Diploma in Law (Malta)

Legislative Process

Lecturer: Dr Sarah V. Ciliberti

Date: 6th October 2025

Diploma in Law (Malta)

CAMILLERI PREZIOSI
ADVOCATES

Re-Cap of Lecture 1

- What is law?
- Why do we legislate?
- Who can legislate?
- Common Law Vs Civil Law
- Historical Influences on the Maltese Legal System
- Sources of Maltese Law

Todays' lecture

- In today's lecture we will be:
  - Exploring the different categories of laws
  - Legislative Process
  - The use of subsidiary legislation
  - Legal Jargon
  - Judicial Interpretation

Different categories of Maltese law

- Civil Law – Criminal Law
- Public Law – Private Law
- Substantive Law – Procedural Law
- Private International Law – Public International Law

Civil Law – Criminal Law

Civil Law deals with rights and obligations of persons towards one another and provides remedies in conflicts between persons – persons also includes legal persons

Civil Wrongs = Private Wrongs = Private Interest

Criminal Law deals with acts or omissions contrary to public order and provides for punishment

Criminal Wrongs = Public Wrongs = Public Interest

Civil Law – Criminal Law

'By Public Wrong is meant an offence committed against the State or the community at large and dealt with in a proceeding to which the State itself is a party, while a private wrong is committed against a private person and dealt with at the suit of the individual so injured'

Sir Anthony Mamo

Public Law v Private Law - Revised

Public law encompasses areas such as criminal law and administrative law – all of which have an effect on the public at large

Private law deals with private individuals, their rights and obligations hence, enjoys a larger set of laws - civil code

Substantive Law

Substantive law defines the rights and obligations of individuals and entities. It is concerned with the actual content of the law, determining what actions are legal or illegal and specifying the consequences of breaches. Substantive law governs various areas, such as criminal offenses, civil rights, contracts, property law, and family law.

Procedural Law

Procedural law, on the other hand, dictates the processes and methods by which substantive law is enforced and applied. It establishes the rules courts and other legal bodies must follow in order to hear cases and resolve disputes. Procedural law does not define the rights and wrongs but provides the steps necessary to enforce or defend those rights.

Main

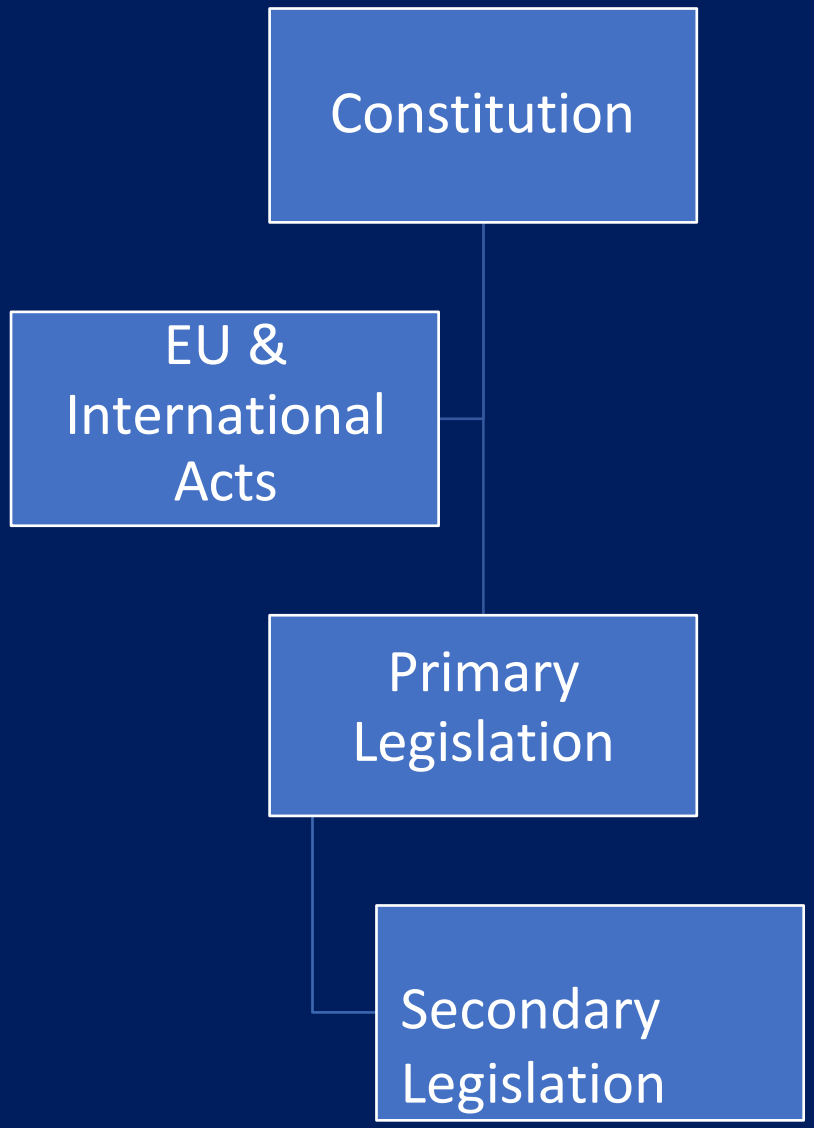
Criminal Code
Civil Code
Code of Organization and Civil Procedure

Private International Law – Public International Law

Private International Law regulates local law issues exposed to a foreign element

Public International Law is a more specialised field of Law which regulates the relation between States and international Organisations

Legal Hierarchy



Primary Legislation - Acts

- Acts are laws which regulate a specific area.
- They are promulgated by Parliament and must be published to become effective.
- They are given a number which is called the Chapter
- Acts are made up of Articles and sub- articles

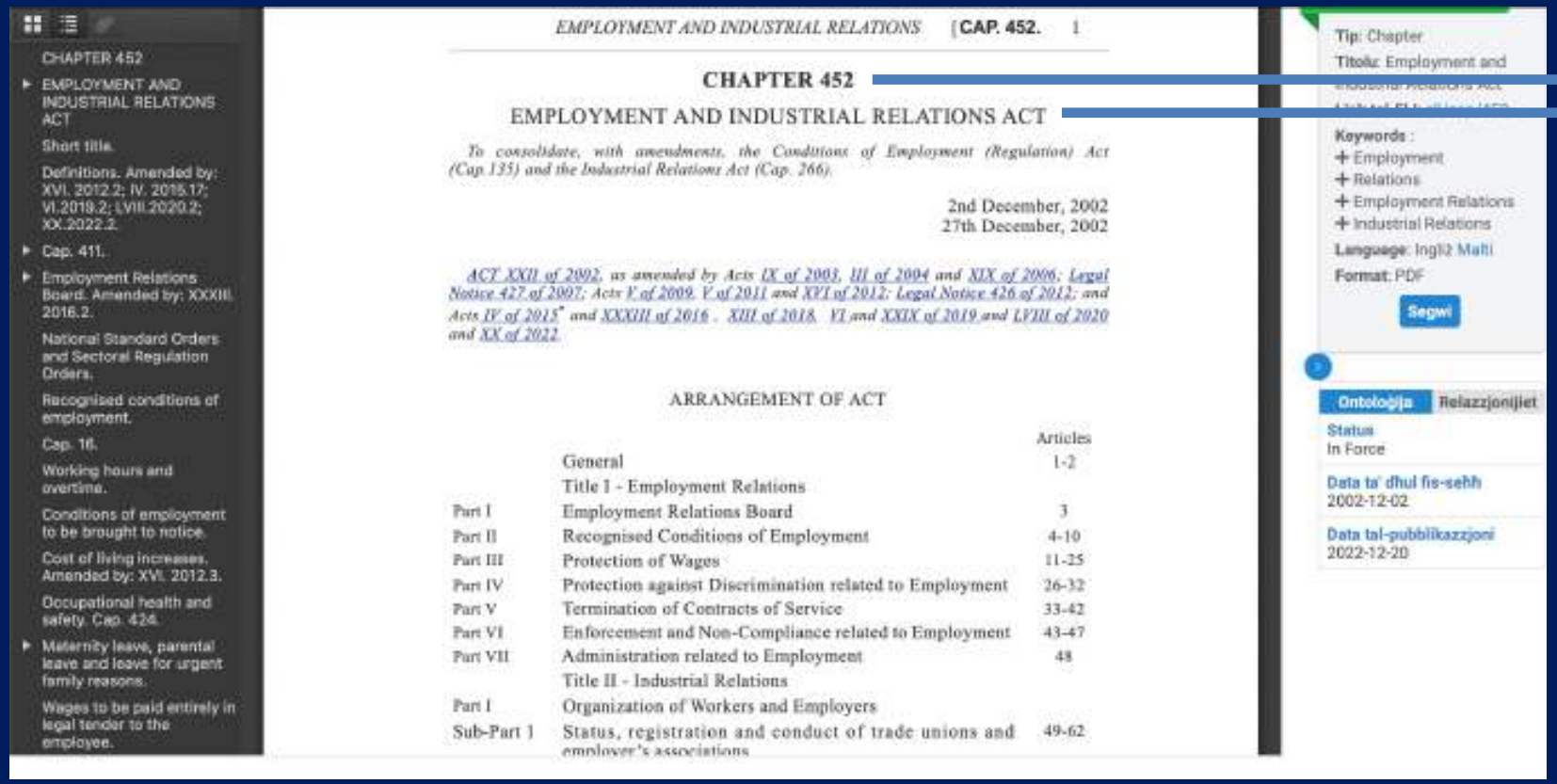
Primary Legislation - Acts

- Parliament may delegate its powers to bodies such as local councils, transport malta etc

