

Regulations.
Added by:
[XXI.2002.193.](#)

1009B. The Minister responsible for justice may make regulations for the implementation of the provisions of this Code and, in general, to bring the provisions of this Code into effect.

SCHEDULE A

(Articles 75, 179, 666, 967 and 1004)

TARIFFS REFERRED TO IN THE CODE OF ORGANIZATION AND CIVIL PROCEDURE

TARIFF A

Fees payable in respect of the trial of causes in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

- 1 (a) In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of possession and jactitation suits or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, all the fees provided for in this Tariff, with the exception of the tariff stated in paragraph 3 shall be rebated by 50%:
- Provided that in the case of actions for the correction or cancellation of registrations on the basis of article 253 of Cap. 16 €20
- (b) The same shall apply with regard to the execution of a promise of sale or of a promise of transfer both of movable and immovable property.
- (c) No fees shall be due for any act filed by a curator *ex officio* acting in that capacity, subject to a refund by plaintiff at the termination of proceedings.
- 2 (1) For the filing of any petition, sworn application or other act of procedure containing a claim which initiates a contentious procedure in a Court of First Instance and requiring the decision of a Judge or Magistrate as well as for any reply, answer or other act of procedure in reply thereto and intended to contest, whether totally or partially, the claim made . €120

Amended by:
 XI.1859.42;
 IX.1886.128;
 G.N. 136 of 1919;
 G.N. 475 of 1929;
 G.N. 549 of 1939;
 G.N. 653 of 1942;
 G.N. 139 of 1949;
 L.N. 49 of 1980;
 L.N. 99 of 1980.
Substituted by:
 L.N. 102 of 1980.
Amended by:
 L.N. 56 of 1981;
 XIII.1983.4,5; L.N. 3 of 1986; L.N. 28 of 1988;
 VIII.1990.3;
 L.N. 116 of 1992;
 L.N. 91 of 1995;
 L.N. 124 of 1996.
Substituted by:
 L.N. 142 of 2000.
Amended by:
 L.N. 197 of 2000;
 L.N. 8 of 2001;
 L.N. 277 of 2005;
 XXII.2005.75;
 L.N. 181 of 2006.
Substituted by:
 L.N. 407 of 2007.
Amended by:
 L.N. 371 of 2011;
 L.N. 224 of 2014.
Substituted by:
 L.N. 36 of 2015.
Amended by:
 L.N. 69 of 2015;
 XLV.2016.5.

Provided that the above fee shall include the filing of all other acts of procedure and court services (including but not limited to filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, the transmission of the records of causes, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for the notification of acts and fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

(2) For the filing of any petition, sworn application or other legal act initiating a contentious procedure in a Court of Appeal and requiring the decision of a Judge as well as for any reply, answer or other act of procedure in reply thereto and intended to contest, whether totally or partially, the appeal €200

Provided that in respect of an answer to an appeal which does not contain a cross appeal, there shall be paid a fee of €80

Provided that no fee shall be payable under this paragraph for any appeal filed in terms of any other law which already provides a fee to be paid for such an appeal:

Provided further that the above fees shall include the filing of all other acts of procedure and court services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, the transmission of the records of causes, taxed bill of costs and copies of the judgement) required following the initiation of the appeal through the said act up to and including final judgement but excluding any fees due for the notification of acts and any fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

(3) No fee shall be levied under this paragraph for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.

- 3 (1) In addition to the fees stated in paragraph 2, on the filing any petition, application, or other act of procedure containing a claim which initiates a contentious procedure in a Court of First Instance and requiring the decision of a Judge or Magistrate and when the registry fee is assessable on a determinate value or on a value which may be determined according to law or from the act itself, the following fees shall also be due:
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| (a) up to €7,000 per €100 or part thereof | €3.90 |
| (b) in respect of any value in excess of €7,000 up to €10,000, per €100 or part thereof | €2.75 |
| (c) in respect of any value in excess of €10,000 up to €25,000 per €100 or part thereof | €2.50 |
| (d) in respect of any value in excess of €25,000 up to €100,000 per €100 or part thereof | €1.90 |
| (e) in respect of any value in excess of €100,000 up to €200,000, per €100 or part thereof | €1.20 |
| (f) in respect of any value in excess of €200,000, per €100 or part thereof | €0.90 |

Provided that the fees established in sub-paragraphs (a) to (f) of this paragraph shall be inclusive of any declaration, which may be necessary, and of any decree given in a cause up to final judgement.

- (2) (a) In addition to the fees stated in paragraph 1, on the filing of a statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made in a Court of First Instance, the fees stated in sub-paragraph (1) of this paragraph shall also be due but shall be rebated by 50%
- (b) The amount to be paid in accordance with subparagraph (a) of this paragraph is to be paid not later than the day preceding the day of the first court sitting in the case, and in the event that such payment is not effected, such act of procedure shall be deemed not to have been done.
- (c) In computing such amount, the Registrar shall, together with the notified act concerning which the act is done, inform such person of the amount to be paid and by which date.

- (d) In the case of special summary proceedings or proceedings in the Court of Magistrates or any other proceedings where the act of procedure is filed in the Court and not in the registry, the fees due shall be paid not later than the day preceding the day of the sitting following the filing of the act, and if such payment is not effected, such act of procedure shall be deemed not to have been done.
- (e) The provisions of subparagraph (c) shall not apply in the eventualities provided for in subparagraph (d).
- (3) Any counter-claim contained in any act of procedure stated in sub-paragraphs (1) or (2) of this paragraph shall be treated as if it is a new claim and the fees set out in sub-paragraphs (1) and (2) of this paragraph shall be levied on the counter claim and the reply thereto.
- (4) In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of possession and jactitation suits or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, causes respecting the execution of a promise of sale or of a promise of transfer both of movable and immovable property, causes of spoliation requesting that works be carried out under the supervision of the Court, the fees stated in this paragraph shall not apply but there shall be levied a one time fee of €100
- (5) The fees established in sub-paragraph (1) of this paragraph shall be raised by one-third on appeal, but no fee shall be due in terms of subparagraph (2) of this paragraph.
- (6) No fee shall be payable under this paragraph for any appeal filed in terms of any other law which already provides a fee to be paid for such an appeal.
- (7) In the case of appeals filed in terms of any other law for which no fee is established in terms of that law, including appeals filed in terms of articles 41 and 75 of the Environment and Development Planning Act (Cap. 504), the fees established in terms of this paragraph shall not be due but there shall be levied a one-time fee of €120

4 (1) When the value of a claim is uncertain or indeterminate and the fees stated in paragraph 3 cannot be applied, the value of the claim shall be assessed in accordance with the following rules:

(a) In actions brought by the Government or by any Authority or Public Corporation where the claim is for the recovery of a penalty which has both a minimum and a maximum fixed by law, the value to be assessed shall be the maximum amount of the penalty fixed by law.

(b) In actions concerning the partition of property whether *inter vivos* or *causa mortis* and independently of whether the actual partition is requested or not, and in actions concerning succession, the claimant may, together with his claim, submit a list of the property the partition of which is being requested or which is involved in the succession together with a declaration, signed and attested to on oath by a perit in the case of immovables and by a competent valuer in the case of movables, certifying the valuation of such property, and the value shall be assessed on the total sum shown on such valuation:

Provided that in no case shall the fee taxed be less than €700

(c) In actions concerning the payment of annuities, allowances and the like the fee taxed shall be ... €700

(d) In actions relating to the ranking of creditors, bankruptcy proceedings or any other adjudication upon competing claims the claimant shall together with his claim submit a valuation by a certified accountant of the assets and liabilities being the subject of the claim and the value to be assessed shall be the higher sum between the assets and liabilities:

Provided that in no case shall the fee taxed be less than €700

- (e) In causes concerning a claim that the Court declares that plaintiff has a right to any property or on any property against another person, the claimant shall submit a sworn statement approximately attesting to the amount he considers claiming should his right thereto be established and the value on which the fee shall be taxed shall be such value as is declared by plaintiff:

Provided that in no case shall the fee to be taxed be less than €250

- (f) In causes where the claim is for the Court to declare the existence of a right of the claimant against any other person which right may reasonably be inferred to be followed by a liquidation of the amount due, even if such liquidation is not requested in the claim, the claimant shall be obliged together with his claim to submit a sworn declaration stating the approximate sum which he believes he could claim if his right is established, and the value to be assessed shall be the value declared by the claimant:

Provided that in no case shall the fee taxed be less than €700

- (2) Where, notwithstanding the rules contained in sub-paragraph (1) of this paragraph, the value is still uncertain or indeterminate, the fee taxed shall not be less than €700

- (3) Notwithstanding the provisions of this paragraph, if, following definitive judgement, the Court will have declared or liquidated an amount as the value of the cause and that value is determinate or shall be determined according to law and the fees due on such value are higher than the amount paid as registry fees, the Registrar of Courts may demand the difference from the party filing the cause; and if at the end of proceedings the value shall still be undeclared or undetermined by the parties or by the said Court, the fees shall be established according to the minimum to which there shall be added €600, saving the right which the registrar has of taxing an additional fee if and when the case may arise.

- (4) Any action requesting the nullity of the issue of a precautionary or executive warrant or requesting the issue of a counter-warrant shall, independently of the act used to initiate the action, be taxed as if it were an application for the issue of a counter-warrant.
- (5) Action for a declaration on point of law or of fact, the taxed fee shall be €650
- 5 (1) In cases of compromise or discontinuance of any cause in a Court of First Instance:
- after contestation of the claim but before the first hearing of the cause, all fees paid in terms of paragraph 3 or 4 will be rebated by 75%
- following the first hearing of the cause but not later than the third sitting thereof, all fees paid in terms of paragraph 3 or 4 will be rebated by . 50%
- following the third hearing of the cause but before the cause has been put off for judgement, all fees paid in terms of paragraphs 3 and 4 will be rebated by 25%
- (2) In cases of compromise or discontinuance of a cause in a Court of Appeal the rebates established in the previous sub-paragraph of this paragraph shall be applied as well but limited only to the fees paid relative to the appeals procedure.
- (3) The fees stated in paragraphs 2 to 4 of this Tariff shall also be due on the filing of any application to a Court to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made in a Court of First Instance or in a Court of Appeal provided that in the event of a judgement of non-suit all fees paid in terms of paragraphs 2 to 4 shall be rebated by 50%
- 6 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee €6.00
- (ii) fee due to the executive officer effecting the service €1.20

Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%; and if such notification is made to the party's legal consultant within the Court building, the fee due shall be two euro thirty-three cents (€2.33) for the full service.

(2) Notwithstanding anything contained in this Tariff, if the notification of any act is to be executed personally by an executive officer of the Court, in cases where the law permits that service be effected otherwise, the following additional fees shall be due for each notification:

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| (i) registry fee | €25 |
| (ii) fee due to the executive officer
effecting the service | €7 |

(3) The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Court in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.

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| 7 For any other act of procedure indicated in the Code of Organisation and Civil Procedure but for which no fee is established in these Tariffs | €20 |
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- 8 For the opening of the registry outside working hours:

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| (i) registry fee | €120 |
| (ii) fee due to attending deputy registrar ... | €50 |
| (iii) fee due to each executive officer
required to effect service | €35 |

- 8A There shall be charged by the Registrar of Courts, in respect of the publication of a court notice in the Gazette, irrespective of the length of such notice, a fee of four euro and sixty-six cents (€4.66).

- 9 (1) Unless otherwise stated, all fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.

(2) The assessment of the Registrar on the amount of fees to be paid shall be final.

(3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of €1.

- 10 (1) The Court may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than €500 and not more than €3,000 if the Court deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.
- (2) The Court may, when delivering judgement, also refer to the Commission for the Administration of Justice the advocate of the plaintiff or of the defendant if the Court deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings.
- 11 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to the Registrar and all payments due to the advocates and legal procurators of the parties and the parties, their advocates and legal procurators shall have the right to a copy thereof at any time.
- (2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up and a copy thereof shall be sent to the parties and their advocates and legal procurators.
- (3) For filing any application requesting a new taxing of fees or the approval of an itemization of expenses made under this item there shall be paid a fee of €50
- 12 With respect to causes which have been presented prior to the coming into force of this Tariff the Registrar shall, on the conclusion of that cause or on the compromise or discontinuance thereof, tax the fees due on the basis of this Tariff deducting therefrom any sums paid to date and any difference in favour of the Registrar shall be due by the party established in this Tariff:
- Provided that this paragraph shall not apply to any cause -
- (i) which, on the day of the coming into force of this Tariff, is put off for judgement;

- (ii) which, following the coming into force of this Tariff but not later than the 30th September 2015, is unconditionally compromised or unconditionally discontinued:

Provided further that any agreement registered in the records of the cause stating that the parties have agreed to discontinue the cause and refer it to the binding decision of the Malta Arbitration Centre shall, for the purpose of this paragraph, be treated as an unconditional compromise or discontinuance:

Provided further that any person acting as mandatory of another person in a cause shall, if he renounces his mandate not later than the 30th April, 2015, be liable for fees calculated in accordance with this Tariff as in force on the 31st December, 2014.

TARIFF B

Fees payable in respect of Judicial Acts and Services not connected with the trial of causes in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

Substituted by:
L.N. 102 of 1980.
Amended by:
XIII.1983.4;
L.N. 91 of 1995.
Substituted by:
L.N. 124 of 1996;
L.N. 142 of 2000.
Amended by:
L.N. 197 of 2000;
L.N. 8 of 2001;
L.N. 277 of 2005;
L.N. 290 of 2005.
Substituted by:
L.N. 407 of 2007.
Amended by:
L.N. 371 of 2011.
Substituted by:
L.N. 36 of 2015.

