

# Legal Research and Interpretation Methodology

Lecture Title: Purpose of Legal Research, Historical background of Legal Research, Who Carries Out Legal Research & Sources of Legal Research

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Date: **14/02/2022**



**Diploma in Law (Malta)**



**CAMILLERI PREZIOSI**  
ADVOCATES

**MAMO TCV**  
ADVOCATES

# Recap

- Definition of research – Systematic continuous inquiry into seeking facts, based on logical reasoning, generates new questions, disproves lies, tests theories, contributes to existing knowledge
  - Methodology – technique/ strategy on how to conduct research. Initial approach to research. An explanation and justification for using certain research methods and of the methods themselves
  - Adv. of Methodology – research is more efficient, gives an element of objectivity to the research
  - Research methods - techniques/ tools used in conducting the search and collecting data. 10 methods:-  
Descriptive vs Analytical
1. Basic/ Fundamental vs Applied (answers specific questions)
  2. Descriptive (reports what has happened/ what is happening. No opinion. Answers Qs: . How much/ how many/ how regularly/ what percentage/ what time?) vs Analytical (critical evaluation of facts, draws conclusions. Method used for legal writing)
  3. Qualitative (subjective, non-numerical data, generates new ideas for research) vs Quantitative (objective, focus on numbers)
  4. Correlational (see relationships between variables) vs Experimental (cause and effect)
  5. Empirical (based on experience, observation and testing) vs Conceptual (analyze current information and come up with a theory/ idea/concept)



# Recap

- What is legal research – *systematic finding or ascertainment of law on an identified topic or in a given area as well as an inquiry into law with a view of making advancement in the science of law.*
- The finding of particular laws in a cast mass of statutes which are constantly amended, introduced and repealed to the facts of your case. It also involves the finding of legal principles which do not emanate from law but emanate from other sources e.g. judgments
- S N Jain – Legal enquiries will be: Why a particular rule? What led to its adoption? What are its effects? Whether it is suited to the present conditions? How can it be improved? Whether it needs to be replaced entirely by a new rule?
- Purposes of legal research – introductions and reforms e.g. decriminalization of slanderous words in social media and cannabis



# Purpose of Legal Research – Ascertaining the Law

- Locating the law
- In a complex mass of legal statutes coupled with allied legal material it is not always easy to find the law on a particular point.
- Judicial pronouncements/judgments add to the complexity. Judgments are accessible on <https://ecourts.gov.mt/onlineservices>
- In Malta laws can be downloaded from: <https://legislation.mt/>
- Maltese law has more than 600 Acts under which subsidiary legislations are also enacted. Laws take also the form of legal notices, and bye-laws.
- Amendments, date of applicability of the law, date of repeals



LEĠIŻLAZZJONI MALTA

Tfittxija avvanzata FAQs Ikkuntattjana eCourts  

 Liġijiet konsolidati Pubblikazzjonijiet ▾ Liġijiet tal-UE  

**L-AĦĦAR AĠĠORNAMENTI** 

- Regolamenti dwar l-Araldika u l-Ġenealoġija
- Ordni dwar iċ-Ċertifikat tat-Tilqima kontra l-COVID-19
- Regolamenti dwar l-Għeluq ta' Stabbilimenti tal-Ikel u x-Xorb
- Regolamenti dwar l-Użu Mandatorju ta' Maskri Mediċi jew tad-Drapp
- Regolamenti dwar il-Bżonn ta' Ċertifikat Validu ta' Tilqima Rikonnoxxuta kontra l-COVID-19

**FAQs** 

- X'tip ta' leġiżlazzjoni issib f'din il-website?
- Nista' insib leġiżlazzjoni ġdida fuq il-website?
- Kemm huwa aġġornat il-kontenut konsolidat ta' din il-website?
- Uri iktar...

**Kapitoli tal-Liġijiet ta' Malta**



**Pubblikazzjonijiet Legali**



**Fittex fid-dokumenti kollha**



**Liġijiet tal-UE**





## Illoggja

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[Ohloq kont tal-e-ID](#)

Il-Professionisti Legali li għandhom id-dettalji tagħhom fis-sistema tal-qorti ingħataw aċċess awtomatiku għall-eCourts. Huma għandhom aċċess aktar wiesgħa u għandhom is-servizzi indikati hawn taħt. Kull m'għandhom jagħmlu hu li jilloggjaw permezz tal-eID.

Dawk il-Professionisti Legali li meta jilloggjaw permezz tal-eID isibu li għandhom aċċess limitat peress li ma jkollhomx id-dettalji tagħhom fis-sistema tal-qorti, għandhom jibgħatu email fuq [ecourtsaccess.csa@courtservices.mt](mailto:ecourtsaccess.csa@courtservices.mt) u jibgħatu d-dettalji personali tagħhom (isem u kunjom, numru tal-karta tal-identita' u numru tal-mobile) kopja tal-warrant scanned biex jingħataw aċċess aktar wiesgħa għas-servizzi online.

## Links

- [Kawzi Ċivili](#)
- [Sentenzi](#)
- [Reġistru tal-Insolvenza](#)
- [Subbasti](#)
- [Użu tal-Awli](#)
- [Ircievi Notifiki bil-Mowbajl](#)
- [Fallas Multi tal-Qorti](#)
- [Fallas id-Dritt tar-Registru tal-Qorti](#)
- [Dritt li Tintesa \(Linji Gwida\)](#)
- [Statistika tal-Qrati](#)

## Applikazzjonijiet Onlajn

- [Sottomissjoni tal-Atti - Ċivil](#)
- [Sottomissjoni tal-Atti - Kriminal](#)
- [Arkivju tal-Atti](#)
- [Testmenti Sigrieti](#)
- [Tribunal għal Talbiet Żgħar - Avviż tat-Talba](#)
- [Tribunal għal Talbiet Żgħar - Risposta](#)
- [Tribunal għal Talbiet Żgħar - Risposta għall-kontrotalba](#)
- [Rikors Elettorali Ai Termini Tal-Art 39/40 tal-Kap 354](#)
- [Proċedura Ewropea għal Talbiet Żgħar](#)

# Purpose of Legal Research – Highlighting Ambiguities and gaps

- A law is not designed to address every problem that might arise
- Usually laws address problems being faced in the present and not in the future
- With the passage of time ambiguities/ lacunas may arise which require amendments and clarifications
- Ambiguities – general rule – Maltese text applied but may refer to English text which may provide better wording



# Purpose of Legal Research – Determine coherence, stability and consistency

- The process of critical evaluation of the law/judgments helps in future designing and development of law, legal provisions or doctrines, as the case may be.
- E.g. Concept of damages in Malta – Art. 1045 of Cap. 16 – *Lucrum cessans* (loss of future earnings) and *damnum emergens* (actual losses). Our law providing for the compensation of damages was inferior to that found in other 'progressive' jurisdictions and remarked that hopefully it will not take long for this specific branch of law to be addressed by a much-needed reform.
- Application of principles in *Michael Butler v. Peter Christopher Heard* (1967)

*Lucrum Cessans x Multiplier x disability % = Damages to be awarded less lump sum %*



# Purpose of Legal Research – Social auditing of the law

- It enables one to know the stakes the law intends to protect or change and reasons for the same. Such an audit helps to identify gaps, if any between the legal ideal and the social reality. It also enables us to predict the future of law.

## Questions asked for social auditing:-

- What corrective measures need to take place to make it more effective?
- Why did the law become dysfunctional?
- Does it merely need modifications or replacement by a new statute?



# Purpose of Legal Research – Social auditing of the law

- Chapter 69, The Reletting of Urban Property (Regulation) Ordinance
- Pre-1995 rent laws
- Landlords whose property had been rented out prior to June 1, 1995 had no right to refuse renewal of the lease and could not raise rents. Rent did not reflect market rates. Aim: Social housing measures. Should it still be applicable today?
- Who is being mostly prejudiced: Lessors vs Lessees
- Amendments introduced in 2019 and 2021
- Proceedings before RRB to subject lessee to the means test. If he qualifies, rent is increased to a max. of 2% of the property market value. If not lessee is evicted within 2 years
- Maria Concetta Deguara Caruana Gatto vs Awtorita tad-Djar et (18/21LC) decided on 24/01/22: House in Kalkara - Yearly rent 210 euros. Following RRB case rent went up to 6,450 euros for the first two years, 7,525 for the following two years and 7,955 for the remainder two years annually

# Historical background of Legal Research

- Earliest written law on record - The Code of Hammurabi (Babylon)
- Dating back to 1792BC to 1750 BC
- Set of about 300 laws with punishments regulating various aspects of social life
- Laws were carved on a large black stone pillar discovered in 1901



# Historical background of Legal Research

- First attempt to codify common law can be traced back to Blackstone's era in 1765 with the publication of Commentaries on the Laws of England
- The first proper Maltese codification of laws - 'Del Dritto Municipale di Malta' (1784) / the 'Code de Rohan'. It was promulgated in the end of the Knights era. It was later substituted by a local version of the 'Code Napoleon' in 1852
- Modern research as we know it goes back to the introduction of the printing press technology in 1850s. Legal material started to be published leading to the creation of volume management problems
- In Malta publications were accessible from the National Library in Valletta
- Accessibility and increase in the volume of legal material hit with online databases. Information is easily accessible and more accurate and reliable



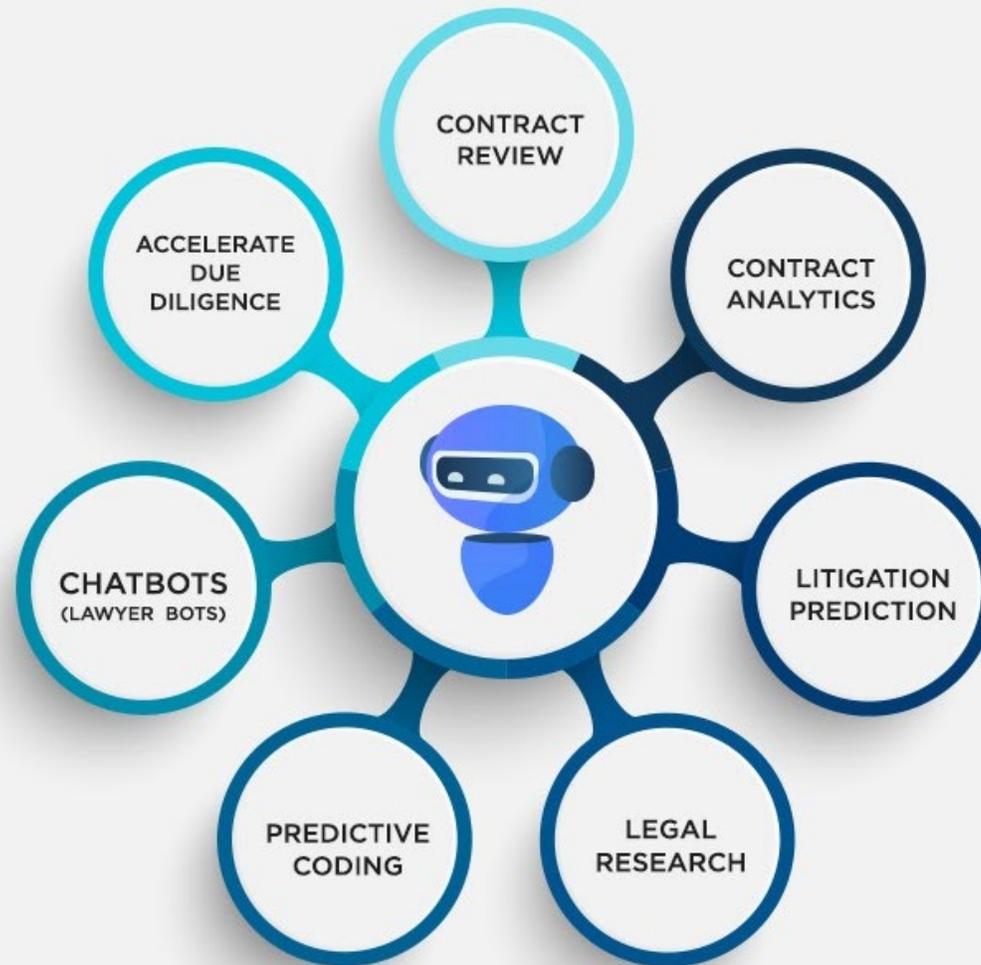
# The future of Legal Research – Artificial Intelligence

