

Diploma in Law (Malta)

Legislative Process

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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



Today's 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

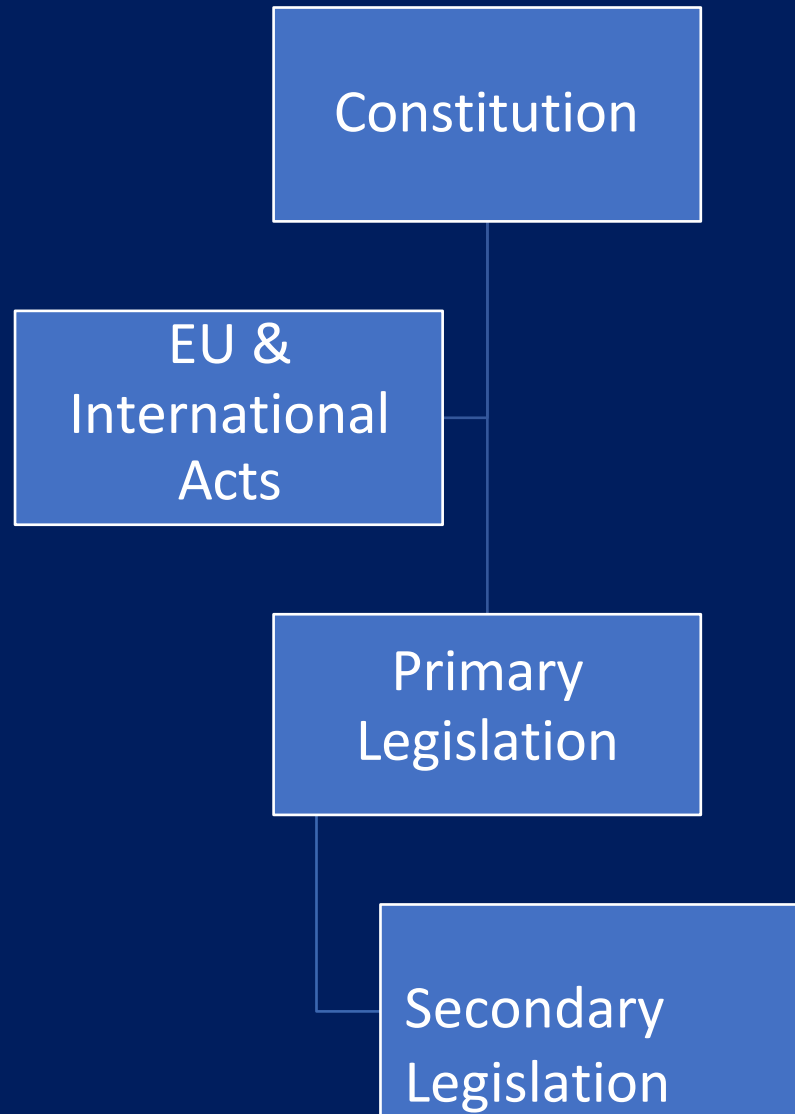
Private International Law – Public International Law

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

The screenshot displays the legal text for the Employment and Industrial Relations Act (Cap. 452). The page is structured as follows:

- Left Sidebar:** Contains a table of contents for Chapter 452, listing sections such as 'EMPLOYMENT AND INDUSTRIAL RELATIONS ACT', 'Short title', 'Definitions', 'Cap. 411', 'Employment Relations Board', 'National Standard Orders', 'Recognized conditions of employment', 'Cap. 16', 'Working hours and overtime', 'Conditions of employment to be brought to notice', 'Cost of living increases', 'Occupational health and safety', 'Maternity leave, parental leave and leave for urgent family reasons', and 'Wages to be paid entirely in legal tender to the employee'.
- Main Content Area:**
 - EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452.]**
 - CHAPTER 452**
 - EMPLOYMENT AND INDUSTRIAL RELATIONS ACT**
 - To consolidate, with amendments, the Conditions of Employment (Regulation) Act (Cap. 133) 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.*
 - ARRANGEMENT OF ACT**
 - | | General | Articles |
|------------|--|----------|
| | Title I - Employment Relations | 1-2 |
| 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 |
- Right Sidebar:**
 - Tip:** Chapter
 - Titolu:** Employment and Industrial Relations Act
 - Keywords:**
 - + Employment
 - + Relations
 - + Employment Relations
 - + Industrial Relations
 - Language:** Inqliz Multi
 - Format:** PDF
 - Segwi**
 - Ontologija** **Relazzjonijiet**
 - Status:** In Force
 - Data ta' dhul fis-sehh:** 2002-12-02
 - Data tal-pubblikazzjoni:** 2022-12-20

