

COURTS OF JUSTICE

MALTA & GOZO

CITIZENS' CHARTER



www.justiceservices.gov.mt

CONTENTS

Who are we?	2
Why do we need a Citizens' Charter?	2
Services offered	3
When you arrive at Court	3
What to expect in your dealings with the Court Services	3
Opening hours of the Court	4
Criminal Court Services	4
The Criminal Justice process	5
Other specialised courts	5
Civil Court Services	5
Your rights	7
Dress code	10
Other useful information	10
Publications	11
What to do when standards are not met	11
Complaints about court services	11
How can you help us improve our Services	12

WHO WE ARE?

The Courts of Justice Department's mission is "to provide both the public and the judiciary effective and efficient services, structures and know-how to enable the public to understand, follow and be informed of the judicial processes in which they may be involved and to provide the judiciary with the necessary staff, tools and services in order that they may dispense justice properly and efficiently."

The administration of the Courts of Justice is the responsibility of the Director General, but the legal responsibility for the implementation of judicial orders is placed on the Registrar of the Criminal Courts, the Registrar of the Civil Courts and Tribunals and the Registrar of Gozo Courts and Tribunals. There is, consequently, a clear divide between administrative and legal roles.

The Registrars of the said Courts and Tribunals are responsible for the registries and for the officers attached to them, for the filing and service of judicial acts, execution of executive titles, such as judgements, and warrants through Court Executive Officers, for judicial sales by auction, trials by jury and other criminal court procedures.

WHY DO WE NEED A CITIZENS' CHARTER?

The Citizens' Charter is a written declaration about the level of service that citizens should expect to receive from the court administration. The document seeks to balance the rights of the citizens and the duties and obligations of the service provider to sustain a healthy level of trust and confidence in our judicial system. Underpinned by a commitment to be responsive to the needs of the court user, and the right of the public for an efficient, timely and cost-effective service from the Court administration, this Charter will ensure a higher level of transparency, accountability and good governance whilst providing the citizens with the means of seeking redress if the established services are not met.

WE OFFER THE FOLLOWING SERVICES:

1. Criminal Court Services
2. Civil Court Services
3. Family-related court services
4. Court services for minors

WHEN YOU ARRIVE AT COURT YOU CAN EXPECT:

- A Customer Care desk readily available to provide information about sittings and halls
- Clear directional signage
- Accessibility for persons with disabilities.
- To be served by independent, accountable and impartial court officers who conduct their work with integrity and without bias
- A cash office
- An efficient delivery of records on request
- Clean and accessible public toilets
- Clean premises with adequate lighting and which are accessible and user-friendly

WHAT TO EXPECT IN YOUR DEALINGS WITH THE COURT SERVICES

If you phone, you can expect that:

- we will answer the phone courteously;
- we will be helpful and deal with your enquiries and telephone messages efficiently;
- Where necessary, we shall transfer your call to another official who may better deal with your particular query.

If you write, you can expect:

- To receive a full reply to your request within 5 working days. If your request cannot be answered within this timeframe, you can expect a provisional reply detailing when a full reply is to be expected.
- We will communicate with you in plain and simple language

OPENING HOURS OF THE COURT

The opening hours of the Court Registries are:

- 1st October - 15th June: 9.00 a.m - 3.00 p.m
- 16th June - 30th September: 8.00 a.m - 12 noon

The Registries are closed on Saturdays, on public holidays (including Sundays), and on Wednesday and Thursday of Holy Week.

For any queries, our Customer Desk Representatives will be willing to assist you and direct you as necessary.

CRIMINAL COURT SERVICES

THE CRIMINAL JUSTICE PROCESS

We provide criminal court services that support an integrated justice system.

The Criminal Courts are comprised of:

- The Court of Appeal, Superior Criminal
- The Court of Appeal, Inferior Criminal
- The Criminal Court
- The Court of Magistrates, Criminal Jurisdiction

When you are requested to come to the Criminal Court, you can expect to be served with a summons that includes clear information as to the time and place of your court appearance

If a criminal matter has been brought before a court, you can expect:

- To be heard in the Court of Magistrates or Criminal Court.
- If you are a witness or a party to a case, to be informed when and before whom the case will be heard.

OTHER SPECIALISED COURTS

The Juvenile Court hears charges against, and holds other proceedings relating to, minors under the age of 16 years. Cases of the Juvenile Courts are heard at the Ċentru Hidma Soċjali in Santa Venera in Malta, whereas in Gozo they are heard at the NGO Centre in Xewkija.

