



Malta

Mediation in Member States - Malta

Rather than going to court, why not resolve disputes through mediation? This is a form of alternative dispute resolution (ADR) where a mediator helps the parties reach agreement. Both the government and legal practitioners in Malta are well aware of the advantages of mediation.

Who to contact?

The government body responsible for mediation in Malta is the Malta Mediation Centre, which was established under Chapter 474 of the [Mediation Act, 2004](#). The Mediation Centre provides a forum to which parties to a dispute may refer, or be referred, to resolve their dispute with the assistance of a mediator.

You can contact the Centre through the Registrar at the **Malta Mediation Centre**, Palazzo Laparelli, South Street, Valletta VLT 1100.

You can also call on +35621251110 or send an email to mediation.mjha@gov.mt

The Centre provides the parties with a list of mediators duly accredited by it, and requests that they select a mutually acceptable mediator from the list.

In which area is recourse to mediation admissible and/or the most common?

Mediation is admissible in disputes involving civil, family, social, commercial and industrial matters.

Are there specific rules to follow?

Mediation is a voluntary process. Parties to any proceedings may, however, jointly request the Court to stay proceedings while they attempt to settle their dispute by mediation. Furthermore, the Court may on its own initiative stay the proceedings for the duration of the process and direct the parties to try and settle the dispute by mediation. It is to be noted however, that mediation in family cases is mandatory, notably in cases dealing with personal separation, access to children, the care and custody of children and maintenance for children and/or spouses.

The Malta Mediation Centre has a **Code of Conduct**, which mediators are required to abide by during the mediation proceedings.

The Code contains inherent adherence measures. It provides, for instance, that the **Board of Governors** of the Centre have the power to take disciplinary action against any mediator whose conduct does not adhere to, or fails short of, the conduct required by the principles of the Code, and any mediator found to have contravened any of the provisions of the Code or to have behaved in an unbecoming manner will have his or her name removed from the list of mediators for such period as the Board of Governors deems appropriate.

Information and training

Training courses for mediators are organised from time to time by the Malta Mediation Centre. The first of such courses, on mediation skills, was held in July 2008. Another course, aimed at providing training in mediation skills with focus on the psychological, social and legal aspects of separation, was held on 16-18 April 2009.

What is the cost of mediation?

The fee tariff is regulated by regulations 2 and 4 of Legal Notice 309 of 2008.

In family mediation, the parties can either freely choose a mediator (from the accredited list), and bear the cost of doing so themselves, or the **Court Registrar** appoints one of the mediators, on a rota basis, from a list forwarded by the Mediation Centre. In this latter case, the cost is borne by the courts.

Is it possible to enforce an agreement resulting from mediation?

According to [Directive 2008/52/EC](#), it must be possible to request that the content of a written agreement resulting from mediation be made enforceable. Member States will communicate the courts or other authorities competent to receive such requests.

Amendments to the MT Mediation Act, 2004 aimed at incorporating the above provision are currently in hand.

Related Links

[Malta Mediation Centre](#)

[Malta Mediation Act, 2004](#)

[Directive 2008/52/EC](#)

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Last update: 19/08/2015