

Home>Taking legal action>Where and how>Costs

## Costs

### Malta

This page provides you with information about judicial costs in Malta. For a more in-depth analysis on the costs of proceedings, please consult the following case studies: [Family law – custody of the children](#) [Family law – alimony](#) [Commercial law – contract](#) [Commercial law – responsibility](#)

#### Regulative framework governing fees of legal professions

The fees charged by legal practitioners are regulated by Tariff E of the **Code of Organisation and Civil Procedure (COCP)**, Chapter 12 of the Laws of Malta.

#### Lawyers

The fees charged by lawyers are regulated by Tariff E of Schedule A annexed to the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta). Advocates are also guided by the Code of Ethics and Conduct for Advocates when establishing their fee: this is done either by the advocate himself or by agreement between him and his client. This Code of Ethics considers a fee to be reasonable if it is in keeping with specific factors, such as the time required, the novelty and difficulty of the issues involved; responsibility undertaken, the time limitations, the nature and length of the professional relationship; the experience, reputation and ability of the advocate, the costs recoverable from the other party.

#### Fixed costs

##### Fixed costs in civil proceedings

##### Fixed costs for litigants in civil proceedings

Fixed costs for litigants vary depending on the nature of the case and whether it has a monetary value.

##### Stage of the civil proceeding where fixed costs must be paid

Filing fees and registry fees must be paid when the judicial proceedings are filed.

At the end of a judicial procedure, a bill of costs - including taxes - is produced. If the registry fees calculated turn out to be higher than what was paid when the case was filed, the difference must be calculated and requested from the party who instituted the case.

##### Fixed costs in criminal proceedings

##### Fixed costs for litigants in criminal proceedings

No costs are incurred in criminal proceedings.

##### Stage of the criminal proceeding where fixed costs for litigants must be paid

Civil party costs are not awarded in criminal proceedings. Nevertheless, at the end of a case, the court may order the accused to pay all the experts' expenses incurred by the prosecution.

##### Fixed costs in constitutional proceedings

##### Fixed costs for litigants in constitutional proceedings

Fees for constitutional cases, in the first instance, are as follows:

Filing an application	€58.53
Registry fee	€58.23
Service of acts (per notification)	€6.99

**Legal professionals' fees** billed at the end of a case can range from €46.49 to €698.81. Other professional costs that may be incurred in a case are: €46.59 for every minor application filed; €9.32 for every subpoena; €23.29 for an affidavit, €4.66 for copies of acts, and €186.35 for written submissions.

##### Stage of constitutional proceedings where fixed costs must be paid

The costs are paid when the proceedings are filed.

#### Prior information to be provided by legal representatives

##### Rights and obligations of the parties

Lawyers are bound to deal with their clients according to the **Code of Ethics** drawn up by the **Commission for the Administration of Justice**. The code gives lawyers various duties towards their clients. However, the obligations mentioned above are not reflected in the code.

##### Costs to be involved being borne by the successful party

The successful party normally recuperates all judicial costs provided that the judgment orders the unsuccessful party to pay the costs.

##### Costs to be involved being borne by the unsuccessful party

The unsuccessful party has to pay the costs of the case and those of the successful party.

#### Costs sources

##### Where can I find information on cost sources in Malta?

Tariffs A to L of the COCP (Chapter 12 of the Laws of Malta) set out all the various costs and fees due in court procedures. You can access these on the website of the [Ministry for Justice, Culture and Local Government](#).

##### In what languages can I obtain information on cost sources in Malta?

All laws are drafted in **Maltese** and **English**, as both are the official languages of Malta.

##### Where can I find information on mediation?

Information on mediation is available from the website of the [Maltese Arbitration Centre](#).

##### Where can I find additional information on costs?

##### Available website on cost information

The **Legal Services Section** of the [Ministry for Justice, Culture and Local Government](#) website provides you with:

All national main and subsidiary **legislation**

**Legal publications**, including Acts, Bills, Legal Notices and bye-laws.

##### Where can I find information on the average length of time that different procedures take?

There is no specific information on the length of the various procedures. However, on the website of the [Courts of Justice](#) you can find information and statistics on cases being introduced, heard and decided by the courts on a monthly basis, among other data.

Twice a year, an **age analysis** is published on this site, indicating the age of the cases being heard by each and every judge and magistrate in all civil courts and tribunals.

#### **Where can I find information on the average aggregate cost for a particular type of proceeding?**

See above.

#### **Value-added tax**

##### **How is this information provided?**

All registry costs are exempt from VAT. However, 18 percent VAT must be paid on fees indicated in the tariffs and payable to legal referees, the parties' respective solicitors and other court appointed experts.

#### **Legal aid**

##### **Applicable income threshold in the area of civil justice**

Although there are exceptions for certain kinds of proceedings, a person generally qualifies for legal aid if:

He or she does not possess property of any sort with a net value that amounts to or exceeds €6988.22, not including the everyday household items considered reasonable and necessary to the applicant and his or her family

His or her annual income is not higher than the national minimum wage established for persons of eighteen years or over.

##### **Applicable income threshold in the area of criminal justice for defendants**

The law does not prescribe a specific threshold. Nevertheless, legal aid for defendants in criminal justice cases is provided as of right when the defendant has been unable to brief an advocate, or where she or he requests the benefit of legal aid.

##### **Applicable income threshold in the area of criminal justice for victims**

The law does not prescribe a specific threshold. Nonetheless, the Justice Unit is (over and above any private legal counsel engaged by the victim) bound by law to provide all necessary assistance and support to any victim of crime, with the ultimate aim of providing due compensation.

##### **Other conditions attached to the granting of legal aid for victims**

No further conditions are attached to the granting of legal aid for the victims of crime. However, alleged victims are expected to provide all information requested and in their possession, and offer full cooperation to the **Justice Unit and the Attorney General's Office**.

##### **Other conditions attached to the granting of legal aid for defendants**

There are no other conditions attached to granting legal aid to defendants. However, the law gives the **Advocate for Legal Aid** the right to decline aid on any ground that, in the opinion of the court, prima facie (on the face of it) justifies refusal. Nevertheless, even under such circumstances, the law requires the court to ensure that a defendant is represented by itself appointing an advocate.

##### **Cost-free court proceedings**

All court proceedings are cost-free once a party is granted the benefit of legal aid.

#### **When does the unsuccessful party have to pay the successful party's costs?**

It is the sole prerogative of the court to decide how to apportion and award the costs of a case. There are no rules of practice.

#### **Experts' fees**

Experts' fees are regulated by Tariffs G and K of the COCP (Chapter 12 of the Laws of Malta).

#### **Translators' and interpreters' fees**

Tariff B of Chapter 12 of the **Laws of Malta** states that, for every translation required by law or by the court:

The registry fee is €34.94.

The fee payable to an interpreter ranges from €11.65 to €58.23 per hour at the discretion of the Registrar.

Translators are paid between €11.65 and €58.23 per document, which is also at the discretion of the Registrar.

#### **Related links**

[Ministry for Justice, Culture and Local Government](#)

[Maltese Arbitration Centre](#)

[Legal Services Section](#)

[Courts of Justice](#)

#### **Background material**

[Report from Malta - Study on the Transparency of Costs\(742 Kb\)](#)

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