AI has already been introduced in the sphere of legal research. Programs like Westlaw Edge, allow for the uploading of draft arguments. The system analyzes the text and provides further insight by identifying highly relevant authority that may have been missed

- Platforms inform you if a point of law in a case has been overruled
- Some programs are capable of generate insight into patterns in a judge's behavior by analyzing a judge's past rulings - How often does a judge side with a plaintiff in your type of case? In your specific type of claim? What kind of arguments resonate with your judge? What kinds of authority does the judge prefer?
- This kind of insight is available also on opposing legal representatives. If your opposing counsel or their law firm has any history in the court system, you may be able to get data-driven analytics about them. How much experience does your opposing counsel have on a particular issue? How successful are they on certain types of claims? Do they have any history with your judge?
- Video Westlaw Edge  
<https://www.youtube.com/watch?v=ONhECWOzUds>



## APPLICATIONS OF AI IN THE LAW FIELD



# Why does one need to possess the skills to conduct proper legal research? Example

- Jill and Jane are twin law students who are undertaking their first research assignment. For their first assignment they are given the following question:-

*Select one case of your choice from the High Court, write a case note on the decision. In your case note explain the facts, identify the legal issues, explain the outcome and explain if and how the case changed the law*



# Jill's Approach

- Jill reads through the question several times so she is very clear on what she has to do.
- She reads through the marking rubric in her unit and attends the lecture where her lecturer explains how it is important for this topic to search beyond the case. Students will need to use journal articles that can help them understand the case and see if and how it has changed the common law.
- Jill understands that researching for the assignment is only one aspect of the overall task. She uses the Assignment Scheduler to write up her study schedule to include enough time to research, write and proofread before submitting before the due date.



# Jill's Approach – Web Search

- Jill starts her research with a quick Google search and chooses the keywords 'famous high court case australia'.
- Jill clicks the second link Top 10 Most Influential Court Cases of the Last 40 Years. She notes that the page was created by The College of Law, which may be ok as an initial source, was published in 2014 so won't have any more recent cases.
- Jill decides to choose an older case as may be easier to choose as there may be more time to publish information on it. Reading through the list of cases Jill is interested in the cases of Dietrich v The Queen from 1992. She quickly looks through the summary of the legal issues and she thinks the right to a fair trial will be interesting to research.
- Jill then types 'dietrich v the queen' in Google reads a Wikipedia entry which gives her the citation [1992] HCA 57 and a quick overview of what the case was about.



# Jill's Approach (Searching for Case Law in FirstPoint)

- FirstPoint is an online caselaw research tool that provides citations, summaries and links to similar cases
- Jill then wants to check out a more detailed legal summary of the case to understand the legal issues. Jill remembers the Library workshop that she did early in the semester, Jill knows she can get some easy-to-read case summaries through FirstPoint. Jill does a Google search for the Law Guide by typing the keywords 'Law Guide CDU' into the search box. The Law Guide is the first result and Jill finds the link to FirstPoint on the page.
- After logging in Jill copies and pastes the citation she found online into the citation search box which brings her back to the case. From FirstPoint, Jill can read the summary of the case, she can also download the full-text case as a PDF as she finds this easier to read and print out to make her own notes.
- Jill sees the PDF to the Commonwealth Law Reports copy and she downloads this version as it is the authorised report and the one she will need when using the AGLC. She saves it to a folder titled 'assignment 1' on her laptop. Jill knows it is easier to save the PDF now than to have to try and find all the sources again. Later she can print it out and make her own notes on it.
- Jill notes that the case has been published in the Commonwealth Law Reports and decides to use this version. Not only is the authorised law report, but it will also make her other research easier as journal articles will refer to this version of the case when they use page numbers and is a citation requirement of the AGLC.
- Jill wants to know if this case is still good law. She goes to the bottom of the FirstPoint entry and sees that some cases that have been handed down since her case have been distinguished, some cases have also been applied and considered very recently. Jill makes her own conclusion about the case based on the evidence FirstPoint has given her.



# Jill's Approach – Journals and Library Search

- Jill notes that she will have to go beyond just finding the case and will need to find out more about the right to a fair trial. She clicks on 'Related Documents' at the top of the *FirstPoint* page and can see a list of relevant journal articles, some are direct links to articles. For the articles with no links, she can copy and paste the title into either *Library Search* or *Google Scholar* to see where and if copies are available in another database. Based on this list Jill selects 4 journal articles: [A Constitutional Right to a Fair Trial? Implications for the Report of the Australian Criminal Justice System, Dietrich, the High Court and Unfair Trials](#) and [Difficulty in Obtaining a Fair Trial in Terrorism Cases](#). All of them have quick summaries at the top so Jill can scan through them easily, they are written by experts and the citation details at the top of the articles make them easy to cite.
- Jill realises that she may need more resources for her assignment so she searches *Library Search* from the Library home page. She types in the keywords: 'right fair trial australia'.
- Jill finds several more articles on the topic of a fair trial, she saves them in her assignment folder to read later, they are [The Dietrich Dilemma, Legal Aid and Access to Legal Representation: Redefining the Right to a Fair Trial](#) and [The Truth Can Cost Too Much: The Principles of a Fair Trial](#). She chooses these articles as they are about Dietrich and they have been recently published in journals. These are useful articles for Jill as they help her analyse what the case was about, provide her with context, and explain the main legal issues.



# Jill's Approach – Writing

- Now Jill has a good collection of resources, she can now start writing. Jill reads through the material and makes notes of the case, and on the secondary sources, she has found.
- She summarised the information in her own words and starts grouping the main ideas to form paragraphs in her essay. She uses the Resource Review Grid to help her summarise her resources ready to write. Jill plans out her essay using the AGLC Essay Template and makes sure she has covered all the topics needed for a case note
- When Jill starts to write her assignment she refers to the authorised version of the Dietrich case from the Commonwealth Law Reports, she mentions the primary sources of law including the Australian Constitution and the other relevant cases. Jill also relies on academic-quality journal articles to help her interpretation of the legal issues. Jill doesn't rely on the information from her initial Google or Wikipedia search, she now has better resources to choose from.
- Jill finishes her writing a couple of days before the assignment is due. This gives her time to read through her essay a couple of times, she checks her references are correct using the AGLC, she uses the AGLC Checklist to help her. After she has looked through her essay a couple of times Jill submits her assignment on time



# Jill's Approach – Final Result

- Jill gets her mark back a couple of weeks later. She got an A! The comments on her essay indicate that she got excellent marks due to her quality research, her selection of resources, and the academic quality of her work. Jill is glad she saved time researching by starting with some easy searches and then building up to academic quality material, it saved her time reading and helped her pick out the legal issues



# Jane's Approach

- Jane reads through the assignment once and is really confused.
- She is not quite sure where to start but hears from another student that they are going to look at the He Kaw Teh case. Jane decides that she will do this too
- Jane assumes that she has to talk about the main issue in the case, she hasn't been going to the lectures, but she is going to spend lots of time on this assignment and find lots of different resources to make up for it.



# Jane's Approach – Web Search

- Jane starts her search by typing the case name into Google and gets to the Wikipedia page *He Kaw Teh v The Queen*. Jill decides that this information summarises the case enough for her and decided to copy and paste the information into her essay and cite Wikipedia and the source. Jane still isn't quite sure about what the main point of the case, is but decides to get some information on drug trafficking in Australia as this seems to be the main issue.
- Jane knows that she needs to go beyond just reading the case as her sister Jill keeps on reminding her. Jane does a Google Search by typing in 'what's the deal with drugs in Australia?'.
  - She finds some web pages including information on What It's Like to Deal Drugs in Australia's Capital City, she finds a page on drug use and possession in New South Wales called Lawstuff, then she finds a page called Drug Abuse from a website called HealthDirect and a page about penalties for drug supply from Armstrong Legal. It takes a while for Jane to read through all the web pages and she keeps on searching to add more resources for her assignment. Jane knows that referencing is important so she records all the resources she has by copying the URL and pasting it into her references list at the end of her essay. This way she will know where the web pages came from.
- Jane decides that she needs more information on the case so goes back and conducts a Google search using the case name. She finds a case summary of UnitStudy Guides, she can see that this information originally comes from a textbook but decides to cite this website for the case. Jane also finds some criminal law summary notes of a site called student VIP and some cram notes that briefly mention the case. Jill does find a version of the case on Jade but gives up as the case is way too long to read through when she has to do all the research



# Jane's Approach – Writing

- Jane has spent a fair amount of time surfing the web and decides the quickest way for her to finish the assignment is to copy the best part of her resources into her assignment to form her essay.



# Jane's Approach – Final Result

- Jane is very surprised when she receives a fail grade! Where did it all go wrong?
- The comments on her paper reveal to Jane that she missed the main issue of the case. Even though the case did involve importing heroin into Australia, the main legal issue was that of intent or 'mens rea'. Research skills are really important, but it would have helped Jane if she was clear on what she had to research in the first place.
- Similarly, because Jane didn't look at the authorised case, she didn't get the benefit of reading a full case summary, she also didn't have the benefit of having the case history and clear evidence that demonstrated if the case was still being used in the law today.
- Jane also lost marks because her resources were of poor quality, using the web for the initial stage of research is useful, however, when selecting resources to include in an academic essay Jane would have been better off looking at academic sources to support her arguments.
- Jane also lost marks by not following the AGLC in relation to citation. A list of URLs at the end of the essay led to her easily missing marks compared to placing them in the correct format.
- The most serious problem with Jane's essay was with what she was writing, she was mostly copying and pasting from the various sources she found without quotation marks and without analysis.
- Jane should have used her own words and her own work. Just copying and pasting from other sources, with or without citation, is poor academic practice. This has also raised an issue with plagiarism and now Jane may have breached academic integrity.



Recap:

1. Takeaways from Jill's & Jane's story
2. Will artificial intelligence effect negatively or positively legal research?
3. What is the link between law and society?
4. Does law influence society or society influences the law?



# Who carries out legal research?

- Anyone who is wanting to know something about the law, how it operates and who is willing to search for it
- Legislators
- Judges
- Lawyers, notaries, law lecturers, students and professionals



# Who carries out legal research? - Legislators

- In the Maltese context legislation goes through a number of parliamentary procedures
  1. First Reading – Presentation of a motion. A motion consists of just the title of the bill to the House. After 3 days the bill is put on the parliament agenda. Motion is put to vote without any debate
  2. Second Reading - Upon publication, the bill is again included in the agenda of the House, for its Second Reading. The bill is discussed at this stage. Usually the Minister proposing the bill will give an introductory speech. After the winding up, the motion is put to the vote by the Speaker.