Chapter
Title

Primary & Subsidiary Legislation

CHAPTER 452

▶ EMPLOYMENT AND INDUSTRIAL RELATIONS ACT

Short title.

Definitions. Amended by: XVI. 2012.2; IV. 2015.17; VI. 2018.2; 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. 16.

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.

EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452.] 1

CHAPTER 452

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ARRANGEMENT OF ACT

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General	1-2
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Sub-Part 1 Status, registration and conduct of trade unions and employer's associations	49-62

Tip: Chapter

Titolu: Employment and Industrial Relations Act

Link tal-ELI: eli/cap/452

Keywords :

+ Employment

+ Relations

+ Employment Relations

+ Industrial Relations

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Ontoloġija Relazzjonijiet

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Rationale

Primary & Subsidiary Legislation

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Link tal-ELI: [eli/cap/452](#)

Keywords :

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Language: Inġliż Multi

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Segwi

3

Ontoloġija

Relazzjonijiet

Status

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Enactment & Amendment

Promulgation/Enactment Dates

Primary & Subsidiary Legislation

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Industrial Relations Act

Link tal-ELI: eli/cap/452

Keywords :

+ Employment

+ Relations

+ Employment Relations

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Segwi

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Data tal-pubblikazzjoni 2022-12-20

Primary & Subsidiary Legislation

Short title

Definitions & Interpretations

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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 hereunto the remuneration to be paid to the employee shall be determined by the Commission for the Regulation of the Labour Market.

Tip: Chapter

Titolu: Employment and Industrial Relations Act

Link tal-EU: [eli/cap/452](#)

Keywords :

- + Employment
- + Relations
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- + Industrial Relations

Language: [Ingliz](#) [Malti](#)

Format: PDF

[Segwi](#)

Ontologija Relazzjonij

Status

In Force

Data ta' dħul fis-seħħ

2002-12-02

Data tal-pubblikazzjoni

2022-12-20

Primary & Subsidiary Legislation

Article

Sub Article

	<p>PART I</p> <p>EMPLOYMENT RELATIONS BOARD</p>	
	<p>3. (1) A Board to be designated Employment Relations Board and hereinafter referred to as the "Board", shall be appointed by the Minister.</p>	<p><i>Employment Relations Board.</i> <i>Amended by:</i> <i>XXXIII, 2016.2.</i></p>
	<p>(2) The Board shall be composed as follows:</p> <ul style="list-style-type: none">(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.	
	<p>(3) The functions of the Board shall be -</p> <ul style="list-style-type: none">(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: XXXIII, 2016.2.
(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;	
(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