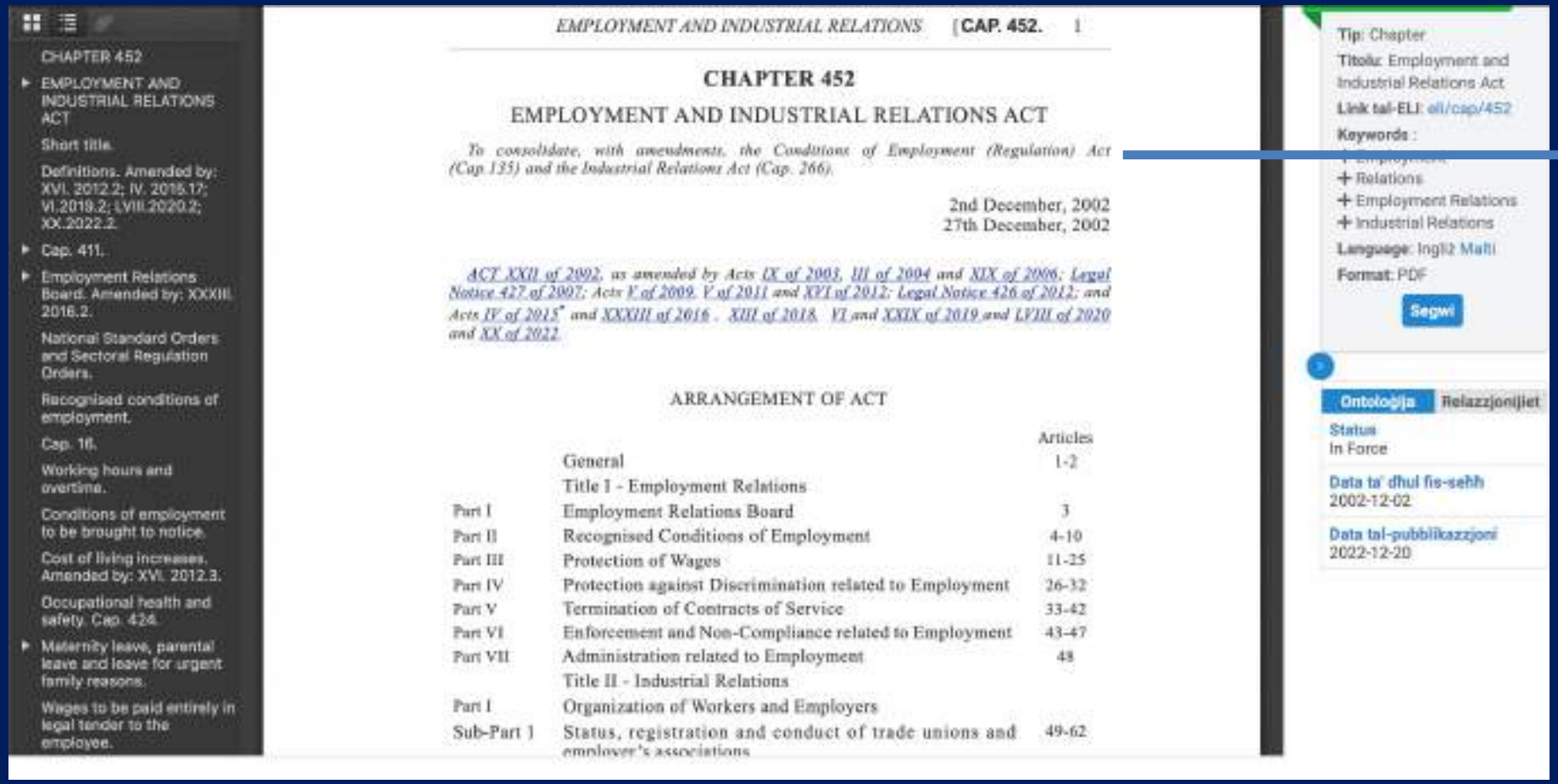
Primary Legislation - Acts

Primary & Subsidiary Legislation

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



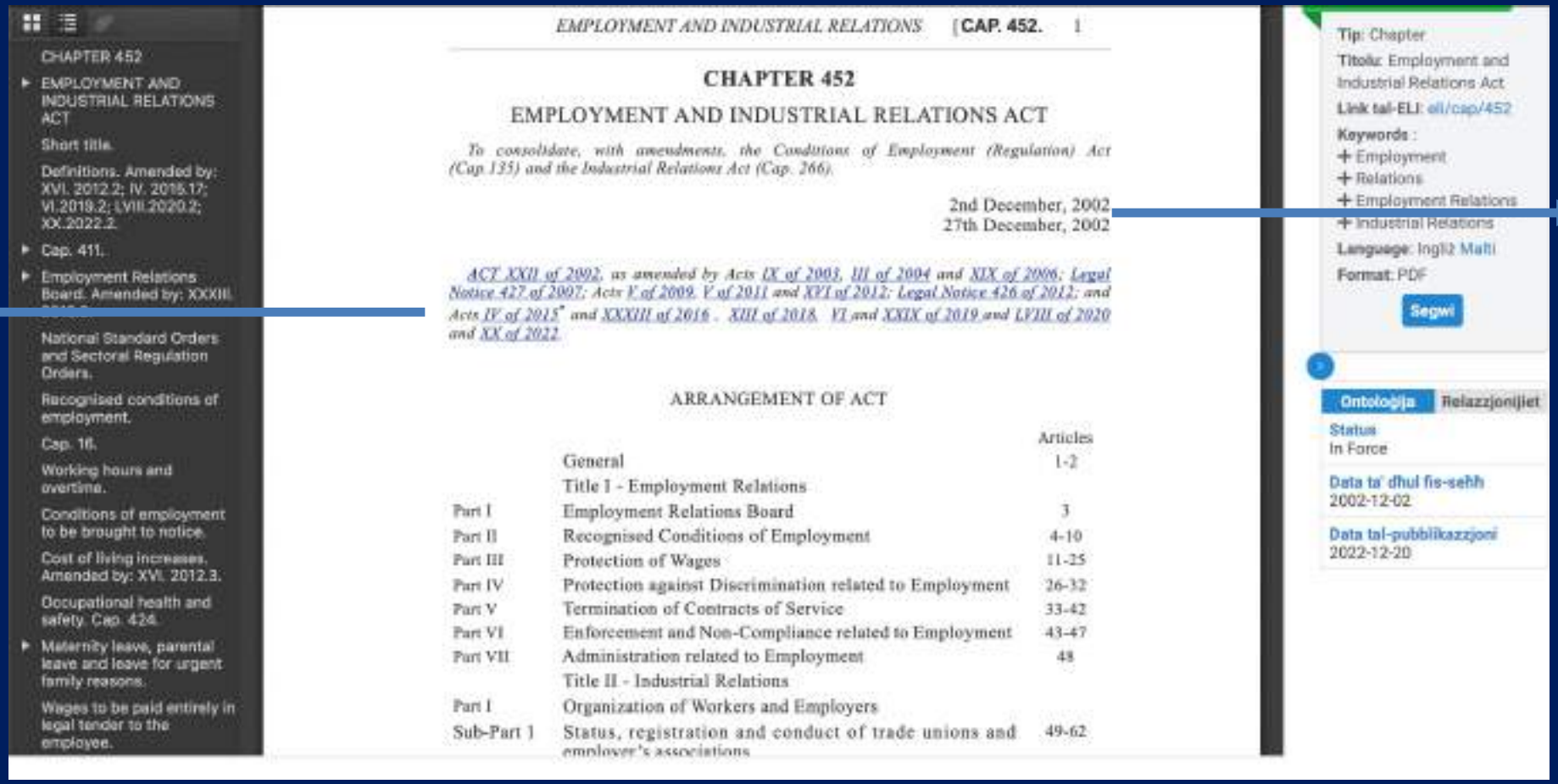
Primary & Subsidiary Legislation



Rationale

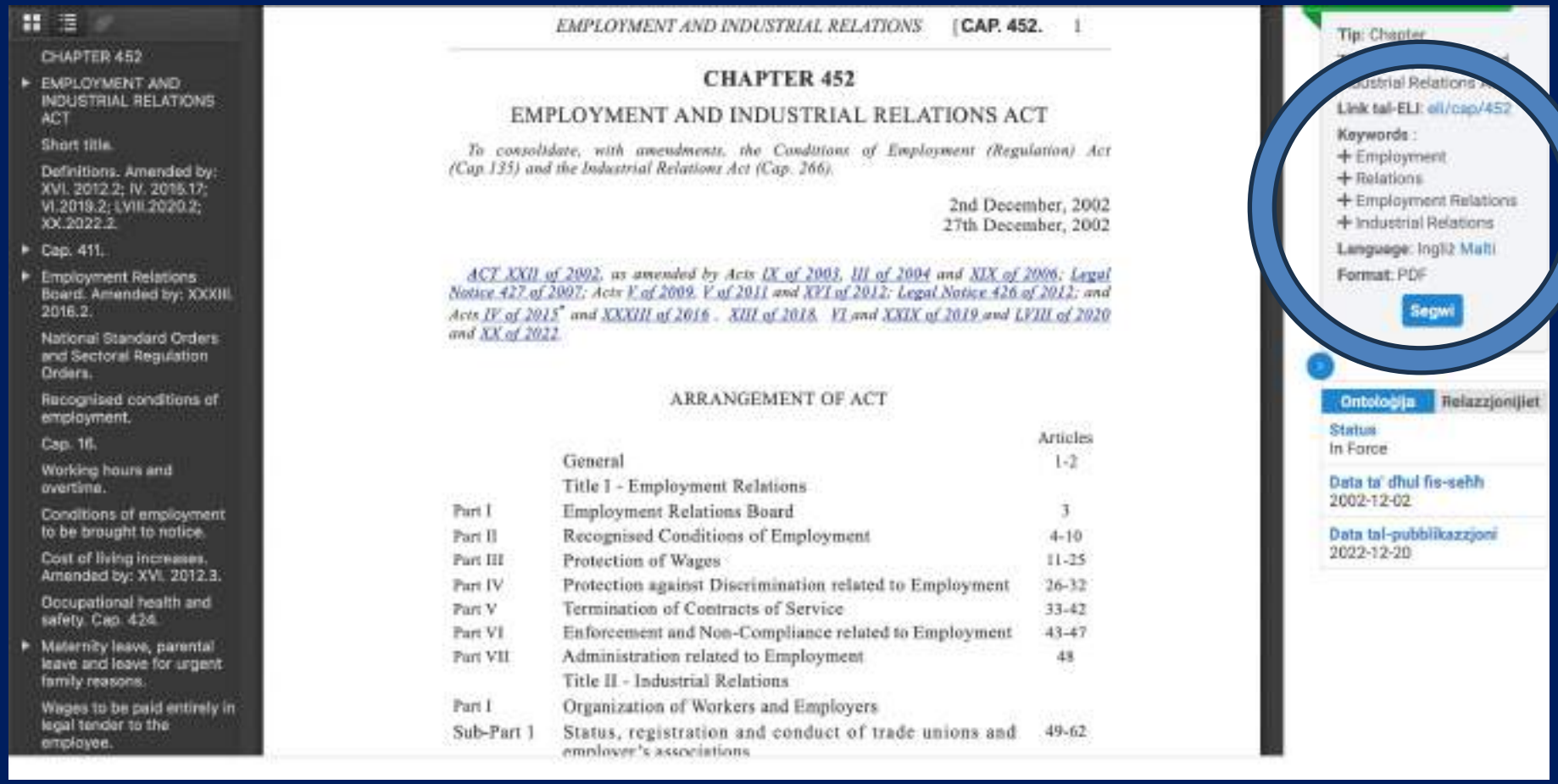
Primary & Subsidiary Legislation

Enactment & Amendment



Promulgation/Enactment Dates

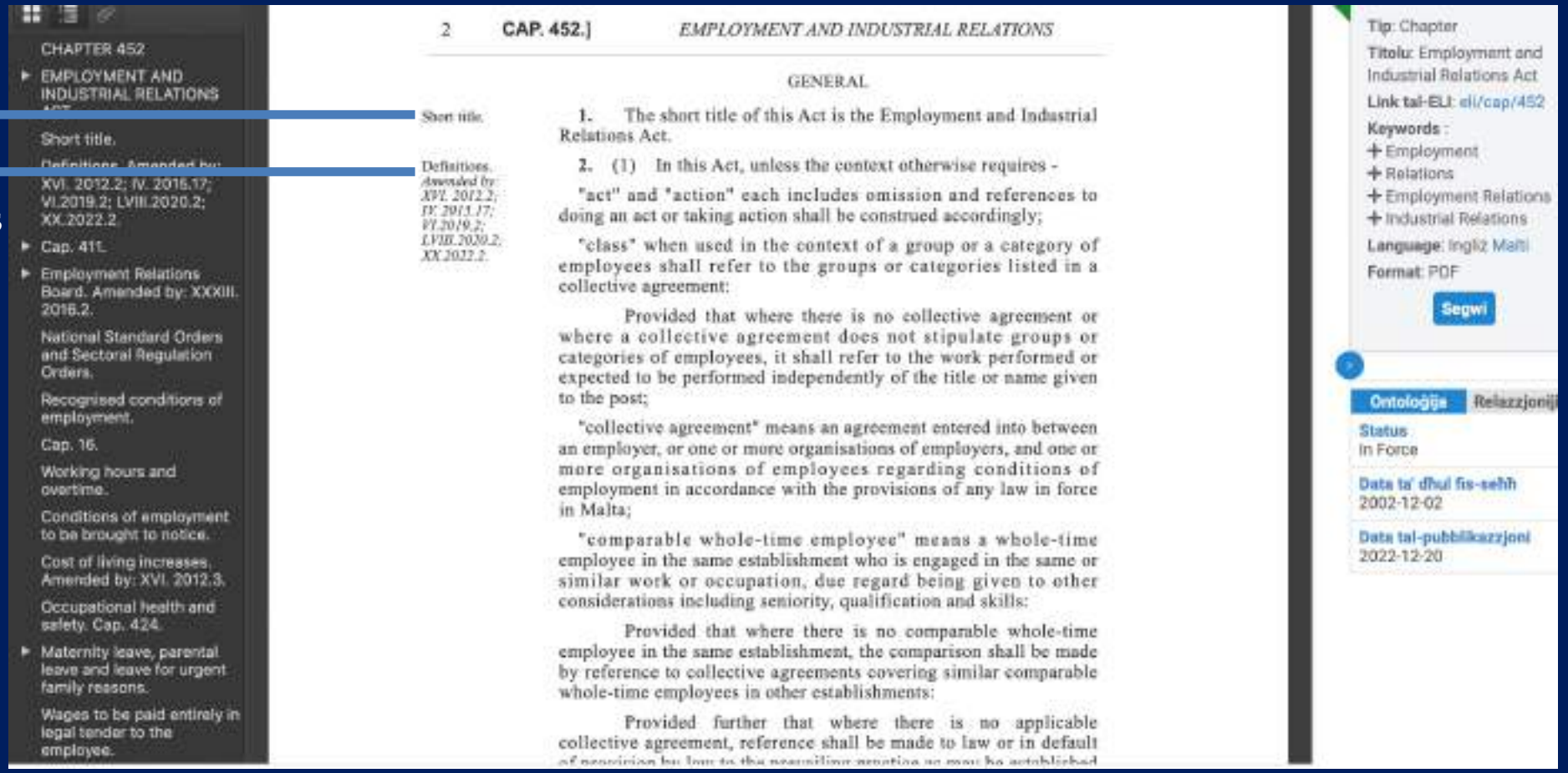
Primary & Subsidiary Legislation



Primary & Subsidiary Legislation

Short title

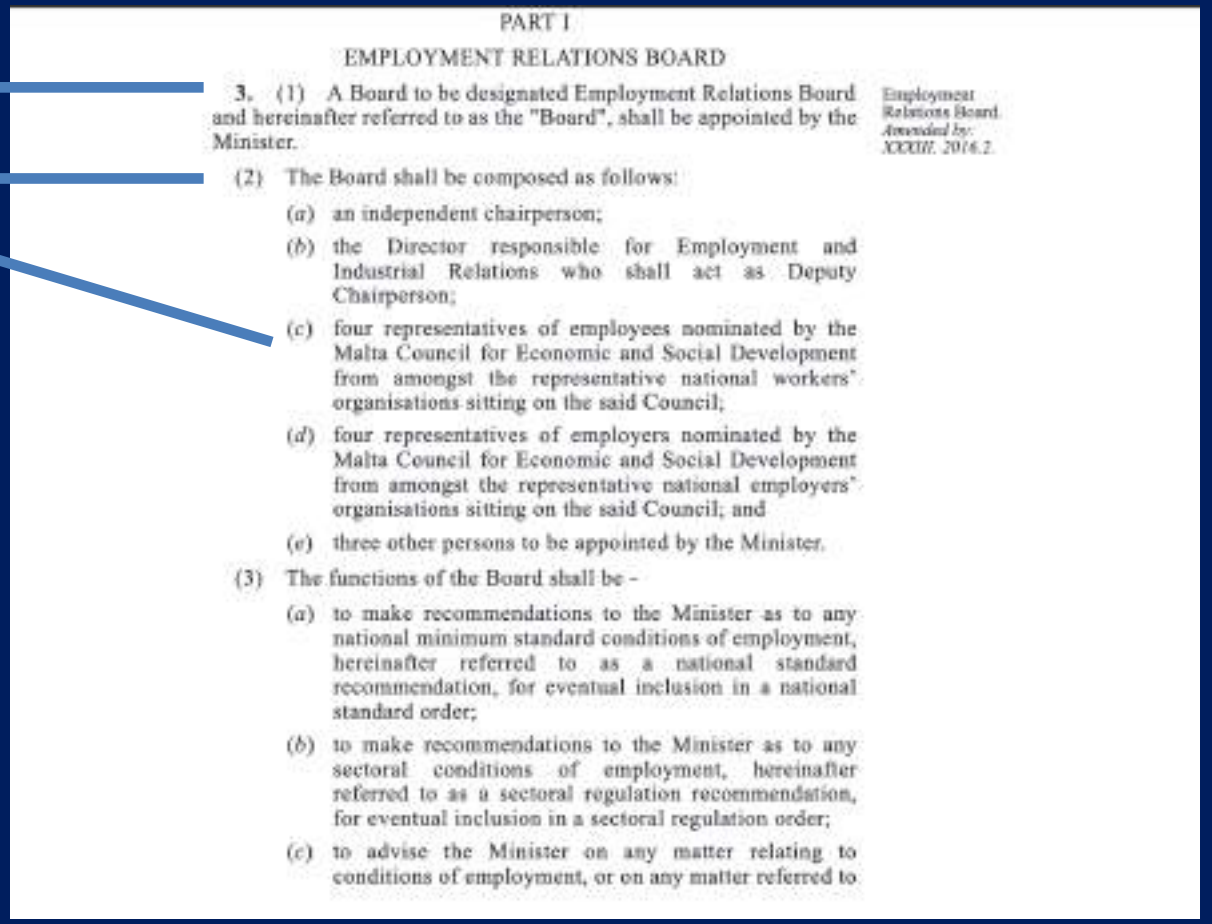
