

The International Comparative Legal Guide to:

# Litigation & Dispute Resolution 2009

A practical insight to cross-border Litigation & Dispute Resolution



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# Malta

Malcolm Mifsud



Jeanette Ciantar



## Mifsud & Mifsud Advocates

### I. LITIGATION

#### 1 Preliminaries

##### 1.1 What type of legal system has Malta got? Are there any rules that govern civil procedure in Malta?

The Maltese legal system was initially based on Roman Law and eventually progressed to the Code de Rohan, the Code Napoleon with influences from Italian Civil Law. However, owing to its colonial past, Malta is fortunate in having been influenced by two different regimes. Thus, while Roman Law still governs our law of persons, things and obligations, English Common Law still features in much of the Maltese legal system and influences our mercantile law such as Company law and Shipping as well as our Public Law. Thus the Maltese legal system has traits of both the Common Law as well as Continental Law.

A separate code, known as the 'Code of Organisation and Civil Procedure', Chapter 12 of the Laws of Malta (hereinafter referred to as the COCP) governs Maltese law on civil procedure.

##### 1.2 How is the civil court system in Malta structured? What are the various levels of appeal and are there any specialist courts?

The Courts of justice of civil jurisdiction for Malta are either superior or inferior. The superior courts are the Civil Court, the Court of Appeal and the Constitutional Court; while the inferior courts are the Court of Magistrates (Malta) and the Court of Magistrates (Gozo). While the jurisdiction of the superior courts is general for Malta, the jurisdiction of the inferior courts is limited on a *ratione loci* basis (Art. 50 COCP). The Civil Court takes cognisance of all causes of a civil and commercial nature, matters relating to voluntary jurisdiction, and of all causes which are expressly assigned by law to the said Civil Court.

Following a judgment of the Civil Court, First Hall, an appeal may be filed to the Court of Appeal constituted by three judges. The Court of Appeal also hears and determines appeals from judgments of the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) in its inferior jurisdiction. For the purposes of such appeals, the Court of Appeal would be constituted by one judge only (Arts. 31-41 COCP).

The competence of the civil courts in Malta is also structured on a *ratione valoris* basis which is also regulated by the COCP. 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 eviction from immovable property, fall within the jurisdiction of the Civil Court, First Hall, independently of the value of the claim (Art. 47 COCP).

There are a few specialised courts in Malta. The Family Court is one such specialised court which hears and determines causes dealing with *inter alia*, the rights and duties arising from marriage; filiation; and parental authority (Sect. 4 LN 9 of 2004). The Court of Voluntary Jurisdiction is then competent to hear matters relating to *inter alia*, disentail; the appointment of tutors and curators; and interdiction and incapacitation.

##### 1.3 What are the main stages in civil proceedings in Malta? What is their underlying timeframe?

Civil proceedings are ordinarily initiated by a sworn application which should state the subject of the cause and the claim that is being demanded. Once this is filed in the Court registry, a copy will be delivered to the defendant together with a date of the first hearing. Upon receipt of a copy of the sworn application, the defendant has 20 days in which to file his sworn reply, unless he intends to admit to the claim. The sworn reply is to contain any preliminary pleas and pleas on the merits. With the filing of the sworn reply or on the expiration of the 20-day term, the preliminary written procedures are deemed to be closed.

At the first hearing, the court will make a record stating the parties who have been served with the application. It will then proceed to plan in advance all the sittings to be held and will direct the parties on what evidence and submission it expects to be made at each sitting. The Court may also delegate these functions to a judicial assistant in order to expedite proceedings (Art. 195 COCP). The COCP also gives the judges the choice to follow a pre-trial procedure, in which case, the plaintiff would have to present his evidence by affidavit prior to a first hearing being set.

The cause will then proceed to the presentation of evidence. The plaintiff will normally start presenting his evidence, followed by the defendant's evidence once plaintiff's evidence is concluded. Both the plaintiff and the defendant have the right to cross-examine the witnesses produced by the opposing party. Following the presentation of the parties' evidence, the court would normally order the parties to present their written submissions and a reply thereto. Prior to adjourning the case for judgment, the judge may order that the submission be delivered also orally.

The underlying timeframe would much depend on the practices employed and on the judge's personality. However, one can assume that a civil case could ordinarily take between 2 to 10 years.

#### 1.4 What is Malta's local judiciary's approach to exclusive jurisdiction clauses?

The courts generally abide by exclusive jurisdiction clauses and will respect them. However, where the COCP provides the court with jurisdiction to determine a particular case, the court may decide to ignore an exclusive jurisdiction clause whenever it feels that it would be prejudicial to the interests of justice that the case be tried elsewhere, or where it feels that the case is very closely connected to Malta and therefore ought to be tried here.

#### 1.5 What are the costs of civil court proceedings in Malta? Who bears these costs?

Civil proceedings in Malta are taxed and levied in accordance with a list of tariffs found in the Schedules annexed to the COCP (Art. 1004). These costs will vary according to what is being filed and on the amount being claimed. Thus, with regard to the expenses incurred for the civil proceedings, a taxed bill of fees is issued once the contentious proceedings have ended and this would normally comprise the costs applicable for the filing of judicial acts, the court fees due to the advocate and those due to the legal procurator. However, the taxed bill of fees would not include the professional fees for research and preparatory work due to the lawyer entrusted with the case. Thus, professional fees are then agreed to between the client and the lawyer, and charged separately.

The person incurring the costs would have to pay his own expenses. However, it is often the case that in its judgment, the court decides who is to bear the costs of the entire legal proceedings and this is normally borne by the losing party.

#### 1.6 Are there any particular rules about funding litigation in Malta? Are there any contingency/conditional fee arrangements? Are there rules on security for costs?

There are rules relating to funding of litigation and these refer to the provision of legal aid lawyers. Where a person benefits from legal aid, he shall be exempt from the payment of all fees and from giving security for costs. For a person to be able to benefit from legal aid, he must not possess property that amounts to or exceeds €6,988.12 and that his yearly income is not more than the national minimum wage established for persons of eighteen years or over (Arts. 912-913 COCP).

Any agreement or stipulation *quotae litis* is forbidden in Malta. Moreover, it is unlawful for an advocate to fix by agreement his fees in relation to court proceedings and to be included in the taxed bill of fees, in an amount higher or lower than that fixed in the schedules to the COCP. However, an advocate may fix his fees when the action is restricted to an interest smaller than that on which the decision will have a bearing (Art. 82 COCP).

