do not italicise case names.
2. List cases alphabetically in order of the first significant word. If the parties involved are only identified by initials the case should be listed under the initial.

For Legislation - This should include every statute listed in your piece of work (unless your lecturer has told you differently). Legislation should be listed in alphabetical order. Statutory Instruments should be listed separately after Statutes.

- A longer legal work, such as a book or a thesis, generally has a list of abbreviations and tables of all the cases, legislation and other primary legal sources cited in the work in the preliminary pages. The list of abbreviations should come before the tables, and the order of the tables should generally be: table of cases; table of legislation; other tables.



Plagiarism

- The University Assessment Regulations, 2009 (University of Malta) define plagiarism as “the unacknowledged use, as one's own, of work of another person, whether or not such work has been published, and as may be further elaborated in Faculty or University guidelines”.
- Plagiarism can be major or minor
- Major plagiarism is meant to cover what is generally understood to be prototypical plagiarism (significant unacknowledged borrowing), whereas minor plagiarism covers offences that could be construed as plagiarism but may be the result of academic incompetence, thus bringing into question the intent to deceive.
- Minor plagiarism also includes instances of unacknowledged borrowing whose contribution to a piece of writing is considered to be of little significance, with the proviso that repeated instances may escalate into a major offence.



Major Plagiarism cases and examples

1. Significant unacknowledged copying of text, diagrams, tables, images or other material from any published or unpublished material, lecture slides or handouts, whether such material is in manuscript, print or electronic form.
2. Acquisition of work, designs, or concepts (including buying or commissioning work from third parties/professional agencies) prepared by one or more others and presenting the work in whole or in part as the student's own work.
3. Significant amounts of patchwriting (i.e. changing only some of the words, or the order of the words, or redrawing diagrams, etc.) with or without citation. Patchwriting should not be confused with paraphrasing, which is the appropriate (and acknowledged) rewriting of ideas present in a source text in the student's own words and should be actively encouraged as a feature reflecting maturity in academic writing.



Major Plagiarism cases and examples

- Examples:
 - Copying text or a diagram from another source, failing to enclose the copied text within quotation marks, or taking somebody else's ideas, and failing to correctly acknowledge the source of the text, diagram, or ideas.
 - Purchasing a paper or report from a 'paper mill'; paying others to prepare an assignment but then submitting the work under your own name.
 - Copying text but replacing some words or changing word order, whether or not the source is correctly acknowledged; re-drawing diagrams and failing to acknowledge the source.



Minor Plagiarism

Minor offences of plagiarism include:

1. Individual in-line citations lacking corresponding entries in the references section, or failure to compile a references section.
2. Demarcated text without in-line citation or instances of incomplete or inconsistent in-line citation.
3. Incorrectly written entries in a reference list, when this results in the reader's inability to create a correspondence between the entries in the reference list and in-line citations.
4. Inconsistent citation style, when this results in the reader's inability to identify sources.
5. Unacknowledged borrowing that does not contribute significantly to the text in question

Minor plagiarism usually involves cases where the student has used his/her own words by correctly paraphrasing or delimiting words that are others' (e.g., by enclosing them inside quotation marks), but where some references and citations are incomplete or inconsistent. As incomplete, inconsistent, or incorrect referencing means that an examiner may be unable to refer to the sources where the claims you make are substantiated, this constitutes minor plagiarism (at best), and academic fraud, in which claims are simply invented by the student and the reference to the source is deliberately obfuscated (at worst).



University Dean's article withdrawn over plagiarism claim

Andrew Zammit Zammit was withdrawing

Times of Malta

Published: 2021-09-23 10:00 AM

10/09/2021



Andrew Zammit Zammit (left) and Professor Francesco Ferraro are colleagues but have clashed over the issue of Maltese plagiarism.

An article co-authored by the university's Dean of the Faculty for Social Wellbeing Andrew Zammit has been removed from a journal on the basis of plagiarism.

Professor Francesco Ferraro, an associate professor in the Department of Criminology within the same faculty, who claims the paper has been plagiarised, said in a private Facebook group that it was a 'bad day for Maltese scholarship'.

Zammit said he had asked Zammit to remove the name from the paper in 2019.

While acknowledging that the work had to meet academic standards, Zammit noted the plagiarism that this was the result of any effort involving and hoped that the full support of the university was not an attempt to silence the criticism.

Zammit and Ferraro have previously clashed on [the subject of plagiarism](#), with the dean reportedly calling for serious criticism in the wake of a number of incidents.

Zammit described as "unacceptable" the fact that the authors of the article, that and Professor Ferraro in Robert French House, include Zammit, who is currently an academic that also the Dean of the Faculty of Social Wellbeing.

Zammit's support of the article's author was the first author of the report and Zammit was the second.

"This is a serious plagiarism - with a warning, but this is a serious case and we have serious plagiarism colleagues' but enough publications in relation of it this time round," Ferraro charged.

