

Diploma in Law (Malta)

Introduction to the Maltese Legal System



Lecturer: Dr Sarah V. Ciliberti

Date: 6th October 2026

Diploma in Law (Malta)



CAMILLERI PREZIOSI
ADVOCATES

Introduction

- Topics to be dealt with in this lecture;
 - General Introduction
 - Assessment overview – assignment and self-assessment
 - Self-assessment
 - Law and the main purposes of law
 - Different Legal systems and the evolution of the Maltese legal system
 - Sources of Maltese Law



Assessment

- Module's assessment will be composed of two parts
 - 20% self assessment
 - 80% assignment



Award in The Maltese Legal System

Lecture Title: Self Assessment



Diploma in Law (Malta)



CAMILLERI PREZIOSI
ADVOCATES

Date: 2 October 2025

The Self Assessment

During this first sitting you MUST choose what you believe is the correct answer for each of the 20 questions by ticking the box next to the correct answer. There is only ONE correct answer.

In the second sitting you MUST either confirm your answer by ticking again the same box or tick a new box next to what you now believe is the correct answer.



The Self Assessment

Correct answer in Session 1 receives 1 point

Correct answer in Session 2 confirming answer in Session 1 additional 1 point

Correct answer in Session 2 correcting wrong answer in Session 1 receives 2 points

Wrong answer in Session 2 with wrong answer in Session 1 receives 0 points

Wrong answer in Session 2 with correct answer in Session 1 receives -1 points



The Self Assessment

There are 20 questions to be answered

By now you should have received a link to a Google form where you are expected to input the answers which are correct

Each slide - having the question and possible answers - will be displayed for 60 seconds

Once you submit all the answers you will receive a copy of your answers by email.



What is law?

What comes to mind when the word 'law' is mentioned?



A set of regulations which aim to maintain order in society, solve disputes, protect rights and liberties.

- 1. Maintenance of public order & safety*
- 2. Protection of individual rights & liberties*
- 3. Regulation of economic & social liberties*
- 4. Mechanism for dispute resolution*
- 5. Establishment of Government Framework*



The law is a living instrument

Society in general coupled with technological & scientific advancements often give rise to amendments and promulgation of laws which regulate such advancements.

The law changes to reflect changes in society, culture, technology and values in order to remain relevant and effective.



By which means is the law considered to be a living instrument ?

1. **Interpretation of laws** – the letter of the law vs the spirit of the law
2. **Precedent** – judgments delivered and decisions taken
3. **Legislative reforms** – democratic societies and public opinion
4. **EU Legislation and Human Rights** – constant evolution
5. **Customary Law** – unwritten law

In conclusion, the law;

- 1. Is continuously evolving*
- 2. Aims to balance tradition and progress*
- 3. Ensures justice and relevance*



Who can legislate?



Who can legislate?

Within a democratic society, the power to legislate is vested in Parliament by the Constitution



Ethics v Law



What are ethics?

***Ethics** - A business owner may feel that it is unethical to pay workers low wages even if the law allows paying minimum wage. The owner may decide to pay employees more than what is legally required because they believe it is the right thing to do.*

***Law** - Minimum wage laws set the legal minimum amount that employers must pay workers. Failing to meet this standard would be illegal, even if the employer personally believes the wage is fair.*



Ethics vs Law

- Definition
- Source
- Enforcement
- Scope
- Flexibility
- Objectivity v subjectivity
- Purpose

Ethics vs Law

- Definition

Moral principles and values vs. set of rules created by governmental institutions



Ethics vs Law

- Source

Moral beliefs, social norms vs. Legislative bodies

Ethics vs Law

- Enforcement

Not enforced by authority vs. Enforced by the state or legal system



Ethics vs Law

- Scope

All aspects of human behaviour depending on individuals and culture vs. Uniform laws for all

Ethics vs Law

- Flexibility

Both are to a certain extent flexible however whilst ethics may vary according to the circumstances, the law is more rigid and applied consistently within a jurisdiction

