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Malta

National justice systems

Malta



This section provides an overview of the court system in Malta.

Organisation of justice – judicial systems

Essentially, the judiciary system in Malta is a two-tier system comprising a court of first instance presided over by a judge or magistrate and a court of appeal. The Court of Appeal in its superior jurisdiction is composed of three judges and hears appeals from the court of first instance, which is presided over by a judge. The Court of Appeal in its inferior jurisdiction is presided over by one judge and hears appeals from the court of first instance presided over by a magistrate. There is also a range of tribunals that deal with specific areas of the law and have varying degrees of competence. Almost all appeals against decisions taken by any of these Tribunals are dealt with by the Court of Appeal in its inferior jurisdiction, while others are dealt with by the Court of Appeal in its superior jurisdiction.

The Director General (Courts), who is appointed by the Prime Minister, is responsible for the administration of the courts. He is assisted by the Registrar (Civil Courts and Tribunals), the Registrar (Criminal Courts and Tribunals), the Registrar (Gozo Courts and Tribunals) and by the Director (Support Services).

The Director General (Courts) is responsible for the management and administration of the Courts of Justice Department, including the registries, archives and other services, and also heads this Department. All court executive officers performing duties in the Courts of Justice Department take their instructions from, and are answerable to, the Director General (Courts).

Types of court - short description

You can find a short description of each court in the table below.

Hierarchy of courts

The Court of Appeal	Second instance Appellate	The Court of Appeal hears appeals from the civil courts in both their superior and inferior jurisdiction. (i) This court hears appeals from the First Hall of the Civil Court and the Civil Court (Family Section). (ii) Appeals from the Court of Magistrates in its civil jurisdiction, the Small Claims Tribunal and the administrative tribunals are also heard by this court. This court, with superior jurisdiction, hears appeals by persons convicted by the Criminal Court.	(i) Composed of three judges. (ii) Composed of one judge.
	Second instance Appellate	This court, with inferior jurisdiction, hears appeals in respect of cases decided by the Court of Magistrates sitting as a criminal court.	Composed of three judges Composed of one judge
The Court of Criminal Appeal	Second instance Appellate		

The Criminal Court	First instance	This court serves as a criminal court and hears criminal cases beyond the competence of the Court of Magistrates. The First Hall of the Civil Courts hears cases of a civil and/or a commercial nature exceeding the jurisdiction of the Court of Magistrates. Within its constitutional jurisdiction, it also hears cases relating to violations of the human rights and fundamental freedoms protected by the Constitution and by the European Convention of Human Rights and Fundamental Freedoms.	Presided over by a judge who may sit with a jury of nine persons.
The Civil Court: The First Hall of the Civil Court Civil Court (Voluntary Jurisdiction Section) The Civil Court (Family Section)	First instance	The Civil Court (Voluntary Jurisdiction Section) is a voluntary jurisdiction court and is responsible for the interdiction or incapacitation of persons of unsound mind, the nomination of tutors for these persons, the opening of successions and the confirmation of testamentary executors. It is also a repository for secret wills. This court hears all cases relating to family matters such as marriage annulment, personal separation, divorce, maintenance and custody of children. In the civil field the Courts of Magistrates only have inferior jurisdiction of first instance, in general limited to claims not exceeding €15 000. In the criminal field, the Court has a twofold jurisdiction: as a court of criminal judicature for cases falling within its jurisdiction, and as a court of inquiry in respect of crimes falling within the jurisdiction of the Criminal Court. (i) Court of Criminal Judicature – this Court is competent to hear all cases related to offences punishable by a sentence of up to six months' imprisonment. (ii) Court of Inquiry – the Court conducts preliminary inquiries in respect of indictable offences and transmits the corresponding records to the Attorney General. If there is no objection from the accused, the Attorney General may refer cases punishable by up to ten years' imprisonment back to the Court of Magistrates to be heard and decided upon. In the civil field, the Court of Magistrates for Gozo has two-fold jurisdiction: an inferior jurisdiction comparable to that exercised by its counterpart court in Malta, and a superior jurisdiction, with the same competence as the First Hall of the Civil Court, apart from the constitutional jurisdiction, and as the Civil Court (Voluntary Jurisdiction Section). In the criminal field, the Court of Magistrates for Gozo has the same competence as the Court of Magistrates when sitting as a criminal court and as a court of inquiry. The Juvenile Court hears charges against, and holds other proceedings relating to, minors under the age of 16 years, and may also make care orders. This tribunal summarily decides, on principles of equity and law, claims of a value of less than €5 000.	Presided over by a judge Presided over by a judge Presided over by a judge
The Court of Magistrates	First instance	In the criminal field, the Court of Magistrates for Gozo has two-fold jurisdiction: an inferior jurisdiction comparable to that exercised by its counterpart court in Malta, and a superior jurisdiction, with the same competence as the First Hall of the Civil Court, apart from the constitutional jurisdiction, and as the Civil Court (Voluntary Jurisdiction Section). In the criminal field, the Court of Magistrates for Gozo has the same competence as the Court of Magistrates when sitting as a criminal court and as a court of inquiry. The Juvenile Court hears charges against, and holds other proceedings relating to, minors under the age of 16 years, and may also make care orders. This tribunal summarily decides, on principles of equity and law, claims of a value of less than €5 000.	Presided over by a magistrate
The Court of Magistrates for Gozo	First instance	In the criminal field, the Court of Magistrates for Gozo has the same competence as the Court of Magistrates when sitting as a criminal court and as a court of inquiry. The Juvenile Court hears charges against, and holds other proceedings relating to, minors under the age of 16 years, and may also make care orders. This tribunal summarily decides, on principles of equity and law, claims of a value of less than €5 000.	Presided over by a magistrate
The Juvenile Court	First instance	This tribunal summarily decides, on principles of equity and law, claims of a value of less than €5 000.	Presided over by a magistrate and two members
Small Claims Tribunal	First instance	This tribunal summarily decides, on principles of equity and law, claims of a value of less than €5 000.	Presided over by an adjudicator

Legal databases

The official Government website of the [Ministry for Justice, Culture and Local Government](#) provides a range of online services. The site, in Maltese and English, includes information on the Ministry for Justice and Home Affairs, as well as on the courts of justice, the judiciary system and the judicature, the Office of the Attorney General, court services and legal services.

The following are links to the various court services and legal services available:

[Ministry for Justice, Culture and Local Government](#)

[Court Services](#)

[Court Services - Sentenzi Online](#)

[Court Services - Court Proceedings](#)

[Court Services - Hall Usage](#)

[Court Services – Statistics](#)

[Court Services - Judicial Sales by Auction](#)

[Court Services - Civil Forms \(in Maltese\)](#)

[Court Experts](#)

[Legal Services \(Laws of Malta\)](#)

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