There also exist rules governing the security of costs. Thus, where it is found that no security for the costs of the suit had been given, the court would allow a short time for such sum to be deposited with the registrar, on the failure of which, the plaintiff will be declared non-suited (Art. 200(2) COCP). In the case of an appeal from a judgment and a re-trial, where security of costs have not been paid prior to the hearing of the cause, the plaintiff will be declared non-suited, and the appeal or re-trial would be deemed abandoned (Art. 209 COCP). The Government of Malta, public corporations, the Central Bank of Malta and banks licensed under the Maltese Banking Act are exempt from giving the said security (Art. 249(4) COCP).

## 2 Before Commencing Proceedings

### 2.1 Are there any pre-action procedures in place in Malta? What is their scope?

There is generally no pre-action procedure that must necessarily be adopted prior to filing a law suit in Malta. However, it is generally the practice - in a few cases it is also mandatory (e.g. in the case of assignment of debts) - that a judicial intimation be sent to the defendant in order for a tentative out-of-court settlement be reached prior to the filing of proceedings. Moreover, in proceedings against the Government of Malta, no proceedings may generally be instituted or a warrant demanded, except after the expiration of ten days from the service against the Government of a judicial letter or of a judicial protest in which the right claimed or the demand sought is clearly stated (Article 460 COCP).

Other pre-action procedures, which are, however, purely optional and may be exercised at the lawyer's discretion are available in Malta. Thus as an example, in the case of actions for the recovery of a debt which is certain, liquidated and due, and which does not exceed €23,293.73, the creditor may proceed by filing a judicial letter to be served upon the debtor which would constitute an executive title in the same way as a judgment delivered by the Court would, if the debtor does not oppose the claim within 30 days. Where the debtor opposes the claim and replies within the said thirty days, or where the creditor otherwise fails to obtain payment through this method, then the creditor may proceed by filing a lawsuit against the debtor (Art. 166A COCP).

### 2.2 What limitation periods apply to different classes of claim for the bringing of proceedings before your civil courts? How are they calculated? Are time limits treated as a substantive or procedural law issue?

Various periods of prescription apply depending on the particular claim. The prescription of an action commences to run from the day on which such action can be exercised, irrespective of the state or conditions of the person to whom the action is competent (Art. 2137 Civil Code, Chapter 16 of the Laws of Malta). Property claims are generally time barred after a lapse of ten or thirty years depending on whether the person possesses the property in good faith, or otherwise.

The actions of particular professions or trade, such as teachers, domestic servants, keepers and carriers are barred by the lapse of one year (Art. 2147); others are barred by the lapse of eighteen months, two years or five years. The most popular prescription periods that apply are generally the two-year time bar for a claim for damages (Art. 2153 Civil Code); and the five-year time bar for commercial transactions (Art. 2156(f) Civil Code). The criteria according to which a particular prescriptive period applies, as opposed to another, depends entirely on the nature of the claim. These time limits are generally treated as matters of procedure under Maltese law.

## 3 Commencing Proceedings

### 3.1 How are civil proceedings commenced (issued and served) in Malta? What various means of service are there? What is the deemed date of service? How is service effected outside Malta? Is there a preferred method of service of foreign proceedings in Malta?

Civil proceedings in the superior courts are ordinarily commenced

by means of a sworn application which is then filed in the appropriate court registry. In the inferior courts, proceedings are commenced by means of an application which takes the form of a mere notice signed by the Registrar (Art. 171 COCP). Upon filing the application, whether sworn or otherwise, a copy of the pleading will be delivered by the court marshal by hand or by registered mail to the person on whom the pleading is to be served or by leaving such a copy at the place of residence or business or place of work or postal address of the person with some member of his family or household or with some person in his service or his attorney or person authorised to receive his mail (Art. 187 COCP). If delivery has been affected, the date of service shall be the deemed date of service. Where this method of delivery proves ineffective, the court may direct service to be affected by the posting of a copy of the act at the place in the town in which official acts are usually posted up, and by publishing a summary of such pleading in the Government Gazette and in one or more daily newspapers. Where the residence is known, a copy of the pleading may be posted up on the door leading to such residence. In such cases, service is deemed to have been made on the third working day after the date of last publication or after the date of such posting, whichever is the latest (Art. 187 COCP).

In the case of a body having distinct legal personality, the copy of the acts must be delivered to its registered office or place of business/postal address. Should this prove unsuccessful, the court would normally direct that a posting of the act and publication in the local newspapers of a summary of the act, as mentioned above, be affected.

Malta's accession to the European Union has improved its co-operation procedures with foreign countries in foreign cases requiring the taking of evidence abroad. In this respect, Malta has ratified the Hague Convention of 1965 on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters. Thus, where extra-judicial documents originating in Malta are to be transmitted to another contracting state, these shall be transmitted directly by the central authority. With regard to documents originating in another Contracting State, which are transmitted to Malta, the Maltese central authority will attach the document to a judicial letter filed in the Registry of the Civil Court, First Hall, to be served on the person addressed. Service is then effected in accordance with the ordinary modes of procedure prescribed in Art. 187 of the COCP (as referred above). Moreover, EC Regulation 1393/2007 on the service of judicial and extrajudicial documents in civil or commercial matters would apply for transmission between EU Member States.

If the defendant is resident outside the EU, then, together with the sworn application, the plaintiff must file an application requesting the court to appoint curators to represent the defendant.

### 3.2 Are any pre-action interim remedies available in Malta? How do you apply for them? What are the main criteria for obtaining these?

Maltese law grants the right to any person, without the necessity of any previous judgment, to secure his rights by one or more, what are known as, precautionary warrants. These are issued and carried into effect on the responsibility of the person suing out the act (Art.829 COCP). There are various precautionary warrants available to the right holder, who may choose to issue any one or more of the following: i) the warrant of description; ii) the warrant of seizure; iii) the warrant of seizure of a commercial going concern; iv) the garnishee order; vi) the warrant of arrest of sea vessels; and vii) the warrant of prohibitory injunction.

The demand for the issue of any of the said acts is made by an application confirmed on oath by the applicant. The warrant will

then be issued by the court, following which the applicant must institute proceedings shortly after. If the applicant fails to institute proceedings, the debtor would be entitled to issue a counter warrant to ask for the precautionary warrant to be revoked (Art.836).

The application for the issue of a precautionary warrant will generally be allowed provided an action in respect of the claim is brought or arbitration proceedings are commenced, within the time established by law. However, it may be revoked if, on demand of the defendant for the rescission of the precautionary act, the plaintiff fails to justify the issuing of the precautionary warrant (Art. 836(9) COCP).