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



Subsidiary Legislation

Chapter
Number

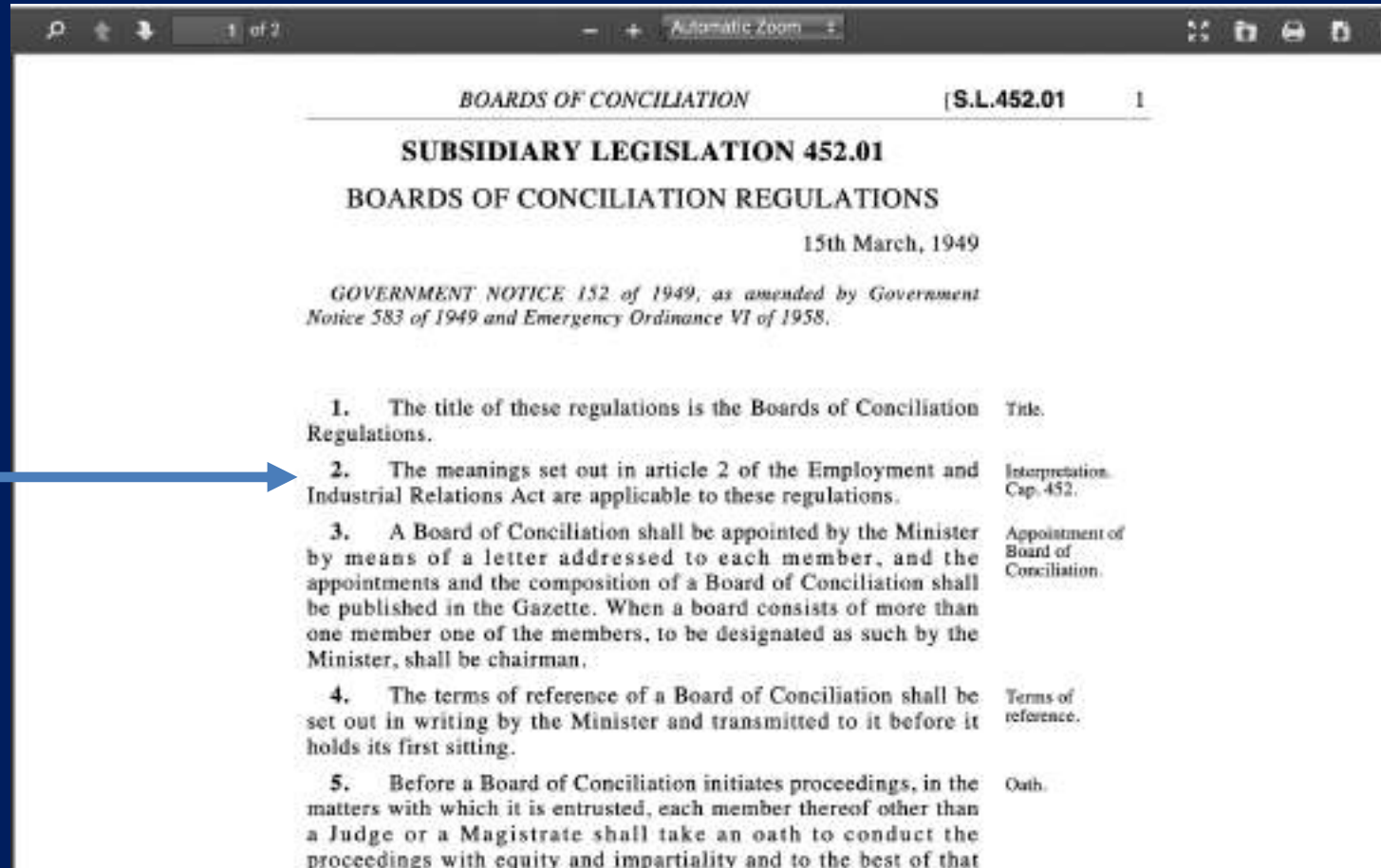
Relative
S.L

	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 jithallsu 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 Kunsill tal-Pagi ghaċ-Ċinematografi u t-Teatri	
	L.S. 452.06	Ordni ghal Kunsill tal-Pagi tat-Trasport Pubbliku	
	L.S. 452.07	Ordni ghal Kunsill tal-Pagi ghax-Xoghol ta' l-Istampa u Pubblikazzjoni	
	L.S. 452.08	Ordni ghal Kunsill tal-Pagi ghal-Kostruzzjoni	
	L.S. 452.09	Regolamenti dwar il-Proċedura tal-Kunsill tal-Pagi	
	L.S. 452.10	Regolamenti dwar il-Proċedura tal-Kunsill tal-Pagi	
	L.S. 452.11	Ordni ghal Kunsill tal-Pagi ghal-Industrija ta' l-Armazzi tat-Trasport, tal-Metall u Industrija li jgħmlu magħhom	
	L.S. 452.12	Ordni ghal Kunsill tal-Pagi ghal-Iskejjel Privati	
	L.S. 452.13	Ordni ghal Kunsill tal-Pagi ghan-Negozzi bil-Ingrossa u bil-Imnut	
	L.S. 452.14	Ordni ghal Kunsill tal-Pagi ghax-Xoghol ta' l-Injam	
	L.S. 452.15	Ordni ghal Kunsill tal-Pagi ghal-Lukandi u Kabini	
	L.S. 452.16	Regolamenti dwar il-Trade Unions	
	L.S. 452.17	Ordni ghal Kunsill tal-Pagi dwar l-Industrija 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			
<i>GOVERNMENT NOTICE 152 of 1949, as amended by Government Notice 583 of 1949 and Emergency Ordinance VI of 1958.</i>			
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 1819 33;
IX 1886 191;
XXII 2003 62;
VII 2007 33