Definitions & Interpretations



Primary & Subsidiary Legislation

Article

Sub Article



PART I

EMPLOYMENT RELATIONS BOARD

Employment Relations Board. *Amended by: XXXIII. 2016.2.*

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

(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

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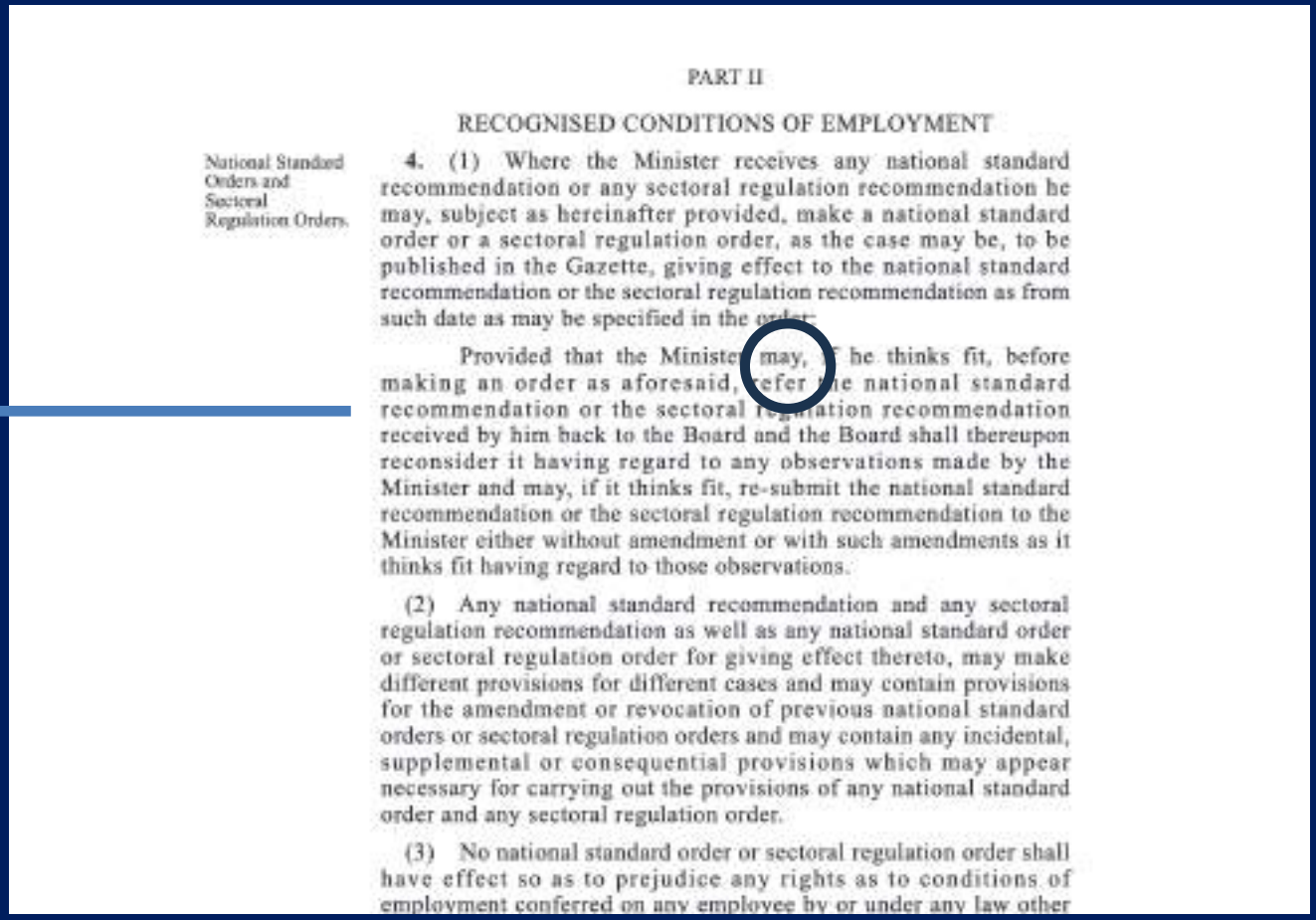
Primary & Subsidiary Legislation

Proviso



PART II

RECOGNISED CONDITIONS OF EMPLOYMENT

National Standard Orders and Sectoral Regulation Orders.