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1	For the filing of any judicial letter or judicial protest but excluding fees due for any notification required	€15
	Provided that when the judicial letter is required in terms of articles 166A and 253(b) and (e) of Cap. 12	€30
2	For every certificate required to be issued by the Registrar	€20
3	For legalising any note required to be registered in the Public Registry	€25
4	For the affixing of any seal of the Court where this is prescribed by law or by the Court	€20
	Provided that no fee shall be due when such seal is required on any judicial act.	
5	For every copy, authenticated or otherwise, for each page	€0.35
	Provided that no fee shall be due when the copies are provided by the person filing the original act or when copies are requested of a court order.	
6	For every translation required by law or by the Court: registry fee	€40

	fee due to the translator or interpreter	from €10 to €100
7	For every search in the archives of the Court, per individual cause	€5
	and for any copy thereof, whether authenticated or not, per page	€0.35
8	For the administration of an affidavit not in connection with court proceedings	€7
9	For the lodgement of any monies in Court, for any schedule of set-off or redemption, a fee equal to of the money to be deposited, to be set-off or redeemed shall be levied but such fee shall not include the notification of such schedule on third parties indicated in the schedule and provided further that in no case shall such fee be less than Provided that when such lodgement or schedule is required by law, a fee of €25 shall be paid in lieu of the fee of 2%.	2% €25
10	For the lodgement in Court of any object not being monies excluding the service of such schedule on third parties indicated in the schedule	€50
11	For the searching for and inspection of any application for the withdrawal of any monies or things deposited in Court but not including the notification of such application on third parties indicated in the application and for any reply thereto	€20
12	For the opening of the registry outside working hours: (i) registry fee	€120
	(ii) fee due to attending deputy registrar	€50
	(iii) fee due to each executive officer required to effect service	€35
13	(1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due: (i) registry fee	€6
	(ii) fee due to the executive officer effecting the service	€1.20
	Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%; and if the notification has to be made to the legal consultant of the party, the fee due shall be two euro thirty-three cents (€1) for the full service.	

(2) Notwithstanding anything contained in this Tariff if the notification of any act is to be executed personally by an executive officer of the Court, in cases where the law permits that service be effected otherwise, the following additional fees shall be due for each notification:

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| (i) registry fee | €25 |
| (ii) fee due to the executive officer effecting the service | €7 |

(3) The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Court in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.

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| 14 | For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs | €30 |
| 15 | (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.
(2) The assessment of the Registrar on the amount of fees to be paid shall be final.
(3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of €1. | |
| 16 | (a) In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of possession and jactitation suits or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, all the fees provided for in this Tariff shall be rebated by
The same shall apply in actions relating to the execution of a promise of sale or of a promise of transfer both of movable or immovable property.
(b) No fees shall be due for any act filed by a curator ex officio acting in that capacity. | 50% |

TARIFF C

Fees payable in respect of Acts filed in the Court of Voluntary Jurisdiction

- 1 For every application filed and for every answer thereto, not being an application or answer indicated in any of the following paragraphs of this Tariff €15

Provided that the above fee shall include the filing of all other acts of procedure and court services (including but not limited to the filing of all procedural acts, examination of witnesses, preparation and publication of notices, banns and edicts, copies of decrees, taxation of fees and the like) required following the initiation of proceedings through the said application up to and including the final decree but excluding any fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

- 2 For the presentation of every secret will €50

- 3 For any obligation entered in the records of the Court:

- (i) if the value of the estate does not exceed €5,000 €50
- (ii) if the value of the estate does not exceed €20,000 €80
- (iii) if the value of the estate does not exceed € 100,000 €200
- (iv) if the value of the estate exceeds €100,000 €300

- 4 For every report on a reference as to the taxation of fees:

- (i) registry fee €50
- (ii) fee due to the referee appointed by the Court €120

Provided that the Court may order that a higher fee be paid to the referee appointed by the Court if it deems that the work involved so warrants.

- 5 For the examination of accounts:

- (i) registry fee €70

Amended by:
IV.1862.21;
G.N. 162 of 1917;
G.N. 549 of 1939.
Substituted by:
L.N. 102 of 1980.
Amended by:
XIII.1983.4.
Substituted by:
L.N. 142 of 2000.
Amended by:
L.N. 197 of 2000;
L.N. 8 of 2001.
Substituted by:
L.N. 407 of 2007;
L.N. 36 of 2015.

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| | (ii) fee due to the expert appointed by the Court | €250 |
| | Provided that the Court may order that a higher fee be paid to the expert appointed by the Court if it deems that the work involved so warrants. | |
| 6 | For every curatorship in cases of discharge or in connection with edicts: | |
| | (i) registry fee | €20 |
| | (ii) fee due to the curator appointed by the Court | €50 |
| | Provided that the Court may order that a higher fee be paid to the curator appointed by the Court if it deems that the work involved so warrants. | |
| 7 | For the opening of the registry outside working hours: | |
| | (i) registry fee | €60 |
| | (ii) fee due to attending deputy registrar | €25 |
| | (iii) fee due to each executive officer required to effect service | €15 |
| 8 | (1) The fees stated in paragraphs 1 to 5 of this Tariff are inclusive of the filing of any subsequent act of procedure, transport expenses for court executive officers, the filing of valuations or reports by Court appointed experts, the publication of banns and notices in the Government Gazette and any other court service in connection thereto and which is not specifically excluded by this Tariff. | |
| | (2) The fees stated in paragraphs 1 to 5 of this Tariff do not include fees and expenses due to Court appointed experts and to third parties, which fees and expenses shall be taxed separately. | |
| 9 | For any other service or act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs | €15 |
| | Provided that fees for services or acts not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs but rebated by | |
| | | 75% |

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- 10 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee €2.50
 - (ii) fee due to the executive officer effecting service €0.60
- (2) Notwithstanding anything contained in this Tariff, if the notification is to be executed personally by an executive officer of the Court in cases where the law permits that service be effected otherwise, the following fees shall be due for each notification:
- (i) registry fee €25
 - (ii) fee due to the executive officer effecting the service €5
- (3) The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Court in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.
- (4) In the case of circular letters requested by law the above fees shall be reduced by 50%
- 11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.
- (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
- (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of €1.
- 12 No fees shall be due under this Tariff for any act filed by a curator *ex officio* acting in that capacity.
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Amended by:
 VII.1880.10;
 G.N. 340 of 1916;
 G.N. 393 of 1934;
 G.N. 249 of 1941;
 G.N. 653 of 1942;
 G.N. 139 of 1949.
 Substituted by:
 L.N. 78 of 1971;
 L.N. [102 of 1980](#).
 Amended by:
[XIII.1983.4](#).
 Substituted by:
 L.N. [3 of 1986](#).
 Amended by:
 L.N. [28 of 1988](#);
[VIII.1990.3](#);
 L.N. [116 of 1992](#);
 L.N. [91 of 1995](#).
 Substituted by:
 L.N. [124 of 1996](#);
 L.N. [142 of 2000](#).
 Amended by:
 L.N. [197 of 2000](#);
 L.N. [8 of 2001](#);
 L.N. [277 of 2005](#).
 Substituted by:
 L.N. [407 of 2007](#).
 Amended by:
 L.N. [371 of 2011](#);
 L.N. [79 of 2012](#).
 Substituted by:
 L.N. [36 of 2015](#).
 Amended by:
[XLV.2016.6](#);
 Amended by:
[LII.2016.37](#).

TARIFF D

Fees payable in respect of Precautionary and Executive Acts and Judicial Sales by Auction in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

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1	For the filing of a warrant of prohibitory injunction:	
	(i) registry fee	€150
	(ii) fee due to the executive officer required to effect service, for each notification	€7
2	For the filing of a warrant of impediment of departure for children	€60
	fee due to the executive officer required to effect service, for each notification	€7
3	For the filing of any other warrant:	
	(i) registry fee	€50
	(ii) fee due to the executive officer required to effect service, for each notification	€7
4	For the filing of any counter-warrant:	
	(i) registry fee	€20
	(ii) fee due to the executive officer required to effect service, for each notification	€7
5	(1) (a) For the filing of any application for a judicial sale by auction of immovable property including an application to re-appoint a judicial sale by auction which has been suspended:	
	(i) registry fee	€200
	(ii) fee due to the executive officer required to effect service, for each notification	€7
	(b) For filing any application for a judicial sale by auction of movable property, including an application for the re-appointment of a judicial sale by auction which had been suspended:	
	(i) registry fee	€65
	(ii) fee due to the executive officer required to execute the notification, for each notification	€7

- (c) No fee shall be levied for the suspension of a judicial sale by auction or for the re-appointment of a judicial sale by auction, the suspension of which was due to any notification required by law not having been effected or which has been suspended by the court following the request of the debtor.

(2) The fees due in accordance with sub-paragraph (1) shall include all services, fees and expenses required up to the sale itself, except for fees due for the service of any judicial act, which fees shall be taxed separately.

(3) For the storage in Government property of any movable to be sold by auction, per day €30

Provided that the applicant shall, together with the filing of the application for the judicial sale by auction, deposit a sum equivalent to seven days' storage which sum shall be adjusted following the adjudication of the sale or on its suspension.

(4) For the adjudication of any movable or immovable following a judicial sale by auction, for every €100 1%

Provided that in no case shall the fee levied be less than €120

Provided further that when a licensed auctioneer or broker performs the auction, such licensed auctioneer or broker shall be paid the following fees:

- (a) in the case of an auction
of immovable property,
of rights annexed to such
immovable property, of ships
and of commercial going concerns
zero point two per cent of the price
of the item sold, solely from the
applicant on whose demand the
judicial sale is made; and

- (b) in the case of an auction of
movable items
zero point one per cent
of the price of the item
sold, solely from the
applicant on whose
demand the judicial sale
is made:

Provided further that the parties may, in writing, agree that the licensed auctioneer or broker, as the case may be, be paid different fees, not being less than those provided for in paragraphs (a) and (b), and in such proportions as they may so agree in writing.

- 6 For the opening of the registry outside working hours:
 - (i) registry fee €120
 - (ii) fee due to attending deputy registrar €50
 - (iii) fee due to each executive officer required to effect service €35
- 7 (1) Subject to sub-paragraph (2) of this paragraph, the fees stated in paragraphs 1 to 4 of this Tariff are inclusive of all expenses and services required in connection with the execution of the relative act of procedure, any police assistance which the executive officer may require in executing the act, the filing of valuations or reports by Court appointed experts and the publication of banns and notices in the Gazette.
 (2) The fees stated in paragraphs 1 to 4 of this Tariff do not include fees and expenses due to Court appointed experts and to third parties which fees and expenses shall be taxed separately.
- 8 For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs €20
- 9 For every notification, not previously mentioned in this Tariff, of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
 - (i) registry fee €7
 - (ii) fee due to the executive officer effecting the service €2.35

Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%.
- 10 Notwithstanding anything contained in this Tariff if the notification is to be executed personally by an executive officer of the Court in cases where the law permits that notification be effected otherwise, the following fees shall be due, for each notification:
 - (i) registry fee €25
 - (ii) fee due to the executive officer effecting the service €7

- 11 (a) In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of spoliation or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, actions of possession and jactitation suits and actions in respect of the execution of a promise of sale or of a promise of a transfer both of movable or immovable property, all the fees provided for in this Tariff shall be rebated by 50%
- (b) No fees shall be due for any act filed by a curator *ex officio* acting in that capacity.
- 11A For the filing of any warrant issued for the purpose of enforcing a decision of the Consumer Claims Tribunal, all the fees provided for in this Tariff shall be rebated by 50%
- 12 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.
- (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
- (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of €1.
- (4) For filing any application requesting a new taxing of fees or the approval of an itemization of expenses made under this article there shall be paid a fee of €50".
13. Fees for the approval by the Court of sales in accordance with Sub-Title V of Title VII of Part I of Book Second (Of Court Approved Sales of Ships, Vessels and Aircraft) - there shall be paid a registry fee, calculated on the sale value of the asset being sold:

On the first Euro 1,000,000	1%
From Euro 1,000,001 to Euro 5,000,000	0.5%
From Euro 5,000,001 to Euro 10,000,000	0.1%
Above Euro 10,000,000	0.01%

TARIFF E

**Fees payable to Advocates, Legal Procurators
and Official Curators**

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Amended by:
 VII.1856.4,5,6,7;
 IV.1868.15;
 G.N. 136 of 1919;
 G.N. 137 of 1919;
 G.N. 475 of 1929;
 G.N. 393 of 1934;
 G.N. 653 of 1942.
 Substituted by:
 L.N. 7 of 1968.
 Amended by:
 L.N. 9 of 1968;
 L.N.78 of 1971.
 Substituted by:
 L.N.102 of 1980.
 Amended by:
 XIII.1983.4;
 L.N. 3 of 1986;
 L.N. 1 of 1987.
 Substituted by:
 L.N. 121 of 1996.
 Amended by:
 L.N. 154 of 1996;
 XXXI.2002.194;
 L.N. 277 of 2005;
 L.N. 290 of 2005;
 XXII.2005.75.
 Substituted by:
 L.N. 407 of 2007.
 Amended by:
 XXIII.2009.15;
 L.N 371 of 2011;
 L.N. 224 of 2014.