Ragunijiet 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 mħassra dik is-sentenza, għal wahda minn dawn ir-raġunijiet li ġejjin:

- (a) jekk is-sentenza tkun ittiegħdet 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-smigh 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 fl-artikolu 741(a), basta li qabel ma tkunx ġiet mogħtija u deċiża l-eċċezzjoni tal-inkompetenza;
- (e) jekk is-sentenza tkun applikat il-ligi hażin;
għall-finijiet ta' dan il-paragrafu, jitqies li kien hemm applikazzjoni hażina tal-ligi, fil-każ biss li d-deċiżjoni, meta l-fatt kien tassew kif stabbilit fis-sentenza attakkata, ma tkunx skont il-ligi, basta li l-kwistjoni ma tkunx dwar interpretazzjoni ta' ligi, li fuqha l-qorti tkun espressament tat deċiżjoni;
- (f) jekk is-sentenza tkun ġiet mogħtija fuq haġa mhix imdahhla 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 PROĊEDURA 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 iġġibu ma kinitx taf bih, inkella, illi, bil-mezzi li tagħti l-ligi, 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

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





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

Diploma in Law (Malta)

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

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

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.

(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

How jurisdiction between the Courts of Magistrates is determined.

*Added by:
XI.1900.61.
Amended by:
XII.1913.12;
VIII.1990.3.*

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.2004.17.

Competence of the
Civil Court.
Added by:
I.2018.2.
Amended by:
XVI.2019.3;
L.2021.04.

*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:
IV.1865.1;
XV.1913.16;
XXVI.1934.9;
XVIII.1971.3;
XIII.1983.5;
XII.1993.2;
VIII.1990.3;
XXV.1995.21;
II.2001.3;
XXVI.2002.21;
L.N. 462 of 2007;
IX.2016.3.

Competence - Brief

Small Claims Tribunal - €5,000

Court of Magistrates - €15,000

166A - €25,000

Judgments - eCourts

eCourts

KAWZI CIVILISENTENZINSOLVENZISUBBASTIUZU TAL-AWLIBERVIZZIGHAJJUNACHATMultiEnglishIlloggja



Illoggja

Illoggja billi tużi l-e-ID

QNoq kont tal-e-ID

Il-Professjonisti Legali li għandhom id-dettalji tagħhom fis-sistema tal-qorti jingħataw access awtomatiku għall-eCourts. Huma għandhom access aktar wiesgħa u għandhom is-servizzi indikati hawn taħt. Kull m'għandhom jaqsmu hu li jilloggjaw permezz tal-e-ID.

Dawk il-Professjonisti Legali li meta jilloggjaw permezz tal-e-ID lebu li għandhom access limitat peress li ma jkollhomx id-dettalji tagħhom fis-sistema tal-qorti, għandhom jibgħatu email fuq ecourtsaccess.courts@courtservices.mt u jibgħatu d-dettalji personali tagħhom (jaem u kunjom, numru tal-karta tal-identità u numru tal-mobile) kopja tal-warrant scanned b'leż jingħataw access aktar wiesgħa għas-servizz online.