### 3.3 What are the main elements of the claimant's pleadings?

The claimant's pleadings (better known as the "*sworn application*"), is to contain the following: a statement which gives, in a clear and explicit manner, the subject of the cause in separate numbered paragraphs, in order to emphasise his claim and also to declare which facts he was personally aware of; the cause of the claim; the claim or claims which must be numbered; and a notice to the defendant that he must file a reply within 20 days from the date of service of the sworn reply (Art. 156 COCP).

Whatever documents help support the claim, are to be produced together with the sworn application. The plaintiff must also provide an indication of the witnesses he intends to produce in evidence stating in respect of each of them the facts and proof he intends to establish by their evidence. Finally, the sworn application needs to be confirmed on oath before the Court Registrar or before a legal procurator.

### 3.4 Can the pleadings be amended? If so, are there any restrictions?

The COCP authorises the court, at any stage of the proceedings, at the request of any of the parties, until judgment is delivered and after hearing the parties where necessary, to order the substitution of any act or permit the pleading to be amended, either by adding or striking out the name of any party and substituting another name or in the character of the parties, or by correcting any other mistake, or by causing other submission of fact or of law to be added even by a separate note. A substitution or amendment that affects the substance either of the action or of the defence on the merits of the case is categorically disallowed.

## 4 Defending a Claim

### 4.1 What are the main elements of a statement of defence? Can the defendant bring counterclaims/claim or defence of set-off?

The statement of defence (better known as the "*sworn reply*"), must contain: any pleas that would be taken to be waived if not raised before the contestation of the suit; a clear and correct statement of the pleas on the merits of the claim or claims; and finally, the defendant or one of them if more than one, must confirm on oath all the facts concerning the claim. The sworn reply must also contain a list of the witnesses he intends to produce and the proof intended to be established by each witness together with a list of documents (Art. 158).

A defendant is free to bring a counterclaim provided that the claim of the defendant arises from the same fact or from the same contract or title giving rise to the claim of the plaintiff; or that the object of

the claim of the defendant is to set-off the debt claimed by the plaintiff, or to bar in any other manner the action of the plaintiff, or to preclude its effects (Art. 396 COCP). The effect of the counter-claim as regards procedure is that the original claim and the counter-claim are dealt with in one single record and both claims are disposed of in the same action. The defence of set-off may also be claimed as a defence.

#### 4.2 What is the time-limit within which the statement of defence has to be served?

The defendant must file his sworn reply within twenty days from the date of service of the sworn application, unless he intends to admit to the claim (Art. 158 COCP).

#### 4.3 Is there a mechanism in your civil justice system whereby a defendant can pass on liability by bringing an action against a third party?

It is possible for the defendant to pass on his liability by bringing an action against a third party, but this only in specific instances provided for by the law. One such example exists with regard to insurance companies. When a debt is covered by an insurance policy the insured may, within 15 days from service upon him of a judicial letter, give to the insurer notice of the said letter and in this way, the judicial letter would affect also the insurance company (Art.166A COCP). Moreover, where a precautionary act has been issued against any person to secure a claim for damages, a locally registered insurance company may file an act in the registry of the Court to declare that it is accepting liability to pay all sums that may be due if such person is found to be responsible for such damages. Following this declaration, the claim for damages may be pursued against the insurer directly (Art. 830(3) COCP).

Where a contract of suretyship has been entered into between the creditor and the surety, the creditor may proceed with an action against the surety if the debtor fails to satisfy the debt himself (Art. 1925 of the Civil Code).

Finally, the defendant could also indirectly be passing on his liability through the *actio surrogatoria*, which is a remedy given to the creditor against the inactivity of the debtor (Art. 1143 of the Civil Code).

#### 4.4 What happens if the defendant does not defend the claim?

If the defendant defaults in filing the sworn reply and if he fails to appear to the summons, the court will pass on to give judgment, unless he shows to the satisfaction of the court, a reasonable excuse for his default in filing the sworn reply within the prescribed time. The court will, however, prior to delivering judgment, grant the defendant a short time within which to make submissions in writing to defend himself against the claims of the plaintiff. Such submission will then be served on the plaintiff who will be given a short time within which to reply (Art. 158(10) COCP).

#### 4.5 Can the defendant dispute the court's jurisdiction?

It is lawful to plead to the jurisdiction of the court in three instances: when the action is not one within the jurisdiction of the courts of Malta; when the action, although one within the jurisdiction of the courts of Malta, is brought before a court different from that by which such action is cognizable; or when the privilege of being sued in a particular court is granted to the defendant (Art. 741 COCP). The courts may also find that they do not have the

competence to hear a case due to a foreign jurisdictional clause or an arbitration clause agreed between the parties.

## 5 Joinder & Consolidation

### 5.1 Is there a mechanism in your civil justice system whereby a third party can be joined into ongoing proceedings in appropriate circumstances? If so, what are those circumstances?

There are two different methods by which a third party may enter into proceedings already pending between two other parties: the procedure of intervenor and that of joinder. Intervention is the process by which a person, who can prove to have an interest in a lawsuit between other parties, may be admitted as a party to the proceedings at any stage of the proceedings (Art. 960 COCP). Joinder is the compulsory calling of a person into a suit because either the Court or one or both of the parties considers it necessary for the completion of the suit. This party has to show his juridical interest either on his own motion or on the demand of the other parties. The third party joined in the suit will be served with the application and shall, for all purposes of the law, be considered as a defendant. The claim may be allowed or disallowed in his regard, as if he were an original defendant (Arts. 961-962 COCP).

### 5.2 Does your civil justice system allow for the consolidation of two sets of proceedings in appropriate circumstances? If so, what are those circumstances?

Consolidation of two sets of actions is available under the Maltese legal system in two particular circumstances: where an action is brought before a competent court after another action in respect of the same claim has already been brought before another competent court, the second action may be transferred for trial to such other court (Art. 792 COCP).

Secondly, if two or more actions brought before one and the same court are connected in respect of their subject-matter, or if the decision on one of the actions might affect the decision on the other actions, it is lawful for the court to order that the several actions be tried simultaneously (Art. 793 COCP). This plea refers to when the connection between two suits is relative only to the parties, or if the decision of one of them might affect the other.

### 5.3 Do you have split trials/bifurcation of proceedings?

Bifurcation of proceedings is only possible when two or more plaintiffs bring their actions by one sworn application, and one of the plaintiff requests that his action be tried separately. The court may also order that any action be tried separately when it is not expedient that the actions of all the plaintiffs be tried together (Art. 161(4) COCP).

