Time limits on procedures

Málta

1 What are the types of deadlines relevant for civil procedures?

The general procedure under Cap 12 of the Laws of Malta is that a person has twenty days from the date of service to file his reply. There are special laws, however, that stipulate different time limits.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

1 January, 10 February, 19 March, 31 March, Good Friday, 1 May, 7 June, 29 June, 15 August, 8 September, 21 September, 8 December, 13 December, 25 December.

3 What are the applicable general rules on time limits for the various civil procedures?

In general, a person against whom civil proceedings have been brought has twenty days in which to file his reply in court. However, there are special laws that stipulate shorter or longer time limits, as the case may be.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

From the date of service.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No, the method of transmission does not affect the starting time. It is the date of service that is taken into account.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

In general, the time period begins elapsing from the next day. However, it is possible for the law or the Court to set a time limit whereby the date of service is taken into account for the calculation of the time period.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

In Maltese law, unless it is expressly indicated that the law refers to working days, the days mentioned by law are considered to be calendar days.

8 When such a period is expressed in weeks, in months or in years?

When calculating the time period, a day is considered to be a 24-hour period, while months and years are calculated according to the calendar.

9 When does the deadline expire if expressed in weeks, in months or in years?

When calculating the time period, a day is considered to be a 24-hour period, while months and years are calculated according to the calendar.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, if the deadline expires on a non-working day (i.e. a Saturday, Sunday or public holiday) this is extended to the next working day in accordance with section 108 of Cap 12 of the Laws of Malta.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

The deadline can only be extended if authorised by a court and the person is permitted to file his reply if he can demonstrate, to the court's satisfaction, solid grounds for failing to file the sworn reply.

12 What are the time limits for appeals?

After the delivery of a judgement by a court of first instance, a person may file an appeal within twenty days (calendar days) from the date of its delivery. The respondent is allowed twenty days to reply. In constitutional cases, if the action was brought by means of an application, the time limit for an appeal is twenty days from the delivery of the judgement. If the case is referred to the Constitutional Courts by another court, an appeal has to be filed within eight working days. The respondent in a constitutional case has eight working days within which to reply. If a ruling is being appealed before the final judgement, the appeal must be filed within six days from the day the ruling is read out in open court. This is the general procedure. It must be noted, however, that there are special laws that stipulate different time limits for appeal if the appeal is to be heard in a different tribunal from those mentioned above.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

All ordinary civil cases must be appointed for hearing within two months and sittings must be held on a bi-monthly basis. The court may choose not to fix hearings from 16 July to 15 September of each year.

In constitutional cases, the court must fix a date for hearing which falls within eight working days from the date of filing of the application, or from the filing of a reply by the respondent in the time given for that reply or, if no reply is filed, from the expiry of that time limit.

In the case of summary or special proceedings, the defendant must be summoned to appear no earlier than fifteen days and no later than thirty days from service.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

In Malta there are no places where a resident might benefit from an extension of a time limit.

15 What are the consequences of non-observance of the deadlines?

If time limits are not respected, the party involved is held to be in contempt of court and loses the right to file a reply and produce evidence. Before delivering its judgement, however, the court will still give the defendant a brief and peremptory period of time to make written or oral submissions against the plaintiff's claim. The party in default retains the right to appeal against the final judgement should this not be in his favour.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

They are required to provide justification for their default. If the court decides that they have good reason for defaulting, it may authorise them to file a reply.

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