1. (a) For each note of acceptance of banns and for each protest against the sufficiency of a bail for costs, even if such protest is not filed separately	11.65
(b) For each note required to be filed under the provisions of the <u>Commercial Code</u>	11.65
(c) For every note of submission filed in any court,	46.59
..... from	232.94
to	
2. (a) For each application for summoning of witnesses	
(b) For each first application for sale of immovables (including research in the Public Registry, the ordering of certificates of hypothec, and perusal of relative deeds	23.29
..... from	69.88
to	
(c) For any other application	11.65
to	58.23
(d) For any application filed after office hours or on a Sunday or public holiday, there shall be taxed an additional fee of	58.23
3. For each application filed in the Court of Voluntary Jurisdiction:	
(i) if it concerns the admission of minors to an industrial school or to an approved school	6.99
(ii) if it concerns the candidature in a marriage legacy or the renewal of an authorisation previously given, or the taxing of fees	11.65
(iii) in all other cases (including notes of acceptance or waiver of an inheritance)	23.29
Provided that an additional fee shall be taxed when the drawing up of the application, and/or the preparation and/or the filing of the relative documents, entails more work than is ordinarily required.	
4. For each attendance during sittings before the Court of Voluntary Jurisdiction	23.29
5. (a) For each lodgment schedule, even if such lodgment is made with or following a schedule of redemption:	

	€
(i) when the value does not exceed €465.87	11.65
(ii) when the value exceeds €465.87 the fee shall be increased by one <i>per centum</i> (1%) for every additional €100 or part thereof;	
(b) For each schedule of set-off or redemption:	
(i) when the value does not exceed €465.87	11.65
(ii) when the value exceeds €465.87 the fee shall be increased by one <i>per centum</i> (1%) for every additional €100 or part thereof.	
These fees are inclusive of advice concerning the right to claim set-off or exercise redemption.	
6. (a) For the drafting of a judicial letter, whether filed or not	23.29
(b) For the drafting of a judicial protest, whether filed or not	23.29
(c) For the drafting of an affidavit from	4.66
to	34.94
Provided that any judicial letter filed under articles 166A and 253(b) and (e) of Chapter 12 where such judicial letter becomes an executive title, the fee shall be 40% of the amount fixed in article 13, however where a note of admission of the claim is filed such fee shall be reduced to 30%.	
7. For the drafting of each hypothecary protest	23.29
Provided that a fee shall be assessed for the perusal of entries of hypothec and of relative deeds, taking into consideration the number of entries and deeds perused, their importance and/or the amount involved from	
to	69.88
8. For every attendance, before a referee or before a judicial assistant and for every attendance at an inspection <i>in faciem loci</i> , whether ordered by the court or required by the client:	
(i) if the attendance does not last more than one hour and a half	23.29

€

- (ii) if it lasts more than one hour and a half, and provided this circumstance is expressly noted in a *procès-verbal* signed by the referee, the judicial assistant or the deputy registrar, as the case may be, the fee shall be increased by €23.29 in respect of each additional hour or part thereof.

9. When the attendance referred to at paragraph 8 takes place outside Valletta, the fee shall be 27.95

10. If the attendance referred to in the last preceding paragraph lasts more than one hour and a half, and provided this circumstance is expressly noted in a *procès-verbal* signed by the referee the judicial assistant or the deputy registrar, as the case may be, the fee shall be increased by €23.29 in respect of each additional hour or part thereof.

11. (1) For drafting or perusal of a deed for publication by a notary public, which includes fees due for advice, research into liabilities and transfers, tracing of root of immovables, and attendance at publication:

if the value of the interest concerned -

- (i) does not exceed €465.87

from

11.65

to

23.29
- (ii) exceeds €465.87 but does not exceed €6,988.12 per €100 or part thereof 4.66
- (iii) exceeds €6,988.12 but does not exceed €58,234.33 per €100 or part thereof in respect of such excess 2.33

(2) When, in connection with the drafting or perusal of a deed to be published by a notary public, an advocate does not perform all the services referred to in sub-paragraph (1) of this paragraph, the fee therein established shall be assessed in proportion to the services performed unless the advocate assumes the professional responsibility for the deed, in which case the fee established in that sub-paragraph shall be due.

(3) If the value of the interest concerned exceeds €58,234.33 or if the value of the interest concerned is not expressed in money there shall be no Tariff.

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12. To curators appointed to attend at publication of a deed on behalf of absentees or defaulters for attendance and for perusal of the deed, and to any person who in virtue of a right vested in him by the court in terms of the [Merchant Shipping Act](#), transfers any ship or share therein from 69.88
to 582.34

13. For each definitive judgment:

- (i) in respect of the first €1,164.69 or 46.59
part thereof minimum of
10%
whichever
is the
greater
- (ii) in respect of any value in excess of
the first €1,164.69 up to
€23,293.73 per €232.94 6.99
- (iii) in respect of any value in excess
of €23,293.73 per €232.94 2.33

Provided that in respect to the claims referred to in No. 7 (b) of Tariff A, the fee shall be taxed on one-half of the maximum fixed by law for the penalty contemplated therein.

14. When a declaration containing a decision of any point of law or of fact concerns a value determinate or determinable according to law or from the records of the proceedings, the fee in respect of that decision shall be taxed in accordance with paragraph 13, on the value so determined.

15. (a) For any other necessary declaration containing the decision of any point of law or of factfrom 23.29
to 232.94

(b) For each definitive judgement in a cause for a remedy under Chapter IV of the [Constitution](#) or under Chapter 319 or where the annulment of an administrative act is demanded in terms of contestation of article 469A of Chapter 12, or for the contestation of a claim in terms of article 466 of Chapter 12, or for the contestation of a seizure under Chapter 37, or for the payment or refund of a tax, levy, or duty or for appeals filed in terms of articles 41 and 75 of the Environment and Development Planning Act (Cap. 504) from 46.59
to 698.81

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16. In causes for the partition of property, independently of the number of demands contained in the application there shall be taxed only one fee *ad valorem* as in paragraph 13 on the greater sum between the assets and the liabilities of the property to be divided - provided that in causes of partition of property *causa mortis* such fee shall be taxed on the value established as above of each particular estate to be divided between the parties, saving that such fee shall in no case be less than 116.47

17. In causes for the partition of property where the partition of all property involved cannot be carried out except by way of licitation, provided that such a demand is made in the application and upheld in the final judgment, the fees due to each advocate in the cause shall be taxed at the rate of one *per centum* (1%) on the value of the property in licitation provided that in no case shall such fee be more than that assessed according to paragraph 13 or less than .. 116.47

18. In actions respecting the payment of annuities, allowances and the like, if the amounts be indeterminate, the fee shall be taxed as provided in paragraph 13 on the amount awarded in the final judgment, provided that in no case shall such fee be less than 116.47

19. In actions of maintenance, the fee shall be one half *per centum* (½%) on the amount of maintenance payable under the judgment for a period of ten years, provided that if the order refers to provisional maintenance the fee shall be from 11.65
to 34.94

20. In actions of filiation, in other actions concerning the status of individuals and in actions relating to the separation or divorce of married persons irrespective of the number of declarations involved, but saving the fee in respect of any decision on any point of law or of fact which concerns a value determinate or determinable, there shall be allowed a fee from 81.53
to 174.70

21. In actions relating to the ranking of creditors, the minimum fee shall be 116.47

Provided that -

- (i) when there is contestation of the claim either as to the amount or as to ranking the fee shall be as at paragraph 13;

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- (ii) where there is admission of the claim, but such claim does not result from a previous executive title, the fee shall be as at paragraphs 28, 29, 30 and 31, as the case may be.

22. To the advocate of the party making the lodgment there shall be allowed the fee of 23.29

But if there be contestation as to the amount lodged, the provisions contained in paragraph 13 shall apply.

23. In bankruptcy or insolvency proceedings, where there is no contestation concerning the proof of a claim, the fee in respect of that proof of a claim shall be that established for a declaration.

24. In any other action of adjudication upon competing claims, referred to in article 428 of the Code of Organization and Civil Procedure, there shall be taxed a fee as provided in paragraphs 13, 18 and 36.

25. In causes concerning the validity of a redemption or the implementation of a promise of conveyance, the value in the cause for purposes of paragraph 13 shall be the value of the property redeemed or of which the conveyance was promised.

26. For each decree in the cause from 11.65
to 116.47

27. In case of judgments of non-suit, if the judgment is given on pleas touching the principal merits of the cause, there shall be allowed to the advocate the fee established in paragraph 13; in any other case one-half of the fee aforesaid shall be allowed. 116.47

28. Where a cause is discontinued in first or in second instance:

- (i) after the application has been filed, there shall be allowed to the advocate of the plaintiff one-third of the fee established in paragraph 13 when the cause is taxable *ad valorem*;
- (ii) after the statement of defence or the answer has been drafted, there shall be allowed to the advocate of the defendant one-third of the fee established at paragraph 13 when the cause is taxable *ad valorem*.

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29. In case of compromise or discontinuance at any other stage of the proceedings subsequent to contestation but prior to the hearing of the cause, or in case of admission at any stage prior to the commencement of the hearing, there shall be allowed one-half of the fees established at paragraph 13 when the cause is taxable *ad valorem*.

30. If the compromise or discontinuance or admission takes place after the commencement of the hearing of the cause, two-thirds of the fee established in paragraph 13 shall be allowed when the cause is taxable *ad valorem*.

31. If the compromise or discontinuance or admission takes place after the cause has been adjourned for judgment, the whole fee established in paragraph 13 shall be allowed, when the cause is taxable *ad valorem*.

32. (a) If more than one advocate is briefed by the same party in the same action, each of the advocates shall be entitled to the whole of the established fee:

Provided that the party in whose favour the head of costs is decided, although he may have briefed more than one advocate, shall not be entitled to claim from the party cast more than one whole fee.

(b) Where there are two or more plaintiffs or two or more defendants to a suit, each of the parties is entitled to have his own advocate or advocates even if the merit is similar in respect of all the plaintiffs or in respect of all the defendants; and the party ordered to pay the costs shall be bound to pay the proper fees of all the advocates on the prevailing side so long as no one party claims costs in respect of more than one advocate.

33. If an advocate abandons or is abandoned by his client:

- (i) after the application or the answer has been filed, he shall be entitled to one-third of the normal fee;
- (ii) after the above stages but before the cause has been adjourned for judgment, he shall be entitled to two-thirds of the normal fee.

34. The fee due to an advocate whose services have been engaged after the former one has been abandoned by or has abandoned his client before the cause is concluded shall be equal to the difference between the full fee and the fee taxed to the former advocate. The fee due to a third and subsequent advocate shall always be one-third of the full fee.

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35. In every case covered by paragraphs 33 and 34, the party engaging the services of more than one advocate, one after the other, who happens to be on the prevailing side, cannot claim from the party cast more than one whole fee.

36. The fees due to advocates in connection with professional services requiring written pleadings, other than those referred to in paragraph 6, if such pleadings have been prepared but not filed shall be those established in paragraph 15.

37. In connection with professional services at paragraphs 13, 14, 27 to 31, 33 and 34 the minimum fee shall be €46.59.

38. On appeal the fees laid down in paragraphs 13 to 36 inclusive, shall be increased by one-third.

39. In regard to causes before the Court of Magistrates (Gozo) in its superior jurisdiction, there shall be taxed the same fees established in respect of causes before the superior courts and the provisions contained in paragraph 38 of this Tariff shall also apply.

40. Legal procurators shall receive one-third of the fees established by this Tariff for advocates as regards those judicial acts which bear their signature together with that of an advocate, and as regards services at paragraphs 7 and 8. No fees however are taxable to them for any of the services mentioned under the proviso to paragraph 3. For those judicial acts which do not require also the signature of an advocate and which are signed only by a legal procurator, the fee shall be as that due to an advocate.

41. (a) The fees of official curators shall be those established in this Tariff.

(b) Official curators when served with a copy of a judicial act, in connection with which they are not expected to file any written pleading, shall be entitled to the same fee due to an advocate and legal procurator for the same judicial act.

42. An additional fee of €58.23 shall be taxed for every attendance, when an advocate is required to appear before any superior court for any pleadings at an hour when the registry is ordinarily closed.

43. Advocates and legal procurators, when required to appear before the Court of Magistrates (Malta), or before the Court of Magistrates (Gozo) in its inferior jurisdiction, shall be entitled to the following fees:

(a) For every decision of any point of law or of fact contained in a judgment:

Where the amount in issue does not exceed	46.59
€1,164.69	or 10%
	whichever is
	the greater

	€
in respect of any value in excess of €1,164.69, per €100	3.00
(b) Where the cause is admitted, compromised or discontinued at any stage of the proceedings the provisions of paragraphs 28 to 31 shall apply.	
(c) For the drawing up of an application or notice, the filing of which has not taken place	23.29
(d) For each subpoena and relative application	6.99
(e) For every warrant, counter-warrant, application or note of consent	11.65
(f) For each lodgment schedule:	
where the value does not exceed €465.87	11.65
where the value exceeds €465.87 but not €2,329.37 an additional fee of 1% of the excess shall be paid.	
(g) For a note of registration of a judgment or of any other executive title	11.65
(h) For each attendance before a referee or a judicial assistant and for each attendance <i>in faciem loci</i>	23.29
(i) For each attendance before a court required for the hearing of a cause at an hour when the registry is ordinarily closed but not during an ordinary sitting, or on a Sunday or public holiday, in addition to the fees mentioned in this paragraph, an additional fee of €23.29 shall be taxed in respect of each attendance.	
44. (a) Fees taxable to advocates who are appointed as legal referees for each opinion dealt with in the report shall be up to a maximum of €116.47 for each legal point decided. Any calculation or computation of an amount to be awarded as damages or compensation by the courts shall be deemed to be an opinion, and the maximum fee taxable for such an opinion shall be €232.94. The criterion shall be that of the work involved and never the amount assessed by the legal referee.	
(b) The above fees shall also apply to advocates who are appointed to report to the Court of Voluntary Jurisdiction and for the revision of accounts rendered.	
45. For every copy required to be filed with the original, for service as laid down in sub-article (2) of article 174 of the Code of Organization and Civil Procedure	4.66
46. In every case where a fluctuating fee is indicated in this Tariff by a minimum and a maximum, the fee payable in a particular instance shall be established by the registrar, according to the criteria set out in the Code of Ethics and Conduct for Advocates:	

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Provided that in the taxation of fees due to any lawyer who has rendered professional services to a person admitted to the benefit of legal aid the fee shall always be assessed at the minimum:

Provided further that all such fees so assessed shall be subject to revision by the competent Court at the instance of any person interested in accordance with the provisions of article 64 of the [Code of Organization and Civil Procedure](#).