## 6 Duties & Powers of the Courts

### 6.1 Is there any particular case allocation system before the civil courts in Malta? How are cases allocated?

Sworn applications are allocated in the order in which they are received by the registrar of the courts to the different judges serving in the court in which the claim was filed (Art. 154(2) COCP). Once the case has been appointed to a particular judge, it is not possible for the judges to be challenged, nor may they abstain from sitting in any cause brought before the court in which they are appointed to

sit, except for any of the specific reasons listed in the COCP (Arts. 734-735 COCP).

Emergency proceedings, such as, for instance, the issue of precautionary warrants, are allocated to the first judge on the rota. The "rota" judge is the judge who, for a period of 15 consecutive days is the judge before whom and by whom such emergency *ex parte* applications are heard and decided.

#### 6.2 Do the courts in Malta have any particular case management powers? What interim applications can the parties make? What are the cost consequences?

Provided the provisions of the COCP are respected, the courts in Malta have full power to manage the cases brought before them in the manner they think best suits the case. Judges may, for instance, choose to resort to pre-trial proceedings; or to refer the presentation and hearing of cases to the judicial assistants; or it may direct the parties to present their evidence in the form of affidavits rather than bringing the witness in to testify in court.

The court may generally give all the necessary orders and direct the management of the case in such a manner that would assist it in arriving at a final judgment. The parties may also make interim applications, for instance, to obtain a decree of the court pending proceedings for the adjournment of a cause, a request for urgency, the appointment of a referee; a request for the connection of actions, a request for special leave to appeal, and so on. The consequences of such applications are that the cost of the proceedings might, and probably will, increase depending on the number of applications filed.

#### 6.3 What sanctions are the courts in Malta empowered to impose on a party that disobeys the court's orders or directions?

It is the duty of the judges and the magistrates to maintain order during the sittings of the courts in which they preside. In the case of any improper behaviour or where a person disobeys an order of the court, the judge or magistrate may maintain order during the public sittings by punishing the person by means of a reprimand, expulsion from the court, personal arrest for a period not exceeding twenty-four hours in a place within the building in which the court sits, or with a fine in terms of the Criminal Code (Art. 990 COCP).

If the disobedience amounts to an offence under the provisions of the Criminal Code, the judge or magistrate may order the arrest of the offender, draw up a *proces-verbal* of the fact, and remit the party arrested to the Court of Magistrates to be dealt with according to law.

In proceedings for any act or omission amounting to contempt of court, the offender shall, on conviction, be liable to imprisonment for a term up to one month or to a fine of not less than €32.94 but not more than €329.37 or to both a fine and imprisonment (Art. 997 COCP).

#### 6.4 Do the courts in Malta have the power to strike out part of a statement of case? If so, in what circumstances?

In the case where a written pleading contains an insulting or offensive expression or any expression which is otherwise objectionable, the court may, of its own motion, or on the demand of an aggrieved party, order the whole of the written pleading or of the document to be expunged from the registry of the court or from the records of the proceedings, and the written pleading or document would be deemed to have never been filed (Art. 994 COCP).

Moreover, except a reference to the law, the sworn application and the sworn reply may not contain any comment or any matter which

is not necessary for a statement of the material facts as regards the application, or for a rebuttal of those facts or for an indication of the pleas as regards the sworn reply. In the case of non-compliance, the court may order any superfluous matter to be struck out, or the written pleading to be removed from the record and replaced by another (Art. 159 COCP).

#### 6.5 Can the civil courts in Malta enter summary judgment?

Special summary proceedings are normally reserved for the superior courts in Malta. Therefore, in actions where the demand is solely for the recovery of a debt which is certain, liquidated and due and which does not consist in the performance of an act; or for the eviction of any person from any urban or rural tenement, the plaintiff may ask, in the sworn application, for the court to give judgment allowing his demand without proceedings to trial.

In this case, the plaintiff must declare on oath that in his belief there is no defence to the action (Art. 167 COCP). The defendant will be ordered to appear not earlier than fifteen days and not later than thirty days from the date of service. If the defendant fails to appear to the sworn application or if he appears and does not impugn the proceedings taken by the plaintiff on the ground of irregularity or inapplicability, or having unsuccessfully raised such pleas, does not by his sworn evidence, or otherwise, satisfy the court that he has a *prima facie* defence, in law or in fact, to the action on the merits, or otherwise to disclose such facts or issues of law as may be deemed sufficient to entitle him to defend the action or to set up a counterclaim, the court would proceed to give judgment, allowing therefore the plaintiff's claim (Art. 170(1) COCP).

On the other hand, where the defendant successfully impugns the proceedings on the above grounds, the court will grant him leave to defend the action and the action will be tried and determined on the same acts and in the ordinary course of proceedings (Art. 170(2) COCP).

#### 6.6 Do the courts in Malta have any powers to discontinue or stay the proceedings? If so, in what circumstances?

While the courts in Malta generally have wide powers to stay proceedings at any stage of the proceedings, the discontinuance of proceedings is generally left in the hands of the parties independently of the court. As for the discontinuance of proceedings, any of the parties may, at any stage of the trial before definitive judgment is delivered, withdraw the acts filed by him (Art. 906 COCP). The party discontinuing the action would have to pay for the costs of the proceedings and may not commence another action for the same cause before he has actually paid such costs to the other party (Art. 908 COCP).

More particularly as for the stay of proceedings, the court may, either of its own motion or on a note filed by any party to the proceedings, direct that proceedings be stayed for such period as it considers appropriate, and refer the parties to a mediator in accordance with the Mediation Act (Art. 173(2)(c) COCP). Moreover, any judgment given by any court in regard to its jurisdiction to take cognizance of a particular case, is subject to appeal and the court may stay the hearing of the cause until the determination of that point by the appellate court, provided that none of the parties show to the satisfaction of the court that the delay would be prejudicial to him (Art. 234 COCP). Where a foreign court has concurrent jurisdiction, the courts may, at their discretion, stay proceedings on the ground that if the action were to continue in Malta, it would be vexatious, oppressive or unjust to the defendant (Art. 742(2) COCP).

Also, where a witness has been accused of false testimony, and where the testimony impeached as false is likely to bear substantially on the merits of the cause, it is lawful for the court, upon demand of either of the parties, to stay the proceedings in the action in which the witness has deposed, until the criminal proceedings against the witness shall have terminated (Art. 601(2) COCP). In the superior courts, where the evidence of any person who is absent from Malta is indispensable for the determination of a cause, the court may make an order to stay the proceedings and adjourn the cause to a time within which such evidence is obtained (Art. 613 COCP).

## 7 Disclosure

### 7.1 What are the basic rules of disclosure in civil proceedings in Malta? Are there any classes of documents that do not require disclosure?