The article was published in the faculty's journal on Social Wellbeing journal in September when the editorial board was notified of the complaint and was instructed to withdraw.

In another case, the editorial board, in agreement with the authors, said it has removed the article from the first issue of the academic publication.

While in that, Prof. Ferraro said, declined to comment further and said that the article was necessary, though it is understood that it did not meet the journal's editorial standards.

He also refused to comment whether the editorial board's role was to check for plagiarism, with Ferraro's words available in an email to confirm whether it was clear that a serious case was not a bad day for journal.

Not of the standard teaching academic

Zammit said a part of the article in question had plagiarised papers, written jointly and originally by Ferraro and Prof. Jean Ferraro from the Department of Health within the same faculty.



ACADEMICS AT UM

Saviour Formosa shared a post.
10m · g

Truly a sad day for Maltese Scholarship. That a student plagiarises work is worrying, that an academic and an ISO severely plagiarise colleagues' hard-earned publications is unheard of in this Alma Mater. That the authors indicate the Dean of Social Wellbeing is utterly condemnable. The journal "Studies in Social Wellbeing" retracted the offending paper.

<https://www.facebook.com/104180921136146/posts/486638342890572/>

I have asked Prof Andrew Kappard as Dean of Faculty for Social Wellbeing - University of Malta to resign. We have much to strive for.

Studies in Social Wellbeing
10 November at 18:56 · g

The Editorial Board, in agreement with the authors, has removed the article "Risk and Protective Factors in Violent Youth Crime" from the first issue of Studies in Social Wellbeing.

Share: Anonymous poster has shared a post on a Facebook group by University of Malta.

They mention Formosa and it has been a case of 'copy-pasting' and 'over paraphrasing' rather than plagiarising.

When published, Formosa acknowledged the "mistake" saying the work presented in the journal was "not all his own" and "building on others' work".

"Consequently, the main author will have worked hard to deal with the ethical aspect of the journal and what should and should not be reported from an author and decided to retract the article in question if the case is real".

While agreeing that the paper could have benefited from further review, he expressed no objection that this was the product of any writer wanting to be published in a peer-reviewed journal. "It does not change anything and I want to assure everyone that I will keep proceeding with regard to the journal and issues, whether it's about ethics, literature, other publications. I believe need to be implemented in our society".

Universally known 'establishing facts'

The University of Malta's senior staff will be asked to resign in the wake of the plagiarism scandal for the process of establishing the facts before coming to an decision.

According to the University's own guidelines for students, plagiarism is defined as "the unauthorised use, in whole or in part, of another person's intellectual or artistic work without their consent".

However, it also stresses that "major" and "minor" instances of plagiarism are better seen as opportunities for learning, whereas the latter stresses instances of unauthorised borrowing that is considered to be of little significance.

Other offences are treated as "academic misconduct", which generally leads to the loss of university status.

Independent journalist and former Deputy Prime Minister of Malta for the period of a while.

Fiona Galea Debono
First Deputy Editor



Tips to avoid plagiarism

- Keep track of sources immediately as you find them
- Cite and reference sources as you go along
- Use proper citations
- Quote (“”) or paraphrase (express meaning using different words). Quote sparingly. Quotes are appropriate:-
 - You’re using an exact definition, introduced by the original author
 - It is impossible for you to rephrase the original text without losing its meaning
 - You’re analyzing the use of language in the original text
 - You want to maintain the authority and style of the author’s words
- Credit the original author
- If need be inform the reader where the original claims, and evidence supporting them, are made
- Use a plagiarism tracker



Collusion

- Collusion occurs when two or more students collaborate to produce work, where such collaboration is not permitted. Examples:
 1. In supervised examinations, it is expected that students work individually, and no sharing of ideas or material is allowed; only reference to permitted resources is allowed
 2. In home assignments, unless otherwise specified, it is expected that students work individually, and no sharing of ideas or material is allowed; however, reference to publicly available information is permissible (with appropriate citation)
 3. If a home assignment is an individual assignment, students are permitted to communicate orally such that the problem assigned is understood - however, students are not permitted to share material
 4. If a home assignment is specifically group-work, it is expected that students take individual responsibility for the individually submitted contribution, but collective responsibility for the aspects of the submitted work that required a joint effort.

Examples: borrowing of assignment, sharing of work and incorporating them in your work, sharing solutions to problems,



Ethics – Research Ethics & Professional Ethics

- Research Ethics - There are cases where unethical means are used to produce a report/ paper since it is easy and quick e.g. Of unethical means – copying someone's idea and claiming it as yours
- There are no strict rules to be observed in research
- A set of principles developed over time

What is research ethics?