Links

- Kawzi Ċivili
- Sentenzi
- Reġistru tal-Insolvenza
- Subbasti
- Użu tal-Awli
- Intervi Notifikati bil-Mowbajl
- Hallas Multi tal-Qorti
- Hallas id-Dritt tar-Reġistru tal-Qorti
- Dritt li Tintesa (Linji Qwida)
- Statistika tal-Qorti
- Portali tad-Dedizzjonijiet Onlajn

Applikazzjonijiet Onlajn

- Sottomissjoni tal-Atti - Ċivili
- Sottomissjoni tal-Atti - Kriminali
- Arxivju tal-Atti
- Testmenti Sigrieti
- Tribunal għal Talbiet Żgħir - Avviż tal-Talba
- Tribunal għal Talbiet Żgħir - Risposta
- Tribunal għal Talbiet Żgħir - Risposta għall-kontrollisba
- Rikors Elettorali Ai Termini Tal-Art 38/40 tal-Kap 354
- Proċedura Ewropea għal Talbiet Żgħir

Judgments

 eCourts

KAWZI CIVILISENTENZINSOLVENZISUBGASTIUSUJ TAL-AWLI~~SERVIZZI~~CHAJJUNA~~CHAT~~

MaltiEnglishEnglish

Data tas-Sentenza

☐ li-sghar 15-il jumata biss ¹

☐ L-sghar 12-il Xahar biss ²

☐ bejn Data Minn j/xx/xxxx u Data Sa j/xx/xxxx

☒ kwalunkwe jumata

Referenza

REF NRJA

REF SENA

NRJA TA' SERWENZA

Qorti

Aghzel mi-lista

Qudikatura

Aghzel mi-lista

Partijiet

L-KUNJOM U L-ISEM TAL-IEWWEL LITIGANT

vs

L-KUNJOM U L-ISEM TAT-TIEMI LITIGANT

ECLI

L-IDENTIFIKATUR EWROPEW TAL-KAZZISTIKA

Kliem ³

FRAZJONI MULTIPLI JISTGHIU JIDU SEPARATI B'PUNT U VIRGOLA ","

Kliem Ewleni ⁴

Aghzel il-kelma ewlenija minn go lista [Aghfas hawn](#)

Judgments

eCourts

KAWZI CIVILISENTENZINSOLVENZISUBBASTILUŻU TAL-AWLI SERVIZZGHAJNUNACHKITMaltiEnglishIloggja

Riżultati

Il-riżultat tiegħek giet limitata għal 1000 riżultati. Jekk jogħġbok infina it-titlu 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	985/2023	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	584/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	Dejjali
09/08/2023	581/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	Dejjali
09/08/2023	580/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	Dejjali
08/08/2023	736/2023	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

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,

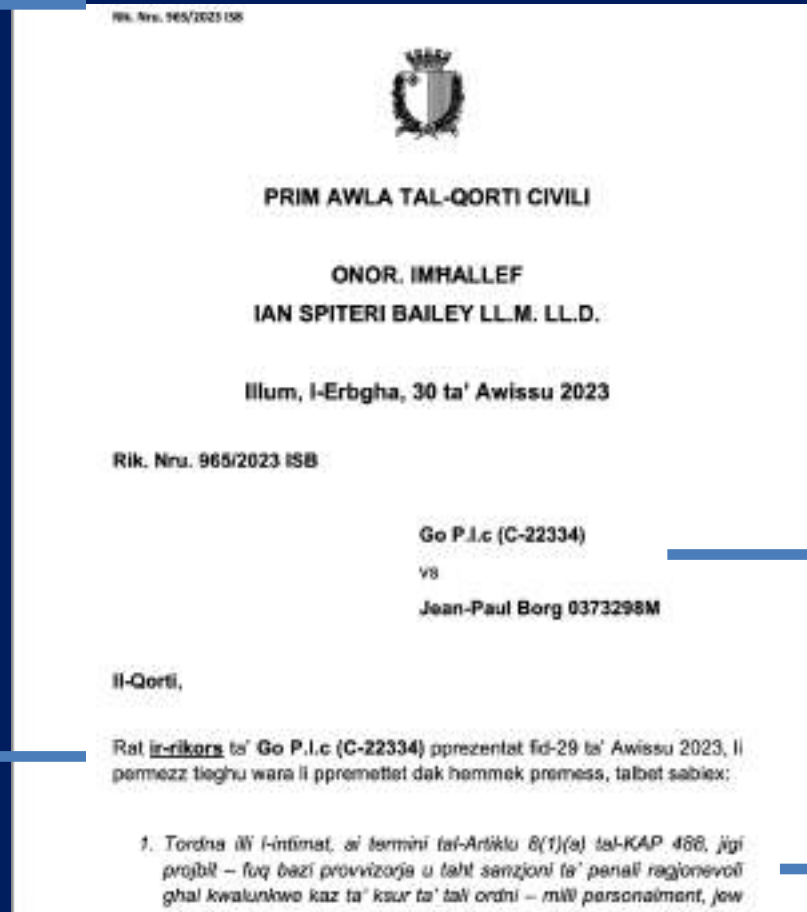
Rat ir-rikors ta' Go P.l.c (C-22334) pprezentat fid-29 ta' Awissu 2023, li permezz tiegħu wara li ppremettet dak hemmek premiss, talbet sabiex:

1. Tordna li l-intimat, ai termini tal-Artiklu 8(1)(a) tal-KAP 466, jiġi projbitt – fuq bażi provvizorja u taht sanzjoni ta' penali ragionevoli għal kwalunkwe kaz ta' ksur ta' tali ordni – mill-personalment, jew

Judgments

Used in
Search

Rikors/ Application - by
which court proceedings
are initiated



Okkju - parties

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 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) taħroġ kontra min ikun qiegħed allegatament jikkommetti l-ksur ta' dritt ta' proprjetà intellettwali, digriet li jkun intizi biex jipprevjeni kull ksur imminenti ta' dritt ta' proprjetà intellettwali bħal dak, jew li jipprojbixxi, fuq bażi provviżorja u, fejn ikun adatt, bla hsara għal hies ta' persni li jista' jsir għal diversi drabi fejn ikun hemm provdut dwar dan skont il-liġi, milli jikkompja jsejnh kull taġi ksur allegat ta' dak id-dritt, jew li tagħmel dik il-kompja sogġetta għal garanzji li jkunu intizi biex jiġguraw li jingħata kumpens lid-detentur tad-dritt. Tista' wkoll tinhareġ projbizzjoni interlokutorja, taħt l-istess kondizzjonijiet, kontra kull intermedjarju li jkolli s-

Pajna 2 minn 5

Fl-*Nru.* 965/2023 ISB

servizzi tiegħu qegħdin jiġu użati minn terzi hekk li dawn ikunu jiksru dritt ta' proprjetà intellettwali;

(b) jordna l-qbid jew il-kunsirva 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 drammi 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 illi-intimat minnufieh b'dan id-digriet.

¹ Sub-indr 3

² Sub-indr 4

Company Search Malta Business Registry

The screenshot shows the Malta Business Registry (MBR) website's 'Company Search' interface. At the top, a dark navigation bar contains links for 'About', 'Contact Us', 'Careers', and 'Legislation', along with 'Log in' and 'Register' options. The MBR logo is prominently displayed in the center. On the left, a sidebar menu includes 'Other Links', 'Searches', and 'Companies'. The main content area is titled 'Company Search' and features two input fields: 'Company Registration Number' and 'Company Name'. Each field has a corresponding checkbox for 'Exact' and 'Any Name Combinations' search criteria. Below the input fields are 'Search' and 'Cancel' buttons. A detailed instruction block at the bottom explains the search parameters, noting that the 'Any Name Combinations' checkbox is useful for finding companies with punctuation in their names, such as 'A.B.C. Ltd.'.

Home About Contact Us Careers Legislation Log in Register

MBR MALTA BUSINESS REGISTRY

Other Links Searches Companies

Company Search

Company Registration Number ☐ Exact ☐ Any Name Combinations

Company Name ☐

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 the 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 header includes navigation links: Home, About, Contact Us, Careers, Legislation, Log in, and Register. The MBR logo is prominently displayed. Below the header, a sidebar on the left contains 'Other Links', 'Searches', and 'Companies'. The main content area features a 'Company Details' tab, which is highlighted by a blue arrow. Other tabs include 'Authorised Shares', 'Involved Parties', and 'Documents'. The company details for 'KHELLO CONTRACTORS LTD' (Registration Number C 97225) are shown in a table. A blue arrow points to the table header, and another points to the table content.

Company Registration Number C 97225 - KHELLO CONTRACTORS LTD	
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

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.