As already outlined, in solemn proceedings, whether in primary or secondary instance, any document to be presented as evidence, must be produced together with the relative written pleadings and cannot, as a rule, be produced after. There however exists no duty to disclose in the Maltese system. Instead, one may demand the production of evidence possessed by the opposite party or by a third party and this may take place at any stage of the proceedings, so long as evidence may still be adduced (Art. 642 COCP).

The closest the Maltese system gets to the system of disclosure is in Art. 35(2) of the Arbitration Act which grants the arbitral tribunal in arbitration proceedings, the power, if it considers it appropriate, to require a party to deliver to the tribunal and to the other party, a summary of the documents and other evidence which that party intends to present in support of the facts in issue set out in the statement of claim or statement of defence.

### 7.2 What are the rules on privilege in civil proceedings in Malta?

The rules on privilege in Malta extend to witnesses and documentary evidence. As for the latter, despite the general right to exercise the *actio ad exhibendum*, it is not lawful for a party to demand the production of any exempt document which forms part of any correspondence of any civil, military, naval or air force department or of any report belonging to such department (Art. 637 COCP).

As for privileged communications, an advocate, legal procurator or clergyman cannot, without the consent of the client or of the person making a confession, be questioned on such circumstances as may have been stated by the client to the advocate or legal procurator in professional confidence in reference to the cause, or as may have come to the knowledge of the clergyman under the seal of confession (Art. 588 COCP).

Moreover, unless by order of the court, no accountant, medical practitioner, or social worker, psychologist or marriage counsellor may be questioned on such circumstances as may have been stated by the client to the said person in professional confidence or as may have come to his knowledge in his professional capacity. This privilege extends to the interpreter who may have been employed in connection with such confidential communications.

### 7.3 What are the rules in Malta with respect to disclosure by third parties?

Owing to the fact that principle of disclosure is generally alien to

Maltese proceedings, there exist no rules relative to disclosure by third parties.

### 7.4 What is the court's role in disclosure in civil proceedings in Malta?

Kindly refer to the answer provided for in question 7.3.

### 7.5 Are there any restrictions on the use of documents obtained by disclosure in Malta?

Kindly refer to the answer provided for in question 7.3.

## 8 Evidence

### 8.1 What are the basic rules of evidence in Malta?

The Maltese law of evidence, like many advanced legal systems, subscribes to the principle of reasonable freedom of proof, according to which the court may admit and evaluate evidence relatively freely without being unduly conditioned by legal requisites as to what kind of evidence to admit and the probative weight it must be given. This freedom is however subject to the two fundamental rules that:

- 1) all evidence must be *relevant* to the matter in issue between the parties (Art. 558 COCP); and
- 2) the court shall, in all cases, require the *best evidence* that the party may be able to produce (Art. 559 COCP).

Art. 560 COCP empowers the court to disallow any evidence which it either considers to be irrelevant or superfluous, or which it does not consider to be the best which the party can produce. The law lays down further 'exclusionary rules' which in practice limit the number of relevant facts that may be admitted in evidence. Thus, for instance, hearsay evidence is generally excluded, as is evidence of the bad character of the witness brought forward by the party producing such witness.

Where the Court refuses to admit any evidence which it deems irrelevant and superfluous or when it perceives that the party is in a position to produce better evidence, the party has a right to insist that such refusal be pronounced by means of a decree - this makes it necessary for the Court to give reasons for its refusal, and moreover, the decree may be impugned by means of an appeal, even before the definitive judgment, by special leave of the court, in terms of Art. 229(3) COCP. Where however only a question put to a witness has been disallowed, the party may only demand that a record be made in the proceedings.

There exists also the general rule that the party making an allegation must prove it. The burden of proving a claim (which is denied) lies on the pursuer who advances or maintains it and, on his failure to do so, the defendant is released not only *ab observantia iudicii* but from the demand itself. The same rule applies to the defendant when, in case the plaintiff proves his demand, he asserts facts tending to paralyse the plaintiff's rights: he is then bound to prove these facts, and it is in this sense that the *maxim reus in excipiendo fit actor* is applied.

### 8.2 What types of evidence are admissible, which ones are not? What about expert evidence in particular?

A cardinal feature of the Maltese law of evidence is the principle of orality, whereby witnesses are examined and cross-examined *viva voce* in the presence of the parties and in open court. The general rule governing the production of evidence by witnesses is that all persons of sound mind, unless there are objections against their

competency, are admissible as witnesses (Art. 563 COCP). Moreover, any of the parties to a suit, whatever their interest therein - are competent to give evidence either of their own motion, or at the request of any of the other parties to the suit, or if called by the court *ex officio* (Art. 565).

The 1995 amendments to the COCP have further extended admissibility to *ex parte* expert witnesses, provided that in the opinion of the court they are suitably qualified in the relevant matter on which they are to be questioned - without prejudice however to the court's power to appoint a referee according to Art. 646 COCP. What happens in practice is that either party wishing to include an *ex parte* expert witness in their list of witnesses, must attach a copy of that witness' *curriculum vitae* together with his evidence in order for the court to ensure that *prima facie*, the witness is indeed suitably qualified in the relevant matter. Moreover, the non-expert opinion of a witness on any relevant matter, if made as a way of conveying relevant facts as personally perceived by him, is also admissible in evidence (Art. 563A COCP). The competency of an *ex parte* witness on foreign law has also been legislatively recognised in virtue of Art. 563B.

Hearsay evidence is, as a rule, excluded in terms of Art. 598. Nevertheless the court may, according to specific circumstances mentioned in the COCP, allow and take into consideration hearsay evidence e.g. where the third parties cannot be produced to give evidence themselves and the facts are such as cannot otherwise be fully proved. Dying declarations as well as any other declaration made in writing in any place before a magistrate or other person, whether in the presence of the parties or not and with or without oath, may, subject to certain conditions, be produced in evidence.

There also exists the possibility of examining witnesses by means of supplementary judges or magistrates where a particular cause is pending and such witness is about to leave Malta, or is so infirm or advanced in years that he might die or become unable to give his evidence before the cause comes up for trial, or is unable to attend the trial.

The examination of witnesses residing abroad may also be ordered by any of the superior courts upon being satisfied that the testimony of such person is indispensable for the determination of the cause. The party demanding such examination is required to produce the interrogatories in writing and to state the name and address of the person who is to represent him during the examination. If the demand is allowed, a copy of the interrogatories will be served on the opposite party, who will also have the right to appoint a person to represent him at the time of the examination.