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

Subsidiary Legislation

Chapter Number

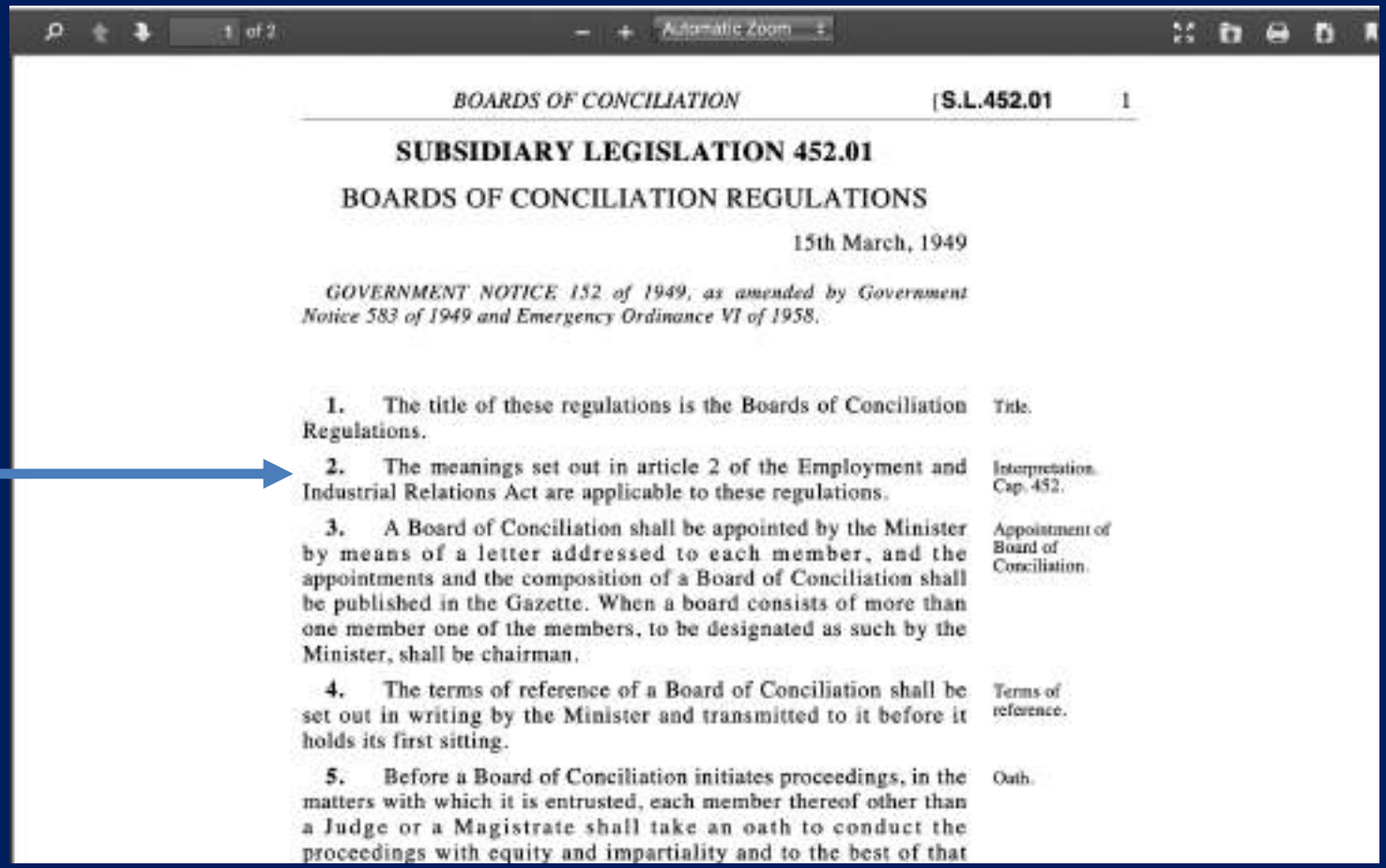
Relative S.L

Kap. 452	Att dwar l-Impjegi u r-Relazzjonijiet Industrijali
L.S. 452.01	Regolamenti dwar Bordijiet ta' Konċiljazzjoni
L.S. 452.02	Ordni dwar Drittijiet li jitħallsu lil Membri ta' Bord ta' Konċiljazzjoni
L.S. 452.03	Regolamenti dwar il-Qrati ta' Inkjesta
L.S. 452.04	Drittijiet li jitħallsu lil Membri ta' Qorti ta' Inkjesta
L.S. 452.05	Ordni għal Kunsill tal-Pagi għaċ-Ċinematografi u t-Teatri
L.S. 452.06	Ordni għal Kunsill tal-Pagi tat-Trasport Pubbliku
L.S. 452.07	Ordni għal Kunsill tal-Pagi għax-Xogħol ta' l-Istampa u Pubblikazzjoni
L.S. 452.08	Ordni għal Kunsill tal-Pagi għall-Kostruzzjoni
L.S. 452.09	Regolamenti dwar il-Proċedura tal-Kunsilli tal-Pagi
L.S. 452.10	Regolamenti dwar il-Proċedura tal-Kunsilli tal-Pagi
L.S. 452.11	Ordni għal Kunsill tal-Pagi għall-Industrji ta' l-Armar tat-Trasport, tal-Metall u Industrji li jagħmlu magħhom
L.S. 452.12	Ordni għal Kunsill tal-Pagi għall-Iskejjel Privati
L.S. 452.13	Ordni għal Kunsill tal-Pagi għan-Negozji bl-Ingrossa u bl-Imnut
L.S. 452.14	Ordni għal Kunsill tal-Pagi għax-Xogħol ta' l-Injam
L.S. 452.15	Ordni għal Kunsill tal-Pagi għall-Lukandi u Każini
L.S. 452.16	Regolamenti dwar it-Trade Unions
L.S. 452.17	Ordni għal Kunsill tal-Pagi dwar l-Industriji tax-Xorb

Subsidiary Legislation

Same layout as primary legislation

As previously noted



BOARDS OF CONCILIATION [S.L.452.01 1

SUBSIDIARY LEGISLATION 452.01

BOARDS OF CONCILIATION REGULATIONS

15th March, 1949

GOVERNMENT NOTICE 152 of 1949, as amended by Government Notice 583 of 1949 and Emergency Ordinance VI of 1958.

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.

Exhaustive & Non Exhaustive lists

Ritrattazzjoni ta' kawża deċiża. *Emendat. XI.1859.33; IX.1896.191; XXII.2005.62; VII.2007.28.*

Raġunijiet għar-ritrattazzjoni.

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

(*a*) jekk is-sentenza tkun ittieħdet bil-qerq ta' waħda mill-partijiet bi ħsara tal-oħru;

(*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-smigħ tal-kawża;

(*ċ*) jekk waħda mill-partijiet fil-kawża ma tkunx persuna leġittima, kemm-il darba ma tkunx ġiet mogħtija u deċiża l-eċċezzjoni ta' illeġittimità;

(*d*) jekk is-sentenza tkun ġiet mogħtija minn qorti nkompetenti minħabba n-nuqqas ta' ġurisdizzjoni kif imsemmi fl-artikolu 741(*a*), basta li qabel ma tkunx ġiet mogħtija u deċiża l-eċċezzjoni tal-inkompetenza;

(*e*) jekk is-sentenza tkun applikat il-liġi ħażin;

għall-finijiet ta' dan il-paragrafu, jitqies li kien hemm applikazzjoni ħażina tal-liġi, fil-każ biss li d-deċiżjoni, meta l-fatt kien tassew kif stabbilit fis-sentenza attakkata, 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 ħaġa mhix imdaħħla fit-talba;

(*g*) jekk bis-sentenza jkun ġie mogħti iżjed minn dak li ntalab;

(*ħ*) jekk is-sentenza tkun kuntrarja għal sentenza oħra ta' qabel, deċiża bejn l-istess partijiet, fuq l-istess oġġett, u li għaddiet f'ġudikat, 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

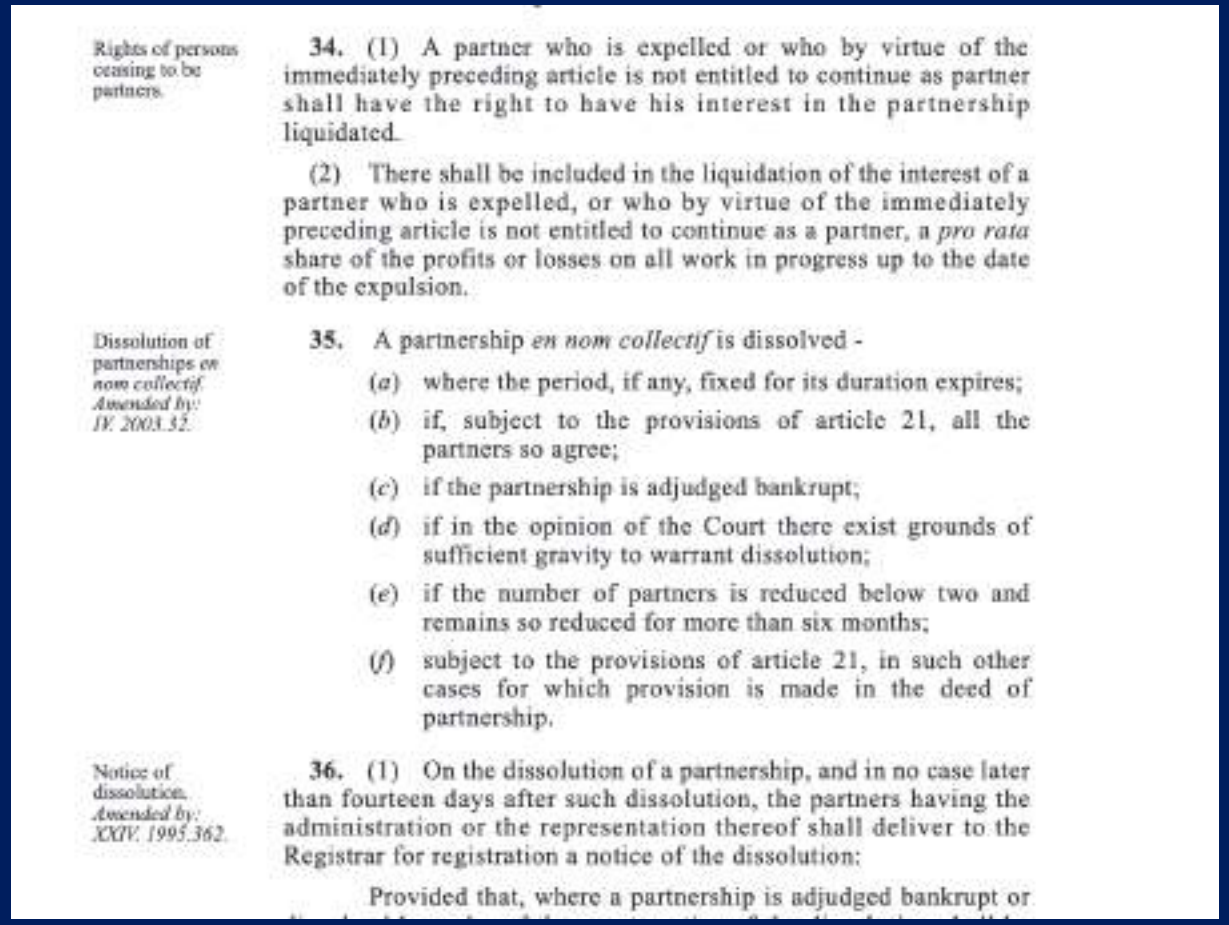
jkunu ġew hekk iddikjarati b'sentenza mogħtija qabel, iżda l-parti telliefa ma kinitx taf b'dan il-fatt;

