Ordonanța asiguratorie europeană de indisponibilizare a conturilor bancare
European Account Preservation Order

Malta

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The Court competent to issue the European Account Preservation Order is the First Hall of the Civil Court.
Telephone: +356 2590 2256; Email courts.csa@courtservices.mt
Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

Article 50(1)(b) – Authority designated as competent to obtain account information

The authority designated as competent to obtain account information is the Registrar, Civil Courts and Tribunals.
Telephone: +356 2590 2346/260; E-mail: courts.csa@courtservices.mt
Address: Courts of Justice, Republic Street, Valletta VLT2000, Malta

Article 50(1)(c) – Methods of obtaining account information

Under national law the method indicated in Article 14(5)(c) is available, namely the possibility for the courts to oblige the debtor to disclose with which bank or banks in its territory (s)he holds one or more accounts where such an obligation is accompanied by an in personam order by the court prohibiting the use, withdrawal or transfer by him/her of funds held in his/her account or accounts up to the amount to be preserved by the Preservation Order.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The Court with which an appeal against refusal to issue the European Account Preservation Order may be lodged is the Court of Appeal in its superior jurisdiction.
Telephone: +356 2590 2256/283
E-mail: courts.csa@courtservices.mt
Address: Courts of Justice, Republic Street, Valletta VLT2000, Malta

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The authority designated as competent to receive, transmit and serve the European Account Preservation Order and other documents is the Office of the State Advocate.
Telephone: +356 22265000; E-mail: info@stateadvocate.mt
Address: Office of the State Advocate, Casa Scaglia, 16, Triq M.A. Vassalli, Valletta, VLT1311, Malta

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The authority competent to issue the European Account Preservation Order is the First Hall of the Civil Court.
Telephone: +356 2590 2256; Email courts.csa@courtservices.mt
Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Under national law, joint or nominee accounts cannot be preserved.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

As a general rule, under Article 381(1) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), a specific request from the debtor is required for a garnishee order to be issued on any of the following:
(a) any salary, or wages (including bonus, allowances, overtime and other emoluments);
(b) any benefit, pension, allowance or assistance mentioned in the Social Security Act or other allowance of any person receiving a Government pension;
(c) any charitable grant or donation made by the Government;
(d) any bequest expressly made for the purpose of maintenance, if the debtor has no other means of subsistence and the debt itself is not due in respect of maintenance;
(e) any sum due for maintenance whether awarded *officio judicis*, or by public deed if the debt itself is not due in respect of maintenance;
(f) monies which have been made available to the debtor by deed of loan for the building, construction and maintenance of houses intended as a main dwelling place for the debtor;
(g) overdraft banking facilities excluding credit cards by means of which commercial going concerns run by the debtor are being operated;
(h) bank guarantees and letters of credit.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Under national law, banks are not entitled to charge fees. There is a legal fee for the deposit of monies in the court, but this legal fee is charged to anyone asked to deposit in court monies belonging to the debtor and to the person who actually deposits the monies. This amount is deducted from the total amount of money deposited in the court, which is to be paid by the creditor.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Pursuant to the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), the fee for processing garnishee orders is EUR 50. Concerning enforcement, the fee is EUR 7 for each notification issued and EUR 0.35 for each copy, where necessary.
The fees must be paid at the time of filing of the application.
These are the fees to be paid to the Court for the filing and processing of the act in question. It must be noted that these fees do not include costs due to the lawyers and procurators.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Garnishee orders are ranked in the order in which they were filed. Once the banks are notified of the garnishee order, they deposit the amount (if money is available) indicated in that specific order in the court before proceeding to deposit subsequent amounts indicated in garnishee orders that are notified to them

at a later stage. Concerning any possible withdrawal of the amount deposited in the Court by the creditor, in the event of competition of creditors, before the money can be withdrawn competition proceedings must take place in the court at the request of the creditors themselves. This is in accordance with Articles 416 *et seq*. of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The enforcement court competent to grant a remedy is the First Hall of the Civil Court

Telephone: ex +356 2590 2256

E-mail: courts.csa@courtservices.mt

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

For Preservation Orders that follow an enforceable act, the Court with which appeals are to be lodged is the Court of Appeal in its superior jurisdiction. The time limit for the submission of such appeals is six days from the date on which the decree is read out in open court, pursuant to Article 281(4) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

Details of the Court of Appeal:

Telephone: +356 2590 2256/283

E-mail: courts.csa@courtservices.mt

Address: Courts of Justice, Republic Street, Valletta VLT 2000, Malta

Article 50(1)(n) – Court fees

(a) The fee for issue of a garnishee order: EUR 50 + EUR 7 for each notification + EUR 0.35 for each copy, where necessary.

(b) Application pursuant to Article 836 of the Code of Organisation and Civil Procedure for issue of a counter-warrant: EUR 40 + EUR 7.20 for each notification.

(c) Counter-warrant: EUR 20 + EUR 7 for each notification + EUR 0.35 for each copy, where necessary.

Concerning applications for a remedy following the issue of a Preservation Order, the fee is EUR 20 for the application and EUR 7.20 for each notification. The fees must be paid at the time of filing of the application.

These are the fees to be paid to the Court for filing of the legal act in question. It must be noted that these fees do not include costs due to the lawyers and procurators.

Article 50(1)(o) – Languages accepted for translations of the documents

Malta accepts Maltese and English only.

Last update: 25/03/2023

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