47. (a) The foregoing provisions of this Tariff shall not prohibit an Advocate or a Legal Procurator and his client, from agreeing on a fee, or the basis on which the fee is to be determined which is different from that established by this Tariff, and in any such case the agreed fee or basis for determining it, not being a basis prohibited by law, shall apply, subject to the provisions of the following sub-paragraphs:

Provided that in any case, an Advocate or a Legal Procurator shall inform his client of the applicable fee or the basis on which the fee is to be determined before the service is provided.

(b) Nothing contained in sub-paragraph *(a)* of this paragraph shall affect the taxing of fees as between the parties to judicial acts or proceedings or in respect of any extra-judicial work by advocates or legal procurators to be paid by the other party, which shall be regulated exclusively in accordance with the foregoing paragraphs of this Tariff.

(c) Notwithstanding sub-paragraph *(a)* of this paragraph it shall not be lawful for any advocate to fix by agreement his fees in an amount higher or lower than those fixed in this Tariff in respect of any matters arising under Chapter IV of the [Constitution](#), Book First of Cap. 16, Cap. 5, Cap. 255 and Cap. 319 of the Laws of Malta; and in respect of deeds for the transfer of immovable property where the value does not exceed €58,234.33.

(d) A fee charged by an advocate under an agreement as is mentioned in sub-paragraph *(a)* of this paragraph shall be subject to review by the Committee for Advocates and Legal Procurators established by the Commission for the Administration of Justice Act (Cap. 369) on the request of the client filed within one month from the date of the agreement.

(e) The said Committee may reduce the fee charged as aforesaid if, in the light of the relative criteria stipulated in the respective Codes of Ethics and Conduct for Advocates and for Legal Procurators, the Committee considers the fee to be unreasonable.

(f) For the purposes of this paragraph, an agreement concerning fees shall be in writing.

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48. (a) A fee charged by an advocate or a legal procurator in respect of any matter not covered by this Tariff shall be subject to review by the Committee for Advocates and Legal Procurators on the request of the client filed within one month from the date of the agreement or, if there is no agreement, from the date of the advocate's or legal procurator's note of fees.

(b) The said Committee may reduce the fee charged as aforesaid if, in the light of the relative criteria stipulated in the respective Codes of Ethics and Conduct for Advocates and for Legal Procurators, the Committee considers the fee to be unreasonable.

TARIFF F

Fees allowed to Supplementary Judges and Supplementary Magistrates

(Deleted by [XXXI.2002.195.](#))

Amended by:
[IV.1862.22](#);
[IV.1905.7](#).
Substituted by:
[L.N. 7 of 1968](#);
[L.N. 102 of 1980](#).
Amended by:
[XIII.1983.4](#).
Substituted by:
[L.N. 121 of 1996](#).

TARIFF G

Fees payable to Accountants and other Referees

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1. The fee payable to accountants shall be taxed at one *per centum* (1%) on the amount of the subject matter of the references, subject to a minimum of €11.65 and a maximum of €2,329.37

2. To other experts, for any valuation:
- | | |
|--|-------|
| on the first €1,164.69 or part thereof | 11.65 |
| on any further amount over €1,164.69, for every €100 or part thereof | 1.00 |
- Provided that the fee shall in no case exceed €1,164.69.

3. The fees prescribed in the preceding numbers of this Tariff shall include the remuneration for making the report, accounts and statements, for holding sittings, and for attendance in court and elsewhere where necessary, but they shall not include the expense necessary for carrying out the reference.

Amended by:
[VII.1856.8,9](#);
[IV.1862.23](#);
[XXXI.1934.82](#).
Substituted by:
[L.N. 102 of 1980](#).
Amended by:
[XIII.1983.4](#);
[L.N. 407 of 2007](#).

€

4. Where, owing to the special circumstances of the case, it appears to be just that, besides the fees above established, an additional fee be allowed to the referee or expert, it shall be in the power of the court, upon hearing the parties interested, to allow such additional fee at its discretion.

Any such additional fee may be determined beforehand by the court in the decree appointing the referee or expert or by separate decree, but in no case otherwise than be decree.

5. The taxation made by the registrar may be appealed against by any referee or party in the manner prescribed under article 667 of the [Code of Organization and Civil Procedure](#).

6. Fees due to taxing experts in the Court of Voluntary Jurisdiction shall be regulated in accordance with No. 13 of Tariff C.

TARIFF J

Fees payable in connection with Sea Protests or proceedings concerning Average

- | | | |
|---|--|------|
| 1 | For the procedures required following the filing of any application regarding sea protests or for proceedings touching average up to the filing of the report: | € |
| | (i) registry fee | €200 |
| | (ii) fee due to the advocate | €240 |
| | (iii) fee due to the judge delegate | €120 |
| | (iv) fee due to the deputy registrar | €60 |
| | (v) fee due to the translator, if required | €60 |
| | (vi) fee due to the clerk transcribing the protest and depositions, if required | €50 |
| | (vii) fee due to the executive officer of the Court | €35 |
| 2 | When the sea protest is drawn up outside the edifice of the Law Courts the fees stated in paragraph 1 of this Tariff shall be increased by | 25% |
| | Provided that if the sea protest is drawn up on board a ship lying outside a harbour the fees stated in paragraph 1 of this Tariff shall be increased by | 50% |

Added by:
G.N. No. 549 of 1939.

Amended by:
G.N. No. 653 of 1942.

Substituted by:
L.N. 7 of 1968;
L.N. [102 of 1980](#).

Amended by:
[XIII.1983.4.](#)

Substituted by:
L.N. [121 of 1996](#);
L.N. [142 of 2000](#);
L.N. [407 of 2007](#);
L.N. [36 of 2015](#).

- 3 Where the sea protest is drawn up at any time after 4.00pm and before 9.00am the fees set out in paragraph 1 of this Tariff shall be increased by 50%
- 4 (1) The sea-protest shall be drawn up in English.
- (2) An interpreter shall be employed when the declaration is made or the evidence given in a language with which the judge is not conversant.

TARIFF K

Fees payable to Periti

1. Survey of Lands

(a) *Survey without the submission of a plan showing boundaries only:*

Amended by:
G.N. No. 203 of 1920;
G.N. No. 78 of 1929.
Substituted by:
L.N. 7 of 1968.
Amended by:
[*XIII.1983.4;*](#)
[*L.N. 1 of 2000;*](#)
[*XVIII.2002.10;*](#)
[*XXXI.2002.196.*](#)
Substituted by:
L.N. 407 of 2007.
Amended by:
[*XXIII.2009.16;*](#)
[*L.N. 447 of 2010.*](#)

	Level Land	Terraced Land or Level Land with trees and/ or other obstacles	Terraced Land with trees and/ or obstacles
	€	€	€
If the area does not exceed 4496 sq. metres	9.32	11.65	13.98
If the area exceeds 4496 sq. metres but does not exceed 8992 sq. metres	16.31	20.96	23.29
If the area exceeds 8992 sq. metres but does not exceed 13488 sq. metres	23.29	30.28	37.27
If the area exceeds 13488 sq. metres but does not exceed 17984 sq. metres	34.94	41.93	51.25
If the area exceeds 17984 sq. metres but does not exceed 26976 sq. metres	46.59	53.58	69.88

If the area exceeds
26976 sq. metres,
for each addition-
al 1124 sq. metres
or part thereof
there shall be
added

1.75

2.33

2.91

(b) Survey with detailed plan:

(i) If the area does not exceed 8992sq. metres, the fees specified in sub-paragraph (a) shall be increased by €2.33 per 1124 sq. metres or part thereof.

(ii) If the area exceeds 8992 sq. metres, the fees specified in sub-paragraph (a) shall be increased by €2.33 per 1124 sq. metres in respect of the first 8992 sq. metres and by €1.16 in respect of each additional 1124 sq. metres or part thereof.

(c) Survey of streets including plans showing outlines:

In this sub-paragraph the word “street” means any street and includes any road, alley, square or other place of public passage.

For every 46 metres or part thereof of the length of the street shown in the plan €4.66

(d) Levels:

Where spot levels with or without contours are required the fees payable under sub-paragraphs (a), (b) and (c) shall be increased by:

150% if levels are taken at intervals of	1.5 metres
100% if levels are taken at intervals of	3 metres
90% if levels are taken at intervals of	6 metres
80% if levels are taken at intervals of	9 metres
70% if levels are taken at intervals of	12 metres
60% if levels are taken at intervals of	15 metres
50% if levels are taken at intervals of	18 metres
40% if levels are taken at intervals of	21.5 metres
30% if levels are taken at intervals of	24.5 metres
20% if levels are taken at intervals of	27.5 metres
10% if levels are taken at intervals of	30.5 metres

2. Survey and Plotting of Buildings

(a) Buildings of simple disposition and regular in plan:

(i) if of not more than 6 areas €5.82

- (ii) if of more than 6 areas, the above fee shall be increased by €1.16 in respect of each additional area.

(b) Buildings with irregular walls:

The fees specified in sub-paragraph (a) shall be increased by fifty *per centum* (50%).

Note: The above fees shall be in respect of one floor only.

For the survey and plotting of each other floor the fees shall be reduced by fifty *per centum* (50%).

(c) Buildings of a special character:

For every 9 square metres or part thereof of the gross area	€0.58
---	-------

3. Plans of Building Sites and Relative Division into Building Plots

For surveying a building site, preparing detailed plans and dividing the site into building plots:

- | | |
|--|--------|
| (i) if the area does not exceed 878 sq. metres | €11.65 |
| (ii) if the area exceeds 878 sq. metres, for every additional 439 sq. metres or part thereof | €6.99 |

4. Measurements of Excavations and Embankments

Up to 14 cubic metres, per 3 cubic metres or part thereof	€1.40
Over 14 and up to 28.5 cubic metres, per 3 cubic metres or part thereof	€1.11
Over 28.5 cubic metres, per 3 cubic metres or part hereof	€0.82

5. Measurement of Works or Preparation of Bills of Quantities

- | | |
|--|-----|
| (a) For measurement of work including pricing | 2% |
| (b) For detailed bills of quantities by trade including pricing | 2½% |
| (c) For measurement of works and pricing which require calculations other than the measurement of actually existing quantities and the assessment of the relative prices | 3% |

6. Valuations

- (a) Rural property

If the value does not exceed €232.94	€6.99
If the value exceeds €232.94 but not €465.87	€9.08
If the value exceeds €465.87 but not €698.81	€11.88
If the value exceeds €698.81 but not €931.75	€13.98
If the value exceeds €931.75 but not €1,164.69	€16.07
If the value exceeds €1,164.69 but not €1,397.62 ..	€17.47
If the value exceeds €1,397.62 but not €1,630.56 ..	€18.87
If the value exceeds €1,630.56 but not €1,863.50 ..	€20.27
If the value exceeds €1,863.50 but not €2,096.44 ..	€21.66
If the value exceeds €2,096.44 but not €2,329.37 ..	€23.06
If the value exceeds €2,329.37 the fee shall be increased by €0.30c per €100 or part thereof.	

(b) Urban property

If the value does not exceed €232.94	€6.99
If the value exceeds €232.94 but not €465.87.....	€7.57
If the value exceeds €465.87 but not €698.81	€8.39
If the value exceeds €698.81 but not €931.75	€9.43
If the value exceeds €931.75 but not €1,164.69	€10.48
If the value exceeds €1,164.69 but not €1,397.62 ..	€11.53
If the value exceeds €1,397.62 but not €1,630.56 ..	€12.58
If the value exceeds €1,630.56 but not €1,863.50 .	€13.63
If the value exceeds €1,863.50 but not €2,096.44 ..	€14.68
If the value exceeds €2,096.44 but not €2,329.37 ..	€15.84
If the value exceeds €2,329.37 the fee shall be increased by €0.30c per €100 or part thereof.	

(c) Emphyteutical property and property subject to usufruct, burdens or easements.

The fee payable shall be assessed on the value of the property as free.

In the valuation of a *directum dominium* in perpetuity of any tenement or of any perpetual burden, the fee shall be assessed in accordance with paragraph 15.

(d) Usufruct

In the valuation of a usufruct the fee shall be assessed on the value of the property as freehold with the addition of a fee as provided under sub-paragraph (b) of paragraph 15.

(e) Portions of tenements

In the valuation of an undivided portion of a tenement, whether free or emphyteutical or subject to usufruct, easement or burden, the fee shall be assessed as laid down in sub-paragraphs (a) and (b) of this paragraph or on the basis of four *per centum* (4%) on the value of the portion so valued, whichever is the lesser fee, provided that in no case the fee payable shall be less than €6.99.

