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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Malta



Malta

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Not applicable

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

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Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

The courts competent to issue certificates for a decision pursuant to Article 36(1) are: the Civil Court (Family Section) for Malta and the Court of Magistrates (Gozo) (Family Section) (Superior Jurisdiction) for Gozo.

Courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66: not applicable.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

The courts competent to rectify certificates referred to in Article 37(1) are: the Civil Court (Family Section) for Malta and the Court of Magistrates (Gozo) (Family Section) (Superior Jurisdiction) for Gozo.

The courts competent to rectify certificates referred to in Article 48(1) are: the Civil Court (Family Section) for Malta and the Court of Magistrates (Gozo) (Family Section) (Superior Jurisdiction) for Gozo.

The courts competent to issue a certificate specifying the absence or limitation of a certified decision referred to in Article 49 are: the Civil Court (Family Section) for Malta and the Court of Magistrates (Gozo) (Family Section) (Superior Jurisdiction) for Gozo.

Courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1): not applicable.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Article 30(3), Article 40(2) and Article 58(1): The courts competent for recognition of a decision, refusal of recognition, and refusal of enforcement are:(i) in Malta, the Civil Court (Family Section); and (ii) in Gozo, the Court of Magistrates (Gozo) (Family Section) (Superior Jurisdiction).

Article 61(2): The competent court for appeals/challenges is the Court of Appeal.

Article 62: Further challenges and appeals are not possible in Malta, except for a review pursuant to Article 811 of Chapter 12 of the Laws of Malta.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

The Civil Court (Family Section) for Malta and the Court of Magistrates (Gozo) (Family Section) (Superior Jurisdiction) for Gozo

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

The Court of Appeal (for both Malta and Gozo). Further challenges and appeals are not possible in Malta, except for a review pursuant to Article 811 of Chapter 12 of the Laws of Malta.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

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Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Not applicable

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own

language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

Not applicable. Only communications in Maltese and/or English are accepted by the Central Authority.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

Maltese and/or English

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