As for documentary evidence, all documents are deemed by law to be of equal probative value, as long as they are relevant to the particular matter in issue between the parties. There exist, however, certain presumptions regarding the authenticity of documents, that is, documents which require no proof of their authenticity other than that which appears on the face of them (normally, acts of the government); documents which constitute evidence of their contents, until the contrary is proved, provided however that their authenticity is proved (normally notarial deeds); and any other writing containing a declaration made by a party against his interest, or an admission, agreement or obligation may only be said to be authentic - and is therefore only admissible - when the signature or sign which it bears is proved to be the true signature or sign of the person to whom the document is attributed, or if it is proved that such act has been drawn up or signed by some other person acting on the instructions of the true author thereof (Art. 633).

Other types of evidence recognised by Maltese law are that by reference to the oath of the other party, and that of the supplementary oath.

### 8.3 Are there any particular rules regarding the calling of witnesses of fact? The making of witness statements or depositions?

There are several important exceptions to the general principle of free access to information from witnesses, as regards compellability of witnesses. Thus, although the spouse of a party to the suit is both a competent and a compellable witness, at the request of any of the parties, such spouse may not be compelled to disclose any communication made to him or her by the other spouse during their marriage, nor to answer any question tending to incriminate such other spouse (Art. 566). Neither may any witness be compelled to answer any question tending to incriminate him/herself (Art. 589). It is, however, in the discretion of the court to determine in each particular case whether a witness may be compelled to answer a particular question which might tend to expose his own degradation, or to give evidence as to facts the disclosure of which will be prejudicial to the public interest. Moreover, no witness may be compelled to disclose any information derived from or relating to any government document which is exempt (Art. 637); in this respect the court does not appear to possess any discretion (Art. 590).

With regard to the making of witness statements and depositions, the party producing a witness may not impeach the credit of the witness by evidence of bad character, though he may contradict him by other evidence or by showing that such witness has previously made statements inconsistent with his present testimony (Art. 584). Nevertheless, such witness may be impeached by the opposite party, even by evidence of his bad conduct.

A witness may refresh his memory by referring to any writing made by himself or by another person under his direction at the time when the fact occurred or at any other time when the fact was fresh in his memory; but in such case, the writing must be produced and may be seen by the opposite party (Art. 583 COCP).

### 8.4 What is the court's role in the parties' provision of evidence in civil proceedings in Malta?

Although, as has been pointed out, our law does not unduly hamper the freedom of the parties to produce evidence, the court is granted the faculty in several instances to admit witnesses at its discretion. Moreover the court is empowered, during the examination or cross-examination of the witnesses, to put to them "*such questions as it may deem necessary or expedient*" (Art. 582). The witness is obliged to answer the questions put to him by the court, and may be compelled to do so by being detained by court order until he answers the questions put to him. These powers of the court account for the evident - though not overbearing - traces of the inquisitorial system in our law of procedure.

## 9 Judgments & Orders

### 9.1 What different types of judgments and orders are the civil courts in Malta empowered to issue and in what circumstances?

The court is empowered to deliver various forms of judgments establishing responsibility or liability, awarding damages, or order specific performance. This may also be done in summary proceedings or even in default of the defendant where the latter would have failed to defend the plaintiff's claim. It may also issue decrees on some preliminary matter that does not normally relate to the merits. This may be issued during the proceedings or even before, for example, in the case of precautionary warrants. In its

judgment, the court must premise the reasons on which the decision is based, and must include a reference to the proceedings, the claims of the plaintiff and the pleas of the defendant (Art. 218 COCP).

A judgment can be of two types: a judgment on the merits of the case; and a judgment on the proceedings. In the latter case, the plaintiff can institute fresh proceedings as there would not have yet been a final judgment. Where there are several issues to be determined, they can be decided by partial judgments or if they are to be decided by one judgment, there is the requirement that the different issues be decided by public deeds.

Decreets are court orders and may be issued either during proceedings or at the termination of the proceedings. Unlike a judgment, they determine particular issues and can be of two types: interlocutory; or *in camera*. While an interlocutory decree may be challenged by way of appeal, an order *in camera* cannot. Unlike a judgment, an interlocutory decree does not constitute a *res judicata* for the court that pronounced it. On the contrary, the court may revoke such decree whenever there is lawful reason to do so *contrario imperio*.

## 9.2 What powers do your local courts have to make rulings on damages/interests/costs of the litigation?

The court generally has the power to order the payment of damages whenever the same have been proved by the party alleging damages. Thus, the damage which is to be made good by the person responsible can consist in the actual loss which the act shall have directly caused to the injured party, in the expenses which the latter may have been compelled to incur in consequence of the damage, in the loss of actual wages or other earnings and in the loss of future earnings arising from any permanent incapacity, total or partial, which the act may have caused.

The court may also award the payment of interest normally fixed at 8% p.a. to run, in civil matters, from the date in which the debtor has been intimated to pay; and, in commercial matters, from the day on which the obligation should have been performed (Art. 1141 Civil Code). The interest fallen due may bear other interest either from the day of a judicial demand to that effect, or in virtue of an agreement entered into after the interest has fallen due, provided that interest be due for a period not less than one year.

With regard to costs, the COCP states in Article 177 that the words "*with costs*" shall in all cases be deemed to be included in any written pleading where the costs may be asked for. Moreover, Art. 223 specifies that every definitive judgment must award costs against the party cast. In the case of an interlocutory decree, the court may decide to reserve the issue as to costs for decision in the definitive judgment or to award costs against the party cast. In the case of a frivolous or vexatious appeal or re-trial, the Court of Appeal or the Constitutional Court may award double costs against the appellant in favour of the respondent.

## 9.3 How can a domestic/foreign judgment be enforced?

Domestic judgments are normally enforceable after 2 days but some judgments (such as a judgment ordering the supply of maintenance), owing to the urgency of particular matters, are enforceable after 24 hours. Any other definitive judgment which does not contain a suspensive condition, and which condemns a debtor to pay a liquidated sum or to deliver up or surrender a specific thing, or to perform or fulfil any specific act or obligation whatsoever, may be enforced after 2 days from its delivery.

Judgments must have become *res judicata* to become enforceable. The normal time limits of enforcement are absorbed into the longer

period of time allowed for appeal. Thus:

- judgments delivered by the 1st Hall must be allowed 20 days for appeal before an attempt to enforce them is made; and
- judgments delivered by the Court of Appeal are considered to become *res judicata* notwithstanding that they may remain subject to retrial. They can therefore be enforced after two days. While the possibility of an appeal automatically suspends the execution of the judgment of the lower court, the possibility of a re-trial does not suspend the enforcement of a judgment of the Court of Appeal.