# Who carries out legal research? - Legislators

3. Committee Stage – Each clause of the bill is examined separately and in detail. Both Government and Opposition Members may propose amendments during the discussion on a particular clause. At the end of discussion a vote is taken on all said amendments and the clause as amended.

When the discussion ends the Chairperson informs the House about the progress made and whether the bill was passed with or without amendments.

4. Third Reading – Members vote in favour or against the bill. The Speaker will then be in a position to declare whether the bill has been carried through its Third Reading stage by a majority of Members present and voting, save as otherwise provided in the Constitution. This voting procedure applies to all votes taken during the previously mentioned stages of the bill.

5. The bill is then presented to the President of Malta for his assent and published in the Government Gazette, becoming a Parliamentary Act.



Thirteenth Legislature (2017 - )\*  
Twelfth Legislature (2013 - 2017)  
Eleventh Legislature (2008 - 2013)  
Tenth Legislature (2003 - 2008)  
Ninth Legislature (1998 - 2003)  
Eighth Legislature (1996 - 1998)  
Seventh Legislature (1992 - 1996)  
Sixth Legislature (1987 - 1992)  
Fifth Legislature (1982 - 1987)  
Fourth Legislature (1976 - 1981)

Standing Orders of the House of  
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# Bill No. 1

Marriage Bill and other Laws (Amendment) Bill

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Thirteenth Legislature (2017 - )

### Download the Document

Debated in	1st Reading	2nd Reading	Committee	Recommittal	3rd Reading
Sitting No. 001 - 24 Jun 2017 <i>Plenary Session</i>	●				
Sitting No. 002 - 26 Jun 2017 <i>Plenary Session</i>		●			
Sitting No. 013 - 05 Jul 2017 <i>Plenary Session</i>		●			
Sitting No. 014 - 05 Jul 2017 <i>Plenary Session</i>		●			
Sitting No. 001 - 06 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 002 - 07 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 003 - 10 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 017 - 12 Jul 2017 <i>Plenary Session</i>					●

### Objects and Reasons

The object of this Bill is to modernise the institution of marriage and ensure that all consenting, adult couples have the legal right to enter into marriage.

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Ugwaljanza

Debated in	1st Reading	2nd Reading	Committee	Recommittal	3rd Reading
Sitting No. 001 - 24 Jun 2017 <i>Plenary Session</i>	●				
Sitting No. 002 - 26 Jun 2017 <i>Plenary Session</i>		●			
Sitting No. 013 - 05 Jul 2017 <i>Plenary Session</i>		●			
Sitting No. 014 - 05 Jul 2017 <i>Plenary Session</i>		●			
Sitting No. 001 - 06 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 002 - 07 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 003 - 10 Jul 2017 <i>Consideration of Bills Committee</i>			●		
Sitting No. 017 - 12 Jul 2017 <i>Plenary Session</i>					●

### Objects and Reasons

The object of this Bill is to modernise the institution of marriage and ensure that all consenting, adult couples have the legal right to enter into marriage.

### Motion No. 9 - Marriage Bill and other Laws (Amendment) Bill

### Act No. XXIII of 2017 - Marriage Act and other Laws (Amendment) Act

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## Motion No. 9

### Marriage Bill and other Laws (Amendment) Bill - First Reading

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#### Notice given on

Saturday, 24 June 2017

#### Presented by

Minister for European Affairs and Equality  
Hon. Helena Dalli MP

#### Debated in

Sitting No. 1 - Saturday, 24 June 2017  
Plenary Session

#### Bill

1 - Marriage Bill and other Laws (Amendment) Bill

#### Act

XXIII of 2017 - Marriage Act and other Laws (Amendment) Act

**9. Il-Ministru għall-Affarijiet Ewropej u Ugwaljanza, l-Onor. Helena Dalli, tipproponi:**

L-Ewwel Qari tal-Abbozz ta' Ligi msejjaħ "Att tal-2017 li jemenda l-Att dwar iż-Żwieġ u Ligijiet Ohrajn."

24.06.17

# Second Reading – Transcript (in this case the bill was read 3 times at second reading stage)

## ABBOZZ TA' LIĠI LI JEMENDA L-ATT DWAR IŻ-ŻWIEĠ U LIĠIJET OĦRAJN

### *MARRIAGE ACT AND OTHER LAWS (AMENDMENT) BILL*

**L-ISPEAKER:** Skont ftehim milhuq, il-hin ta' din is-seduta se jinqasam indaq bejn iż-żewġ naħat tal-Kamra. Għaldaqstant nitlob lill-Ministru Helena Dalli biex, jekk jogħġobha, tressaq it-Tieni Qari.

**ONOR. HELENA DALLI:** Sur President, nipproponi li l-Abbozz ta' Liġi msejjaħ "Att sabiex jemenda l-Att dwar iż-Żwieġ u liġijiet oħrajn b'konnessjoni mal-introduzzjoni taż-żwieġ indaq u biex jipprovdi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma anċillari għalihom" jiġi moqri t-Tieni Darba.

**L-ISPEAKER:** Min jissekonda, jekk jogħġobkom?

**ONOR. JOSEPH MUSCAT:** Nissekonda.

**L-ISPEAKER:** Rimarki? Il-Ministru Dalli.

**ONOR. HELENA DALLI:** Sur President, huwa ta' pjaċir kbir hafna għaliya bhala Ministru għall-Affarijiet Ewropej u l-Ugwaljanza li wara li nhar is-Sibt li għadda, mal-ftuh tat-13-il Legiżlatura ta' dan il-Parlament, ipprezentajt l-Abbozz ta' Liġi msejjaħ "Att tal-2017 li jemenda l-Att dwar iż-Żwieġ u Liġijiet oħrajn", illejlja fit-tieni seduta ta' din il-Legiżlatura qiegħda nipproponi t-Tieni Qari tiegħu.

Sur President, ikkampanjajna għal qabza liberali 'l quddiem għal dan il-pajjiż u għal din is-soċjetà tagħna, u l-poplu wieġeb għal din is-sejha. Għalhekk jiena rrid nibda billi nringrazzja minn qalbi lill-Prim Ministru l-Onor. Joseph Muscat talli ta lil din il-proposta ta' liġi l-importanza li haqqha. Nringrazzja wkoll lil shabi kollha tal-grupp parlamentari Laburista għas-sostenn tagħhom biex flimkien immexxu din il-proposta bhala parti mill-aġenda progressiva u komuni tagħna. Hawnhekk irrid intenni li l-prinċipji li jiffurmaw l-aġenda tagħna huma dawk tal-ugwaljanza u tal-gustizzja filwaqt li l-iskop tagħna hu li ma' kull pass li nagħmlu nimxu dejjem iżjed lejn soċjetà miftuħa u hanina għal kull wieħed u wahda minna.

Nixtieq nagħmel enfasi partikolari fuq soċjetà hanina għax din hija l-bażi ta' Partit Laburista jew inkella ta' Partit Soċjalista; il-hniena lejn kull persuna li tista' tinsab f'sitwazzjoni fejn ma tistax timxi 'l quddiem fil-hajja tagħha minhabba li s-soċjetà tkun qed iżżommha lura milli tagħmel dan. Irridu ngħidu wkoll li filwaqt li l-konċett tal-hniena huwa importanti għax biex tinduna li persuna qiegħda f'sitwazzjoni hażina trid tkun taf thoss u thenn għall-oħrajn bħal dik l-omm jew bħal dak il-missier li jkun qed jara lil ibnu jew lil bintu qiegħda tbat, id-drittijiet li ahna bhala legiżlaturi għandna nagħtu

# Committee debate Video



*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19840, 1 ta' Awwissu, 2017*  
*Taqsim A*

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MALTA

**ATT Nru XXIII tal-2017**

ATT mahruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar iż-Żwieġ u liġijiet oħrajn b'konnessjoni mal-introduzzjoni taż-żwieġ indaqs u biex jipprovdi dwar hwejjeg li ghandhom x'jaqsmu maghhom jew huma ancillari ghalihom.

**ACT No. XXIII of 2017**

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Marriage Act and various other laws in connection with the introduction of marriage equality and to provide for other matters dealing with it or ancillary thereto.

Naghti l-kunsens tieghi.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA**  
President

1 ta' Awwissu, 2017

**ATT Nru XXIII tal-2017**

*ATT sabiex jemenda l-Att dwar iż-Żwieġ u liġijiet oħrajn b'konnessjoni mal-introduzzjoni taż-żwieġ indaqs u biex jipprovidi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma anċillari għalihom.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f' dan il-Parlament, u bl-awtorità tal-istess, harġet b'liġi dan li ġej:-

**TAQSIM TAL-ATT**

	Artikoli
Taqsim I Preliminari	1
Taqsim II Emendi tal-Kodiċi Kriminali	2-17
Taqsim III Emendi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili	18-27
Taqsim IV Emendi tal-Kodiċi Ċivili	28-91
Taqsim V Emendi tal-Att dwar l-Interpretazzjoni	92-93
Taqsim VI Emendi tal-Att dwar iż-Żwieġ	94-102
Taqsim VII Emendi tal-Att dwar l-Unjoni Ċivili	103-104
Taqsim VIII Emendi tal-Legizlazzjoni Sussidjarja Skeda	105-106

kwalunkwe sess illi żżewġu *ai termini* tal-Att dwar iż-Żwieġ".

#### Taqsim VI

Emendi tal-Att dwar iż-Żwieġ

94. Din it-Taqsim temenda l-Att dwar iż-Żwieġ, u ghandha tinqara u tinftiehem haġa waħda mal-Att dwar iż-Żwieġ, hawn iżjed 'il quddiem f' din it-Taqsim msejjah "l-Att prinċipali".

Emendi tal-Att  
dwar iż-Żwieġ.  
Kap. 255.

95. Fit-tifsira tal-kelma "Reġistratur" fl-artikolu 2 tal-Att prinċipali, immedjatament wara l-kliem "Sindku ta' Kunsill Lokali" ghandhom jidhlu l-kliem "u persuni li ġew ċertifikati bhala ċelebranti taż-żwieġ ċivili mir-Reġistru Pubbliku".

Emenda tal-  
artikolu 2 tal-  
Att prinċipali.

96. Fil-verżjoni Ingliża tal-artikolu 3 tal-Att prinċipali, il-kelma "paternal" ghandha tiġi sostitwita bil-kelma "parental".

Emenda tal-  
artikolu 3 tal-  
Att prinċipali.

97. Is-subartikolu (1) tal-artikolu 5 tal-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda tal-  
artikolu 5 tal-  
Att prinċipali.

(a) fil-paragrafu (b), il-kliem "missier u omm sew jekk mill-istess missier jew omm biss" ghandhom jiġu sostitwiti bil-kliem "ġenituri sew jekk minn ġenitur wiehed biss"; u

(b) fil-paragrafu (d), il-kliem "żewġ jew mart, il-" ghandhom jiġu sostitwiti bil-kliem "il-konjuġi tal-".

98. Fis-subartikolu (2) tal-artikolu 7 tal-Att prinċipali, il-kliem "il-missier u isem u kunjom l-omm" ghandhom jiġu sostitwiti bil-kliem "u kunjom il-ġenituri".

Emenda tal-  
artikolu 7 tal-  
Att prinċipali.