(*k*) jekk, wara s-sentenza, ikun instab dokument deċiżiv, u li l-parti li ġġibu 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-ieħor, il-fatt ma jkunx punt ikkontestat illi jkun ġie deċiż bis-sentenza.

Exhaustive & Non Exhaustive lists



Rights of persons ceasing to be partners.

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.

(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 *pro rata* share of the profits or losses on all work in progress up to the date of the expulsion.

Dissolution of partnerships *en nom collectif*. *Amended by: IV. 2003.32.*

35. A partnership *en nom collectif* is dissolved -

(*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.

Notice of dissolution. *Amended by: XXIV. 1995.362.*

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:

Provided that, where a partnership is adjudged bankrupt or

Law and Language

"Clarity of expression is a fundamental attribute of good advocacy which requires that the law is expressed in precise and concise terms. It is advisable to remember, when writing or expressing a legal opinion, that the best approach is the one where clear, unambiguous, precise, and short sentences are used. Once you have made a legal statement, it may be useful to stand back and re-examine it to ensure that the message you wish to transmit is clearly and easily understood by a third party who may not have the benefit of the background which led to your opinion. For this purpose, basic concepts should be used if this contributes to the clarity and understanding of the message. Do not be concerned that this approach may be regarded as too simplistic. The genius of legal communication lies in the clarity, conciseness, and simplicity by which a person's train of thought is reflected. So, it is not advisable to use obscure words or phrases instead of ones that are immediately familiar, notwithstanding the fact that they may sound pleasant and even impressive."

Profs. David J. Attard

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"

Primary Legislation - Acts

Drafted as follows:

i. Chapter Number
ii. Chapter Name
iii. Enacting Formula
iv. Title (Article 1)
v. Interpretation Clauses
vi. Provisions – including main, administrative, transitional, provisos, repealing, schedules

21
ACADEMY

Legislative process

- From that already dealt with, which legislation regulates the legislative process?

Parliament

In Malta, the power to legislate is exclusively granted to Parliament which can delegate such powers

Enactment of Laws

Main Legislation – Enacted by Parliament
First Reading – Title
Bill – Draft Law published on Government Gazette
Second Reading – Minister to introduce the Bill to the house – debate
Committee Stage – provisions revised – amendments etc
Third Reading – Formally read as revised and amended
Bill transmitted to President of Republic who's signature makes the bill officially law
Enforceable upon publication in the Government Gazette

The Legislative Process

President assent and publication in the Government Gazette

- **Coming into force**

Immediate effect – signed and published

The Legislative Process

1. Subsidiary legislation – passed through authority given by the parent act.
2. Minister or government authority such as TM drafts regulation
3. Published in the government gazette
4. Not debated in Parliament unless a motion to amend or annul is initiated

Chapter 363 – Local Government Act

Procedure for making Bye-laws. *Amended by: XXI. 1999.3,17; XVI. 2009.20; XIV.2019.27.*

35. (1) A Local Council shall, on application, furnish to any person a copy of the proposed bye-laws, or of any part thereof, without payment.

(2) The Executive Secretary shall submit to the Director a copy of the proposed Bye-Laws after these have been discussed and approved by the Council.

(3) If within eight weeks from the receipt of the proposed Bye-Laws by the Director, the Minister decides to propose any amendments he shall inform the Council in writing of any such amendments.

(4) After discussing the amendments proposed by the Minister, if any, the Council may either approve or not approve the Bye-Laws. If the Council so approves, the Executive Secretary shall forward a copy of the approved Bye-Laws to the Minister.

(5) The Minister shall have the right to object to any bye-law approved by any Council and shall signify such objection and the justification thereof in writing to the Council by not later than eight weeks.

Entry into Force

- A law may have been promulgated and published but is not yet in force
- A law can be brought in vigore in parts

Delegated / Subsidiary Legislation

- A minister must have the authority to delegate through the primary legislation
- Flexible & Faster process
- Dependent on Parent Act
- Disadvantages, checks and balances

Interpretation Act – Chapter 249

The Law itself reads – To make provision in respect of the construction and application of Acts of Parliament and other instruments having the force of law and in respect of the language used therein.

For the applicability of the law it must be first and foremost properly interpreted and understood. Law must be clear and free from uncertainty.

Judicial Interpretation is the interpretation of the law given by the Courts.

Parliamentary Debates – Spirit of the law v letter of the law already discussed.

Judicial Interpretation

It is the interpretation of the law given by the Courts in its application of the same law to the facts of the case it is deciding upon.

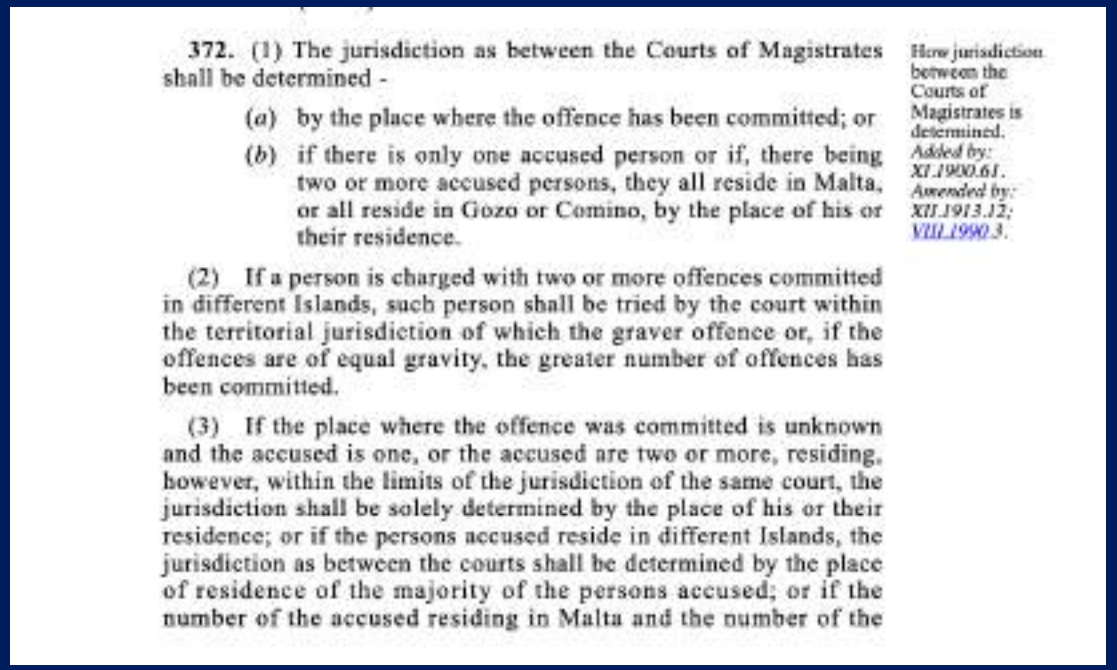
It is imperative that the Court ensures that it does not usurp the functions of the legislator.

Maltese Courts apply the following principles over and above the provisions of the Interpretation Act:

i. Literal or Grammatical Method – the literal meaning
ii. Logical or Purposive Approach – focus on the probable intention of Parliament

Jurisdiction & Competence

Jurisdction 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



372. (1) The jurisdiction as between the Courts of Magistrates shall be determined -

(*a*) by the place where the offence has been committed; or

(*b*) if there is only one accused person or if, there being two or more accused persons, they all reside in Malta, or all reside in Gozo or Comino, by the place of his or their residence.

How jurisdiction between the Courts of Magistrates is determined. *Added by: XI.1900.61. Amended by: XII.1913.12; VIII.1990.3.*

(2) If a person is charged with two or more offences committed in different Islands, such person shall be tried by the court within the territorial jurisdiction of which the graver offence or, if the offences are of equal gravity, the greater number of offences has been committed.

(3) If the place where the offence was committed is unknown and the accused is one, or the accused are two or more, residing, however, within the limits of the jurisdiction of the same court, the jurisdiction shall be solely determined by the place of his or their residence; or if the persons accused reside in different Islands, the jurisdiction as between the courts shall be determined by the place of residence of the majority of the persons accused; or if the number of the accused residing in Malta and the number of the

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.

of Court of voluntary jurisdiction. *Amended by: IX.2004.11.*

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

Competence of the Civil Court. *Added by: I.2018.2. Amended by: XVI.2019.3; V.2021.64.*

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

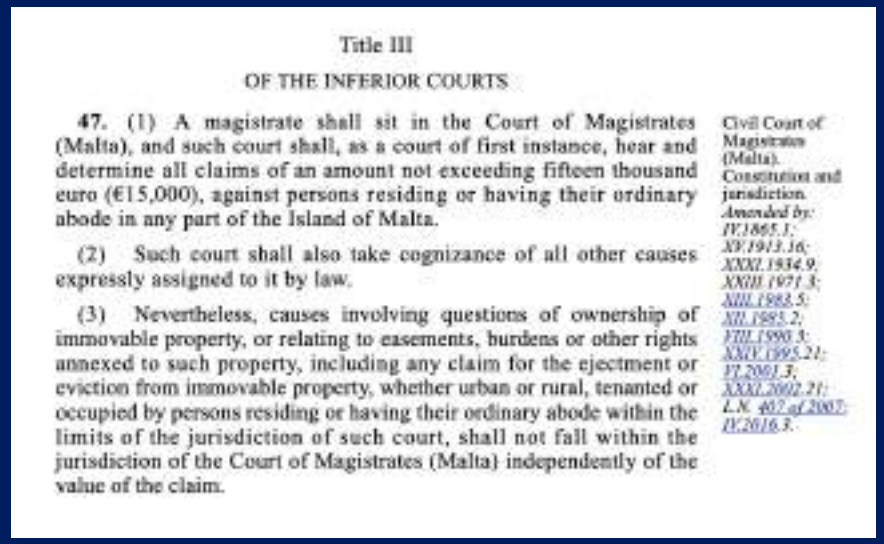
(3)‡ When the Civil Court, First Hall and the Civil Court (Family Section) hold sittings in Malta, they shall take cognizance of all claims against persons residing or having their ordinary abode in the Island of Malta, and of all other causes expressly assigned by law to such sections of the Civil Court.

