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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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Case study 2 - family law - custody of the children - Malta

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorised to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access.

Costs in Malta

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	€181.68	N/A	N/A	€98.99	N/A	€116.47	Yes	

Case B	€181.68	N/A	N/A	€98.99	€116.47	No	
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Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	Yes	From a minimum of €81.53 to €174.70	Not compulsory	N/A	N/A	No	N/A
Case B	Yes	From a minimum of €81.53 to €174.70	Not compulsory	N/A	N/A	No	N/A

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	No	N/A	Precautionary warrant against the amount demanded	€23.28	N/A	N/A
Case B	No	N/A	Precautionary warrant against the amount demanded	€23.28	N/A	N/A

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Legal Aid is applicable if the person lives on social benefits or minimum wage and if he /she does not possess more than one property	N/A	N/A
Case B	Legal Aid is applicable if the person lives on social benefits or minimum wage and if he /she does not possess more than one property.	N/A	N/A

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	YES	Depends on the outcome of the judgment	Private consultation with the lawyers (extra-judiciary costs)	N/A
Case B	YES	Depends on the outcome of the judgment	Private consultation with the lawyers (extra-judiciary costs)	N/A

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	A translation is made upon the request of either one of the parties	€17.47 (the flat rate paid as	Applicable only when a witness is	Between €11.65 and €58.23/hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other Member States

	involved. Translation is done from Maltese to English or vice versa only. Translations into other languages are to be provided by parties at their own expense.	registry fee for each translation)	neither Maltese nor English speaking			
Case B	A translation is made upon the request of either one of the parties involved. Translation is done from Maltese to English or vice versa only. Translations into other languages are to be provided by parties at their own expense.	€17.47 (the flat rate paid as registry fee for each translation)	Applicable only when a witness is neither Maltese nor English speaking	Between €11.65 and €58.23/hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other Member States

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Case study 3 - family law - alimony - Malta

In this case study on family law – alimony, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child's custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A.

Costs in Malta

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	€181.68	N/A	N/A	€98.99	N/A	€116.47	Yes	
Case B	€181.68	N/A	N/A	98.99		€116.47	No	

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	Yes	0.5% of alimony payable for a period of 10 years which fees may be raised to 1% by mutual agreement between client and lawyer, provided that any fee in excess of the established 0.5% is not recoverable from the other party.	Not compulsory	N/A	N/A	No	N/A

Case B	Yes	Depends on amount claimed	Not compulsory	N/A	N/A	No	N/A
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Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	No	N/A	Precautionary warrant against the amount demanded	€23.28	N/A	N/A
Case B	No	N/A	Precautionary warrant against the amount demanded	€23.28	N/A	N/A

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under what conditions is it applicable?	When is support total?	Conditions?
Case A	Legal Aid applies if the person lives on social benefits or minimum wage, and if he/she does not possess more than one property.	N/A	N/A
Case B	Legal Aid is applicable if the person lives on social benefits or minimum wage, and if he/she does not possess more than one property.	N/A	N/A

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total, what is percent-age in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	YES	Depends on the outcome of the judgement	Private consultation with the lawyers (extra-judiciary costs)	N/A
Case B	YES	Depends on the outcome of the judgement	Private consultation with the lawyers (extra-judiciary costs)	N/A

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	A translation is only made upon the request of either one of the parties involved. Translation is done from Maltese to English or vice versa only. Translations into other languages are to be provided by parties at their own expense.	€17.47 (the flat rate paid as registry fee for each translation)	Applies only when a witness is neither Maltese nor English speaking	Between €11.65 and €58.23/hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other member states
	A translation is only made upon the					

Case B	request of either one of the parties involved. Translation is done from Maltese to English or vice versa only. Translations into other languages are to be provided by parties at their own expense.	€17.47 (the flat rate paid as registry fee for each translation)	Applies only when a witness is neither Maltese nor English speaking	Between €11.65 and €58.23/hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other member states
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Case study 4 - commercial law - contract - Malta

In this case study on commercial law – contract, Member States were asked to advise the seller on litigation costs in order to consider the following situations: Case A – National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed.

The seller decides to sue to obtain the full payment of the price.

Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

Costs in Malta

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	€ 680.16		N/A	€ 195.65		N/A	N/A	N/A
Case B	€ 680.16		N/A	€ 195.65		N/A	N/A	N/A

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	YES	Lawyer: €681.53 Legal procurator: €227.18	Not compulsory	N/A	N/A	NO	N.A
Case B	YES	Lawyer: €681.53 Legal Procurator: €227.18	Not compulsory	N/A	N/A	No	N/A

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	NO	N/A	Precautionary warrant against the debt indicated	€ 46.59	N/A	N/A
Case B	NO	N/A	Precautionary warrant against the debt indicated	€ 46.59	N/A	N/A

Costs for legal aid and other reimbursement

Case study	Legal Aid			Reimbursement			
	When and under what conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total, what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	NO	N/A	N/A	YES	Depends on the outcome of the judgement	Private consultation with the lawyers (extra-judiciary costs)	N/A
Case B	NO	N/A	N/A	YES	Depends on the outcome of the judgement	Private consultation with the lawyers (extra-judiciary costs)	N/A

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	When only one of the parties is English speaking	€ 34.94	Applies only when a witness is neither Maltese nor English speaking	Between €11.65 and €58.23 / hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other member states.
Case B	When only one of the parties is English speaking	€ 34.94	Applies only when a witness is neither Maltese nor English speaking	Between €11.65 and €58.23 / hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other member states.

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Case study 5 - commercial law - responsibility - Malta

In this case study on commercial law – responsibility, Member States were asked to advise the customer on litigation costs in order to consider the following situations:

Case A – National situation: A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

Case B – Transnational situation: A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.

Costs in Malta

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals		
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees
Case A	Minimum of €712.77 (depends also on the value claimed)		N/A	€ 195.65		N/A
Case B	Minimum of €712.77 (depends also on the value claimed)		N/A	€ 195.65		N/A

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	YES	Depends on value claimed	Not compulsory	N/A	N/A	Not compulsory, but in this case highly probable	De-pends on value claimed
Case B	YES	Depends on value claimed	Not compulsory	N/A	N/A	Not compulsory but in this case highly probable	De-pends on value claimed

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	NO	N/A	Not applicable because the value to be claimed is not quantified	N/A	N/A	N/A
Case B	NO	N/A	Not applicable because the value to be claimed is not quantified	N/A	N/A	N/A

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under what conditions is it applicable?	When is support total?	Conditions?
Case A	Legal aid is applies if the person lives on social benefits or minimum wage, and if he /she does not possess more than one property.	N/A	N/A
Case B	Legal aid applies if the person lives on social benefits or minimum wage, and if he/she does not possess more than one property.	N/A	N/A

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percent-age in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	YES	Depends on the outcome of the judge-ment	Private consultation with the lawyers (extra-judiciary costs)	N/A
Case B	YES	Depends on the outcome of the judge-ment	Private consultation with the lawyers (extra-judiciary costs)	N/A

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	When only one of the parties is English speaking	€ 34.94	Applies only when a witness is neither Maltese nor English speaking	Between €11.65 and € 58.23 / hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other member states.

Case B	When only one of the parties is English speaking	€ 34.94	Applies only when a witness is neither Maltese nor English speaking	Between €11.65 and €58.23 / hour	Costs incurred notifying the party residing abroad	Depends on the fees charged by other member states.
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