Note: The fees specified in this paragraph include any fees for valuations and measurements which may be necessary to arrive at the final value.

7. Partition of Property

The fee payable shall be one-fourth of the fee established for the valuation but it shall not exceed €34.94 for every proposed scheme of partition of property.

8. Assessing value of Dilapidations or Improvements

For preparing schedule, with or without the assessment of the value, the fee shall be equal to five *per centum* (5%) on the assessed amount:

Provided that if only an assessment of the value is required, the fee shall be of two *per centum* (2%) of the estimated cost.

In no case shall the fee be less than €6.99

9. Assessing Damage other than Dilapidations

For preparing detailed schedule and settling the amount, the fee shall be equal to five *per centum* (5%) of the assessed amount:

Provided that the fee in respect of repeated works of an identical nature shall be reduced by sixty *per centum* (60%) for each work other than the first.

In no case shall the total fee be less than €6.99

10. Design and Erection of Buildings

For taking the client's instructions, preparing sketch designs, making approximate estimates of cost by cubic measurement or otherwise, submitting applications for building and/or other licences, preparing working drawings and specifications, giving general supervision, issuing certificates of payment and certifying accounts, the fee in respect of new works is to be assessed as follows:

If the cost of the executed work does not exceed €232.94	10% of the cost
If the cost of the executed work exceeds €232.94 but does not exceed €698.81	9% of the cost
If the cost of the executed work exceeds €698.81 but does not exceed €1,164.69	8% of the cost
If the cost of the executed work exceeds €1,164.69 but does not exceed €2,329.37	7% of the cost

If the cost of the executed work exceeds 6% of the cost
€2,329,37

In the case of alterations to existing buildings, the percentage to be charged shall be increased by fifty *per centum* (50%) over the rate for new works.

Notes: (1) The fees specified in this paragraph shall not cover constant supervision of the work but only such supervision as may be required for the purpose of the professional responsibility of the perit under any relevant law at any time in force and as may be necessary to ensure that the works are being executed in general accordance with the contract.

(2) Such fees, however, shall cover the responsibility of the perit to ensure that no material deviation, alteration, addition to or omission from the approved design is made without the knowledge and consent of the client, and to inform the client if the total authorised expenditure is likely to be exceeded or if the contract period is likely to be varied.

(3) Where it is agreed between the perit and the client to retain the services of consultants, the fee of the perit shall be reduced by one-third of the fees on the cost of the works upon which the services of consultants are retained.

11. Fees in cases when the Perit Abandons or is Abandoned by the Client or Works remain Unexecuted

1. If a project referred to in paragraph 10 of this Tariff or part thereof is abandoned or if the perit abandons or is abandoned by the client:

- (a) after the perit has taken the client's instructions, prepared preliminary sketch designs sufficient to indicate the interpretation by the perit of the client's instructions and made an approximate estimate of the cost of the project, the fee shall amount to one-third ($\frac{1}{3}$) of the fees specified in paragraph 10;
- (b) after the perit has taken the client's instructions, prepared sketch designs, made an approximate estimate of the cost, submitted applications for building and/or other licences, and prepared working drawings and specifications, the fee shall amount to two-thirds ($\frac{2}{3}$) of the fees specified in paragraph 10.

2. The perit who has been engaged after a former one has been abandoned by, or has abandoned, his client as above shall be entitled to:

(a) five-sixths ($\frac{5}{6}$) of the fees specified in paragraph 10 in the case contemplated in sub-paragraph 1 (a) of this paragraph;

(b) one-half ($\frac{1}{2}$) of the fees specified in paragraph 10 in the case contemplated in sub-paragraph 1 (b) of this paragraph.

12. *Old Material or Material and Services provided by Client*

When building work has been executed wholly or in part with old material or where the material, labour and/or carriage is provided wholly or in part by the client, the fee of the perit shall be calculated as if the work had been executed throughout with new material and as if the material, labour and/or carriage had been paid for throughout at current cost.

13. *Services not included in Paragraph 10 and 11*

Additional fees shall be payable for:

- (a) surveying sites of buildings and taking levels;
- (b) altering drawings or preparing new drawings and for other services made necessary by variations or additions required by the client after the original drawings have been approved by him;
- (c) the assessment of compensation due for rendering party walls common;
- (d) measuring and pricing executed works.

14. *Statically Indeterminate Structures*

In cases involving the design of statically indeterminate structures or statically indeterminate structural members, a fee of two *per centum* (2%) on the cost of such structures or structural members shall be payable in addition to the fees chargeable under paragraph 10 hereof.

15. *Miscellaneous Fees*

- (a) For minor service not otherwise provided for €1.40
- (b) For important service not otherwise provided for €4.66
- (c) Time charges:

In cases where it is agreed between the perit and the client that the fee is to be on a time basis, the fee shall be of €3.49 per hour, but when the perit requires the help of an assistant, the fee shall be increased by €0.93c an hour.

(d) Travelling allowance

From Malta to Gozo and vice versa or from Gozo to Malta and vice versa	€6.99
---	-------

(e) Costs in connection with Court duties:

(i) transportation costs to a site inspection	€6.99
--	-------

(ii) typing and printing minutes in the records of a case, per A4 sheet, for the first copy thereof	€0.70
---	-------

and each additional copy thereof	€0.23
--	-------

(iii)for the issue of each notice of a sitting or site inspection to lawyers and parties	€1.16
--	-------

16. Fees payable to periti, who are appointed as Court referees, including periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance, (Cap. 88), for each opinion dealt with in the report, shall be up to a maximum of €116.47 for each legal point decided. Any calculation or computation of an amount to be awarded as damages or compensation by the Courts shall be deemed to be an opinion, and the maximum fee taxable for such an opinion shall be €232.94 The criterion shall be that of the work involved and never the amount assessed by the Court referee:

Provided that in no case shall the fee payable for any one report exceed two thousand euro (€2000).

Fees payable to surveyors appointed by the Court shall be assessed in accordance with the following paragraphs provided that in no case shall the fee payable for any survey exceed four hundred and fifty euro (€450):

Provided that the Court may at the request, even verbal, of the perit or surveyor, or by the periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance (Cap. 88), after hearing briefly all interested parties, allow the perit or surveyor any additional fee if the fee so assessed is considered too low when considering the work that has been executed:

Provided further that there shall be paid a fee to the periti above referred to, including periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance (Cap. 88), appointed as a Court referees as follows:

- | | |
|---|-----|
| (a) For each sitting held - | |
| (i) for the first hour or part thereof ... | €24 |
| (ii) for each additional hour or part thereof | €24 |
| (b) For each site inspection held - | |
| (i) for the first hour or part thereof ... | €32 |
| (ii) for each additional hour or part thereof | €24 |

17. Periti, when ordered by a Court or required by a client to appear before any judicial assistant or a court referee, or for a site inspection shall be entitled to the following fees:

- | | |
|---|-----|
| (i) for the first hour or part thereof ... | €35 |
| (ii) for each additional hour or part thereof | €32 |

18. The fees set forth in this Tariff shall, in all cases, be exclusive of the cost of copies of documents, travelling expenses and all other disbursements not already provided for.

19. The expert appointed by the court, including periti who are appointed by the Land Arbitration Board according to article 25(3) of the [Land Acquisition \(Public Purposes\) Ordinance](#) (Cap. 88), shall not be entitled to any fee for services in connection with the presentation of the report or the confirming of the same on oath, but if, after he has presented the report and confirmed the same on oath, he is required to attend in court, he shall be allowed a fee for attendance in accordance with item (f) of Schedule A to the [Witnesses \(Fees\) Ordinance](#).

20. (a) The foregoing provisions of this Tariff shall not prohibit a Perit and his client, from agreeing on a fee, or the basis on which the fee is to be determined which is different from that established by this Tariff, and in any such case the agreed fee or basis for determining it, not being a basis prohibited by law, shall apply, subject to the provisions of the following sub-paragraphs:

Provided that in any case, a Perit shall inform his client of the applicable fee or the basis on which the fee is to be determined before the service is provided.

(b) For the purposes of this paragraph, an agreement concerning fees shall be in writing.

TARIFF L

Fees payable in respect of proceedings under article 257 of the Civil Code, Cap. 16.

Registry fee for the filing of any application or note ..	€10
For subpoena of witness - for each witness	€0.40
For every copy of any application or note - for every page	€0.35
To the advocate or legal procurator - for any application or note	€7
For other services in connection with these proceeding.....	from €7
	to €30

Added by:
G.N. No. 199 of 1944.

Substituted by:
L.N. [102 of 1980](#).

Amended by:
[XIII.1983.4](#).

Substituted by:
L.N. [121 of 1996](#);
L.N. [407 of 2007](#);
L.N. [36 of 2015](#).

SCHEDULE B

[ARTICLE 1007]

FORMS

Amended by:
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

No. 1
 Application of a minor
 to bring action through a curator.
 In (*here insert name of Court*)

.....

.....

versus

.....

.....

The application of the said

Respectfully sheweth: -

That, in the opinion of competent persons, he has good cause to bring an action against the said _____ for the purpose of _____, but, as he is a minor, he being only _____ years of age, he therefore humbly prays this Court that he may be allowed to bring the action through a curator appointed by this Court.

(Decree of the Court)

The Court,

Upon seeing the application of _____,

Appoints _____ to act as curator of _____ during his minority, in the action mentioned in the application.

This _____ day of _____
(Registrar's signature)

No. 2
Application of a
third party for the appointment
of a curator to represent a minor.

Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

In (*here insert name of Court*)

.....
.....
versus
.....
.....

The application of

Respectfully sheweth: -

That, from information obtained, has
good cause to bring an action against ,
for the purpose of ,
but, as the said is a minor, he
being only years of age, the applicant, therefore, humbly prays
that this Court may appoint a curator for the purpose of bringing
the necessary action on behalf of the said minor.

(Decree of the Court)

The Court,
Upon seeing etc.,

This day of
(*Registrar's signature*)

Amended by:
 XVI.1922.5.
 Substituted by:
 L.N. 42 of 1982.
 Amended by:
 XIII.1983.5;
 L.N. 190 of 1995;
 L.N. 153 of 1996.
 Substituted by:
 L.N. 407 of 2007.

No. 3

Application to sue/defend
 with benefit of legal aid.

In the Civil Court First Hall

.....

versus

The application of the said

Respectfully sheweth: -

That in the claim by/against for
 he qualifies for admission to sue/defend with the
 benefit of legal aid.

Wherefore applicant humbly prays this Court that he may be allowed to sue/defend with the benefit of legal aid, and the said applicant declares on oath that he believes that his aforesaid claim/defence is just, and that excluding the subject-matter of the proceedings, he does not possess property of any sort (not including wearing apparel) the net value whereof amounts to a sum of not more than .6,988.12 not including everyday household items that are considered reasonably necessary for the use by applicant and his family, and that his yearly income is not more than the national minimum wage established for persons of eighteen years and over; and that in calculating the said net asset value, no account has been taken of the principal residence of the applicant or any other property, immovable or movable, which forms the subject matter of court proceedings, even though such other property is not the subject matter of the proceedings in respect of which legal aid is being applied for; and that in calculating the income, the period of computation has been calculated at the twelve months' period prior to the demand for the benefit of legal aid.

(Decree of the Court)

The Court

Upon seeing etc.,

Orders that this application be referred to the Advocate for Legal Aid to examine and report whether the applicant has a good cause of action.

This day of

(Registrar's signature)

0.23 cents

No. 4
Application for order
in connection with competition
proceedings.

Amended by:
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

In (*here insert name of Court*)

The application of
for competition proceedings amongst the creditors of

Respectfully sheweth: -

That in the Registry of this Court there is lodged the sum of _____
by schedule filed by _____ on the _____ day of _____

That the applicant as creditor of the said _____ claims that amount, but he is unable to obtain the same, as it is claimed by other parties (or other parties claim to have an interest therein) so that competition proceedings on the said deposit amongst the creditors of the said _____ are now competent.

Wherefore the applicant humbly prays that this Court may order the publication of the notice relative to such competition proceedings.

(Decree of the Court)

The Court,

Allows the application, and appoints the _____ day of _____ for the appearance of the parties interested at the hearing of the cause, and directs the Registrar to publish the notice referred to in article 416 of the Code of Organization and Civil Procedure.

This day of
(Registrar's signature)

Amended by:
L.N. [190 of 1995](#);
L.N. [153 of 1996](#);
Substituted by:
L.N. [407 of 2007](#).

No. 5

Notice in compliance with
the preceding Order.

NOTICE

Registry of
This day of

It is hereby notified to whom it may concern that, in the Registry of the (*name of Court*) , there is the sum of lodged by schedule filed by on the day of in favour of , and that by a decree of the day of , on the application of , the Court has ordered that competition proceedings be instituted on the said deposit, and has appointed the day of for the appearance of the parties interested and the hearing of the cause.

Wherefore any person, claiming to have an interest in the matter, is requested to exercise his rights on the deposit aforesaid, by an application within days from the aforementioned date, for the purposes of the Code of Organization and Civil Procedure.

(Registrar's signature)

Form No. 6 - Writ of summons

Revoked by [XXII.2005.76](#)

Amended by:
XXXI.1934.83;
L.N. 46 of 1965.
Substituted by:
XXII.1976.2;
L.N. 95 of 1979.
Amended by:
L.N. [190 of 1995](#)
L.N. [153 of 1996](#).