Ethics vs Law

- Objectivity v subjectivity

Ethics are subjective in nature whereas legislation is equal to all individuals

Ethics vs Law

- Purpose

Moral values aimed to create a sense of right and wrong whereas the law aims to maintain public order etc as discussed earlier

Legal Systems

Common Law v Civil Law

Common Law

- From medieval England
- Judicial decisions and precedent
- Judges play a more passive role – Adversarial system
- Evolves through case law – quicker to adapt



Civil Law

- Originates from Roman Law
- System codified such as the Code de Napoleon
- Written statute is the primary source
- Judges – Investigative and administrative role – inquisitorial system
- Not bound by previous decisions
- Provides a clear and structured legal framework

Conclusion

Civil law is more focused on codified statutes, with judges playing a less creative role, while common law is based heavily on precedents, with judicial decisions shaping the development of law over time. Both systems have their advantages, with civil law offering predictability through codes, and common law providing adaptability through precedents.



The Maltese Legal System

The **Maltese legal system** is unique due to the various influences it has absorbed over centuries from different civilizations and legal traditions. Malta's strategic position in the Mediterranean made it a point of interest for numerous foreign powers, each leaving its mark on the country's legal framework



Influences on our legal System

- Roman
- Order of St John
- French
- British
- Independence
- EU
- Religion
- Socio Economic
- Cultural
- Morality
- International

Roman Law

Roman law significantly influenced Malta, especially during the Roman Empire's rule. Roman law laid the foundation for many aspects of Malta's civil law, particularly in areas like **property law, contracts, and family law.**



Knights of St. John

Code de Rohan – one of the most important advancements in the Maltese legal system.

Clearer legal procedures and modernized aspects of criminal law.

Reformed civil, criminal and procedural law.

French

Their rule was short lived.

French principles of equality and freedom influenced Malta's legal and administrative reforms, including the abolition of feudal privileges and church powers in civil governance.

Code de napoleon – equality before the law and civil liberties with the main aim of separating church and state emphasising on individual rights

British Rule

The British rule can be said to be the most influential. During their rule the British realised that a total overhaul of legislation would be a disaster therefore they began to modernise the Code de Rohan. The British also introduced the Commercial Code (which is of French origin). The legal profession, court structures, and parliamentary democracy were all modelled on the British system. Mixed legal system.

Post-Independence

*After gaining independence from Britain in 1964, Malta established its own **Constitution**, which remains the supreme law of the land. Malta's legal system continues to be influenced by its **dual legal heritage** of civil law and common law. Additionally, Malta's accession to the **European Union** in 2004 brought new legal obligations through **EU regulations and directives**. EU law now plays a significant role, particularly in areas such as human rights, environmental law, competition law, and consumer protection. The Maltese Constitution also incorporates principles from **European human rights law**.*



Conclusion

The Maltese legal system is a **mixed legal system**, blending **civil law** traditions from Roman and Napoleonic law with **common law** influences from British rule. It has been shaped by centuries of foreign rule, reflecting a rich legal heritage that continues to evolve, especially under the influence of EU and international law. This unique combination makes Malta's legal system one of the most distinctive in Europe.



Sir Adrian Dingli

Sir Adrian Dingli (1817–1900) was a prominent Maltese lawyer, judge, and statesman, who played a crucial role in shaping the modern Maltese legal system. He is best known for his work as the **Crown Advocate** (the predecessor to the Attorney General) and as **Chief Justice** of Malta.



Private Law v Public Law

Whilst private law regulates the relationships between private individuals public law regulates the relationship between a private individual and the state



Public Law or Private Law

Family law ?

Criminal law?

Constitutional law?

Succession?

Tort?

Property ??



