

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



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

voluntary jurisdiction, but it shall be limited for any party, who 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.2004.11.](#)

Competence of the
Civil Court.
Added by:
[I.2018.2.](#)
Amended by:
[XXI.2019.3;](#)
[V.2021.64.](#)

*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;](#)
[XXXI.1934.9;](#)
[XXIII.1971.3;](#)
[XIII.1983.5;](#)
[XII.1985.2;](#)
[VIII.1990.3;](#)
[XXIV.1995.21;](#)
[VI.2001.3;](#)
[XXXI.2002.21;](#)
[L.N. 407 of 2007;](#)
[IV.2016.3.](#)

Competence - Brief

Small Claims Tribunal - €5,000

Court of Magistrates - €15,000

166A - €25,000

Judgments - eCourts

 eCourts

KAWŻI ĊIVILI

SENTENZI

INSOLVENZI

SUBBASTI

UŻU TAL-AWLI

SERVIZZI

GHAJNUNA

CHAT

 Malti

 English

Illoggja

 Fondi tal-UE
għal Malta
2014-2020



Illoggja

Illoggja billi tuża l-e-ID

Ohloq kont tal-e-ID

Il-Professjonisti Legali li għandhom id-dettalji tagħhom fis-sistema tal-qorti ingħataw aċċess awtomatiku għall-eCourts. Huma għandhom aċċess aktar wiesgħa u għandhom is-servizzi indikati hawn taht. Kull m'għandhom jagħmlu hu li jilloggjaw permezz tal-eID.

Dawk il-Professjonisti Legali li meta jilloggjaw permezz tal-eID isibu li għandhom aċċess 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 (isem u kunjom, numru tal-karta tal-identità u numru tal-mobile) kopja tal-warrant scanned biex jingħataw aċċess aktar wiesgħa għas-servizzi online.

Links

 Kawżi Ċivili

 Sentenzi

 Reġistru tal-Insolvenza

 Subbasti

 Użu tal-Awli

 Ircievi Notifiki bil-Mowbajl

 Hallas Multi tal-Qorti

 Hallas id-Dritt tar-Reġistru tal-Qorti

 Dritt li Tintesa (Linji Gwida)

 Statistika tal-Qrati

 Portali tad-Deciżjonijiet Onlajn

Applikazzjonijiet Onlajn

 Sottomissjoni tal-Atti - Ċivil

 Sottomissjoni tal-Atti - Kriminal

 Arkivju tal-Atti

 Testmenti Sigrieti

 Tribunal għal Talbiet Żgħar - Avviż tat-Talba

 Tribunal għal Talbiet Żgħar - Risposta

 Tribunal għal Talbiet Żgħar - Risposta għall-kontrotalba

 Rikors Elettorali Ai Termini Tal-Art 39/40 tal-Kap 354

 Proċedura Ewropea għal Talbiet Żgħar

Judgments

 eCourts

KAWŻI ĊIVILISENTENZIINSOLVENZISUBBASTIUŻU TAL-AWLI SERVIZZI ⌵GHAJNUNA ⓘCHAT ⌵MaltiEnglishIlloggia

Data tas-Sentenza
☐ fl-ahħar 15-il ġurnata biss ⓘ
☐ L-ahħar 12-il Xahar biss ⓘ
☐ bejn u
☒ kwalunkwe ġurnata

Referenza

Qorti

Ġudikatura

Partijiet
 vs

ECLI

Kliem ⓘ

Kliem Ewlieni ⓘ
Aghżel il-kelma ewlenija minn go lista [Aghfas hawn](#)

Judgments

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KAWŻI ĊIVILI

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UŻU TAL-AWLI

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Riżultati

Ir-riżultat tiegħek għet limitata għal 1000 riżultati. Jekk jogħġbok irfina it-tfittxija tiegħek għal riżultati aħjar.

Kriterji: Qorti: Civili, Prim Awla, Kwalunkwe ġurnata

Sentenzi Misjuba: 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	<div>Dettalji</div>
 22/08/2023	276/2023	CIVILI, PRIM AWLA	PULIS ALEXANDRA vs DEGABRIELE KEVIN	<div>Dettalji</div>
 09/08/2023	564/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	<div>Dettalji</div>
 09/08/2023	561/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	<div>Dettalji</div>
 09/08/2023	560/2023/1	CIVILI, PRIM AWLA	DEBONO PAULA SIVE PAULINE vs FALZON PAUL ET	<div>Dettalji</div>
 08/08/2023	736/2023	CIVILI, PRIM AWLA	NASSAU MARITIME HOLDING DAC vs IL-BASTIMENT M/V DOMINIA	<div>Dettalji </div>
 08/08/2023	553/2023	CIVILI, PRIM AWLA	DUTKA ROMAN ET vs ID-DIRETTUR TAR-REGISTRU PUBBLIKU	<div>Dettalji</div>
 08/08/2023	1248/2023/1	CIVILI, PRIM AWLA	CARUANA MARIE THERESE SIVE MARTES ET vs GRECH MARK DOTT	<div>Dettalji</div>

