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Types of legal professions

Malta

This page provides you with an overview of the legal professions in Malta. Legal professions – introduction Prosecutors Judges Barristers / Lawyers Notaries
Other legal professions Registrar and staff of the Courts

Legal professions – introduction

The legal professions in Malta are those of lawyer, notary public and legal procurator.

Lawyers have rights of audience before all courts.

Notaries public are considered public officials, and they draft and publish public acts.

Legal procurators have the right of audience before the lower courts: in practice, most of their work consists of following up legal acts, both those related to court cases and those related to other claims in the court registry.

The legal profession in Malta is organised as a unitary system, and public prosecutors are appointed from amongst practising lawyers.

Prosecutors

Organisation

Under Article 91 of the Constitution, the **Attorney General** is vested with constitutional functions and the Office of the Attorney General is established as a government agency under the Attorney General Ordinance, Chapter 90 of the Laws of Malta.

In accordance with the Constitution of Malta, the Attorney General has the same security of tenure as a judge and exercises independent judgement in matters concerning criminal prosecutions, as well as carrying out the functions prescribed by the Criminal Code in relation to criminal prosecutions.

The Attorney General is assisted by the Deputy Attorney General, the Assistant Attorney General and other legal officers.

Role and duties

The Attorney General is the **public prosecutor** before the **Criminal Court and the Court of Criminal Appeal**. Certain prosecutions initiated by the police require the prior consent of the Attorney General.

In exercising the powers to launch, perform or discontinue criminal proceedings as conferred on him or her by any law authorising the exercise of such power, the Attorney General is not subject to the direction or control of any other person or authority.

The Attorney General also acts as **legal advisor** to the Government and legal officers from the Office of the Attorney General also **represent the Government** before the civil and constitutional courts.

The Office of the Attorney General is also the competent authority in most matters concerning **legal cooperation** in the civil, commercial and criminal law fields.

The Office of the Attorney General **represents the Republic of Malta** before international courts and represents the Government at international meetings concerning legal and judicial cooperation.

The Office also **drafts legislation** and assists in its passage through Parliament.

Judges

Organisation

Judges and Magistrates are appointed by the President of the Republic on the advice of the Prime Minister. They are independent of the executive and enjoy security of tenure. A person must have practised as a lawyer in Malta for a period of not less than seven years to qualify for appointment as a magistrate, and twelve years for appointment as a judge. They can be removed from office by the President in the event of proven inability to perform the functions of their office (whether arising from infirmity of body or mind or from any other cause) or proven misbehaviour, upon an address by the House of Representatives supported by the votes of not less than two-thirds of all members thereof.

Organisation of the legal profession: Lawyers

Barristers / Lawyers

Role and duties

Lawyers are professionals authorised to provide **legal advice and opinions** as well as to **represent** their clients before courts, tribunals or other legal forums.

To be able to practise as a lawyer in Malta, individuals must be in possession of a warrant issued by the President of the Republic and under the Public Seal of Malta. Those holding such a warrant must, before beginning to practise, take an oath of allegiance and an oath of office before the Court of Appeal in a public sitting.

Organisation

The **Malta Chamber of Advocates** represents advocates admitted to the Bar of Malta. It is a voluntary, non-political, non-governmental organisation funded by the fees payable by members and from funds raised from the activities it organises, and is legally recognised as the consultative and participatory organ of advocates in matters relating to the organisation and administration of justice.

There is only one type of lawyer in Malta, and **the terms 'lawyer' and 'advocate' are used interchangeably**. The profession is regulated by the **Commission for the Administration of Justice**, which is composed of the President of Malta, the Chief Justice, the President of the Chamber of Advocates and other members of the judiciary, as well as other legal professionals. All complaints against lawyers are handled by a committee of five lawyers which then makes recommendations to the Commission for the Administration of Justice on the disciplinary action to be taken. Three of the five lawyers are appointed by the Chamber of Advocates, thus giving the Chamber effective powers of regulation over the profession.