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2.
Amended by:
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

No. 7

Notice of hearing
of cause.

REPUBLIC OF MALTA

To

Marshal of the Courts

WHEREAS in a cause the pleadings whereof have been closed in
the (*name of Court*)

between

the Court has appointed the

for the hearing of the said cause.

Wherefore you are ordered that by the delivery of a copy hereof
both to the said Plaintiff and Defendant
or their agent, according to law, you summon them
to appear at o'clock on the before
this Court, on which day the cause will be heard and determined.

You are further ordered to warn in the same manner the aforesaid
Plaintiff and Defendant that, should they fail to appear on the day,
and at the place and time aforesaid, the Court will proceed in their
default to deliver judgment, according to justice, at the suit of the
said on the same day, or on any subsequent day, as may
be determined by the said Court.

And after execution, or upon your meeting with any obstacle in
the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*),

and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

No. 8
 Subpoena *Ad Testificandum*
 and/or *Duces Tecum* before the
 Court/referee.
 In (*here insert name of Court*)

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2;
L.N. 96 of 1981.
Amended by:
XXIV.1995.358;
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

In the cause

.....

.....

versus

.....

.....

Application of

Respectfully requests the issue of a summons of a witness in the
 above-stated cause against the person mentioned hereunder to
 attend for the sitting and at the time stated hereunder, and/or to
 bring with him the documents referred to hereunder.

Name and address of the person summoned to attend as a witness:

Documents to be brought by him:

Date, time and place where he is to attend:

Advocate

Legal Procurator

This, day of 20

Filed by

(*Registrar's signature*)

No. 8

Subpoena *Ad Testificandum*
and/or *Duces Tecum*
before the Court/referee.

REPUBLIC OF MALTA

COURT SUMMONS

To Marshal of the Courts

WHEREAS pursuant to the above application in the abovestated cause pending in this Court the evidence of the afore mentioned person is required;

You are, therefore, ordered to summon the said person to attend on the day and at the time mentioned, and so on any other day and at any other time to which the said cause may be put off to give evidence in that cause and/or to bring with him the documents indicated.

You will also warn the said person that in case of disobedience to this summons, he shall be liable to the penalties established for contempt of Court, and he may be compelled to attend by a warrant of escort or of arrest, and he shall be liable to all other consequences to which, according to the provisions of the Code of Organization and Civil Procedure, he may be liable for such disobedience.

And after execution, by delivery of a copy hereof to the said person or to his agent, according to law, or upon your meeting with any obstacle in the said service, you shall forthwith report to this Court.

Given by the (*name of Court*),
and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

No. 9

Warrant of seizure for fine
(*ammenda* or *multa*) or of arrest
against person failing to attend
on subpoena *Ad Testificandum*
and/or *Duces Tecum*.

Amended by:
L.N. 46 of 1965;
XIII.1983.4;
L.N. 190 of 1995;
L.N. 18 of 1996;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

REPUBLIC OF MALTA

To

Marshal of the Courts

WHEREAS by a decree given by the (*name of Court*) on the
day of _____, _____ was condemned to pay a fine
(*ammenda* or *multa*) of € _____ (*or was sentenced to detention or*
imprisonment for _____) for having failed to attend as
witness in the cause _____ *versus*

Wherefore you are ordered to seize, without any delay, from the
possession of the said _____ a pledge equivalent to the
aforesaid amount and to the costs of this warrant, or, in the absence
of things liable to seizure, to convey the said _____
to the prison appointed for persons condemned to detention (*or*
imprisonment) to be kept therein for the aforesaid period of
in default of payment of said amount.

And after execution, etc., _____ (*as in Form No.8*).

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2.
Amended by:
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

No. 10

Warrant of Escort
against person failing to
attend on subpoena
Ad Testificandum and/or *Duces Tecum*.

REPUBLIC OF MALTA

To

Marshal of the Courts

WHEREAS the (*name of Court*) has by a decree given on the
ordered that _____, having failed
to attend as a witness before this Court in the cause pending
between _____ and _____, be brought before
this Court to give h _____ evidence and/or to bring documents at
the sitting of _____

Wherefore you are ordered to bring before this Court the said
and to keep h _____ until _____ shall have given
h _____ evidence, and/or brought the documents or until this Court
shall order h _____ discharge.

And after execution, or upon your meeting with any obstacle in
the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*),

and witnessed by _____

Doctor of Laws,
of the said Court.

This, _____ day of _____ 20____

No. 11

Bond of surety
in cases prescribed
by law in respect
of certain warrants.

Amended by:
L.N. [190 of 1995](#);
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

I, the undersigned, do hereby stand surety *in solidum* with
for any amount to which he may be condemned by way of penalty,
or for any other cause, according to law, in consequence of the
execution of the warrant sought by him, and I declare on oath that I
consider myself sufficient for the fulfilment of this my bond.

0.23 cents

Amended by:
 XIII.1925.6;
 L.N. 46 of 1965.
 Substituted by:
 XXII.1976.2;
 L.N. 96 of 1981.
 Amended by:
 L.N. 190 of 1995;
 L.N. 153 of 1996.
 Substituted by:
 L.N. 407 of 2007.

No. 12

Garnishee Order.

In (*here insert name of Court*)

(Creditor)

.....

versus

(Debtor)

.....

Application of

Respectfully requests: -

That this Court orders the issue of a garnishee order to be executed on the garnishee or garnishees as hereinafter mentioned, against the debtor for the debt herein mentioned and for the costs of this procedure, as precaution against the debt hereinafter indicated/ by virtue of the executive title herein mentioned/as confirmed on oath hereunder.-

Debt: {	Amount
	Interest
	Costs

Title/Executive title:

Garnishee/s

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(Registrar's signature)

No. 12

Garnishee Order.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the above application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivering a copy of this Order, in the first place, to the aforesaid garnishees and subsequently to the debtor, you shall enjoin the said garnishees to retain in their possession as sequestered until the expiration of the time for which this warrant shall remain in force according to law or until further orders, or otherwise to deposit in the Registry of this Court, so much of the things or moneys in their possession appertaining to the said debtor as may be sufficient to satisfy the aforementioned claim of the said creditor together with the costs hereof under penalty of the payment of damages and interest, in case of disobedience.

And after execution, or upon your meeting with any obstacle in the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*),

and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

Amended by:
 L.N. 46 of 1965.
 Substituted by:
 XXII.1976.2.
 Amended by:
 L.N. 190 of 1995;
 L.N. 153 of 1996.
 Substituted by:
 L.N. 407 of 2007.

No. 13

Order for depositing
 after service of Garnishee
 Order.

REPUBLIC OF MALTA

To

Marshal of the Courts

WHEREAS in virtue of a garnishee order made by the (*name of Court*) and executed on _____ it was ordered that so much of the things (or moneys) in the possession of _____ and belonging to _____ as may be sufficient to satisfy the claim of _____ against _____ be attached;

And whereas it has been represented by the said _____ that the time for the delivery of the things (or moneys) attached as aforesaid has expired;

And whereas an application has now been made for an order that the said _____ be enjoined to deposit in the Registry of this Court the things (or moneys) so attached;

You are, therefore, ordered to enjoin the said _____ to deposit in the Registry of this Court, within two days from the date of service hereof, the things (or moneys) attached as aforesaid and to warn the said _____ that in default of such deposit, within the aforesaid time, proceedings will be taken against him, according to law.

And after execution, by delivery of a copy hereof to the said _____ or _____ agent, according to law, or upon your meeting with any obstacle in the said execution, you shall forthwith report to this Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,

 of this Court.

This, _____ day of _____ 20____

No. 14

Warrant of Impediment
of Departure of a Vessel.

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2;
L.N. 96 of 1981.
Amended by
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

Application of

Respectfully sheweth and confirms on oath:

That the applicant seeks to safeguard the credit herein mentioned
against the said respondent/vessel;

That by the departure of such vessel from Malta applicant's
credit may be evaded;

Wherefore, the applicant respectfully requests that this Court
orders the issue of a warrant of impediment of departure against the
said vessel for the herein mentioned credit and for the costs of this
procedure.

Credit:

Title/Executive Title:-

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the
contents, and in the presence of
witness to identity, and filed by

(Registrar's signature)

No. 14

Warrant of Impediment of
Departure of a Vessel.

REPUBLIC OF MALTA

COURT WARRANT NO. ,

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered to detain the vessel therein mentioned, until further orders, and to adopt such measures as may be necessary for the said purpose.

You are further ordered to enjoin, by the delivery of a copy hereof, the Master of the said vessel not to cause the ship to proceed on her voyage, and the Comptroller of Customs not to deliver the clearance papers of the said vessel, and, if such clearance papers have already been delivered, to withdraw them, under penalty of the payment of damages and interest to the said applicant.

Lastly, you are notified that this warrant shall, in default of further orders of this Court, cease to have effect in six months' time from this day.

And after execution, or upon meeting with any obstacle in the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of the said Court,

This, day of 20

No. 15
 Warrant of Seizure.
 In (*here insert name of Court*)

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2;
L.N. 96 of 1981.
Amended by:
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

(Creditor)

.....

versus

(Debtor)

.....

Application of

Respectfully requests and confirms on oath: -

That this Court orders the issue of a warrant of seizure against the said debtor for the amounts/objects hereinafter mentioned and for the costs of this procedure, as precaution for the credit mentioned below/in execution of the executive title mentioned below.

Debt: { Amount
 { Interest
 { Costs

Title/Executive Title: -

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(*Registrar's signature*)

No. 15

Warrant of Seizure.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the above application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered to seize without delay from the debtor herein mentioned a pledge equivalent to the debt/objects mentioned in the application together with the costs of this warrant should he fail to pay or deposit in the Registry of this Court the objects/amount mentioned as debts.

And after execution, or upon your meeting with any obstacle in the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

No. 16

Warrant *in factum*.

REPUBLIC OF MALTA

To

Marshal of the Courts

WHEREAS by a judgment delivered by the *(name of Court)* on the day of 20 ,
was condemned to in favour of

And whereas the said _____ has represented to this Court that the said _____ has made default in carrying out the said judgment;

You are, therefore, hereby ordered to convey, without delay, the said _____ to the prison of _____ to be detained therein until further orders of this Court.

And after service by delivery of a copy hereof to the said
or _____ agent, according to law, or upon your meeting with
any obstacle in the said service, you shall forthwith report to this
Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2.
Amended by:
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

Amended by:
 L.N. 46 of 1965.
 Substituted by:
 XXII.1976.2;
 L.N. 96 of 1981.
 Amended by:
 L.N. 190 of 1995;
 L.N. 153 of 1996.
 Substituted by:
 L.N. 407 of 2007.

No. 17

Warrant of Ejectment.

In (*here insert name of Court*)

(Applicant).....

.....

versus

(Respondent).....

.....

Application of

Respectfully requests: -

That this Court orders the issue of a warrant of ejectment against the respondent (from the herein mentioned tenement) in execution of the judgment herein mentioned, whereas the respondent has so far failed so to do.

Tenement:

Judgment:

Advocate

Legal Procurator

This, day of 20

Filed by

(Registrar's signature)

No. 17

Warrant of Ejectment.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS by a judgment delivered by the (*name of Court*), as stated in the aforementioned application, respondent was condemned to quit the said tenement, and whereas the said respondent has so far failed to do so;

You are, therefore, on the said application, ordered to cause the respondent to be actually ejected from the tenement mentioned in the application, leaving the same free in favour of the said applicant, enjoining further the said respondent by delivering a copy of the warrant, not to disturb the aforesaid applicant in the free enjoyment of the said tenement, under the penalties established for contempt of Court.

And after execution, or upon your meeting with any obstacle in the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

Amended by:
L.N. 46 of 1965;
LVIII.1974.68.
Substituted by:
XXII.1976.2.
Amended by:
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

No. 18

Warrant of Description
issued on the application
of the Attorney
General in case of any
vacant succession.

REPUBLIC OF MALTA

To

Marshal of the Courts

WHEREAS it has been represented to the (*name of Court*) by the Attorney General that died on the and that his heirs, whether testamentary heirs or heirs-at-law, are unknown;

And whereas the said Attorney General has applied for the issue of a warrant of description of the property of the said in the interest of all parties concerned;

You are, therefore, ordered to proceed to the usual place of residence of the late and to any other place in which you may be aware that there is any property belonging to his estate, to state in detail such property, and to deposit all movable property appertaining to the said estate in this Court.

And after execution, or upon your meeting with any obstacle in the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

No. 19
Counter-Warrant.

In (*here insert name of Court*)

Amended by:
L.N. 46 of 1965.
Substituted by:
XXII.1976.2;
L.N. 96 of 1981.
Amended by:
L.N. 190 of 1995;
L.N. 153 of 1996.
Substituted by:
L.N. 407 of 2007.

Following the warrant of

.....

..... No.....
issued on the
in the names:-

.....

.....

versus

.....

.....

Application of

Respectfully requests:-

That this Court orders the issue of the opportune counter-warrant
on the grounds herein mentioned.

Grounds:-

Advocate

Legal Procurator

This, day of 20

Filed by

(*Registrar's signature*)

No. 19

Counter-Warrant.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS, after the execution of the warrant referred to in the above application, there are grounds according to law for which the same warrant should not remain in force;

You are, therefore, ordered immediately to cause the effects of the aforesaid warrant to be stayed by serving copies hereof on all persons served with the preceding warrant.

And after execution, or upon your meeting with any obstacle in the execution hereof, you shall forthwith report to this Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of the said Court.