99. Fis-subartikolu (1) tal-artikolu 11 tal-Att prinċipali, minnufih wara l-kliem "għal żwieġ ċivili" ghandhom jidiedu l-kliem "bejn żewġ individwi li jaghtu l-kunsens tagħhom".

Emenda tal-  
artikolu 11 tal-  
Att prinċipali.

100. L-artikolu 15 tal-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda tal-  
artikolu 15 tal-  
Att prinċipali.

(a) is-subartikolu (2) tiegħu ghandu jiġi sostitwit b'dan li ġej:

"(2) Matul iċ-ċerimonja r-Reġistratur jew l-uffiċjal l-iehor li quddiemu jsir iż-żwieġ ghandu jistaqsi lill-persuni li jkunu ser jżżewġu, l-ewwel lil waħda minnhom u mbagħad lill-ohra, jekk din il-persuna tridx tiehu lill-persuna l-ohra bhala l-konjuġi tagħha u meta kull waħda mill-partijiet jiddikjaraw li hekk iridu, minghajr ebda kondizzjoni jew kwalifika, hu ghandu jiddikjarahom bhala miżżewġin."; u

A 824

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jizdied is-subartikolu ġdid li ġej:

"(4) Minghajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (2), il-persuni li ser jiżżewġu jistgħu jindikaw lir-Registratur jew l-uffiċjal l-iehor li quddiemu jsir iż-żwieġ il-forma tal-kliem li għandhom jintużaw waqt iċ-ċerimonja, inkluż xi qari, siltiet mużikali jew mużika:

Iżda tali rikjesta għandha ssir mill-persuni li ser jiżżewġu sa mhux iktar tard minn sebat ijiem mid-data stabbilita għaž-żwieġ."

Żjieda ta' artikolu ġdid fl-Att prinċipali.

**101.** Minnufih wara l-artikolu 32 tal-Att prinċipali għandu jizdied l-artikolu ġdid 32A kif ġej:

"Protezzjoni Religiżuza.

32A. Xejn f'dan il-Att ma għandu jinftehem bhala qed jobbliga uffiċjal ta' entità reliġjuża skont l-artikolu 37 ta' dan l-Att sabiex iwettaq forma partikolari ta' żwieġ li mhuwiex rikonoxxut mill-entità reliġjuża liema uffiċjal ikun membru tagħha."

Emenda tal-artikolu 33 tal-Att prinċipali.

**102.** L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kelma "sentenzi" għandha tiġi sostitwita bil-kliem "deċiżjonijiet jew atti uffiċjali ohra ekwivalenti";

(b) il-kliem "Deċiżjoni ta' qorti barranija" għandhom jiġu sostitwiti bil-kliem "Minghajr preġudizzju għat-twettiq ta' kull regolament li jkun japplika bejn l-Istati Membri tal-Unjoni Ewropea, deċiżjoni ta' qorti barranija jew deċiżjoni jew att iehor uffiċjali li jkollu l-istess effett ta' awtorità kompetenti barranija"; u

(ċ) il-kliem "jekk id-deċiżjoni tinghata minn qorti kompetenti" għandhom jiġu sostitwiti bil-kliem "jekk id-deċiżjoni tinghata jew l-att iehor uffiċjali jinhareġ minn qorti jew awtorità kompetenti".

#### Taqsim VII

Emendi tal-Att dwar l-Unjoni Ċivili

Emenda tal-Att dwar l-Unjoni Ċivili. Kap. 530.

**103.** Din it-Taqsim temenda l-Att dwar l-Unjoni Ċivili, u għandha tinqara u tinftiehem haġa wahda mal-Att dwar l-Unjoni Ċivili, hawn iżjed 'il quddiem f'din it-Taqsim msejjaħ "l-Att prinċipali".

Żjieda ta' artikolu ġdid fl-Att prinċipali.

**104.** Minnufih wara l-artikolu 10 tal-Att prinċipali għandu jiġi

# Who carries out legal research? – Judges, Magistrates and decision makers

- Judge is an arbiter
- Must be aware of principles and latest laws
- Has to provide reasons why he is applying a particular law
- Expected to make a true interpretation of the law
- In Malta judges and magistrates are aided by court attornies and judicial assistants for research
- Judge will look into the laws that the court he presides over has jurisdiction e.g. Constitutional, rent, property rights matters



# Who carries out legal research? - Lawyers

- Wrong advice might derail client
- Responsibility – institute a case? appeal or not? Court fees, Kawtela etc
- May affect indemnity insurance policy
- Similar to the judge must keep up with law introductions and amendments and case law
- Interpretation of the law - must look into the nitty gritty of the law/case especially if the facts are against his clients
- If lawyer is limited to certain areas e.g. Tort law – thorough legal research is not needed



# Who carries out legal research? - Lawyers

- Note of submissions/ observations – Legal briefs
- Applications which are in a grey area
- Research is required to provide a good advice



# Who carries out legal research? – Lecturers and students

- Lecturers need to do legal research as part of their professional commitment especially if they are teaching procedural or substantive law
- Needs to keep track of developments
- Students – for performing assignments/ tasks assigned. It is the practice stage if one will pursue a career in the legal field – not necessarily as a lawyer, paralegal but even as a court official – same applies for professionals working in the legal field





Happy Parenting - Malta (For Happier Children)  
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(+356) 7760 3330

## 2022 Proposals for a Discussion on amendments in the Law and improvements to the Family Court procedures.

by Dr Ivan Sammut

Dr Ivan Sammut, Deputy Dean of the Faculty of Law, University of Malta, strongly believes that the Family Court needs urgent investment and updating to continue serving the needs of Maltese people. Many parents in Malta stop living together for various reasons, and many times they have to resort to the Courts. The two most common issues that arise concern maintenance and access to children. It results, judging from the various experiences of Maltese citizens or residents, that the Maltese state is not equipped enough to deal with this type of issue, whose very nature can create bitter disputes.

Let us take as an example a case in the field of parental alienation, where a parent denies the other parent access to their children for no valid reason. Lawyers involved in cases that concern children behave as if they are dealing with the cases that involve the evaluation of property.

### Proposal for a long-term solution

HPM4HC is proposing the setting up of an authority or agency whose brief will be to examine such cases and to determine whether maintenance should be given and if so, how much. It will also determine whether shared parenting is feasible and if not, the modality of the access to minors that should be given. Then, of course, one will be able to apply for any required changes.



while there will be constant supervision by the Family Court on issues of rights or facts once certain conditions are met.

To understand this concept more clearly, one can draw a comparison with the Planning Authority. This entity has all the resources required to execute a planning policy: it has technical experts in the field. It is more accessible to the public and operates under the supervision of the Courts whenever this is required. In the same way that this authority has building architects, family 'architects' should run this proposed entity. This idea has not been invented by the HPM4HC but is based on the situation abroad including in the United Kingdom.

### Proposals that can be implemented immediately

Since the above proposal is somewhat ambitious and, apart from a new legal framework, it requires considerable training, HPM4HC is making further proposals, some of which can be immediately implemented.

#### 1. An improved notification system in the Family Court

It is necessary to strengthen and improve how the Family Court issues notifications. There should be wider use of electronic media to deliver notifications efficiently.

#### 2. A reform in the composition of the Family Court

One should consider strengthening the Family Court, and this Court should be presided over by a judge and two family experts such as a psychologist and a therapist. This should apply to decrees, *in camera*, sittings and final sentences. The judge would focus on legal issues while the rest take place as a formation. It would be a good idea to establish a Board made up of two psychologists (specializing in children and parental alienation) and a lawyer. This Board



would study cases such as those of separation, where minor children are involved before they move on to litigation in Court, and within three months make recommendations on the type of co-parenting that would be suitable. Where this is not possible, appropriate access and maintenance would be established according to each case in question.

This could take place in an out-of-court process that would enable the parents to reach an agreement.

### **3. The strengthening of the Child Protection Services to enable them to intervene in the Courts**

Knowledge and experience in the field of children are found in the officers working for this directorate, which was created for this purpose. Not all lawyers or judges would have studied and specialized in children. As a result, the need for Child Protection arises.

### **4. The enactment of a law focusing on the interests of children that recognizes in clear terms the existence of parental alienation**

The concept of parental alienation should be recognized in civil and criminal law, as is happening in various European countries and globally. Thanks to Civil Law, adapted to cases arising in contemporary society, applicable measures can be taken so that children are not cut off completely from the harassed parent. A serious and comprehensive study of a case, and its various elements, may enable the designation of suitable access to the two parents as deemed appropriate and most conducive to the welfare of the children.



### **5. A reform in the Criminal Code Article 338 LL on access to children and Article 338 Z on maintenance.**

Reforms should ensure that legal depositions conform to the European Human Rights Convention. For example, restricted access should be compensated by quality time with children. Regarding maintenance, this should make sense to all the parties involved in the case. Detention or clear imprisonment should be removed, both from access as well as from maintenance, to prevent these from being used as instruments of litigation instead of as a solution.

### **6. The Laws affecting children should uphold a general stance that the equal sharing of the raising of children is to be seriously considered.**

Although the present legal provisions do not exclude this, there need to be legal interventions to change the current mentality, usually conservative, of the judiciary and the legal profession. We need to come into line with the 21st century with all the effects of the march of time. Contemporary society no longer embraces the values of yesteryear.

In the case of an inamicable separation, the rule should be that the care and custody of children would be automatically conjoined, without automatic maintenance, while medical and education expenses would be equally shared by the parents. It should be one of the parents who may request modification to this arrangement. Then valid reasons are given and a report is drawn by the experts. It should be the Court that modifies the custody, and thus determine maintenance, according to the means and wishes of the parent, as the case may be.

This means that, unless there is a valid reason established following an analysis, children would spend 50% of their time with either parent and that



parent would be financially responsible during that time. In the case of a 50/50 custody arrangement, maintenance would not be required. In this way, equality would be established between the parents. As things now stand, the Courts generally awards guardianship automatically to the mother and orders the father to pay maintenance.

#### 7. Proposal for an improvement in the administration of family procedures

This could include the provision that the collection of evidence should not be done by practising lawyers. They could be officials who are directly engaged by the Courts and who are answerable directly to the Courts. Part-time judicial assistants may have a conflict of interest, affecting their selection and appointment.

It is a good idea for the Court to have a list of experts: doctors, psychologists, psychiatrists, experts in the field of parental alienation, social workers and approved therapists.

The time has come for the judiciary and the legal profession (judges, mediators and lawyers) to be trained professionally not to make judgements based on stereotypical ideas positing that only the woman knows how to look after children. These should be instructed on parental alienation.

There should be better facilities in a Court where minors are involved, such as the Family Court. This Court should have a format that is different from the ordinary Court, and ideally, it should be placed in a separate building. When children give their testimony, there should be transparency, and the parents should also be heard.



#### Conclusion

The proposals being made here are among many that are being mentioned and studied in various other countries. In the same way that we are ready to analyse developments in other areas of society to improve the situation in our country, we need to observe, analyse and study this field properly. Children's lives in the environment of the family, irrespective of whether it is an ideal one or one that hurts, leaves an indelible mark on their lived experiences. We cannot waste more time because today's children are the young people of tomorrow and the adult generation a few years down the line. What happens today reflects on our expectations of the future. You and I are responsible for our country's society.



What are the qualities of a legal researcher?

