Which country's court is responsible?

Malta

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The choice of court or tribunal depends on the nature of your case. The absolute majority of civil and commercial cases fall under the jurisdiction of ordinary civil courts, since there is no commercial court. There are a few specialised tribunals, including:

The Industrial Tribunal (Tribunal Industrijali) – hears cases related to unfair dismissal and discriminatory treatment or unlawful treatment at the work place.

The Rent Regulation Board (Bord tal-Kera) – hears cases related to changes in lease conditions including rent increases and termination of leases. These cases must be related to a lease agreement concluded before the 1 June 1995.

The Land Arbitration Board (Bord tal-Arbitraġġ dwar Artijiet) – hears cases dealing with the classification of expropriated land and the amount of compensation due to the owner.

All these Tribunals hold their sessions in Valletta in the same building where the ordinary courts are located.

See also the reply to question number 4 of the section “Bringing a case to court”.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

To determine in which court you must file your case, it is important that you consult Cap 12 of the Laws of Malta called the Code of Organization and Civil Procedure.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Yes, a distinction is made between the Superior Courts and the Inferior Courts. The distinction is that Inferior Courts can hear and decide cases of a purely civil nature regarding all claims up to an amount of €15,000. The Superior Courts, on the other hand, hear and decide cases of a purely civil nature regarding all claims that exceed the amount of €15,000, and any case (independently from the value of the claim) dealing with immovable property or related to easements, burdens or other rights annexed to immovable property, including any claim for the ejectment or eviction from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode there. See also the reply to answer number 4 of the section “Bringing a case to court”.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

The basic rule of territorial jurisdiction is the place where the defendant resides. In Malta jurisdiction is divided between Malta and Gozo. There are no courts related to different cities. For persons residing or having their residence in Malta, the case must be filed in a court in Malta. Conversely, for persons residing or who have their ordinary residence in the Island of Gozo, the case must be filed in Gozo.

2.2.1 The basic rule of territorial jurisdiction

See the reply to question number 2.2.

2.2.2 Exceptions to the basic rule

An exception to the basic rule is when the obligation is to be performed in a particular island. For instance, if the defendant lives in Gozo but the obligation subject to the claim is to be performed in Malta, Maltese Courts have jurisdiction and all cases must be filed in Maltese Courts in spite of the fact that the defendant lives in Gozo.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The rules of territorial jurisdiction according to Maltese law do not provide for the choice of court between parties.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

This has to be done when the obligation is to be performed in a particular island.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

There are no legal provisions regarding this issue. According to Maltese law, parties cannot choose to attribute jurisdiction to a court that would not be competent otherwise, even if the parties agree. The lack of competence of the Court may be raised by the court itself because it is a point/rule of public order.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The website https://judiciary.mt/il-qrati/ gives certain information about the court in which you should file your case. Furthermore, you can access the website https://legislation.mt/ and there you may access Maltese laws and discover where to file the case. Advice should be sought from the lawyer or legal procurator who signs the acts. In regard to specialised Tribunals, their jurisdiction and competence are explained in the laws setting them up.

Links relatati

http://www.justice.gov.mt English

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