

Diploma in Law (Malta): Intake October 2024

Assessment Task: Written assignment based on chosen questions	
Module: <i>Award in Principles of Civil Law</i>	Tuition Centre: 21 Academy Licence Number: 2018-017
Level: Award MQF Level 5	Student Name:
Date:	ID Number: <same no. submitted in student profile>
Assignment Deadline: 22 January 2026	
<p>Task The purpose of this unit is to develop an understanding of the topics you will choose to write about which forms part of the Principles of Civil Law.</p> <p>Note This assessment provides students with an opportunity to put into practice the relevant provisions of the law in relation to the topic they choose to write about forming part of the topic they choose to answer about.</p> <p>Note <i>You should plan to spend approximately 20 hours researching the assignment question, preparing for and writing the assignment for assessment. The nominal word count for each assignment is 1,700 words. You are expected to select the OSCOLA referencing style.</i></p> <p><i>Please ensure that you refer to 21 Academy's Assignment Guidelines for comprehensive information regarding the submission of your assignment. Additionally, the assignment submission form must be included with your completed work, clearly indicating which question you have chosen to answer by ticking the box next to the question number</i></p>	
<p>Answer 3 (three) questions. Chosen questions have to be from different topics:</p> <p>Topic 1 Law of Persons</p> <p>☐ a. The matrimonial regime chosen by spouses has far-reaching legal and practical consequences both during marriage and upon its dissolution. Critically examine the matrimonial regimes recognised under Maltese law, discussing their key features and legal effects. In your answer, consider:</p> <ul style="list-style-type: none"> ▪ the default legal regime and its principal characteristics; ▪ the extent of party autonomy in selecting or modifying matrimonial regimes; and ▪ the implications of regime choice on the division of assets and liabilities upon separation or divorce. <p>In each of the above, refer to the relevant articles of the Civil Code as well as jurisprudence (Maltese judgements) and illustrate your answer with practical examples where appropriate.</p> <p>OR</p> <p>☐ b. Explain how Maltese law regulates cohabitation under the Cohabitation Act (Chapter 614 of the Laws of Malta) distinguishing between the rights and obligations of registered cohabitants and those applicable to de facto cohabitation. In addition apply the law to the following scenario: Daniel and Sofia began living together in 2019 in an apartment in Sliema owned exclusively by Daniel. They never registered their relationship as cohabitants. Sofia, originally from Spain, left her employment in 2021</p>	

to assist Daniel in running his consultancy business, although she was never formally employed or remunerated. Daniel paid all household expenses.

In 2022, Daniel was diagnosed with a chronic medical condition and came to depend heavily on Sofia for day-to-day care. During this time, Sofia undertook most domestic responsibilities and managed Daniel's personal matters. Although they discussed marriage, they never formalised the relationship.

By early 2025, the relationship had broken down. Daniel demanded that Sofia vacate the apartment within two weeks, asserting that she had no legal entitlement to remain. Sofia maintains that she contributed substantially—through unpaid work, household duties, and caregiving—to the relationship and its stability. She now faces loss of accommodation, income, and security.

Sofia seeks legal advice on whether she may qualify as a de facto cohabitant and what remedies she might request from the Civil Court (Family Section). Address the following issues:

1. Whether the duration and nature of the relationship meet the statutory requirements for recognition as de facto cohabitation.
 2. Whether Sofia's unpaid assistance and caregiving constitute "valuable consideration" or an economic contribution under the Act.
 3. Whether she may request a temporary right of residence in Daniel's home.
 4. Whether she may seek maintenance or financial assistance following the breakdown of the cohabitation.
- Support your analysis with reference to principles of Maltese family law.

Topic 2 Law of Succession

☐ a. To what extent does Maltese succession law achieve a fair balance between testamentary freedom and the protection of heirs?

In your answer, consider and provide your opinion on:

- Whether the provisions on the reserved portion, limit the freedom of a testator to dispose of property by will; and
- The rights and protections are afforded to the surviving spouse and descendants under Maltese law.

OR

☐ b. What are the main principles governing succession under Maltese law?

In your answer you are expected to:

- Distinguish between testate and intestate succession.
- Outline the rights of heirs and the general rules on inheritance distribution.

Topic 3 Law of Obligations

☐ a. To what extent does Maltese contract law balance the principle of contractual freedom with the need for fairness and public order?

In your answer you are expected to:

- illustrate how the Civil Code regulates consent, cause, and object to ensure contractual validity
- elaborate on the ways Maltese law intervenes to prevent abuse of contractual freedom (e.g. through nullity, error, or simulation).

OR

☐ b. Provide a clear outline of the general principles of tort liability found in Maltese law, with an appraisal of applicable jurisprudence (Maltese judgements).

Topic 4 Law of Property

Ownership, Usufruct, & Easements

<input style="width: 20px; height: 20px;" type="checkbox"/>	<p>a. Explain the concept of usufruct under Maltese law.</p> <p>In your answer, you should:</p> <ul style="list-style-type: none"> ▪ Define usufruct; ▪ Describe the main rights and duties of the usufructuary and of the bare owner; ▪ Identify and briefly explain the main ways in which a usufruct may come to an end. <p>In each of the above, support your answers by making reference to the relevant articles of the Civil Code and jurisprudence (Maltese judgements)</p> <p>OR</p>		
<input style="width: 20px; height: 20px;" type="checkbox"/>	<p>b. Explain the relationship between ownership and easements (servitudes) under Maltese law.</p> <p>In your answer, you should:</p> <ul style="list-style-type: none"> ▪ Define ownership and outline the main rights that ownership confers; ▪ Explain the concept of an easement; ▪ Discuss how easements limit or burden ownership while still respecting the owner's principal rights. <p>In each of the above, refer to the relevant articles of the Civil Code as well as jurisprudence (Maltese judgements) and illustrate your answer with practical examples where appropriate.</p>		
<p>Topic 5 Law of Guarantees</p> <p>Rights over or relating to things (Guarantees + Letting & Hiring)</p>			
<input style="width: 20px; height: 20px;" type="checkbox"/>	<p>a. Critically examine the institution of suretyship as regulated in the Maltese Civil Code.</p> <p>In your answer you should:</p> <ul style="list-style-type: none"> ▪ Analyse the essential elements for the validity of a contract of suretyship, including form, consent, capacity, and the requirement of a valid principal obligation. ▪ Discuss the accessory nature of suretyship, explaining how it binds the surety in relation to the principal debtor. ▪ Evaluate how Maltese courts interpret suretyship contracts, with reference to relevant jurisprudence. <p>OR</p>		
<input style="width: 20px; height: 20px;" type="checkbox"/>	<p>b. Discuss the main legal principles regulating the letting of things under the Maltese Civil Code.</p> <p>In your answer, you should:</p> <ul style="list-style-type: none"> ▪ Define the contract of lease and explain its essential elements; ▪ Identify the rights and obligations of both the lessor and the lessee; ▪ Explain how leases are created, renewed, and terminated. <p>Support your answer by making reference, exclusively, to the relevant provisions of the Civil Code and jurisprudence (Maltese judgements).</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Pass Mark - 50% of total weighted scores of both assessment methods </td> <td style="width: 50%; padding: 5px;"> Assignment Weighting - 80% </td> </tr> </table>		Pass Mark - 50% of total weighted scores of both assessment methods	Assignment Weighting - 80%
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By submitting I confirm that this assessment is my own work			
Mark:	Signature: <main assessor>		
Date	Signature: <quality assurance>		