With regard to foreign judgments, a distinction ought to be made between foreign judgments originating from a European Union Member State, and those originating from third countries. The former are regulated by EC Regulation 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Upon the completion of certain administrative formalities, the judgment would be declared enforceable by a Maltese court and the party against whom enforcement is sought will not be allowed, at this stage of the proceedings, to make any submissions on the application (Arts. 38-41 EC Reg. 44/2001).

With regard to judgments delivered in a third country, in order to enforce the judgment in Malta, it would, as a general rule, be necessary to institute an action upon the original judgment. The judgment would have to be a *res judicata* and the applicant would have to file a sworn application containing a demand that the enforcement of such judgment be ordered (Art. 826 COCP). The Maltese courts will refuse to enforce a foreign judgment that is improper, i.e. it runs counter to principles of natural justice and public policy. Moreover, our courts will not enforce any foreign judgment which is tainted by fraud.

Once the recognition of the foreign judgment has been obtained, one may then proceed to enforce the judgment through a number of executive warrants such as, for instance, the executive garnishee order, the warrant of seizure of movable or immovable property or of a commercial going concern, a judicial sale by auction of movable or immovable property or of rights annexed to immovable property, etc. Any of these warrants and orders is issued by the court on the demand of the party suing out execution.

## 9.4 What are the rules of appeal against a judgment of a civil court of Malta?

An appeal is entered by means of an application to be filed in the registry of the Court of Appeal within 20 days from the date of the judgment of the first court. It is possible to appeal from only parts and not the whole of the judgment, in which case, it must be stated in the application of appeal, the heads of the judgment against which an appeal is entered (Art. 226 COCP).

Judgments of the Court of Appeal may not be appealed from, but, a re-trial may be demanded in exceptional circumstances. Moreover, one cannot appeal from a judgment given upon admission of the claim, or accepted by the renunciation of the right of appeal or by acquiescence in the findings of the judgment or when delivered by the inferior courts where the amount of the claim does not exceed €465.87 and the matter at issue does not involve a point of law or the determination of a claim for the eviction of any person from immovable property (Art. 228 COCP). Where several issues in an action have been determined by separate judgments, an appeal from such judgments may only be entered after the final judgment, unless special leave is given by the court to file an appeal before final judgment.

Under Maltese law, an appeal may be entered not only by the contending parties but also by any person interested. One may also benefit from the right of cross-appeal (Art. 240 COCP).

## II. DISPUTE RESOLUTION

### 1 Preliminaries

- 1.1 What methods of dispute resolution are available and frequently used in Malta?  
Arbitration/Mediation/Tribunals/Ombudsman? (Please provide a brief overview of each available method.)

#### Arbitration:

Malta has adopted an institutional form of arbitration (governed by the Malta Arbitration Centre) as far as domestic arbitration is concerned. Given the growing importance of arbitration as a means of dispute resolution, it has become the mandatory form of dispute resolution for certain types of disputes relating to vehicle collision, water and electricity bills as well as matters that are regulated by the Condominium Act.

The sources of Arbitration law in Malta are the Malta Arbitration Act (1998, Chapter 387 of the Laws of Malta) and the Arbitration Rules (2004) which in turn, incorporate the UNCITRAL Model Law, the Geneva Protocol on Arbitration Clauses, the Geneva Convention on the Execution of Foreign Arbitral Awards, the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. A special feature of Maltese arbitration law and which is applicable only to domestic arbitration is that all arbitration proceedings must commence with a Notice of Arbitration which is filed at the Centre for registration and onward transmission to the other party. This procedure is mandatory and failure to observe it leads to the nullity and unenforceability of the procedures and any award. The arbitral award, once registered constitutes an executive title and may be enforced in Malta as if it were a judgment of the courts.

#### Mediation:

Mediation is also available as a means of dispute resolution, and in some cases is mandatory, such as, for instance in marital separation proceedings. It is regulated by the Mediation Act (Chapter 474 of the Laws of Malta) which sets up the Malta Mediation Centre as the responsible authority to provide a forum where mediation parties may refer or be referred to, in order to resolve their dispute through the assistance of a mediator. The mediation process will end when the parties execute a written agreement that fully resolves the dispute; when the mediator states in writing that the mediation is terminated; if the parties cannot arrive at a solution; or if one of the parties elects not to continue with the mediation process (Art. 28 Mediation Act).

#### Tribunals:

Maltese law provides for various specialised tribunals whose functions are defined by specified acts. Examples include: the Small Claims Tribunal, which deals with claims not exceeding €3,495; the Industrial Tribunal, which deals with claims relating to unfair dismissal, trade disputes or discriminatory treatment; The Financial Services Tribunal; The Tribunal for the Investigation of Injustices, the Consumer Claims Tribunal, which deals with consumer claims specifically; the Mental Health Review Tribunal, and so on.

#### Ombudsman:

The 1995 Ombudsman Act (Chapter 385 of the Laws of Malta) provides for the appointment of an Ombudsman who is vested with the power to investigate the administrative actions taken by or on behalf of the Government and other authorities, and for the purposes connected therewith. The office of the Ombudsman is

independent and impartial, and is vested with various investigative powers. Indeed, the Ombudsman may conduct an investigation on his initiative or on the written complaint of any person having an interest who claims to have been aggrieved by an action of the Government or its subsidiaries. The Ombudsman does, however, have the power to decline to exercise his power if, inter alia, adequate means of redress are available to the complainant, if an investigation is deemed unnecessary, or if the complaint is trivial, frivolous or vexatious (Arts. 13 and 17 of the Ombudsman Act).

- 1.2 What are the laws or rules governing the different methods of dispute resolution?

Kindly refer to the answer provided in question 1.1. As far as the rules or laws governing tribunals are concerned, each specialised tribunal is governed by a particular act or set of rules and therefore one would have to refer to the relative act.

- 1.3 Are there any areas of law in Malta that cannot use arbitration/mediation/tribunals/Ombudsman as a means of dispute resolution?

As far as arbitration is concerned, it is not possible for parties to refer to an arbitrator any matter relating to personal civil status including those relating to personal separation and annulment of marriage. However, questions relating to the division of property between spouses may be referred to arbitration subject to the approval by the competent court of the arbitration agreement and of the arbitrator to be appointed. Other matters such as criminal proceedings may obviously not be referred to arbitration as a matter of policy.

As for matters referred to tribunals, since the tribunals deal with specialised proceedings and since their competence is specifically regulated in the various acts which set up the respective tribunals, anything that goes beyond this competence may not be referred to the tribunal. Thus for instance, since the Small Claims Tribunal Act sets the competence *rationae valoris* of the tribunal at claims not exceeding €3,495, claims exceeding that amount may not be brought before this tribunal.