Video:

<https://www.youtube.com/watch?v=ISxRKddaXSM>



# Which are the sources of legal research?

- Primary sources – the core of all laws/ acts including varied forms e.g. S.L. and bye laws
- Secondary sources – Material that provides interpretation on primary sources
- Tertiary Source – lists and summarises secondary and primary sources



# Primary Sources of Legal Research

- Constitution – Cap. 0 – core of all laws. Allows parliament to enact acts of parliament i.e. laws
- Acts of Parliament – acts, subsidiary legislation
- Subsidiary Legislation – Covers particular areas of the main act
- Legal Notices – Similar to bye laws but are not issued by local councils
- Bye Laws – Laws issued by Local Councils for the purpose of carrying out their functions and for the prevention and suppression of nuisances in their locality
- Parliament Bills – Laws which are not yet in force but are at preliminary stage
- Treaties - An international agreement concluded between States in written form and governed by international law. Once ratified they become law. Unless ratified it is not a primary source but secondary
- Custom law (Customs law – taxation of imported goods) – set of rules which have existed since time immemorial and obtained the force of law. Mostly used in commercial and international law e.g the granting of immunity for visiting heads of state.
- Judgments – Malta does not subscribe to the theory of precedent unlike common law. Judgments include ECHR and ECJ judgments
- Govt Gazette to an extent as all laws are published therein but it includes also tenders, employment opportunities, court notices, door numbering, publication of licensed individuals etc



# The Constitution of Malta

CONSTITUTION OF MALTA 1

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CONSTITUTION OF MALTA  
ARRANGEMENT OF ARTICLES

CHAPTER I  
The Republic of Malta

*Article*

1. The Republic and its Territories.
2. Religion.
3. National Flag.
4. National Anthem.
5. Language.
6. Constitution to be supreme law.

CHAPTER II  
Declaration of Principles

7. Right to work.
8. Promotion of culture, etc.
9. Safeguarding of landscape and historical and artistic patrimony.
10. Compulsory and free primary education.
11. Educational interest.
12. Protection of work.
13. Hours of work.
14. Rights of women workers.
15. Minimum age for paid labour.
16. Safeguarding labour of minors.
17. Social assistance and insurance.
18. Encouragement of private economic enterprise.
19. Protection of artisan trades.
20. Encouragement of co-operatives.
- 20A. Participation of Maltese citizens living abroad.
21. Application of the principles contained in this Chapter.

CHAPTER III  
Citizenship

22. Persons who become citizens on appointed day.
23. Persons entitled to be registered as citizens.
24. Persons naturalized or registered as resident before appointed day.
25. Acquisition of citizenship by birth or descent by persons born on or after

6 CONSTITUTION OF MALTA

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CONSTITUTION OF MALTA

*The Malta Independence Order, 1964, as amended by Acts: XLI of 1965, XXXVII of 1966, IX of 1967, XXVI of 1970, XLVII of 1972, LVII, LVIII, 1974, XXXVIII of 1976, X of 1977, XXIX of 1979, II of 1982, XXIII of 1989; Proclamations Nos. II and VI of 1990; Acts XIX of 1991, IX of 1994; Proclamations IV of 1995 and III of 1996; Acts XI of 1996, XVII of 1997, III of 2000, XIII of 2001, V of 2003, XIV and XXI of 2007, XX of 2011, VII and X of 2014, XXIV of 2015, XLII of 2016, XLIV of 2016 and IV of 2018, XXII of 2018, III of 2019, and XXV of 2019 and XIX, XLII, XLIII, XLIV, XLV and XLI and LV of 2020 and XII and XX and XXVI of 2021.*

21st September, 1964\*

CHAPTER I  
The Republic of Malta

*Substituted by: LVIII, 1974, 2.*

*The Republic and its territories. Substituted by: LVIII, 1974, 3. Amended by: IV, 1967, 2.*

1. (1) Malta is a democratic republic founded on work and on respect for the fundamental rights and freedoms of the individual.
- (2) The territories of Malta consist of those territories comprised in Malta immediately before the appointed day, including the territorial waters thereof, or of such territories and waters as Parliament may from time to time by law determine.
- (3) Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance. Such a status will, in particular, imply that:
  - (a) no foreign military base will be permitted on Maltese territory;
  - (b) no military facilities in Malta will be allowed to be used by any foreign forces except at the request of the Government of Malta, and only in the following cases:
    - (i) in the exercise of the inherent right of self-defence in the event of any armed violation of the area over which the Republic of Malta has sovereignty, or in pursuance of measures or actions decided by the Security Council of the United Nations; or
    - (ii) whenever there exists a threat to the sovereignty, independence, neutrality, unity or territorial integrity of the Republic of Malta;
  - (c) except as aforesaid, no other facilities in Malta will be allowed to be used in such manner or extent as will amount to the presence in Malta of a concentration of foreign forces;
  - (d) except as aforesaid, no foreign military personnel will be allowed on Maltese territory, other than military personnel performing, or assisting in the performance of, civil works or activities, and other than a

\*See The Malta Independence Order of the 2nd of September, 1964.



# The Civil Code

CIVIL CODE [CAP. 16. 1]

**CHAPTER 16**  
CIVIL CODE

To amend and consolidate the Laws relating to Persons and the Laws respecting rights relative of Things and the different modes of acquiring and transmitting such rights.

11th February, 1870  
22nd January, 1874

This Code consolidates the following:

ORDINANCE VII of 1868 (as amended by Ordinances: I of 1870, IV of 1907, XIV of 1913, II and V of 1920, Acts: III of 1930, XLII of 1933; Ordinances: XL of 1935, XIX of 1937, III of 1938, XXXIX of 1939 and XXV of 1940); ORDINANCE I of 1873 (as amended by Ordinances: I of 1908, XIII of 1931; Act XXI of 1933; Ordinances: XX of 1934, XVIII of 1938 and XXII of 1939); Article I of ORDINANCE VI of 1895 and Articles 2, 4, 5, 6, 7 (1) and 9 of ORDINANCE XIII of 1895.

This Code was subsequently amended by Ordinances: II and VII of 1944; Act: XXVIII of 1948, XI of 1952; Ordinances: IV and XXXIX of 1961, XXI and XXV of 1962; Legal Notice 4 of 1963; Act XXVIII of 1965; Legal Notice 46 of 1965; Act: XXXI of 1965, II and XXXI of 1966; XVI of 1967, VI of 1968, VI and XXXVIII of 1972, II and XXV of 1973; Legal Notice 54 of 1973; Acts: XLVI of 1973, I and LIV of 1974, XXXVIII of 1975; Legal Notice 93 of 1975; Act LVIII of 1975; Legal Notice 148 of 1975; Act LV of 1975; Legal Notice 46 of 1976; Acts: XXII, XXVII and XXXIX of 1976; Legal Notice 43 of 1977; Acts: VII and XI of 1977, XXII and XXX of 1979, XXX, XLII and I of 1981, VII and IX of 1982, VI and XIII of 1983, XX of 1984, VII of 1985, XII and XXXI of 1986; Legal Notice 161 of 1988; Act: VIII of 1989, XVII of 1991, IX of 1992, V and XXI of 1993, III and XXXVIII of 1994, and IV, XXIV and XXX of 1995; Legal Notice 212 of 1997; Acts IX and XXII of 2000, XX and XXXI of 2001, III, VI, IX, XIII and XXVIII of 2004; Legal Notice 355 of 2004; Acts: XI, XIII, XX and XXII of 2005, V of 2006, VIII, XIII and XXIII of 2007; Legal Notice 407 of 2007; Acts: III, IV and XI of 2008, III, X, XII and XV of 2009, V, VIII, XX and XXIII of 2010, XIV and XXIV of 2011, and II, XI, XIX and XXIV of 2012; Legal Notices 218, 311, 426 and 465 of 2012; Acts IV and VII of 2013, and IX and XXV of 2014; Legal Notice 92 of 2015; Acts XI, XII, XVI, XI and XXX of 2015, II, XIII, XII, XXIV, XXV, XLII of 2016, VIII of 2017, XII of 2017, XVII of 2017, XXIII of 2017, VIII of 2018, XIII of 2018, XXVII of 2018, XXX of 2018, XXXII of 2018, XXIV of 2018, XXXVI of 2018 and XLIII of 2018, XXV and XXXVIII of 2019 and XXXII, XXX, XLVII, XXXIX, LXI and LXV of 2020, XXIV, XXV of 2021 and XXXVII of 2021 and Legal Notice 332 of 2019 and 38 and 40 of 2021.

2 [CAP. 16. CIVIL CODE]

**ARRANGEMENT OF CODE**

Short Title	Articles
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# Chapter of the laws of Malta and subsidiary legislation

## LATEST UPDATED

- Bye-Laws for the Degree of Master of Arts in Mediterranean Studies - M.A. - under the auspices of the Faculty of Arts
- Bye-Laws in terms of the General Regulations for University Postgraduate Awards, 2021 for the degree of Master of Arts in Baroque Studies - M.A. - under the auspices of the International Institute for Baroque Studies
- Bye-Laws for the Degree of Master of Arts in Global Maritime Archaeology - M.A. - under the auspices of the Faculty of Arts.
- Bye-Laws in terms of the General Regulations for University Postgraduate Awards, for the degree of Master of Arts in Health, Medicine and Society - M.A. - under the auspices of the Faculty of Arts
- Bye-Laws for the Degree of Master of Arts in Hospitaller Studies under the auspices of the Faculty of Arts

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# Subsidiary legislation under Cap. 16 (Art. 1622A)

- In subsidiary legislation the rules are called regulations and not articles.
- The term 'articles' is used for Chapters/Acts

CONTINUATION OF TENANCIES  
(MEANS TESTING CRITERIA)

[S.L.16.11 1

## SUBSIDIARY LEGISLATION 16.11

### CONTINUATION OF TENANCIES (MEANS TESTING CRITERIA) REGULATIONS

1st January, 2010\*

LEGAL NOTICE 463 of 2011, as amended by Legal Notices 154 of 2012, 261 of 2018 and 396 of 2018 and Act XXIV of 2021.

<p>1. The title of these regulations is the Continuation of Tenancies (Means Testing Criteria) Regulations.</p>	<p>Citation.</p>
<p>2. (1) These regulations establish the criteria of the means test to be satisfied in terms of article 4A of the Reletting of Urban Property (Regulation) Ordinance and article 12B of the Housing (Decontrol) Ordinance by a person with a claim to the continuation of the tenancy under the said articles.</p> <p>(2) In order to satisfy the means test criteria established by these regulations a person shall be required to have both an income and capital within the limits established by these regulations.</p>	<p>Satisfying the means test criteria. Amended by: XXIV/2021/31, Cap. 69, Cap. 158.</p>
<p>3. Without prejudice to the provisions of regulation 8, the only relevant period, hereinafter in these regulations referred to as the "relevant period", for the calculation of means for the purposes of these regulations shall be:</p> <p>(a) with regard to the income criterion, the income between the 1st January and the 31st December during the year immediately preceding the year in which the application is filed in terms of article 4A of the Reletting of Urban Property (Regulation) Ordinance and, or, article 12B of the Housing (Decontrol) Ordinance;</p> <p>(b) with regard to the capital criterion, the capital as of the 1 January 2021, or five (5) years prior the filing of the application before the Rent Regulation Board in terms of article 4A of the Reletting of Urban Property (Regulation) Ordinance and, or, article 12B of the Housing (Decontrol) Ordinance, whichever date comes earlier.</p>	<p>Relevant period for calculation of means. Amended by: XXIV/2021/32.</p> <p>Cap. 69. Cap. 158.</p> <p>Cap. 69. Cap. 158.</p>
<p>4. (1) Means test proceedings shall be heard by the Rent Board behind closed doors and the record of the proceedings shall only be accessible to the parties subject to an obligation on the landlord to maintain the information contained in the said record as secret information. Any person who divulges information in breach of the provisions of this regulation shall be guilty of contempt of the Rent Board without prejudice to any other civil or criminal liability to which the said fact may give rise under any other law.</p> <p>(2) Subject to any procedural rights exercisable in or in respect of means test proceedings and to the provisions of regulation 8, a</p>	<p>Means test proceedings. Amended by: XXIV/2021/33.</p>

\*See regulation 1(2) of these Regulations, as originally promulgated.



