Online processing of cases and e-communication with courts

Malte

1 Is it possible to initiate court proceedings via the internet?

Yes, you may, but this depends on the court/tribunal before which the proceedings are to be instituted.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

The following are proceedings that may be initiated by means of an application via the internet:

Proceedings before the Small Claims Tribunal;

Proceedings before the Administrative Review Tribunal; and

Proceedings before the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) in its inferior jurisdiction.

There are no proceedings that are only available via the internet.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

This facility is available 24 hours a day, seven days a week, but the claim/application is processed during Court opening hours, that is from 9 am until 3 pm (from 1 October to 15 June) and from 8 am to 12 pm (from 16 June to 30 September). If the claim/application is filed outside these times, it is regarded as having been filed on the following working day at the times mentioned above.

4 Should the details of the claim be provided in any particular format?

For claims in the Small Claims Tribunal, this is done by completing the appropriate form, which is available online, with all of the details required for it to be submitted for processing.

In the case of an Application before the Administrative Review Tribunal and also the Court of Magistrates (Malta) and before the Court of Magistrates (Gozo) in its inferior jurisdiction, the details must first be filled in as required by the eform and a scanned copy of the application must then be attached in the format required by law, together with the documents, if any.

5 How is transmission and storage of data secured?

Transfer of data is effected in an *encrypted* manner and the retention thereof is regulated by Government policy.

6 Is it necessary to use any kind of electronic signature and/or time record?

When initiating a claim before the Small Claims Tribunal, it is not necessary to use any kind of electronic signature. However, replies, replies to counterclaims and appeals before that Tribunal are signed electronically, since these require logging on with an e-id.

Where legal action is brought before the Administrative Review Tribunal, the Court of Magistrates (Malta), and the Court of Magistrates (Gozo) in its inferior jurisdiction, this is automatically signed electronically since this is a service offered only to lawyers and legal procurators after they register for such a service by means of the e-id.

Concerning the time, as soon as a claim/application is filed, the time and date are generated automatically.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Yes, the fees related to the act filed online are also paid online. The fees are the same as those paid when the acts are not filed electronically.

8 Is it possible to withdraw a claim that has been initiated via the internet?

This cannot be done online. Anyone wishing to withdraw a case must visit the Court Registry in person to do so.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

In the case of proceedings before the Small Claims Tribunal, the Administrative Review Tribunal, the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) in its inferior jurisdiction, the online service provided is only for the institution of proceedings. It is not yet possible to reply to this type of proceedings via the internet.

In the case of proceedings before the Small Claims Tribunal, as well as instituting a case it is also possible to file a reply, a reply to a counterclaim and an appeal online.

The respondent is not obliged to reply via the internet.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

Regardless of whether or not there is a reply to the claim, the case is set down for hearing.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Regardless of whether or not there is a reply to the claim, and once the time limit for that reply has elapsed, the case is set down for hearing.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

It is possible to file documents electronically when they are filed together with the original claim which is also being made electronically.

13 Can judicial documents, and particularly judgments, be served via the internet?

According to Maltese law, service of judgments is not required.

14 Can judicial decisions be given electronically?

All preliminary or final judgments are read out in open court and a copy is given to the parties or the legal representative present at the hearing. It is, however, possible to obtain an electronic copy of the judgment as will be explained below.

15 Can an appeal be made and its decision served via the internet?

An appeal via the internet is only possible in the case of an appeal against the decision of the Small Claims Tribunal, but the judgment cannot be notified via the internet.

16 Is it possible to initiate enforcement proceedings via the internet?

This is not possible.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

The *Justice Services* website provides an online service for decisions which can be accessed free of charge by legal representatives as well as by the general public.

In addition to this website, legal professionals can use their e-id to subscribe to the eCourts service at https://ecourts.gov.mt/onlineservices/ where they can have access to cases, judicial acts and warrants.

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