Finally, with regard to the Ombudsman, the latter is entitled to investigate only acts of an administrative nature, thus, any other matter falling within another area of law would automatically be excluded.

## 2 Dispute Resolution Institutions

- 2.1 What are the major dispute resolution institutions in Malta?

The major dispute resolution institution in Malta, besides the courts - which remain the preferred method of dispute resolution - is the Malta Arbitration Centre which has, over the past ten years gained increasingly in its importance and popularity. The Malta Mediation Centre has also become more common over the past few years.

- 2.2 Do any of the mentioned dispute resolution mechanisms provide binding and enforceable solutions?

Art. 253 COCP lists as executive titles, enforceable through the issuing of executive warrants, inter alia, awards of arbitrators issued with the Malta Arbitration Centre. With regard to the judgments of the tribunals, generally, the same procedure as for the enforcement of judgments of the courts, applies.

As for domestic arbitration awards, the arbitral tribunal is to present the award, which is binding on the parties, within 20 days from when the award is made, for registration at the Malta Arbitration Centre. With regard to international arbitrations, Article 61 of the Arbitration Act states that registration is not required for validity of the award. If, however, an international award is to be enforced in Malta, then it must first be registered with the Malta Arbitration Centre and only then will it have the strength of an executive title. In that case, the arbitration award would be recognised and enforced in Malta if the conditions for recognition and enforcement of arbitral awards under the New York Convention, apply.

### 3 Trends & Developments

#### 3.1 Are there any trends in the use of the different dispute resolution methods?

It is generally the trend that alternative dispute resolution, particularly, arbitration, is used by commercial operators and in order to resolve *commercial* disputes. Moreover, the use of mandatory arbitration proceedings for civil matters and motor vehicle claims has even been adjudged by the Maltese courts as being unconstitutional and therefore is still not the preferred method of dispute settlement for civil claims. In spite of this, while it is true that litigation remains the preferred method of dispute resolution in civil matters, arbitration has become an important method for resolving commercial disputes also because it is prompt, more cost-efficient and because it allows more choice for the parties in the choice of the arbitrator and what law will apply, thus further legitimising the whole process considerably.

#### 3.2 Please provide, in no more than 300 words, a summary of any current issues or proceedings affecting the use of those dispute resolution methods in Malta?

Maltese procedure has seen a current trend encouraging the use of out-of-court settlement. The Maltese government has thus made recourse to arbitration and mediation mandatory in certain specified instances. In the future, the mediation landscape is further predicted to change through the coming into force of the EU Mediation Directive (Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters), implementation of which by the various EU Member States, is required by 21 May 2011. Pursuant to Article 6 of the Directive, Member States are obliged to set up a mechanism that ensures that mediation settlement agreements be enforceable before the Member State courts at the parties' request. The Directive also enshrines the sacrosanct principle of confidentiality in mediation proceedings, stipulating that a mediator could not be compelled to give evidence in court or arbitration proceedings, bar strictly defined exceptions of public policy of the Member State concerned.

Furthermore, the execution of judgments and the methods employed to obtain payment have recently been considerably amended and the new procedure ensures the efficient enforcement of judgments, swift judicial sale by auctions, and more specifically, the possibility of the implementation of the warrant *in procinctu* which ensures that a higher price, closer to the market value of the property, is received.



### Malcolm Mifsud

Mifsud & Mifsud Advocates  
123 Melita Street  
Valletta  
Malta

Tel: +356 21237 172  
Fax: +356 27237 314  
Email: [mmifsud@mifsudadvocates.com](mailto:mmifsud@mifsudadvocates.com)  
URL: [www.mifsudadvocates.com](http://www.mifsudadvocates.com)

Dr Malcolm Mifsud read law at the University of Malta. He specialised in maritime and shipping law at the IMO's International Maritime Law Institute.

Dr Mifsud started his career by joining one of the then largest law firms in Malta and was assigned maritime, civil and commercial litigation cases. In May 2007, he co-founded a new law firm, Mifsud & Mifsud Advocates and is responsible for the litigation department within the firm. Dr Mifsud has represented a number of clients in a variety of commercial and civil cases and has been involved in a number of high profile litigation cases held before the Maltese courts.

Dr Mifsud held a number of public posts. He was director of government owned Gozo Channel Company Limited (1999-2003), Legal Reviser at the Translations Unit at the Ministry of Justice and Local Government (2002-2003) and Assistant Advocate for Legal Aid. Dr Mifsud is also an Arbitrator at the Malta Arbitration Centre.



### Jeanette Ciantar

Mifsud & Mifsud Advocates  
123 Melita Street  
Valletta  
Malta

Tel: +356 21237 172  
Fax: +356 27237 314  
Email: [jciantar@mifsudadvocates.com](mailto:jciantar@mifsudadvocates.com)  
URL: [www.mifsudadvocates.com](http://www.mifsudadvocates.com)

Jeanette Ciantar is a Legal Research Analyst with Mifsud & Mifsud Advocates. She works in the research department of the Firm and is entrusted in assisting the lawyers of the firm with the drafting of legal opinions for clients and drafting articles for publications in which the Law Firm contributes. Jeanette Ciantar obtained her Bachelor of Laws degree in 2006 and her Diploma Notary Public in 2007 from the University of Malta and is currently pursuing her Doctorate in Law and is expected to graduate in November 2009. She also worked for the United Nations High Commissioner for Refugees in Malta, as legal consultant in 2008.

## MIFSUD & MIFSUD ADVOCATES

Mifsud & Mifsud Advocates is a law firm with its head office based in Valletta, Malta and with a branch office in Catania, Sicily. Its client base, besides local, is predominantly European and North American, however the law firm is also active in North Africa and the Middle East. Mifsud & Mifsud Advocates was set up, by Dr Malcolm Mifsud, a lawyer specialised in Commercial and Maritime law, together with his brother Dr Cedric Mifsud, who is specialised in Corporate and European Law.

Since its inception, due to its founders' experience in other legal consultancy set ups, Mifsud & Mifsud Advocates has seen a swift expansion of its practice in a number of sectors; mainly the areas of EU regulatory compliance services, Financial Services such as trading and holding corporate structures, trust services, tax advisory, Shipping and Mergers and Acquisitions.

The founders have also conserved and invested in the growth of other traditional practice areas, mainly those related to advisory and litigation in various sectors such as competition law, commercial and corporate advisory and due diligence services. Mifsud & Mifsud Advocates, through the expertise of its founders and the rest of the team working for the firm, has become a portfolio law firm offering specialised legal services in a number of areas for local and foreign, individual and corporate clients requiring a one stop shop in a number of specialised legal fields.