L.N. 470 of 2021

**VETERINARY SERVICES ACT  
(CAP. 437)**

**Veterinary Medicinal Products (Amendment No. 2) Regulations,  
2021**

IN EXERCISE of the powers conferred by articles 30, 38 and 53 of the Veterinary Services Act, the Minister for Agriculture, Fisheries, Food and Animal Rights after consulting the Head of the National Veterinary Laboratory, has made the following regulations:-

Citation and scope.

S.L. 437.47.

1. (1) The title of these regulations is Veterinary Medicinal Products (Amendment No. 2) Regulations, 2021 and these regulations shall be read and construed as one with the Veterinary Medicinal Products Regulations, hereinafter referred to as "the principal regulations".

(2) The scope of these regulations is to increase legal certainty in regulation 88 of the principal regulations with regard to penalties.

Substitutes regulation 88 of the principal regulations.

2. Regulation 88 of the principal regulations, shall be substituted by the following:

"88. Any person who contravenes regulations 5(1), 39(1)(a)(b), 39(2)(a), 58(1) and 58A shall be guilty of an offence against article 38 and shall be liable, on conviction, to a fine (multa) of not less than five thousand euro (€5,000) and not more than ten thousand euro (€10,000)."

# Legal Notice

L.C.B.L 20/10/2021

**LOCAL GOVERNMENT ACT  
(CAP. 363)**

**Control of Pigeons (Gudja Local Council) Bye-Laws, 2021**

IN EXERCISE of the powers conferred by article 34 of the Local Government Act, the Gudja Local Council has made the following Bye-Laws:-

1.1 The title of these Bye-Laws is the Control of Pigeons (Gudja Local Council) Bye-Laws, 2021. Citation and commencement.

1.2 These Bye-Laws shall come into force one (1) month after their publication in the Gazette.

2. In these Bye-Laws, unless the context otherwise requires: Interpretation.

"Act" means the Local Government Act; Cap. 363.

"Council" means the Gudja Local Council;

"domestic pigeons" means pigeons which are kept in a residential place or in some other place for the purpose of recreation, hobby or sport;

"locality" means the Gudja locality as shown in the Second Schedule to the Act;

"wild pigeons" means pigeons which are not domestic pigeons.

3.1 The feeding of wild pigeons by any person in any part of the locality is prohibited. The feeding of wild pigeons by any person is prohibited.

3.2 It is also prohibited for a person to voluntarily leave food in places which are accessible to wild pigeons.

3.3 The provisions of this bye-law do not apply to those persons who keep or take care of domestic pigeons.

4. The owners of immovable property within the locality shall ensure that the said property be sealed in such a manner that no wild pigeons can go in or make nests therein. Abandoned immovable property.

5. Any person who fails to comply with any provisions of these Bye-Laws shall be deemed to have committed a contravention and shall, on conviction, be liable, unless a higher penalty is applicable Penalties.

under any other law:

(a) for a first contravention to a fine (*ammenda*) of forty-six euro (€46);

(b) for a second or subsequent contravention to a fine (*ammenda*) of seventy euro (€70); and

(c) in the case of a continuing contravention to a fine (*ammenda*) of twelve euro (€12) for each day that the contravention continues.

# Bye-laws



# Treaties

A tax treaty concluded by Malta becomes law by Ministerial order. The treaty is attached to the Maltese instrument used

VERŻJONI ELETRONIKA

B 682

L.N. 82 of 2012

**INCOME TAX ACT**  
(CAP. 123)

**Double Taxation Relief (Taxes on Income)**  
(Kingdom of Bahrain) Order, 2012

IN exercise of the powers conferred by article 76 of the Income Tax Act, the Minister of Finance, the Economy and Investment has made the following order:-

Citation. 1. This title of this Order is the Double Taxation Relief (Taxes on Income) (Kingdom of Bahrain) Order, 2012.

Arrangements to have effect. 2. It is hereby declared:

(a) that the arrangements specified in the Convention set out in the Schedule to this Order have been made with the Government of the Kingdom of Bahrain with a view to affording relief from double taxation in relation to the following tax imposed by the laws of the Kingdom of Bahrain:

- income tax payable under Amiri Decree No. 22/1979;

(b) that it is expedient that those arrangements should have effect;

(c) that the Convention has entered into force on the 28 February 2012.

## SCHEDULE

(Article 2)

CONVENTION  
BETWEEN  
THE GOVERNMENT OF MALTA  
AND  
THE GOVERNMENT OF THE  
KINGDOM OF BAHRAIN  
FOR THE AVOIDANCE OF DOUBLE TAXATION  
AND  
THE PREVENTION OF FISCAL EVASION  
WITH RESPECT TO TAXES ON INCOME

The Government of the Kingdom of Bahrain and the Government of Malta, desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:

### Article 1

#### PERSONS COVERED

This Convention shall apply to persons who are residents of one or both of the Contracting States.

### Article 2

#### TAXES COVERED

1. This Convention shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property and taxes on the total amounts of wages or salaries paid by enterprises.

The existing taxes to which this Convention shall apply are in particular:

- (a) in Bahrain:
- income tax payable under Amiri Decree No. 22/1979 (hereinafter referred to as "Bahrain tax"); and
- (b) in Malta:



# Judgments



**PRIM'AWLA TAL-QORTI ĊIVILI**  
**IMHALLEF**  
**ONOR. CHRISTIAN FALZON SCERRI**

Seduta ta' nhar il-Ġimgħa, 28 ta' Jannar, 2022

Rikors Maħluf Nru: 524/2021

*MAGRI BATHROOMS LIMITED*

vs.

*BUILDING ENERGY TECHNOLOGIES LTD*

Il-Qorti:

1. Dan huwa digriet dwar talba tal-kumpannija konvenuta Building Energy Technologies Ltd sabiex hija tithalla żżid eċċezzjoni oħra fir-risposta maħlufa tagħha;

**Dahla**

2. B'rikors imressaq fl-**1 ta' Settembru, 2021**, il-kumpannija konvenuta Building Energy Technologies Ltd talbet biex hija żżid l-eċċezzjoni dwar in-nullità tal-kitba privata tas-16 ta' Ottubru, 2020 minhabba li hija tgħid li din ma sarixt b'att pubbliku skont l-**artikolu 1719(1) tal-Kap 16 tal-Liġijiet ta' Malta**;
3. Il-kumpannija attriċi Magri Bathrooms Limited wiegħbet fl-**4 ta' Ottubru, 2021** u qalet li din it-talba għandha tiġi miċhuda peress li din l-eċċezzjoni setgħet titressaq mill-ewwel

fir-risposta maħlufa u peress li l-validità ta' din il-kitba ġa qiegħda tiġi mistharrġa f'kawża oħra separata minn din;

4. Waqt is-seduta tat-18 ta' Jannar, 2022, il-qorti semgħet it-trattazzjoni tal-avukati tal-partijiet fuq dan ir-rikors u minn hemm il-kawża giet differita għal-lum sabiex jingħata dan id-digriet;

**Fatti**

5. Fit-28 ta' Mejju, 2021, il-kumpannija attriċi ressqet rikors maħluf (ara paġni 1 sa 6 tal-atti tal-kawża), li permezz tiegħu hija talbet biex il-kumpannija konvenuta tiġi kkundannata tħallasha għad-danni li ġarrbet minhabba li skontha l-kumpannija konvenuta ma qagħditx mal-obbligi msemmija f'kitba privata tas-16 ta' Ottubru, 2020;
6. Il-kumpannija konvenuta ressqet risposta maħlufa fil-25 ta' Ġunju, 2021 u fiha hija tat sensiela ta' eċċezzjonijiet għaliex ir-rikors maħluf għandu jiġi miċhud (ara paġni 11 sa 15 tal-atti tal-kawża);
7. Fl-1 ta' Settembru, 2021 il-kumpannija konvenuta ressqet dan ir-rikors biex tithalla żżid eċċezzjoni oħra (ara paġni 84 u 85 tal-atti), li qiegħed jiġi deċiż illum f'dan id-digriet;

**Konsiderazzjonijiet**

8. Il-liġi tgħid fl-**artikolu 728(1) tal-Kap 12 tal-Liġijiet ta' Malta** li meta l-kawża tkun inbdiet permezz ta' rikors maħluf, allura bħala regola ġenerali l-eċċezzjonijiet kollha tal-konvenut għandhom jingħataw fir-risposta maħlufa. Skont l-**artikolu 158(1) tal-Kap 12 tal-Liġijiet ta' Malta**, din ir-risposta maħlufa trid tiġi preżentata fi żmien għoxrin jum mid-data tan-notifika tar-rikors maħluf;



9. L-artikolu 728(2) tal-Kap 12 tal-Liġijiet ta' Malta jkompli jgħid li eba eċċezzjoni oħra ma tista' tinghata f'waqt iehor tal-kawża, b'dan li l-qorti tista' meta jsirha rikors mill-konvenut tippermetti li jinghataw iktar eċċezzjonijiet, jekk il-qorti tkun sodisfatta li kien hemm raġunijiet validi l-għaliex dawn l-eċċezzjonijiet ma jkunux inghataw fir-risposta originali;
10. Madankollu din ir-regola ġenerali li eċċezzjonijiet addizzjonali għandhom jithallew jittressqu biss jekk ikun hemm il-barka tal-qorti, ma tgħoddx f'zewg sitwazzjonijiet speċifiċi, viz. (i) jekk l-eċċezzjoni addizzjonali tkun waħda li tista' titressaq f'kull waqt tal-proċeduri skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (ara artikolu 731 tal-Kap 12 tal-Liġijiet ta' Malta); u (ii) jekk l-eċċezzjoni addizzjonali tkun waħda ta' sura perentorja (ara artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta). Għal aktar tagħrif dwar dan is-suġġett wiehed jista' jara s-sentenzi *Sunspot Tours Limited v. C.H. Caterers Limited* deciza mill-Qorti tal-Appell fis-16 ta' Diċembru, 2003, *Bank of Valletta plc v. Sand & Gravel Limited et* deciza mill-Qorti tal-Appell fil-25 ta' Ottubru, 2013, *Nicholas de Giorgio v. Vincent Paul Savona et* deciza mill-Qorti tal-Appell fit-30 ta' Settembru, 2016 u *Paul Fiorentino et v. David Jones noe* deciza mill-Qorti tal-Appell fil-5 ta' Ottubru, 2018);
11. Kif inghad mill-Prim'Awla tal-Qorti Ċivili fis-sentenza *Kevin Azzopardi v. L-Onorevoli Prim Ministru et* deciza fis-27 ta' Marzu, 2014, jekk l-eċċezzjoni addizzjonali tkun ta' sura perentorja jew l-eċċezzjoni addizzjonali tkun waħda li tista' titqajjem f'kull stadju skont il-Kap 12 tal-Liġijiet ta' Malta, allura l-qorti ma tistax tinghata bid-diskrezzjoni li tara jekk kienx hemm raġuni tajba għaliex dawn l-eċċezzjonijiet ma jkunux tressqu qabel iżda hija marbuta li thallihom jittressqu fil-kawża. Tassew l-uniku sfharrig li trid tagħmel il-qorti f'qagħda b'hal din, huwa li tikkonferma jekk l-eċċezzjoni addizzjonali li trid titressaq mill-konvenut hijiex tabilhaqq ta' sura perentorja jew inkella din hijiex eċċezzjoni li tista' titqajjem f'kull stadju skont il-Kap 12 tal-Liġijiet ta' Malta;