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



Research Ethics



- Ethical principles stress the need to:-
 1. Do good (a.k.a beneficence) - Researchers should have the welfare of the research participant as a goal
 2. Do no harm others - an obligation not to inflict harm on others

In practice, these 2 principles mean that as a researcher, you need to:

- (a) obtain informed consent from potential research participants (explain what is the research about, why are they taking part in the research, opt for volunteers if possible)
- (b) minimise the risk of harm to participants (incl. psychological distress, financial status and invasion of privacy). Minimise risk by obtaining written consent forms, protect anonymity by removing names, surnames and other details
- (c) protect their anonymity and confidentiality (do not include unnecessary data, seek permission for divulging sensitive data)
- (d) avoid using deceptive practices (e.g. Identity or purpose of researcher are not given;
- (e) give participants the right to withdraw from your research.
- (f) Obtain consent from research institutes/ authors
- (g) Avoid plagiarism



Research Ethics

Ethical issue	Definition
Voluntary participation	Your participants are free to opt in or out of the study at any point in time.
Informed consent	Participants know the purpose, benefits, risks, and funding behind the study before they agree or decline to join.
Anonymity	You don't know the identities of the participants. Personally identifiable data is not collected.
Confidentiality	You know who the participants are but you keep that information hidden from everyone else. You anonymize personally identifiable data so that it can't be linked to other data by anyone else.
Potential for harm	Physical, social, psychological and all other types of harm are kept to an absolute minimum.
Results dissemination	You ensure your work is free of plagiarism or research misconduct, and you accurately represent your results.

Code of Ethics - Notaries

- Notaries' Code of Ethics Regulations – S.L. 55.09 regulates:-
 1. Conduct and Diligence
 2. Independence and Impartiality
 3. Professional Relationships
 4. Unlawful Competition
 5. Professional Secrecy and Confidentiality



<https://legislation.mt/eli/sl/55.9/eng>

Notary is deemed to be an independent professional

Code of Ethics – Lawyers

- COMMISSION FOR THE ADMINISTRATION OF JUSTICE - CODE OF ETHICS AND CONDUCT FOR ADVOCATES accessible on <https://www.avukati.org/download/code-of-ethics/>

- Not an act or formal legislation but still a binding code

- Aim:

The purpose of this Code is to ensure that advocates do not act abusively or negligently or in a manner repugnant to the decorum, dignity or honour of their profession or in such manner as could seriously affect the trust conferred on them.

Regulates:-

1. The conduct of advocates
2. Relationship with clients – obtaining of instructions, taking of instructions, duties owed to clients during a brief
3. Professional Fees
4. Conflict of Interest
5. Confidentiality – lawyers are bound by the Professional Secrecy Act
6. Obligations to others – Relations with third parties, relations with other advocates
7. Particular areas of practice – litigation and advocacy, advocates in employment,
8. Lawfirms and associations – definitions and applications



Notarial Council and Commission for the Administration of Justice

- Notarial Council – has regulatory powers over notaries
- Commissioner for the Administration of Justice – has regulatory powers over lawyers and legal procurators
- Notaries, lawyers and legal procurators may be suspended, disqualified or issued with a fine
- Ban/suspension/disqualification may also be publicized



Former notary gets suspended sentence for misappropriation

Clients' contracts were not registered

By [Gemma Fenech](#) | [View](#)

11 November 2023 | [Print Article](#) | [Share](#)

BY GEMMA



Five of the clients had handed over money to the notary for the purpose of tax and duty payable on the relevant cross-border deals and documents.

But years later, they discovered that the contracts had not been registered.

The notary was accused of misappropriation of funds and for failing to his duties as a public officer, constituting an offence he was bound to prevent.

When releasing a statement to investigators and also when testifying in court, the former notary had explained how he had first been targeted in a scam which made it difficult for him to keep up with payments.

Trouble broke out with his clients and he had even landed in hot water with a retired judge who reviewed his notarial deeds, said explained.

A guarantee order issued in favour of the VAT department further aggravated his position, since his overdraft was blocked and other accounts frozen making it impossible for him to register published deeds, paying the amounts due in tax and duty on documents.

However, on the basis of all evidence put forward, the court, presided over by magistrate Monica Vella observed that the scam had occurred in 2012 and the guarantee order had been issued the following year.

The notary had remained his warrant in 2015.

The evidence showed that the notary had used the money to settle payments due on other contracts.

When clients asked why they had received no official receipt of registration, the notary would blame delays in government departments, rather than admit that the contracts had not been registered.

In all cases the misappropriation had been "amply proved," said the court.

Years later the victims of the misappropriation had to fork out fresh sums to have their deeds registered, the court observed.

As a public officer and by way of his profession, the accused was bound to exercise a greater degree of diligence than the ordinary person, said the court, rejecting a



Notary jailed for seven years for misappropriating funds from 85 clients

Thomas Vella ordered to repay clients following a guilty plea

National Court Crime

February 6, 2025 | Jacob Berg

<https://timesofmalta.com/article/notary-jailed-seven-years-misappropriating-funds-85-clients.1104787>