This, day of 20

No.20
Warrant of Description.
In (*here insert name of Court*)

Added by:
L.N. [190 of 1995](#);
Amended by:
L.N. [153 of 1996](#);
Substituted by:
L.N. [407 of 2007](#).

(Applicant)

versus

(Respondent)

Application of

Respectfully sheweth and confirms on oath -

That the applicant seeks to safeguard against the respondent over the hereunder mentioned movable things for the exercise of which rights he has an interest that such movable things remain in their actual place and condition;

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of description of (*here insert the movable things to be described and the place where situated*).

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(*Registrar's Signature*)

No. 20

Warrant of Description.

REPUBLIC OF MALTA

COURT WARRANT

To Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered to proceed to the place mentioned in the application and that, by delivering a copy of this warrant to the said respondent, you shall describe all the movable things in detail stating the number and quality thereof;

You are further ordered to enjoin the respondent to continue to keep in his custody the movable property so described and to warn him that he is responsible for their safe keeping, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

No. 21
 Warrant of Prohibitory Injunction.
 In (*here insert the name of Court*)

Added by:
L.N. [190 of 1995](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

(Applicant)

versus

(Respondent)

Application of

Respectfully sheweth and confirms on oath:

That the applicant has an interest that his rights be secured;

That the applicant, in order to secure his rights, desires to restrain respondent from (*here insert the acts to be restrained*)

That the applicant would be prejudiced if respondent is not so restrained;

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of prohibitory injunction restraining him from the acts above-mentioned.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(*Registrar's signature*)

No. 21

Warrant of Prohibitory Injunction.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivering a copy of this warrant to the said respondent, you shall restrain the respondent from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

No. 22

Warrant of Prohibitory
Injunction in cases of personal
separation restraining the other
spouse.

Added by:
L.N. [190 of 1995](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath: -

That the applicant (*here insert "has brought" or "intends to bring"*) before the court of contentious jurisdiction a suit for personal separation;

That in order to secure his rights the applicant desires the court to issue a warrant of prohibitory injunction against the respondent:

- (a) restraining the said respondent from selling, alienating, transferring or disposing *inter vivos* whether by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquests, and in particular (*here insert particulars of the commercial partnership/s*); and
- (b) restraining the respondent from contracting any debt or suretyship which is a charge on the community of acquests; Wherefore, the applicant respectfully requests that this Court orders the issue of the relative warrant of prohibitory injunction against the respondent.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(Registrar's signature)

No. 22

Warrant of Prohibitory
Injunction in cases of personal
separation restraining the other spouse.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivering a copy of this warrant to respondent, you shall restrain such respondent from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquests, and from contracting any debt or suretyship which is a charge on the community of acquests;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of, any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the respondent from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the name (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

No. 22A

Added by:
L.N. [372 of 2011](#).

Warrant of Prohibitory
Injunction in cases of divorce
restraining the other spouse.

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath: -

That the applicant (*here insert "has brought" or "intends to bring"*) before the court of contentious jurisdiction a suit for divorce;

That in order to secure his rights the applicant desires the court to issue a warrant of prohibitory injunction against the respondent:

- (a) restraining the said respondent from selling, alienating, transferring or disposing *inter vivos* whether by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquets, and in particular (*here insert particulars of the commercial partnership/s*); and
- (b) restraining the respondent from contracting any debt or suretyship which is a charge on the community of acquets; Wherefore, the applicant respectfully requests that this Court orders the issue of the relative warrant of prohibitory injunction against the respondent.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(Registrar's signature)

No. 22A

Warrant of Prohibitory
Injunction in cases of divorce
restraining the other spouse.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivering a copy of this warrant to respondent, you shall restrain such respondent from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquests, and from contracting any debt or suretyship which is a charge on the community of acquests;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of, any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the respondent from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the name (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

No. 23

Warrant of Prohibitory
Injunction in cases of
personal separation restraining
a commercial partnership.

Added by:
L.N. [190 of 1995](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath:

That the applicant (*insert here "has brought" or "intends to bring"*) before the court of contentious jurisdiction a suit for personal separation;

That the respondent has a majority shareholding, pertaining to the community of acquets in the commercial partnership/s (*here insert particulars of the commercial partnership/s*);

That in order to secure his rights, the applicant desires the Court to issue against the said commercial partnership/s a warrant of prohibitory injunction restraining it/them from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by the commercial partnership/s, and in particular (*here insert particulars of immovables as required by the [Public Registry Act](#)*)

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of prohibitory injunction against the said commercial partnership/s.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(Registrar's signature)

No. 23

Warrant of Prohibitory
Injunction in cases of personal
separation restraining a
commercial partnership.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, in the said application, hereby ordered that, by delivering a copy of this warrant to (*here insert particulars of the commercial partnership/s*), you shall restrain the said commercial partnership/s from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by the said commercial partnership/s;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the said commercial partnership/s from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court

This, day of 20

No. 23A

Added by:
L.N. [372 of 2011](#).

Warrant of Prohibitory
Injunction in cases of
divorce restraining
a commercial partnership.

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath:

That the applicant (*insert here "has brought" or "intends to bring"*) before the court of contentious jurisdiction a suit for divorce;

That the respondent has a majority shareholding, pertaining to the community of acquets in the commercial partnership/s (*here insert particulars of the commercial partnership/s*);

That in order to secure his rights, the applicant desires the Court to issue against the said commercial partnership/s a warrant of prohibitory injunction restraining it/them from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by the commercial partnership/s, and in particular (*here insert particulars of immovables as required by the Public Registry Act*)

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of prohibitory injunction against the said commercial partnership/s.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(Registrar's signature)

No. 23A

Warrant of Prohibitory
Injunction in cases of divorce
restraining a commercial partnership.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, in the said application, hereby ordered that, by delivering a copy of this warrant to (*here insert particulars of the commercial partnership/s*), you shall restrain the said commercial partnership/s from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by the said commercial partnership/s;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the said commercial partnership/s from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court

This, day of 20

No. 24

Warrant of Prohibitory
Injunction restraining a
person from taking a minor
outside Malta.

Added by:
L.N. [190 of 1995](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath: -

That the applicant has an interest that the minor, hereinafter
indicated, be not taken outside Malta;

That the respondent/s is/are the persons having, or who might
have, the legal or actual custody of the said minor;

Wherefore, the applicant respectfully requests that this Court
orders the issue of a warrant of prohibitory injunction against the
respondent/s enjoining him/them not to take, or allow anybody to
take, the said minor out of Malta;

Particulars of the minor: (*here insert the name and surname of
the minor and any other particulars, including the date and place
of birth and the names of the parents for establishing the identity of
the minor*)

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the
contents, and in the presence of witness to identity, and
filed by

(Registrar's signature)

No. 24

Warrant of Prohibitory
Injunction restraining a
person from taking a minor
outside Malta.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivery a copy of this warrant to the respondent/s, you shall restrain the respondent/s not to take, or allow anyone to take, the said minor out of Malta, under the penalties for contempt of Court;

You are further ordered to enjoin, by the delivery of a copy hereof, the officer entrusted with the delivery of passports not to issue or deliver any passport in respect of the said minor and not to include the name of the minor in the passport of the minor's legal representatives or in the passport of any other person, and, if before the service of this warrant on the officer charged with the issue of passports, a passport in respect of the minor has already been issued or the name of the minor has already been included in the passport of another person, to enjoin such officer to take the necessary steps to withdraw the passport in respect of the minor, and of any other passport which includes the name of the minor, and to delete the name of the minor from such passport, under the said penalty, and to enjoin, by delivery of another copy hereof, the Commissioner of Police not allow the said minor to leave Malta, under the said penalty;

Lastly, you are notified that this warrant shall, in default of further orders of this Court, cease to have effect in one year's time from this day;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

No. 25
Warrant of Prohibitory
Injunction (claim exceeding
€11,646.86).
In (*here insert name of Court*)

Added by:
L.N. [190 of 1995](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath:-

That the applicant, in order to secure his credit mentioned against the respondent, respectfully requests that this Court orders the issue of a warrant of prohibitory injunction against respondent restraining him from selling, alienating, transferring or disposing *inter vivos* whether by onerous or gratuitous title any property and in particular (*here insert particulars of immovables as required by the [Public Registry Act](#)*)

Wherefore, the applicant respectfully requests that this Court orders the issue of the relative warrant of prohibitory injunction against the respondent.

Credit:

Title:

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(*Registrar's signature*)

No. 25

Warrant of Prohibitory
Injunction (claim exceeding
€11,646.86).

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivering a copy of this warrant to the respondent, you shall restrain such respondent from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any property;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the respondent from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution thereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of this Court.

This, day of 20

No.26
Court order to perform
the function of Judicial Assistant.

Added by:
L.N. [122 of 1996](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

REPUBLIC OF MALTA

To Doctor of LawsJudicial Assistant.
Whereas it is required that in a cause before the (*insert name of Court*) Summons No
between plaintiff
and defendant
it is necessary to appoint a Judicial Assistant therein and in particular to:

*(a) ascertain and establish the issues of fact or of law involved in the cause, as well as the issues of fact or of law on which the parties agree, and to endeavour to induce the parties to reach an agreement on the issues involved in the cause, and to make a report thereof to the said Court;

*(b) take the testimony of any person that is produced as a witness;

*(c) take any affidavit on any matter;

*(d) receive documents produced with any testimony, affidavit or declaration, including in particular a testimony, affidavit or declaration as is referred to in the [Code of Organization and Civil Procedure](#);

*(e)

You are, therefore, hereby ordered that in terms of the provisions of article 97A of the [Code of Organization and Civil Procedure](#), you will perform the functions of Judicial Assistant in the aforementioned cause with all the powers given to you by law, and in such manner that a first sitting should be held on the day of 20 at a.m/p.m. at and that you will thereafter file before this Court your report and the evidence received, if any, by not later than the date of the first sitting before this same Court.

.....
Judge of the said Court

This day of 20

0.23 cents

Added by:
L.N. [122 of 1996](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

No. 27

Notice of hearing of
proceedings/evidence
before a Judicial Assistant.

REPUBLIC OF MALTA

To

Marshall of the Courts.

Whereas in a cause before the (*insert name of Court*)
..... Summons No
between plaintiff
and defendant
the Court has appointed Doctor of Laws.....
to perform the functions of a Judicial Assistant therein and in particular
to:

*(a) ascertain and establish the issues of fact or of law involved in
the cause, as well as the issues of fact or of law on which the parties
agree, and to endeavour to induce the parties to reach an agreement on
the issues involved in the cause, and to make a report thereof to the said
Court;

*(b) take the testimony of any person that is produced as a witness;

*(c) take any affidavit on any matter;

*(d) receive documents produced with any testimony, affidavit or
declaration, including in particular a testimony, affidavit or declaration
as is referred to in the [Code of Organization and Civil Procedure](#);

*(e)
.....

And whereas the said Court has appointed the
day of 20 at a.m/p.m.
for the hearing of proceedings/evidence at
before the above stated Judicial Assistant;

Wherefore you are ordered that by the delivery of a copy hereof
both to the aforesaid plaintiff and defendant or their agent, according to
law, you summon them to appear on the day and at the place and time
aforesaid before the above stated Judicial Assistant, on which day the
proceedings/evidence will be heard and a report thereon made to the
Court.

You are further ordered to warn in the same manner the aforesaid
plaintiff and defendant that, should they fail to appear on the day, at the
place and time aforesaid, or on any subsequent day as may be
determined by the said Judicial Assistant, a report thereof shall be made
to the said court which shall take such action thereon according to law.

And after execution, or upon your meeting with any obstacle in the
said service, you shall report forthwith to the above mentioned Judicial
Assistant.

.....

Doctor of Laws
Judicial Assistant
of the said Court.

This day of 20

0.23 cents

No. 28
A Summons Order
given by a
Judicial Assistant.

Added by:
L.N. [122 of 1996](#).
Amended by:
L.N. [153 of 1996](#).
Substituted by:
L.N. [407 of 2007](#).

REPUBLIC OF MALTA

In (*here insert name of Court*)

Summons No.....
pending before Doctor of Laws
.....
a Judicial Assistant, in the cause:
.....
.....

vs.
.....
.....

To the witness:

Address:

By virtue of the powers given to me by sub-article (4) of article 97A of the [Code of Organization and Civil Procedure](#), you are hereby being ordered to appear before me on the day and at the place and time hereunder mentioned to give evidence in the aforementioned cause:

Date and time:

Place where to attend:

Documents to be produced:

You are hereby warned that should you fail to appear on the day and at the time and place hereabove mentioned, you may be liable to the penalties established for contempt of court, and you may be compelled to appear before me by an order of escort or of arrest, and you shall be liable to all the other consequences to which, according to the [Code of Organization and Civil Procedure](#), you may be liable for such disobedience.

.....
Doctor of Laws
Judicial Assistant
of the said Court

Thisday of 20

Added by:
 L.N. [122 of 1996](#).
 Amended by:
 L.N. [153 of 1996](#).
 Substituted by:
 L.N. [407 of 2007](#).

No. 29

A Subpoena order
Ad Testificandum and
Duces Tecum before a
 Judicial Assistant.

In (*here insert name of Court*)

Summons No.....
 pending before Doctor of Laws

 a Judicial Assistant, in the cause:

vs.

Application of.....

Respectfully requests the issue of a subpoena order in the above
 stated cause against the person mentioned hereunder to attend for
 the sitting and at the time stated hereunder, and to bring with him
 the documents hereunder mentioned:

Person summoned to attend as witness:
 Address:.....
 Date, time and place where witness is to attend:
 Documents to be brought by witness:.....