Sources of Maltese law

- Sources are the different types of legislation we resort to
- Main sources are
 - The Codes in the different forms
 - Acts
 - Subsidiary Legislation
 - Bye-Laws
 - Regulations
 - Directives
 - Council Decisions
 - Evidential Sources
 - Parliamentary debates
 - Courts decisions
 - Learned writings

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

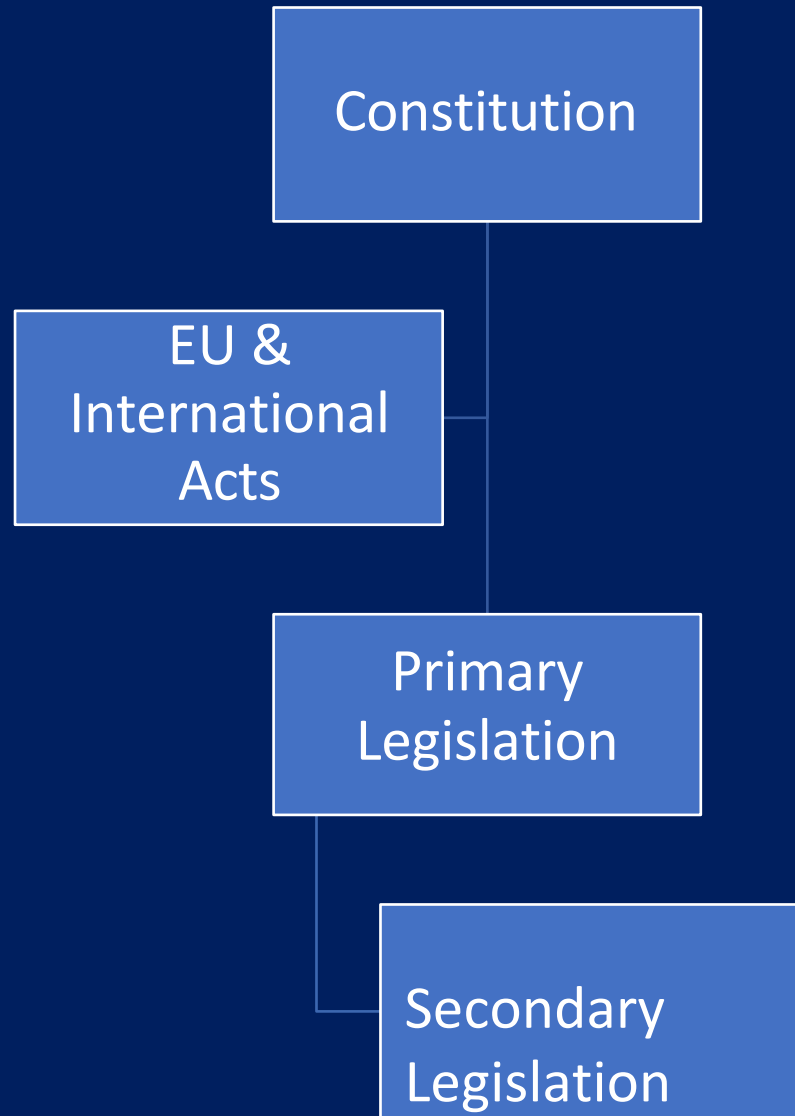


Private International Law – Public International Law

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

EMPLOYMENT AND INDUSTRIAL RELATIONS [CAP. 452. 1]

CHAPTER 452

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT

To consolidate, with amendments, the Conditions of Employment (Regulation) Act (Cap.135) 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

	Articles
General	1-2
Title I - Employment Relations	
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 1 Status, registration and conduct of trade unions and employer's associations	49-62

Tip: Chapter
Titolu: Employment and Industrial Relations Act
Keywords :
+ Employment
+ Relations
+ Employment Relations
+ Industrial Relations
Language: Ingliz Malti
Format: PDF
[Segwi](#)

Ontologija **Relazzjonijiet**

Status
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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.2019.2; 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

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Link tal-ELI: eli/cap/452

Keywords :