12. Imhaddem dan kollu għall-każ tagħna, l-eċċezzjoni addizzjonali li l-kumpannija konvenuta trid iżżid mal-eċċezzjonijiet tagħha hija l-eċċezzjoni li l-ftehim tas-16 ta' Ottubru, 2020 li fuqu l-kumpannija attrici sejsset il-kawża tagħha, huwa null minhabba li dan ma sarx fis-sura ta' att pubbliku skont l-artikolu 1719(1) tal-Kap 16 tal-Liġijiet ta' Malta;
13. Ma hemmx dubju li kif tajjeb tgħid il-kumpannija attrici fit-twegiba tagħha, din l-eċċezzjoni kienet żgur magħrufa lill-kumpannija konvenuta meta hija hejjiet u pprezentat ir-risposta maħlufa għaliex jekk il-ftehim tas-16 ta' Ottubru 2020 sarx b'att pubbliku jew b'kitba privata, wiehed seta' jkun jafu dakinhar li gie ffirmat il-ftehim. Għalhekk skont l-artikolu 728 tal-Kap 12 tal-Liġijiet ta' Malta din l-eċċezzjoni kien imissha tqajmet mill-ewwel fir-risposta maħlufa u l-qorti ma tistax tkun sodisfatta li hemm raġunijiet tajba għaliex din l-eċċezzjoni ma nġhatatx minnufih fir-risposta maħlufa;
14. Madankollu l-qorti ma tistax tieqaf hawn, imma trid tara jekk din l-eċċezzjoni addizzjonali li trid tiġi mressqa, hijiex waħda li tista' titqajjem f'kull stadju skont il-Kap 12 tal-Liġijiet ta' Malta jew inkella hijiex waħda ta' sura perentorja skont l-artikoli 731 u 732 tal-Kap 12 tal-Liġijiet ta' Malta;
15. L-eċċezzjoni tan-nullità tal-ftehim ta' transazzjoni minhabba li din ma saritx fil-forma ta' att pubbliku mhijiex eċċezzjoni li skont il-Kap 12 tal-Liġijiet ta' Malta tista' titqajjem f'kull stadju tal-proċeduri. Għalhekk id-deroga msemmija fl-artikoli 731 tal-Kap 12 tal-Liġijiet ta' Malta ma tgħoddx;
16. Li rridu naraw mela huwa jekk din l-eċċezzjoni hijiex waħda ta' għamla perentorja skont l-artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta;
17. Ingħad mill-Qorti tal-Appell fis-sentenza *Pauline Brockdorff v. Mondial Travel* maqtugħa fit-28 ta' Novembru, 2008, illi eċċezzjonijiet perentorji li jaqgħu taħt l-artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta, «huma daww li jekk jintlaqgħu jeżawrixxu

għalkollox il-mertu b'mod li l-kawża ma tistax terġa' tiġi proposta kontra l-istess konvenut»;

18. Il-qorti tqis li l-eċċezzjoni ulterjuri tan-nullità tal-ftehim ta' transazzjoni li l-kumpannija konvenuta trid illi tithalla tressaq hija waħda ta' sura perentorja għaliex jekk din l-eċċezzjoni tinstab li hija waħda tajba, din għandha s-saħħa li toqtol il-jedd li qiegħda tfittef il-kumpannija attriċi f'din il-kawża. Jekk il-ftehim tas-16 ta' Ottubru, 2020 jiġi dikjarat null minhabba li skont l-artikoli 1212 u 1716(1) tal-Kap 16 tal-Liġijiet ta' Malta ma tkunx giet imħarsa xi formalità mitluba mil-liġi, allura ma jkunx possibbli għall-kumpannija attriċi li hija titlob li tiġi mħallsa d-danni minhabba nuqqas ta' twettiq ta' dak il-ftehim. Dan hu hekk, għaliex ladarba dak il-ftehim jiġi dikjarat null allura dak il-ftehim ma jkunx jorbot aktar bejn il-partijiet;
19. Barra minn hekk, din il-qorti aktar tkompli tikkonvinci ruħha li din l-eċċezzjoni hija waħda ta' sura perentorja għaliex skont l-artikolu 1226(1) tal-Kap 16 tal-Liġijiet ta' Malta, l-eċċezzjoni ta' nullità ta' ftehim tista', **f'kull żmien**, tiġi mogħtija minn dak li jkun imħarek għall-esekuzzjoni tal-kuntratt, fil-każijiet kollha li fihom huwa nnifsu seta' jaġixxi għar-rexxissjoni (ara f'dan is-sens *Jeffrey Farrugia et v. Salvina Xuereb pro et noe* deċiża mill-Qorti tal-Appell fit-13 ta' Lulju, 2020). F'dan il-każ, in-nullità tal-ftehim tas-16 ta' Ottubru, 2020 tista' titqajjem mill-kumpannija konvenuta għaliex kienet parti fih;
20. Darba għalhekk li l-eċċezzjoni li trid tqajjem il-kumpannija konvenuta hija waħda perentorja, din il-qorti ma tistax skont l-artikolu 732 tal-Kap 12 tal-Liġijiet ta' Malta żżommha milli tressaqha;
21. Il-qorti tagħlaq billi tirreferi għas-sottomissjoni tal-kumpannija attriċi li ġa hemm proċeduri oħra bejn il-partijiet dwar in-nullità tal-ftehim tas-16 ta' Ottubru, 2020. Dawn il-proċeduri li l-kumpannija attriċi qiegħda tagħmel riferenza għalihom huma l-proċeduri bin-numru 435/2021AJD li Building Energy Technologies Limited fethet kontra Magri Bathrooms Limited u oħrajn;

22. Il-qorti fliet ir-rikors maħluf li tressaq minn Building Energy Technologies Ltd fil-kawża 435/2021AJD, li kopja tiegħu ġie esebit f'paġni 18 sa 81 ta' dawn l-atti, u tqis li għalkemm f'dik il-kawża qiegħed tabilhaqq jintalab in-nullità tal-ftehim tas-16 ta' Ottubru, 2020, madankollu r-raġuni tan-nullità mqajma f'dawk il-proċeduri ma sarix fuq il-fatt li l-ftehim ma sarx b'att pubbliku iżda saret fuq il-fatt li dak il-ftehim sar b'qerq jew bi żball;
23. Minhabba f'hekk ma hemmx dak ix-xkiel li qed tgħid li hemm il-kumpannija attriċi sabiex titressaq din l-eċċezzjoni ulterjuri, ladarba r-raġuni tan-nullità li trid tqajjem Building Energy Technologies Ltd f'din il-kawża hija differenti mir-raġuni ta' nullità mqajma fil-kawża 435/2021AJD;

### Deċiżjoni

Għaldaqstant għal dawn ir-raġunijiet, din il-qorti qiegħda tilqa' t-talba tal-kumpannija konvenuta, kif miġjuba fir-rikors tagħha tal-1 ta' Settembru, 2021, u b'hekk tawtorizzaha illi tressaq l-eċċezzjoni miżjuda dwar in-nullità tal-ftehim tas-16 ta' Ottubru, 2020 minhabba allegat nuqqas ta' harsien tal-artikolu 1719(1) tal-Kap 16 tal-Liġijiet ta' Malta. Din l-eċċezzjoni għandha tiġi mressqa formalment mill-kumpannija konvenuta permezz ta' risposta maħlufa ulterjuri li għandha tiġi mressqa fl-atti ta' din il-kawża fi żmien ġimagħtejn mil-lum.

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Christian Falzon Scerri  
Imħallef

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Mary Josephine Musu  
Deputat Reġistratur

# Government Gazette



## Gazzetta tal-Gvern ta' Malta The Malta Government Gazette

Nru./No. 20,775  
Prezz/Price  
€7.38

Il-Gimgha, 28 ta' Jannar, 2022  
Friday, 28th January, 2022

Pubblikata b'Awtorità  
Published by Authority

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### NUMRI ĠODDA TA' BIBIEN FL-IMGARR

BIS-SAHHA tal-poteri mogħtija bl-artikolu 115 tal-Kodiċi tal-Liġijiet tal-Pulizija (Kap. 10), il-Prim Ministru għogħbu jordna illi n-numri/ismijiet ta' bibien fit-triq imsemmija fl-Imgarr, hawn taħt elenkati u speċifikati f'din l-iskeda, għandhom jinbidlu kif jidher fl-iskeda msemmija.

### NUMBERING OF DOORS AT L-IMGARR

IN exercise of the powers conferred by section 115 of the Code of Police Laws (Cap. 10), the Prime Minister has been pleased to order that the numbers/names of the doors in the undermentioned street at L-Imgarr, specified in the subjoined schedule, be altered as stated in the said schedule.

#### SKEDA/SCHEDULE L-IMGARR

#### TRIQ PROFS. DAVID H. TRUMP

In-naħa tax-xellug meta tidhol minn  
Triq Sir Temi Zammit

In-naħa tal-lemin meta tidhol minn  
Triq Sir Temi Zammit

*Left side entering from Triq Sir Temi Zammit*

*Right side entering from Triq Sir Temi Zammit*

Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number	Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number
Garaxx	1	Sit bla bini	2
Bieb bla numru (Flettijiet)	3	Sit bla bini	4
Garaxx	5	Sit bla bini	6
Garaxx	7	Garaxx	8
Sabinella	9	Springfield	10
Garaxx	11	Garaxx	12
Bieb bla numru	13	Bieb bla numru	14
Garaxx	15	Mystic Rose	16
Great White	17	Garaxx	18
Garaxx	19	Bieb bla numru (Flettijiet)	20
Thistle	21	Garaxx	22
		Garaxx	24
		Garaxx	26

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Nru. 127

No. 127

### NUMRI ĠODDA TA' BIBIEN F'MARSASKALA

BIS-SAHHA tal-poteri mogħtija bl-artikolu 115 tal-Kodiċi tal-Liġijiet tal-Pulizija (Kap. 10), il-Prim Ministru għogħbu jordna illi n-numri/ismijiet ta' bibien fit-triq imsemmija f'Marsaskala, hawn taħt elenkati u speċifikati f'din l-iskeda, għandhom jinbidlu kif jidher fl-iskeda msemmija.

### NUMBERING OF DOORS AT MARSASKALA

IN exercise of the powers conferred by section 115 of the Code of Police Laws (Cap. 10), the Prime Minister has been pleased to order that the numbers/names of the doors in the undermentioned street at Marsaskala, specified in the subjoined schedule, be altered as stated in the said schedule.