(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

*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.

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; IV.2001.3; XXXI.2002.21; L.N. 407 of 2007; IV.2016.3.*

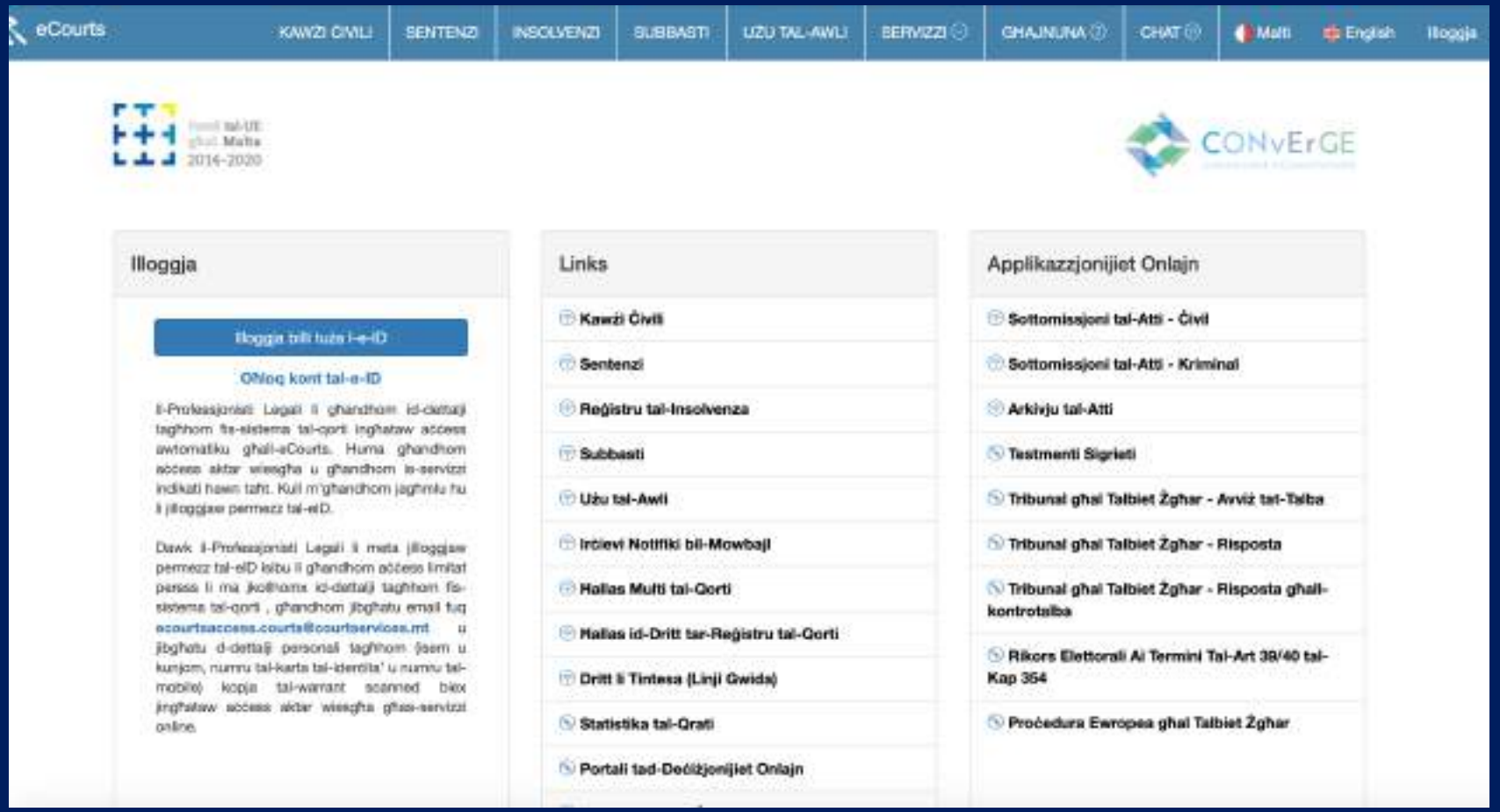
(2) Such court shall also take cognizance of all other causes expressly assigned to it by law.

(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.