CIVIL COURT SERVICES

The Civil Courts offer court services aimed at helping private parties resolve their legal disputes. They comprise a number of different Courts, Tribunals and Boards as follows:

- The Constitutional Court
- The Court of Appeal, Civil Superior
- The Court of Appeal, Civil Inferior
- The Civil Court, First Hall
- The Civil Court (Family Section)
- The Civil Court (Voluntary Jurisdiction)
- The Court of Magistrates, Civil Jurisdiction
- The Court of Magistrates, Gozo
- The Administrative Review Tribunal
- The Land Arbitration Board
- The Rural Leases Control Board
- The Rent Regulation Board
- Partition of Inheritances Tribunal
- Court of Revision of Notarial Acts.
- The Small Claims Tribunal

The Civil Courts also offer a variety of family-related services for matters such as:

- Separation and divorce
- Custody and access
- Maintenance (cases related to the maintenance of children and/or spouses)

Moreover, the Civil Courts also offer the following e-Services to the general public and to the legal profession, namely:

- Justice Services:
 - www.justiceservice.gov.mt - This website offers a wide range of Court Services intended for use by the general public. These services are grouped under seven categories:
 - Judgments Online
 - Civil Cases
 - Hall Usage
 - Statistics
 - Civil Forms
 - Judicial Sales by Auction
 - Court Experts
- The www.justice.gov.mt: From this website the citizen can access the program MyActs wherein a citizen can view all judicial acts filed in his own name. A scanned copy of the act may be viewed if such act was filed after 1st May 2016 in ongoing court proceedings.
- eForms: All citizens may file a claim in the Small Claims Tribunal without actually going to the Small Claims Registry in Valletta or Victoria, Gozo. This can be done through the eForms tab in www.gov.mt

The available eForms are the following:

- Small Claims Tribunal - Notice of Claim
 - Small Claims Tribunal - Reply
 - Small Claims Tribunal - Counterclaim Reply
 - Small Claims Tribunal - Appeal Application
- SMS service: All parties to a case may register to receive an sms on his/her mobile phone if his/her case is postponed and is not going to be heard on a particular day. The sms will contain the date of the next hearing. All parties receive an application form at the beginning of their law suit informing them of this service and asking them to complete the form so that they may receive a sms if their case is put off.

YOUR RIGHTS

Malta is a signatory state to the European Convention on Human Rights which protects every individual's right to a fair trial - this right is also enshrined in the Constitution of Malta. This means that in criminal cases as well as in civil cases the party has a right to a public hearing before an independent and impartial court or tribunal established by law and to a trial within a reasonable time.

In the field of criminal law, the accused has the right:

- To be considered innocent until proven guilty;
- To be informed promptly of the charge brought against him;
- In the event of arrest, the police officer making the arrest is not to use any harshness, bond or other means of restraint, unless necessary;
- If in the course of an investigation, a person is asked to visit or accompany a Police Officer to, a Police Station voluntarily. In such a case the person may leave at any time unless he is informed that he is being placed under arrest;
- If arrested in a place other than a Police Station, the arrested person shall be taken to a Police Station as soon as possible and in no case later than 6 hours from the time of the arrest;
- To be given adequate time and facilities, including legal advice, for the preparation of his defence;

In 2014, a number of new procedural rights were introduced to protect the rights of suspects and persons accused. These rights are to be made accessible to the person detained or arrested in the form of a Letter of Rights which lists all the rights of a person who has been detained or arrested, including:

- Assistance of a Lawyer/Entitlement to Legal Aid - You have the right to speak confidentially to a lawyer/legal procurator, face to face or by telephone for not more than 1 hour before your interrogation. A police officer in the grade of Superintendent or higher may authorise a delay for you to exercise this right, however this period cannot exceed more than 36 hours. The police may immediately proceed to interrogate you during this period, however you will still retain the right to remain silent.

- Information about the charge - If you are arrested, the police shall have the duty to inform you that you are in fact under arrest, even if the arrest appears evident. You have the right to be informed, at the time of your arrest or your detention, in a language you understand, of the reasons for your arrest or detention. If you have been arrested by a warrant issued by a Magistrate, you shall have the right to a copy of that warrant which shall be signed by the Magistrate who issued the said warrant.
- Interpretation and Translation - If you do not speak or understand the language spoken by the police or other competent authorities, you have the right to an interpreter, free of charge. The interpreter may help you to talk to your lawyer and must keep the content of that communication confidential. You have the right to translation of at least the relevant passages of the essential documents, including any order by a Judge or Magistrate allowing your arrest or keeping you in custody, any charge or indictment and any judgment. You may in some circumstances be provided with an oral translation or summary.
- Right to remain silent - Whilst being questioned by the police or by other competent authorities, you have the right to remain silent. Your lawyer can help you in your decision.
- Access to documents - When you are arrested and detained, you, or your lawyer, have the right to access essential documents which you may need to challenge the arrest or detention. If your case goes to court, you or your lawyer have the right to access the material evidence for or against you.
- Informing someone else about your arrest - When you are arrested or detained you may, if you want to, ask the police to inform a relative or a friend of yours of your detention. In certain cases provided for by law, the right to inform another person of your detention may be temporarily restricted. Such delay may not be more than six hours from the time of arrest. In such cases the police will inform you of this. If you are a foreigner, inform the police if you want your consular authority or embassy to be informed of your detention. You may choose to also inform the police if you want to contact an official of your consular authority or embassy.