Judgments

Rik. Nru. 965/2023 ISB



PRIM AWLA TAL-QORTI CIVILI

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

Illum, l-Erbgħa, 30 ta' Awissu 2023

Rik. Nru. 965/2023 ISB

Go P.I.c (C-22334)

vs

Jean-Paul Borg 0373298M

Il-Qorti,

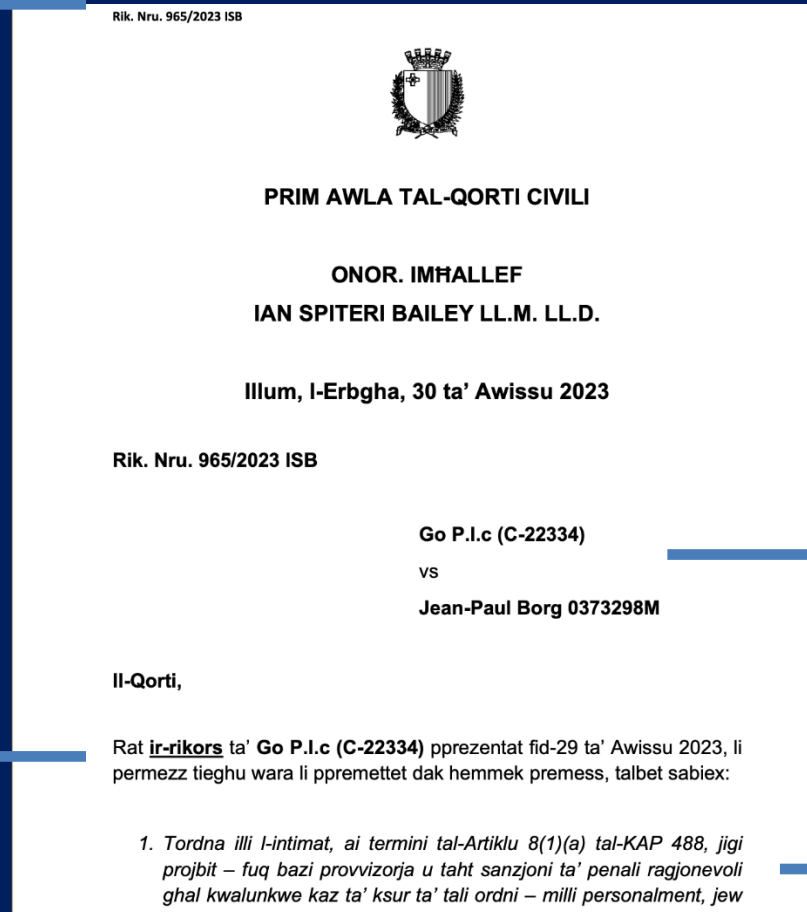
Rat ir-rikors ta' **Go P.I.c (C-22334)** pprezentat fid-29 ta' Awissu 2023, li permezz tiegħu wara li ppremettet dak hemmek premiss, talbet sabiex:

1. Tordna illi l-intimat, ai termini tal-Artiklu 8(1)(a) tal-KAP 488, jigi projbit – fuq bazi provvizorja u taht sanzjoni ta' penali ragjonevoli għal kwalunkwe kaz ta' ksur ta' tali ordni – milli 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) tohroġ kontra min ikun qiegħed allegatament jikkommetti l-ksur ta' dritt ta' proprjetà intellettuali, digriet li jkun intiż biex jipprevjeni kull ksur imminenti ta' dritt ta' proprjetà intellettuali bħal dak, jew li jipprojbixxi, fuq bażi provviżorja u, fejn ikun adatt, bla hsara għal hlas ta' penali li jista' jsir għal diversi drabi fejn ikun hemm provdut dwar dan skont il-liġi, milli jtkompla jsehh kull tali ksur allegat ta' dak id-dritt, jew li tagħmel dik it-tkomplija soġġetta għal garanziji li jkunu intiżi biex jiżguraw li jingħata kumpens lid-detentur tad-dritt. Tista' wkoll tinħareġ projbizzjoni interlokutorja, taht l-istess kondizzjonijiet, kontra kull intermedjarju li jkollu s-

Pagna 2 minn 5

Rik. Nru. 965/2023 ISB

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

(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 sablex tinnotifika lill-intimat minnufieh b'dan id-digriet.

¹ Sub-inciz 3

² Sub-inciz 4

Company Search Malta Business Registry



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Other Links

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Companies

Company Search

Company Registration Number

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Company Name

☐

Exact

Any Name
Combinations

Search

Cancel

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 top navigation bar includes links for Home, About, Contact Us, Careers, Legislation, Log in, and Register. The MBR logo is prominently displayed. Below the logo, 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. This tab contains sub-sections: 'Company Details', 'Authorised Shares', 'Involved Parties', and 'Documents'. A blue arrow points to the 'Company Details' sub-section. Below these tabs, the company registration number 'C 97225' and the company name 'KHELLO CONTRACTORS LTD' are shown. A table below provides further details about the company, with a blue arrow pointing to it.

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