► Employment

+ Relations

+ Employment Relations

+ Industrial Relations

Language: Inġliż Malti

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Ontoloġija Relazzjonijiet

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Rationale

Primary & Subsidiary Legislation

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Relazzjonijiet

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Enactment & Amendment

Promulgation/Enactment Dates



Primary & Subsidiary Legislation

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Tip: Chapter

Industrial Relations Act

Link tal-ELI: eli/cap/452

Keywords :

+ Employment

+ Relations

+ Employment Relations

+ Industrial Relations

Language: Inġliż Malti

Format: PDF

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Relazzjonijiet

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2022-12-20

Primary & Subsidiary Legislation

Short title
Definitions & Interpretations

CHAPTER 452

► EMPLOYMENT AND INDUSTRIAL RELATIONS ACT

Short title.

Definitions. Amended by: XVI. 2012.2; IV. 2015.17; VI.2019.2; LVIII.2020.2; XX.2022.2.

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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 by law to the prevailing practice as may be established

Tip: Chapter

Titolu: Employment and Industrial Relations Act

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

Keywords :
+ Employment
+ Relations
+ Employment Relations
+ Industrial Relations

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

Format: PDF

Segwi

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2002-12-02

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Primary & Subsidiary Legislation

Article

Sub Article

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 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

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.

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(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;
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- (c) to advise the Minister on any matter relating to conditions of employment, or on any matter referred to

Primary & Subsidiary Legislation

Proviso



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

Subsidiary Legislation

Chapter
Number

Relative
S.L

Chapter Number	Relative S.L	▲	Kap. 452	Att dwar l-Impiegi u r-Relazzjonijiet Industrijali	
			L.S. 452.01	Regolamenti dwar Bordijiet ta' Konċiljazzjoni	
			L.S. 452.02	Ordni dwar Drittijiet li jithallsu lil Membri ta' Bord ta' Konċiljazzjoni	
			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 għal Kunsill tal-Pagi għaċ-Ĉinematografi 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-Kunsill tal-Pagi	
			L.S. 452.10	Regolamenti dwar il-Proċedura tal-Kunsilli tal-Pagi	
			L.S. 452.11	Ordni għal Kunsill tal-Pagi għall-Industrija ta' l-Armar tat-Trasport, tal-Metall u Industrija 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-Industrija tax-Xorb	

Subsidiary Legislation

Same layout
as primary
legislation

As previously
noted

<i>BOARDS OF CONCILIATION</i>		[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.1859.33;
IX.1886.101;
XXII.2005.62;
VII.2007.23.

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 mhassra dik is-sentenza, għal waħda minn dawn ir-raġunijiet li ġejjin:

- (a) jekk is-sentenza tkun ittiehdet bil-qerq ta' waħda mill-partijiet bi hsara tal-ohra;
- (b) jekk ir-rikors ġuramentat ma jkunx ġie notifikat lill-parti telliefa, basta li din il-parti, għad li ma tkunx giet innotifikata, ma tkunx dehret fis-smigh tal-kawża;
- (c) jekk waħda mill-partijiet fil-kawża ma tkunx persuna legittima, kemm-il darba ma tkunx giet mogħtija u deċiża l-eċċezzjoni ta' illeġittimità;
- (d) jekk is-sentenza tkun giet mogħtija minn qorti nkompetenti minhabba n-nuqqas ta' ġurisdizzjoni kif imsemmi fl-artikolu 741(a), basta li qabel ma tkunx giet mogħtija u deċiża l-eċċezzjoni tal-inkompetenza;
- (e) jekk is-sentenza tkun applikat il-liġi hażin;
għall-finijiet ta' dan il-paragrafu, jitqies li kien hemm applikazzjoni hażina 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 giet 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 ohra 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 giet mogħtija u deċiża;

- (i) jekk fis-sentenza jkun hemm dispożizzjonijiet kontra xulxin;
- (j) jekk is-sentenza tkun giet deċiża fuq provi li, b'sentenza mogħtija wara, jiġu ddikjarati foloz, jew, li

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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 setghatx 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

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