- Urgent medical assistance - When you are arrested or detained, you shall have the right, on your request, to a doctor of your choice, as long as such doctor may be easily contacted.
- Period of deprivation of liberty - After your arrest you may be deprived of liberty or detained for a maximum period of 48 hours. Ask your lawyer or the Magistrate for information about the possibility to challenge your arrest, to review the detention or to ask for provisional release

These rights, amongst other rights found within Maltese law, are to be observed by every Police Officer or officer authorised to make an arrest. If any of these rights has been breached or not observed, you should consult your legal advisor for remedial legal action.

Every person has the right to defend himself in person or through the use of a legal representative of his choice or, if the party lacks funds for legal representation, the services of advocates of the Legal Aid Agency may be used (for more information on Legal Aid please visit the website <https://mjcl.gov.mt/en/LegalAidMalta/Pages/home.aspx> or call 2567 4330 or email at legalaidmalta.mjcl@gov.mt).

DRESS CODE

In terms of Regulations (Court Practice and Procedure and Good Order – LN 279 of 2008 and LN 280 of 2008) entry into the premises of the Courts of Justice or in any Courtroom can be refused should a person not be properly dressed.

Unacceptable attire includes, but is not limited to:

- Tight, sheer, and/or low-cut clothing of any style, short skirts
- Clothing with offensive, vulgar, racist, sexist, obscene; or suggestive words, slogans
- Clothing that is dirty, torn, or ragged
- Tank tops/halter tops, tops with narrow shoulder straps
- Shorts, 'Bermudas' or cropped trousers (trousers must be full length)
- Flip flops
- Hats and hoodies
- Men who enter the Courtroom must wear a jacket and tie, women who enter the Courtroom must wear clothes with sleeves.

OTHER USEFUL INFORMATION

- All those who enter the Courts of Justice buildings are required to follow security procedures. Every person and his belongings must pass through security screening before entering the Court premises. Pushchairs are not allowed on Court premises.
- Children under the age of 13 years are also prohibited from entering the Courts of Justice premises unless giving evidence before a court or prior authorization is sought from the Director General. If such authorization is given children invariably must always be accompanied by an adult and kept under constant supervision.
- Mobile phones should be switched off before entering Court Halls
- No photos are allowed within the Court premises
- No food or drinks are allowed within the Court premises unless permission is granted by the Chief Justice or Director General, given the circumstances.
- Online telephone directory can be found at <http://mjcl.gov.mt/en/justice/Pages/Contact-List.aspx>

PUBLICATIONS

We provide various information leaflets at the Customer Care Desk, which give detailed information about the court services.

Electronic Forms are available online at:

www.justiceservices.gov.mt

WHAT TO DO WHEN STANDARDS ARE NOT MET

COMPLAINTS ABOUT COURT SERVICES

If you are not happy with any of the services provided by the Courts of Justice Department, or you believe that the Court has failed to live up to the level of service expected, you can forward your complaint in person, by phone or by mail to:

Courts of Justice (Malta)

The Customer Service Desk:
Tel. No: 2590 2000/ 25902382
E-mail: courts.justice@gov.mt

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

Courts of Justice (Gozo)

Tel. No: 2215 6650
E-mail: gozocourts.mgoz@gov.mt

Address:
Court of Justice
Cathedral Square,
Victoria, VCT 1821, Gozo

When you lodge a complaint, you can expect:

1. An impartial, speedy and effective complaints procedure;
2. To be informed of the progress of your complaint

HOW CAN YOU HELP US IMPROVE OUR SERVICES

We value your views regarding court services. Please let us have your views through the following:

- suggestion form/ box at reception
- our Website

This document is for the better guidance of persons who, for a number of reasons, come into contact with the Courts or with the Police in their ordinary lives.

The document is not intended to provide specific legal advice, especially on any particular case.

The information given in the document has been checked for its accuracy but one must always understand it as being subject to the overriding rule that specific situations require case specific and professional legal advice.



MINISTRY FOR JUSTICE,
CULTURE AND LOCAL GOVERNMENT