

[Home](#) > ... > [Court Procedures](#) > [Judicial Auctions](#) > Malta

Judicial auctions

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Malta

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1. Advertising and pricing of sale of seized goods

The procedure of enforcement of seized goods does not necessarily lead to the sale of the seized goods. Instead, the creditor and the debtor may reach an agreement. If there are several creditors, it is necessary to reach an agreement with all of them if the sale is to be avoided. If no agreement is reached, the court will order the sale.

The basic value of the seized goods is determined by an expert who assesses the value (in the case of immovables). In the case of movables, the value is determined by the person making the highest bid during the sale since bids start from 0. If a valuation of movables is requested, bids do not start from 0 but from 60 % of the estimated price.

As regards the advertising of seized goods, this is done via the government website which provides court services, the website of the auctioneer carrying out the sale, daily newspapers (normally the sale notice is published once a month in two daily newspapers) and notices in the court building where the sale will take place.

The characteristics of the seized object offered for sale as well as the documents relating to it are available on the government website providing court services and on the website of the auctioneer carrying out the sale. All interested persons may request access to this information.

If anyone is interested in viewing the seized object offered for sale, he or she may file an application in court requesting a viewing of the object, if the object in question is an immovable. Before any sale of an immovable, a court expert prepares a report on the state of the immovable and this report is public. In the case of movables, interested persons may view them two hours before the commencement of the sale.

On the day of the sale, bids are made *viva voce* to the auctioneer nominated by the court to conduct the sale of the goods.

The person acquiring the goods after the auction does not deposit a part of the price but must pay the whole price. Regarding immovables, the whole amount must be deposited in court within seven days from the date of sale, while in the case of movables, the whole price shall be deposited within 24 hours from the sale. Payment cannot be effected electronically but is made in the court registry.

2. Third parties who may conduct sale proceedings

The sale is carried out under the court's authority by an auctioneer nominated by the court and no third parties may conduct the sale proceedings.

3. Types of auction to which some rules may not fully apply

There are no types of auction to which these rules do not fully apply.

4. Information on the national property Registry

The following National Property Registries exist:

Immovables - the Public Registry and the Lands Registry

Movables - regarding vehicles, sea craft and aircraft - Transport Malta

Company stocks and shares - the Malta Financial Services Authority and the Malta Stock Exchange

Other financial instruments - the Malta Stock Exchange

Trademarks and patents - Department of Commerce

These Registries are kept electronically by the public offices in question. Some of these registries are accessible electronically by the public. As regards the Public Registry and the Malta Financial Services Authority, access by the public against payment is possible. The Transport Malta Registries are not accessible to the public.

Regarding the Malta Financial Services Authority, payment for this access may be made online. With regard to the Public Registry, payment must be made in the Public Registry office.

5. Information regarding databases for creditors to identify goods and debtor claims

The creditor has access to databases related to immovables and companies. The Malta Financial Services Authority provides direct online access regarding companies. In relation to immovables, the creditor has access to information through the Public Registry and the Lands Registry. There is no need for further authorisation, either for direct access to the Malta Financial Services Authority databases or for access by means of the Public Registry and the Land Registry.

6. Other information regarding online judicial sales

The facility for online bidding during an auction does not exist.

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