Advocate:
 Legal Procurator:

This..... day of.....20.....

Filed by.....

(*Registrar's signature*)

REPUBLIC OF MALTA
AN ORDER MADE BY THE JUDICIAL ASSISTANT

*Substituted by:
L.N. [407 of 2007](#).*

To the witness/witnesses whose name/s appear/s in the application

By virtue of the powers given to me by sub-article (4) of article 97A of the [Code of Organization and Civil Procedure](#), I am hereby ordering each person whose name appears as a witness in the application to appear before me on the day and at the place and time mentioned therein to give evidence in the cause mentioned therein.

Each witness is hereby being warned that should he fail to appear on the day and at the time and place mentioned therein, he may be compelled to appear before me by an order of escort or of arrest, and he shall be liable to all the other consequences to which, according to the [Code of Organization and Civil Procedure](#), he may be liable for such disobedience.

.....
Doctor of Laws
Judicial Assistant

This day of 20

Added by:
 L.N. [122 of 1996](#).
 Amended by:
 L.N. [153 of 1996](#).
 Substituted by:
 L.N. [407 of 2007](#).

No. 30

Escort Order issued by
 a Judicial Assistant against
 a person failing to attend
 on subpoena.

REPUBLIC OF MALTA
AN ORDER MADE BY A JUDICIAL ASSISTANT

In (*here insert name of Court*)

Summons No.....
 pending before Doctor of Laws

 a Judicial Assistant, in the cause:

vs.

.....

To Marshal of the Courts.

Whereas it had been ordered by me on the
 that should attend before me
 as a witness on the day and at the place mentioned in the order;

And whereas the same person has failed to attend as ordered;

Wherefore, after having seen the provisions of sub-article (4) of
 article 97A of the Code of Organization and Civil Procedure, I am
 hereby ordering you to bring before me the said person, and to keep
 him/her until he/she shall give his/her evidence, at the place and
 time mentioned hereunder, or until I shall give you another order.

Date and time:

Place where witness is to attend:

.....

Documents to be brought by witness

.....

.....
 Doctor of Laws
 Judicial Assistant

This day of 20

Address of witness:

0.23 cents

Form No. 31

Application No.:

Issue:

This

Service:

Filled by:

Copy:

Added by:
L.N. 383 of 2003.
Amended by:
L.N. 68 of 2006.

Registrar

COURT OF MAGISTRATES (MALTA)

COURT OF MAGISTRATES (GOZO)

--

NOTICE

You are hereby requested to appear before the above-mentioned
Court on

at in order to answer why

and to state why you should not be condemned

and, should you fail to appear on the date and at the time above-
mentioned, the Court shall decide the case in terms of law.

Issued on

Registrar

Added by:
L.N. 36 of 2009.
Amended by:
XV.2009.49.

Form No. 32
 Warrant of Arrest of Sea Vessels
 over ten metres in length (Precautionary)

Before Warrant No.

Applicant.....

.....

.....

VS

Respondent

.....

.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant seeks to safeguard a debt or a claim,
 whether in personam or in rem, which could be frustrated by the
 departure of the sea vessel indicated in this warrant;

That the claim or debt is the following:-

That the details of the said sea vessel are the following:-

- Name:-

- Identification details of the sea vessel

1.

2.

3.

4.

- Place where the said vessel is to be found

- Authority: Authority for Transport in Malta

That by the departure of the said sea vessel from Malta, the debt or claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Court orders the issue of a Warrant of Arrest of Sea Vessels against the said sea vessel for the herein mentioned credit and for the costs of this procedure.

Advocate

Legal Procurator

Confirmed on oath before be after having read to him/her the contents, and filed by:-

Form No. 32
Warrant of Arrest of Sea Vessels
over ten metres in length (Precautionary)

Court Order

Republic of Malta

Warrant No.....

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of Sea Vessels;

The Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the sea going vessel against which such warrant is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the sea going vessel against which such warrant is being issued;

Orders the Executive Officer serve a copy of the warrant on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel or the agent of such ship or vessel;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same ship or vessel.

Given by the Court

Today

Form No. 33

Added by:
L.N. 36 of 2009.
Amended by:
XV.2009.49.

Executive Warrant of Arrest of Sea Vessels
over ten metres in length

Before Warrant No.

Applicant.....

.....

.....

VS

Respondent

.....

.....

Application of

It is being respectfully submitted and confirmed on oath by
.....:-

That the applicant is in possession of an executive title and wishes to enforce same on the sea vessel hereunder indicated, the execution of which title could be frustrated by the departure of the sea vessel indicated in this warrant;

That the executive title is the following:-

That the details of the said sea vessel are the following:-

- **Name:-**

- **Identification details** of the sea vessel

1.

2.

3.

4.

- **Place** where the said vessel is to be found
- Authority: Authority for Transport in Malta

Therefore, the applicant respectfully requests that this Court orders the issue of an Executive Warrant of Arrest of Sea Vessels against the said sea vessel for the herein mentioned credit and for the costs of this procedure and (1) order the sale of the said vessel or (2) fix a time-limit within which the debtor is to pay the amount due.

Advocate

Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

Form No. 33

Executive Warrant of Arrest of Sea Vessels
over ten metres in length
(Order for payment)

Court Order

Republic of Malta

Warrant No.

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the debtor to pay the amount due as requested within days, and the present warrant shall remain in force definitively until payment of the full amount is effected;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the sea going vessel against which such warrant is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the sea going vessel against which such warrant is being issued;

Orders the Executive Officer serve a copy of the warrant on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel or the agent of such ship or vessel;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same ship or vessel.

Given by the Court

Today

Form No. 33

Executive Warrant of Arrest of Sea Vessels
over ten metres in length
(*Order of Judicial sale -
given after issuance of an Order for payment*)

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said vessel as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the sea going vessel against which such warrant is being issued as well as on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel or the agent of such ship or vessel.

Given by the Court

Today

Form No. 33

Executive Warrant of Arrest of Sea Vessels
over ten metres in length
(*Order of Judicial sale -
without the issuance of an Order for payment*)

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said vessel as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Orders that the appraisals of the expert/s are to be filed within days;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the sea going vessel against which such warrant is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the sea going vessel against which such warrant is being issued;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same ship or vessel.

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the sea going vessel against which such warrant is being issued as well as on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel or the agent of such ship or vessel.

Given by the Court

Today

Form No. 34
 Warrant of Arrest of an Aircraft
 in security of a debt or any other claim
 amounting to not less than seven thousand euro
 (PRECAUTIONARY)

Added by:
 L.N. [158 of 2012](#).

Before Warrant No.
 Applicant

 vs
 Respondent

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant seeks to safeguard a debt or a claim, whether
 in personam or in rem, which could be frustrated by the departure
 of the aircraft indicated in this warrant;

That the claim or debt is the following:-

That the details of the said aircraft are the following:-

- Name:-
- Identification details of the aircraft
- 1.
- 2.
- 3.
- 4.
- Place where the said aircraft is to be found
- Authority: Authority for Transport in Malta

That by the departure of the said aircraft from Malta, the debt or
 claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Court
 orders the issue of a Warrant of Arrest of an Aircraft against the
 said aircraft for the herein mentioned credit and for the costs of this
 procedure.

.....
 Advocate Legal Procurator

Confirmed on oath before me after having read to him/her the
 contents, and filed by:-

Form No. 34
Warrant of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro
(PRECAUTIONARY)

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of an Aircraft;

The Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

Form No. 35
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

Added by:
L.N. [158 of 2012](#).

Before Warrant No.
Applicant
.....
.....
vs
Respondent
.....
.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant is in possession of an executive title and wishes to enforce same on the aircraft hereunder indicated, the execution of which title could be frustrated by the departure of the aircraft indicated in this warrant;

That the executive title is the following:-

That the details of the said aircraft are the following:-

- Name:-
- Identification details of the aircraft
- 1.
- 2.
- 3.
- 4.
- Place where the said aircraft is to be found
- Authority: Authority for Transport in Malta
- Place where the said aircraft is to be found
- Authority: Authority for Transport in Malta

Therefore, the applicant respectfully requests that this Court orders the issue of an Executive Warrant of Arrest of an Aircraft against the said aircraft for the herein mentioned credit and for the costs of this procedure and (1) order the sale of the said aircraft or (2) fix a time-limit within which the debtor is to pay the amount due.

.....
Advocate Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

Form No. 35
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

(Order for payment)

Court Order

Republic of Malta

Warrant No.

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the debtor to pay the amount due as requested within days, and that the present warrant shall remain in force definitively until payment of the full amount is effected;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

Form No. 35
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

*(Order of Judicial sale -
given after issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as on the person whose aircraft is arrested, the commander or other person in charge of the aircraft or the agent of such aircraft.

Given by the Court

Today

Form No. 35
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

*(Order of Judicial sale -
without the issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Orders that the appraisals of the expert/s are to be filed within days;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as to the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft.

Given by the Court

Today

Form No. 36
 Warrant of Arrest of an Aircraft
 in security of a debt or any other claim
 amounting to not less than one million euro
 (PRECAUTIONARY)

Added by:
 L.N. 158 of 2012.

Before Warrant No.

Applicant

.....

vs

Respondent

.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant seeks to safeguard a debt or a claim, whether
 in personam or in rem, which could be frustrated by the departure
 of the aircraft indicated in this warrant;

That the claim or debt is the following:-

That the details of the said aircraft are the following:-

- Name:-

- Identification details of the aircraft

1.

2.

3.

4.

- Place where the said aircraft is to be found

- Authority: Authority for Transport in Malta

That by the departure of the said aircraft from Malta, the debt or
 claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Court
 orders the issue of a Warrant of Arrest of an Aircraft against the
 said aircraft for the herein mentioned credit and for the costs of this
 procedure.

.....

Advocate

.....

Legal Procurator

Confirmed on oath before me after having read to him/her the
 contents, and filed by:-

Form No. 36
Warrant of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro
(PRECAUTIONARY)

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of an Aircraft;

The Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

Form No. 37
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

Added by:
L.N. [158 of 2012](#).

Before Warrant No.

Applicant

.....
.....

vs

Respondent

.....
.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant is in possession of an executive title and wishes to enforce same on the aircraft hereunder indicated, the execution of which title could be frustrated by the departure of the aircraft indicated in this warrant;

That the executive title is the following:-

That the details of the said aircraft are the following:-

- Name:-

- Identification details of the aircraft

1.

2.

3.

4.

- Place where the said aircraft is to be found

- Authority: Authority for Transport in Malta

Therefore, the applicant respectfully requests that this Court orders the issue of an Executive Warrant of Arrest of an Aircraft against the said aircraft for the herein mentioned credit and for the costs of this procedure and (1) order the sale of the said aircraft or (2) fix a time-limit within which the debtor is to pay the amount due.

.....
Advocate

.....
Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

Form No. 37

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

(Order for payment)

Court Order

Republic of Malta

Warrant No.

Whereas the attached application has been filed and there exist
sufficient grounds according to law for the issuance of the order
herein contained;

The Court thus:-

Orders the debtor to pay the amount due as requested within
..... days, and the present warrant shall remain in
force definitively until payment of the full amount is effected;

Orders the Authority for Transport in Malta or any other
authority so designated by the Minister and which has in its hands
or under its control the aircraft against which such warrant is being
issued, to seize the aircraft and not release such aircraft or allow
the debtor to divest himself in any way from the same in whole or
in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to
display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it
on the executive officer of the authority which has in its hands or
under its control the aircraft against which such warrant is being
issued;

Orders the Executive Officer serve a copy of the warrant on the
person whose aircraft is arrested, the commander or other person in
charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to
ensure the execution of this warrant, including the seizure and
removal of all travel documentation of the same aircraft.

Given by the Court

Today

Form No. 37
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

*(Order of Judicial sale -
given after issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist
sufficient grounds according to law for the issuance of the order
herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as
indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of
the Code of Organization and Civil Procedure (Cap. 12) as may be
required;

Sets the day, time and place of the judicial sale as being the
following:-

Orders the Registrar to notify this decree to the Authority for
Transport in Malta or any other authority so designated by the
Minister and which has in its hands or under its control the aircraft
against which such warrant is being issued as well as to the person
whose aircraft is arrested, the commander or other person in charge
of such aircraft or the agent of such aircraft.

Given by the Court

Today

Form No. 37
EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

*(Order of Judicial sale -
without the issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Orders that the appraisals of the expert/s are to be filed within days;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way from the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as to the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft.

Given by the Court

Today

SCHEDULE C

[ARTICLE 249]

Added by:
[XXIV.1995](#). 359.
 Substituted by:
 L.N. [407 of 2007](#).

(1)Bank Ltd.
 stands surety *in solidum* with appellant (2).....
 for the costs of the appeal entered in the case (3)
 up to the amount of (4).....
 euro (€) and this for the purpose and in terms of article 249 of
 the Code of Organization and Civil Procedure, Cap. 12.

This suretyship shall remain in force up to six months from the
 date on which the said appeal is decided, withdrawn or deemed
 deserted and consequently it will lapse if no written demand arising
 from this suretyship is made within the said period of six months.

Before effecting any payment under this suretyship, the Bank
 may require the production of the Registrar's declaration stating
 the date on which the appeal has been decided, withdrawn or
 deserted as well as of the necessary documentation in support of the
 claim for payment.

Today the day of 20

(5)

for Bank Ltd.

(1) Name of Bank

(2) Details of application

(3) Details of appealed case

(4) Amount of surety

(5) Signatory of Bank