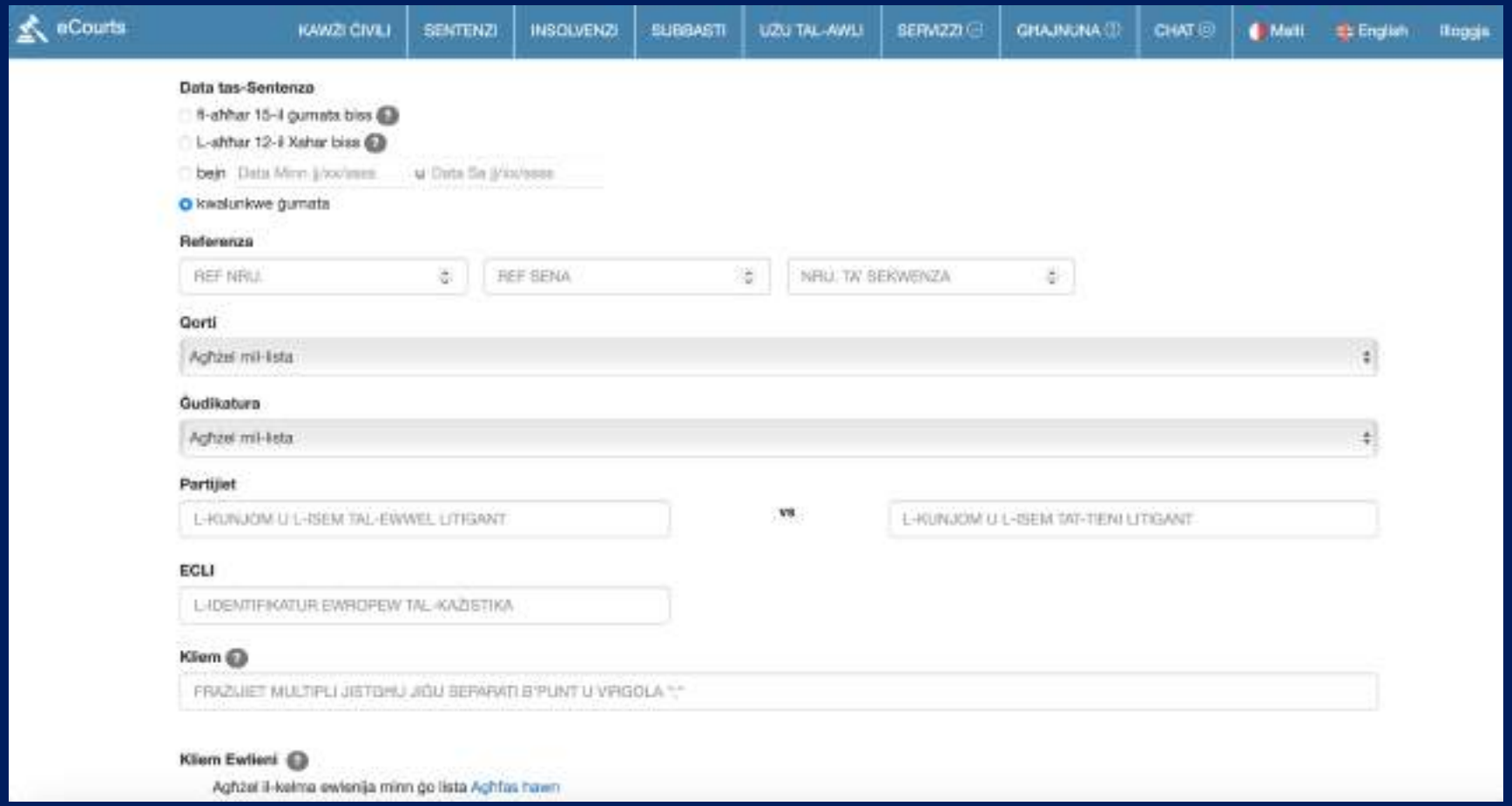
Competence - Brief

Small Claims Tribunal - €5,000
Court of Magistrates - €15,000
166A - €25,000

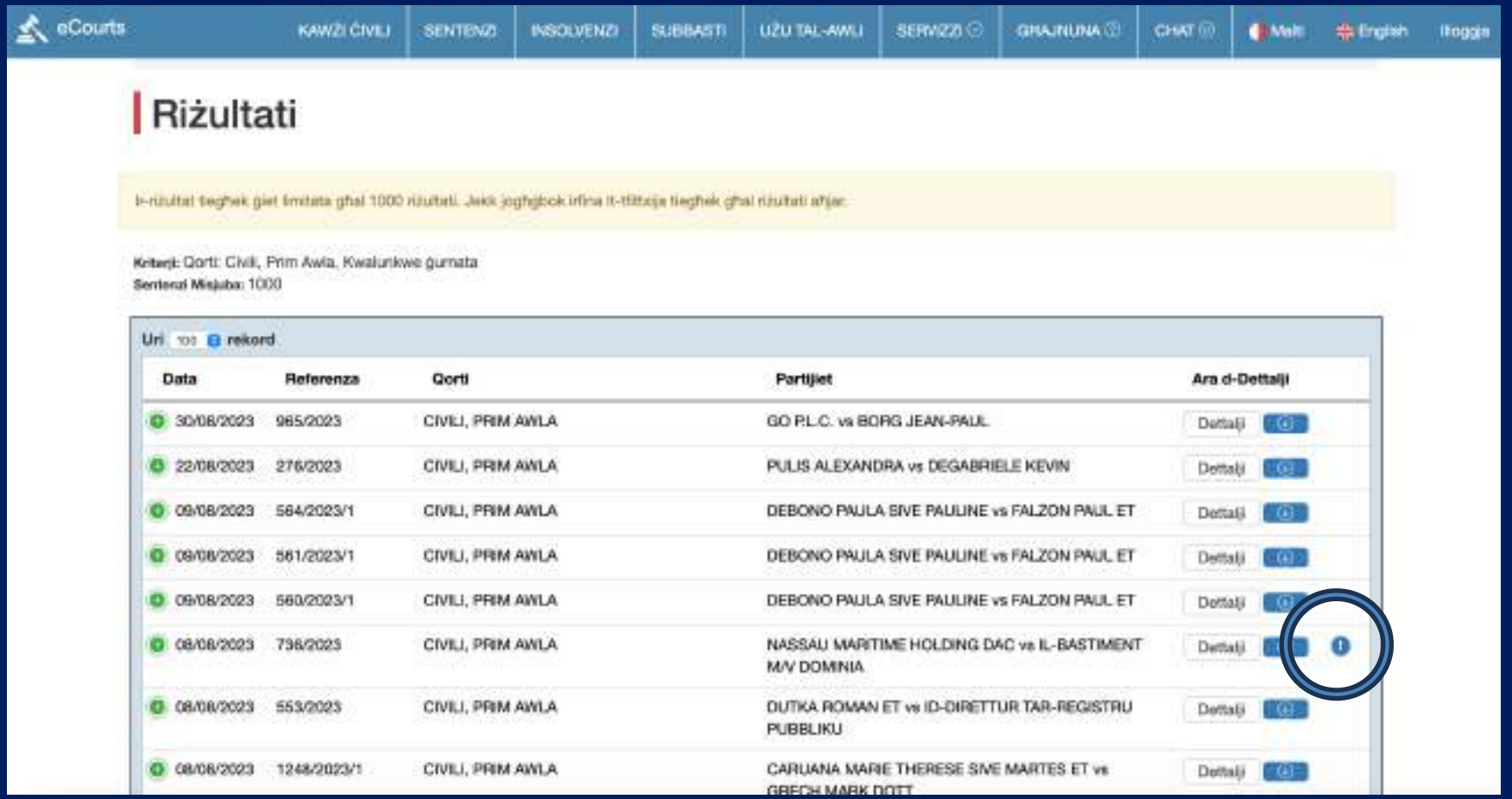
Judgments - eCourts



Judgments


eCourts
KAWŻI ĊIVILI
SENTENZI
INSOLVENZI
SUBBASTI
UŻU TAL-AWLI
SERVIZZI
GHAJNUNA
CHAT
Malti
English
Illoggja
Data tas-Sentenza
fl-ahħar 15-il ġurnata biss
L-aħħar 12-il Xahar biss
bejn
kwalunkwe ġurnata
Referenza
REF NRU
REF SENA
NRU. TA' SEKWENZA
Qorti
Aġġsel mil-lista
Ġudikatura
Aġġsel mil-lista
Partijiet
L-KUNJOM U L-ISEM TAL-EWWEL LITIGANT
vs
L-KUNJOM U L-ISEM TAT-TIENI LITIGANT
ECLI
L-IDENTIFIKATUR EWROPEW TAL-KAŻISTIKA
Kliem
FRAŻIJIET MULTIPLI JISTGħU JIĠU SEPARATI B'PUNT U VIRGOLA ";"
Kliem Ewlieni
Aġġsel il-kelma ewlenija minn ġo lista Aġġas hawn

Judgments


eCourts
KAWŻI ĊIVILI
SENTENZI
INSOLVENZI
SUBBASTI
UŻU TAL-AWLI
SERVIZZI
GRAJJUNA
CHAT
Malti
English
Ilogga
Riżultati
Kriterji: Qorti: Civili, Prim Awla, Kwalunkwe ġurnata
Sentenzi Miġjuba: 1000
Uri 100 rekord
Data
Referenza
Qorti
Partijiet
Ara d-Dettalji
30/08/2023 965/2023 CIVILI, PRIM AWLA GO P.L.C. vs BORG JEAN-PAUL Dettalji
22/08/2023 276/2023 CIVILI, PRIM AWLA PULIS ALEXANDRA vs DEGABRIELE KEVIN Dettalji
09/08/2023 584/2023/1 CIVILI, PRIM AWLA DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET Dettalji
09/08/2023 561/2023/1 CIVILI, PRIM AWLA DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET Dettalji
09/08/2023 560/2023/1 CIVILI, PRIM AWLA DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET Dettalji
08/08/2023 736/2023 CIVILI, PRIM AWLA NASSAU MARITIME HOLDING DAC vs IL-BASTIMENT M/V DOMINIA Dettalji
08/08/2023 553/2023 CIVILI, PRIM AWLA DUTKA ROMAN ET vs ID-DIRETTUR TAR-REGISTRU PUBBLIKU Dettalji
08/08/2023 1248/2023/1 CIVILI, PRIM AWLA CARUANA MARIE THERESE SIVE MARITES ET vs

Judgments

Rik. Nru. 965/2023 ISB

PRIM AWLA TAL-QORTI CIVILI

ONOR. IMHALLEF
IAN SPITERI BAILEY LL.M. LL.D.

Illum, l-Erbgha, 30 ta' Awissu 2023

Rik. Nru. 965/2023 ISB

Go P.l.c (C-22334)

vs

Jean-Paul Borg 0373298M

Il-Qorti,

Rat **ir-rikors** ta' **Go P.l.c (C-22334)** pprezentat fid-29 ta' Awissu 2023, li permezz tieghu wara li ppremettet dak hemmek premess, talbet sabiex:

1. *Tordna lill l-intimat, ai termini tal-Artiklu 8(1)(a) tal-KAP 488, jigi projbit – fuq bazi provvizorja u taht sanzjoni ta' penali regjonevoli ghal kwalunkwe kaz ta' ksur ta' tali ordni – milli personalment, jew*

Judgments

Used in Search

Rik. Nru. 965/2023 ISB

PRIM AWLA TAL-QORTI CIVILI

ONOR. IMHALLEF
IAN SPITERI BAILEY LL.M. LL.D.

Illum, l-Erbgha, 30 ta' Awissu 2023

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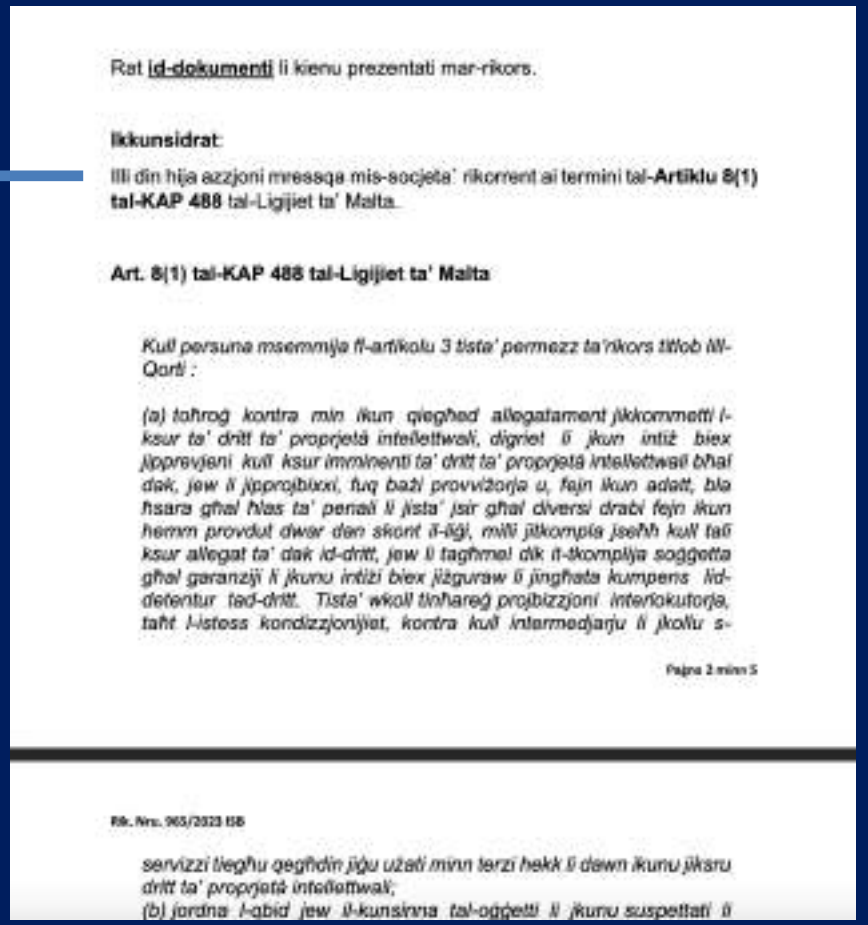
Okkju - parties

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:

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

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

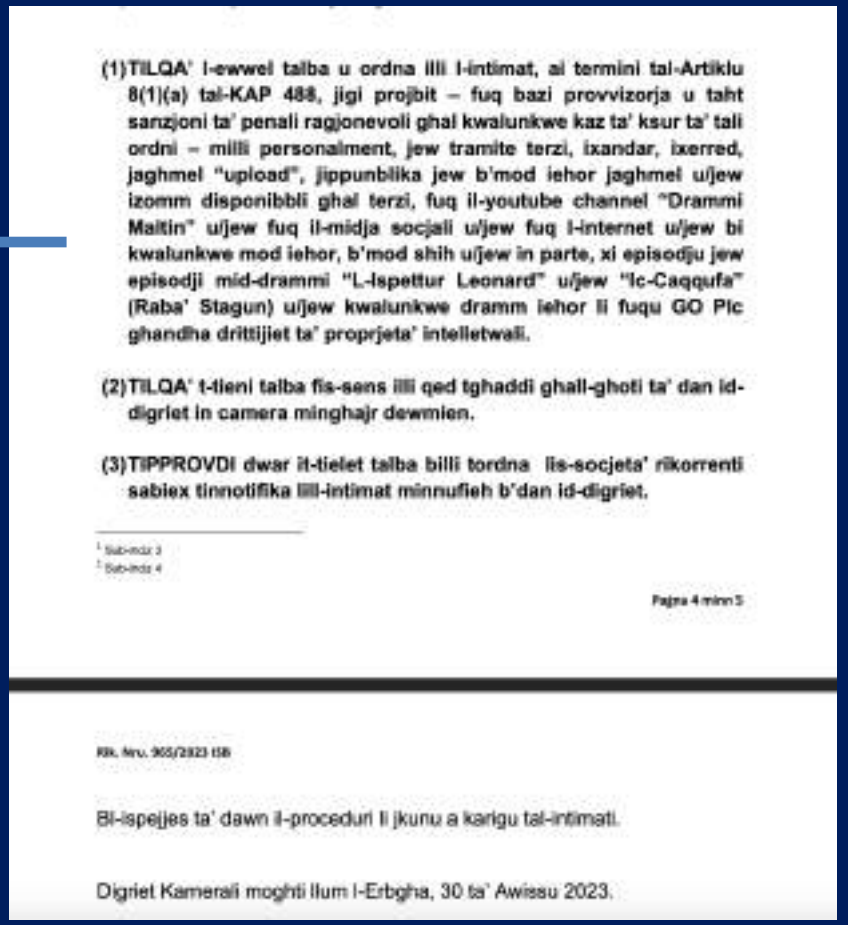
Kull persuna msemmija fl-artikolu 3 tista' permezz ta'rikors titlob lill-Qorti :