The Chamber of Advocates maintains an informative website dedicated to the profession, which also includes a **directory**. The directory is divided into two parts: the part accessible to the general public contains details of all lawyers who are members of the Chamber of Advocates, while a private members' area contains details of all lawyers known to the Chamber of Advocates.

Over the past years the Chamber has organised a number of academic conferences and seminars, as well as a series of monthly lectures in a drive to promote a culture of continuous legal development of all lawyers.

Legal databases

The website of the [Chamber of Advocates](#) provides information on the corps, including news, a calendar of events, and a [lawyer database](#). There is also an area restricted to members which provides additional services for lawyers.

Is access to this database free of charge?

Yes, access to this database is free of charge.

Notaries

Role and duties

Notaries are public officers warranted to receive acts done by any person during his/her lifetime and wills, and to attribute public faith thereto. As a result of such obligation and duty, they are also responsible for the custody of these same documents and may issue copies of these documents. Chapter 55 of the Laws of Malta (Notarial Profession and Notarial Archives Act) delineates what other powers and functions a notary has.

Notaries take an oath of allegiance and an oath of office before the Court of Appeal prior to commencing the practice of this profession.

The supervision over all Notaries, Notarial archives and the Public Registry is exercised by a special court called the **Court of Revision of Notarial Acts**. This Court is composed of members appointed by the Minister responsible for notarial matters from amongst retired judges and magistrates and from among advocates and notaries public.

The Court may, whenever it considers it to be expedient and without giving notice, visit and inspect the Archives, the Public Registry or the office of any notary.

In January each year, the **Malta Government Gazette** publishes the details of all notaries practising in Malta.

Organisation

The Notarial Council is the general body overseeing the notarial profession, and is entitled, either on its own initiative or following the receipt of a complaint, to investigate the conduct of any notary considered to be acting in a manner that is at variance with the decorum of the notarial profession. The Council may also deal with any accusation of negligence or abuse made against any notary in the course of his or her professional conduct or in connection with professional matters, unless the power to do so is vested in some other authority as set out in Articles 85 and 94 of Chapter 55: Notarial Profession and Notarial Archives Act of the Laws of Malta, or in any other law.

Legal databases

The [official website of the Notarial Council](#) (Malta) contains information about the **Notarial Council**, general information useful for the public and for notaries as well as a directory containing details of Notaries Public who practise in Malta. The database is accessible to the general public and is free of charge.

Other legal professions

Legal procurators

To be able to practise as a legal procurator in Malta, individuals must be in possession of a warrant issued by the President of the Republic and under the Public Seal of Malta. Those holding such a warrant must, before beginning to practise, take an oath of allegiance and an oath of office before the Court of Appeal in a public sitting.

The principal duty of the legal procurator is to assist the lawyer by whom he or she is retained in relation to court proceedings. They are thus involved in filing written pleadings to court registries on behalf of clients and generally performing other services in connection with the preparation of lawsuits by lawyers.

Legal procurators have rights of audience before magistrates' courts and special tribunals and boards, and are able to give advice.

The **Commission for the Administration of Justice** is the body responsible for regulation of this profession in Malta. A [section](#) on the website of the Maltese Ministry for Home Affairs and National Security is dedicated to the profession of legal procurators and is accessible to the general public.

Registrar and staff of the Courts

The **Registrar of the Courts** is responsible for the registries and the officers attached to them, the filing and service of judicial acts, execution of executive titles, such as judgments, and warrants through Court appointed marshals, judicial sales by auction, trials by jury and other criminal court procedures.

[Deputy Registrar](#)  (377 Kb) [en](#)

[Judicial Assistant](#)  (374 KB) [en](#)

[Registry Clerk](#)  (378 Kb) [en](#)

Related links

[Malta Chamber of Advocates](#)

[Official website of the Notarial Council \(Malta\)](#)

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