#### SKEDA/SCHEDULE MARSASKALA

#### TRIQ IL-GRIGAL

In-naħa tax-xellug meta tidhol minn  
Triq is-Salini

In-naħa tal-lemin meta tidhol minn  
Triq is-Salini

*Left side entering from Triq is-Salini*

*Right side entering from Triq is-Salini*

Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number	Isem/Numru Qadim Name/Old Number	Numru Ġdid New Number
14, Le Chaim	1	Garaxx	2



kerrej bejn l-1 ta' Jannar u l-31 ta' Diċembru, 2020, u fuq il-kapital tal-kerrej fil-31 ta' Diċembru tal-2020;

3. Jiddikjara u jiddeċiedi illi ai termini tal-Att XXIV tal-2021, il-keira għandha tiġi riveduta għal ammont li ma jeċċedix it-2 fil-mija fis-sena tal-valur liberu u frank tas-suq miftuħ tal-fond 117, Fl. 3, Triq is-Sur, L-Isla u sabiex jiġu stabbiliti kundizzjonijiet godda fir-rigward tal-keira;

4. Jordna, f'każ illi l-intimat Carmel sive Charles Degiorgio (KI 354863M) ma jissodisfax il-kriterji tad-dhul u tal-kapital tat-test tal-mezzi, l-iżgumbrament tal-istess intimat Carmel sive Charles Degiorgio (KI 354863M) mill-fond inkwistjoni 117, Fl. 3, Triq is-Sur, L-Isla, fi żmien qasir u perentorju stabbilit minn dan il-Bord u mhux aktar tard minn sentejn mill-1 ta' Gunju, 2021.

Bl-ispejjeż u bl-ingunzjoni tal-intimati għas-subizzjoni u b'riserva u mingħajr preġudizzju għal kwalsijasi azzjoni oħra li tista' talvolta tiġi prezentata.

Rikorrenti: 79, The Orchid, St Francis Street, Hal Balzan

Intimat: 117, Fl. 3, Triq is-Sur, L-Isla  
L-Awtorità tad-Djar

Ir-rikors fi-ismijiet Jean Paul Zammit et vs Carmel sive Charles Degiorgio et, Rikors numru 660/2021LC, jinsab differit għall-4 ta' Frar, 2022, fi-10.00 a.m.

Reġistru tal-Qrati Superjuri, illum 26 ta' Jannar, 2022

ALEXANDRA DEBATTISTA  
Għar-Registatur, Qrati Civili u Tribunali

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Pemezz ta' digriet mogħti mill-Qorti tal-Maġistrati (Malta) fil-15 ta' Diċembru, 2021, fi-atti tal-irtira uffiċjali numru 973/2021, fi-ismijiet Finance House plc vs Aaron Galea ordnat is-segwenti pubblikazzjoni biex iservi ta' notifika fil-konfront tal-intimat Aaron Galea a tenur tal-Artikolu 187(3) et sequitur tal-Kap. 12.

Fil-Qorti tal-Maġistrati (Malta)

Illum t-28 ta' April, 2021  
Lil Aaron Galea (KI 499994M) ta' Blk B, Flat 18, Triq il-Hawha, San Gwann

Pemezz tal-preżenti Finance House plc (C58869) ta' Arnes House, Triq l-Imdina, Haz-Zebbuġ, Malta, tinterpellak sabiex immedjatament thallas is-somma ta' €1,442.16 oltre l-imghax legali mill-iskadenza ta' kull kambjala sal-pagament effettiv, rappreżentanti 9 skadenzi ta' kambjali, kull waħda b'valur ta' €160.24, liema kambjali mmaturaw fil-15-il

shall be based on the income of the lessee between 1st January and 31st December, 2020, and on the capital of the same lessee on the 31st December, 2020;

3. Declare and decide that in accordance with Act No XXIV of 2021, the rent shall be revised to an amount not exceeding 2% of the free and unencumbered open market value of the premises 117, Fl. 3, Triq is-Sur, Isla and to establish new conditions regarding the lease;

4. Order that if the respondent Carmel sive Charles Degiorgio (ID 354863M) does not meet the criteria of income and capital of the means test, the eviction of the same respondent from the premises in question within a short and peremptory time established by this Board and by not later than two years from the 1st June, 2021.

With costs against the respondents who are from now summoned so that a reference to their oath be made and without prejudice to any other action that may eventually be brought.

Applicants: 79, The Orchid, St Francis Street, Hal Balzan

Respondent: 117, Fl. 3, Triq is-Sur, Isla  
Housing Authority

The application in the names Jean Paul Zammit et vs Carmel sive Charles Degiorgio et, Application number 660/2021LC, has been postponed for hearing to the 4th February, 2022, at 10.00 a.m.

Registry of the Superior Courts, today 26th January, 2022

ALEXANDRA DEBATTISTA  
For the Registrar, Civil Courts and Tribunals

By means of a decree of the 15th December, 2021, handed down by the Court of Magistrates (Malta) in the records of the judicial letter number 973/2021 in the names Finance House plc vs Aaron Galea the following publication was ordered for the purpose of effecting service on the respondent Aaron Galea in terms of Article 187(3) et sequitur of Cap. 12.

In the Court of Magistrates (Malta)

Today 28th April, 2021  
To Aaron Galea (ID 499994M) of Blk B, Flat 18, Triq il-Hawha, San Gwann

By the present Finance House plc (C58869) of Arnes House, Triq l-Imdina, Haz-Zebbuġ, Malta, solicits you so that immediately you pay the amount of €1,442.16 besides the legal interest from the due day of each bill of exchange till the effective payment representing 9 bills of exchange each of the value of €160.24, which bill of exchange matured on the

gumata ta' kull xahar minn Settembru 2019 sa Mejju 2020 rispettivament (kopji hawn annessi u nmarkati Dok. A1-A9).

Din l-irtira uffiċjali qed issirlek a tenur tal-Artikoli 253(e) u 256(2) tal-Kodiċi tal-Organizzazzjoni u Procedura u għaldaqstant il-mittenti javvertik illi jekk fi żmien għoxrin gumata min-notifika ta' din l-irtira uffiċjali inti ma turix lill-Qorti raġunijiet gravi u validi biex topponi l-eżekuzzjoni ta' dawn il-kambjali allura dan il-kreditu jiġi rez titolu eżekuttiv u jinħargu kontra tiegħek il-mandati eżekuttivi kollha spettanti lilu skont il-liġi.

Tant biex tagħraf timxi u tirregola ruhek u bl-ispejjeż kontra tiegħek.

Reġistru tal-Qrati tal-Maġistrati (Malta), illum s-27 ta' Jannar, 2022

ALEXANDRA DEBATTISTA  
Għar-Registatur tal-Qrati Civili u Tribunali

15th day of each month from September 2019 till May 2020 respectively (copies here attached and marked as Doc. A1-A9).

This judicial letter is being made in terms of Articles 253(e) and 256(2) of the Code of Organisation and Civil Procedure and thus the interpellant warns you that if within twenty days from the notification of this judicial letter you do not show to this Court grievous and valid reasons to oppose the execution of this bills of exchange, thus this credit will be rendered executive title and all the executive warrants will be issued against you according to law.

For you to be guided accordingly and to know how to proceed and with costs against you.

Registry of the Court of Magistrates (Malta), today 27th January, 2022

ALEXANDRA DEBATTISTA  
For the Registrar, Civil Courts and Tribunals

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B' digriet tad-19 ta' Jannar, 2022, mogħti mill-Qorti Civili Prim'Awla, din il-Qorti ordnat il-pubblikazzjoni tal-estratt li jidher hawn taht biex iservi ta' notifika skont l-Artikolu 187(3) u 338 (1) tal-Kodiċi tal-Procedura u Organizzazzjoni Civili (Kap. 12)

B' digriet tas-27 ta' Jannar, 2020, mogħti mill-Qorti Civili Prim'Awla, din il-Qorti ordnat il-pubblikazzjoni tal-estratt li jidher hawn taht biex iservi ta' notifika skont l-Artikolu 338 (1) tal-Kodiċi tal-Procedura u Civili (Kap.12)

Il-lib' Rikors u Ċedolata 'Kompensazzjoni kontestwalment prezentati minn Bank of Valletta plc (C2833) fit-23 ta' Jannar, 2020, qed tintalab tpaċija tal-ammont ta' €150,000 prezz minnhom offert fil-bejgħ bl-irkant 74/16 fi-ismijiet Bank of Valletta plc (C2833) vs John Bugeja (KI 16067M) mizmmum taht l-Awtorità ta' din il-Qorti fis-16 ta' Jannar, 2020.

Skont Artiklu 338 (2) tal-Kapitlu 12: Kull min jista' jkollu interess u l-persuni hekk notifikati għandhom żmien għoxrin gumata biex jipprezentaw tveġiba li fha jiddikjaraw bid-dettall ir-raġunijiet għall-oppozzjoni tagħhom u s-somom kontestati; u meta dik l-oppozzjoni tkun imsejha fuq talba li tolgot ir-rikavat tal-bejgħ u allegata kawza ta' preferenza, huma għandhom jiddikjaraw l-ammont ta' dik it-talba u l-bazi għal dik il-preferenza. Dawn il-persuni għandhom fimmkien mar-risposta jipprezentaw kull prova rilevanti sabiex jissostanzjaw l-opoizzjoni tagħhom.

Reġistru tal-Qorti Superjuri, illum il-Hamis, 27 ta' Jannar, 2022

GAETANA AQUILINA  
Għar-Registatur, Qrati Civili u Tribunali

By a decree of the 19th January, 2022, given by the Civil Court First Hall, the Court ordered that the extract hereunder mentioned be published for the purpose of service according to article 187(3) and 338 (1) of the Code of Organization and Civil Procedure (Cap. 12)

By a Decree of the 27th January, 2020, given by the First Hall Civil Court, the Court ordered that the extract hereunder mentioned be published for the purpose of service according to the Article 338 (1) of the Code of Organization and Civil Procedure (Cap. 12).

That by application and a Schedule of set-off filed contemporaneously by Bank of Valletta p.l.c. (C2833) on the 23rd January 2020, the approval of the said judicial acts is being demanded for the amount of €150,000 following judicial sale by auction 74/16 in the names Bank of Valletta plc (C2833) vs John Bugeja (ID 16067M) held under the Authority of the said Court on the 16th January, 2020.

According to Article 338 (2) of Cap. 12: Any person who may have an interest and the persons so served shall be allowed the time of twenty days to file an answer stating in detail the reasons for their opposition and the amounts in contestation; and where such opposition is based on a claim against the proceeds of sale an alleged cause of preference, they are to state the amount of such claim and the basis for the preference. Such persons shall with the answer file all relevant evidence to substantiate their opposition.

Registry of the Superior Courts, this Thursday, 27th January, 2022

GAETANA AQUILINA  
For the Registrar, Civil Courts and Tribunals

# Secondary Sources of Legal Research

- Secondary sources offer insight into the primary sources
- Don't carry the weight of law
  
- Legal Textbooks
- Treaties if not ratified
- Legal Commentaries
- Law Reviews and Articles
- Reports
- Dissertations
- Legal Dictionaries



# Tertiary Sources

- These are sources that index, abstract, organize, compile, or digest other sources. Chief purpose is to list, summarize or simply repackage



A screenshot of a document viewer interface. The top toolbar includes a search icon, navigation arrows, a page indicator '1 of 610', zoom controls with a minus sign, a plus sign, and 'Automatic Zoom', and other utility icons like a refresh, print, and share icon. The main content area displays the title page of a legal document:

*CIVIL CODE* [CAP. 16. 1

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**CHAPTER 16**

# Are the following primary, secondary or tertiary?

- Court files
- Parliamentary minutes
- Decision given by a local tribunal in case of vehicle or COVID contraventions
- Letters and speeches about the law or judgments
- Published compilation of court judgments