(a) tohroġ kontra min ikun qiegħed allegatament jikkommetti l-ksur ta' dritt ta' proprjetà intellettwali, digriet li jkun intiż biex jipprevieni kull ksur imminenti ta' dritt ta' proprjetà intellettwali bħal dak, jew li jipprojbixxi, fuq bażi provviżorja u, fejn ikun adatt, bla ħsara għal ħlas ta' penali li jista' jsir għal diversi drabi fejn ikun hemm provdut dwar dan skont il-liġi, milli jitkompla jseħħ kull tali ksur allegat ta' dak id-dritt, jew li tagħmel dik it-tkomplija soggetta għal garanziji li jkunu intiżi biex jiżguraw li jingħata kumpens lid-detentur tad-dritt. Tista' wkoll tinħareġ projbizzjoni interlokutorja, taħt l-istess kondizzjonijiet, kontra kull intermedjarju li jkollu s-

servizzi tiegħu qegħdin jiġu użati minn terzi biex jikkaw ksur dritt ta' proprjetà 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, ai 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 iehor 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 iehor, 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 dramm iehor li fuqu GO Plc ghandha drittijiet ta' proprjeta' intelletwali.

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

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

[1] Sub-inciż 3
[2] Sub-inciż 4

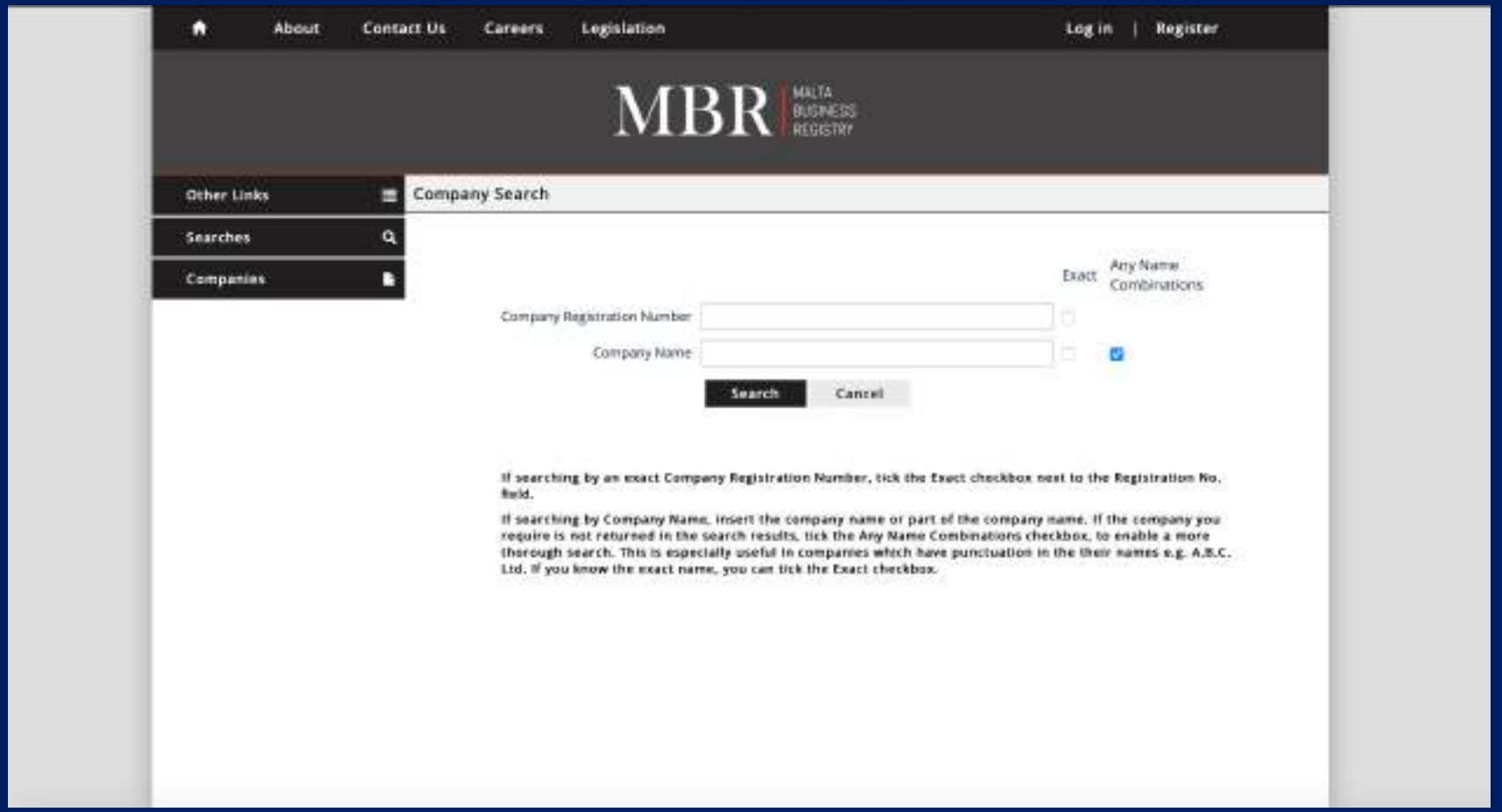
Pagna 4 minn 5

Rik. Nru. 965/2023 ISB

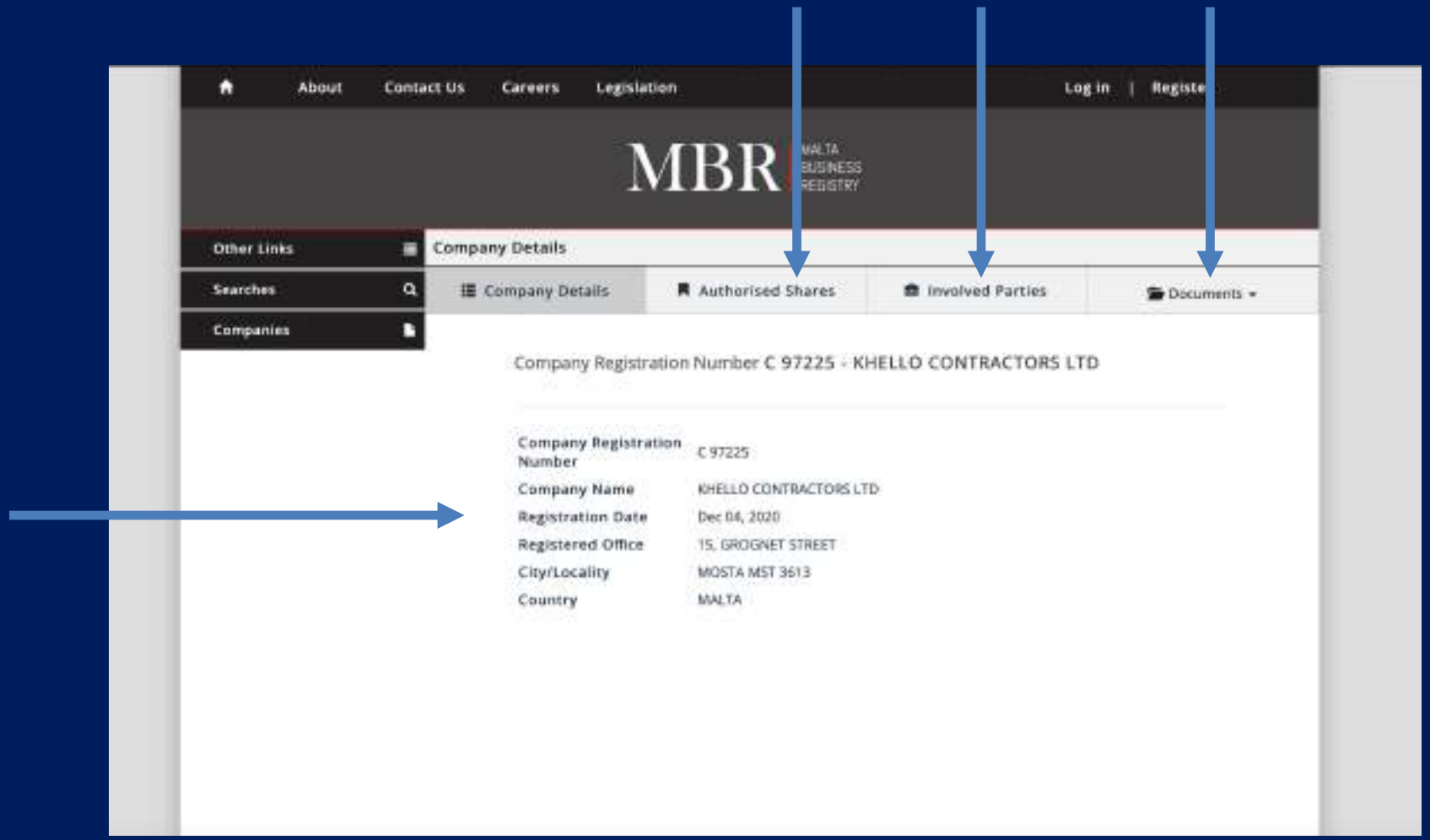
Bl-ispejjes ta' dawn il-proceduri li jkunu a karigu tal-intimati.

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

Company Search Malta Business Registry



Company Search



Judgment analysis

256/2004
472/2012

34. (1) Save as provided in this article, intoxication shall not constitute a defence to any criminal charge.

Intoxication. *Added by: XIII.1935.2. Amended by: V.1956.8.*

(2) Intoxication shall be a defence to any criminal charge if -

(*a*) by reason thereof the person charged at the time of the act or omission complained of was incapable of understanding or volition and the state of intoxication was caused without his consent by the malicious or negligent act of another person; or

(*b*) the person charged was by reason of the intoxication insane, temporarily or otherwise, at the time of such

act or omission.

(3) Where the defence under sub-article (2) is established, then, in a case falling under paragraph (*a*) thereof, the person charged shall be discharged, and, in a case falling under paragraph (*b*), the provisions of articles 620 to 623 and 625 to 628 shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purposes of this article "intoxication" shall be deemed to include a state produced by narcotics or drugs.