

Ministry for Justice and Home Affairs

Courts of Justice Division

Annual Report 2008

DEPARTMENT OF CIVIL COURTS AND TRIBUNALS

General

The Department's objectives are:

- To provide support and advice to the Director General on general management issues;
- To provide timely and adequate support and facilities to the Civil Courts and Civil Tribunals, including the Family Court section, so that the members of the Judiciary within the Civil Jurisdiction may operate efficiently;
- To submit policy proposals to the Director General on matters relating to the operation of this Directorate.

Apart from the Constitutional Court and the Court of Appeal in its Civil Jurisdiction, there are three sections in the Civil Courts which are assigned the category of cases. These are the First Hall of the Civil Court, the Family Section and the Voluntary Jurisdiction Section.

There is also the Magistrates' Courts whereby the Magistrate takes cognisance of causes having claims exceeding €3494.06 (Lm1500) and not exceeding €1646.88 (Lm5, 000) in which case these causes are presided over by a Judge in the Superior Courts.

The Small Claims Tribunal is presided by an Adjudicator who decides on principles of equity according to law. Claims in this Tribunal do not exceed the sum of €3494.06 (Lm1, 500)

This Directorate also heads the Court of Revision of notarial acts.

2008 witnessed positive developments in the field of Information Technology and e-Government, refurbishment of the Archives, centralization and streamlining of services offered by the Civil Court Registries, a drive to recoup arrears of revenue and the computerization of schedules of withdrawals.

I.T. Infrastructure & Services

A number of enhancements and the upgrading of Information Technology systems and programmes were undertaken during the year under review with the Division's service provider namely the Malta Information Technology and Training Services Ltd. (MITTS). This Directorate kept monitoring the timely inputting of Judgements and Records of proceedings on the website. These are made available for viewing by the general public within three days from the divulgence of judgements and the Records of proceedings.

Notarial Acts are now being inputted on the computerised system. This enables easier search and follow up of each Act filed in that Court.

Following recent amendments in the law whereby the value of judicial letters filed in terms of sections 166A and 254A of the Code of Organisation and Civil Procedure was raised from Lm5000 to Lm10,000, the disputed value is being inputted thus enabling easier extrapolation of statistics.

The Notice of hearing of the first sitting in the Court of Appeal has been linked within the Civil Case Management programme enabling users to download it electronically. Monthly statistical reports of introduced and decided cases in the Civil Courts and the bi-annual publication of an age-analysis report continued to be published on the internet by this Department. This important source of information found on the site www.mjha.gov.mt has proven to be an important analytical tool particularly for researchers, members of the Judiciary and the Courts' administration. Regular cleaning up exercises were carried out to ensure that these statistics remain realistic.

Judicial sales can now be viewed on the website of the Ministry for Justice and Home Affairs (www.mjha.gov.mt). This service gives the facility to search for judicial sales that are due to take place in the future. A search form gives a number of criteria to search through allowing for filtering of all the sales and particular items on sale. Results are split onto separate pages when several results are returned for the supplied criteria. This initiative is in line with Government's declared policy of further promoting e-Government.

Discussions were held with the Justice Unit for the implementation of on-line Applications and Renewals for Warrants as part of e-Government Services. The purpose of this portal is to build a web based solution for the application of warrants as currently undertaken by the various governmental ministries and appointed boards. This will result in considerable benefits for warrant holders, the different boards and the public in general. Benefits are various. Warrant holders, by making use of e-ID, will have easier access for applications and renewals since these could be submitted from their homes, offices or any other site that offers internet access. They will be able to update their profile by accessing the "My Profile" section. Work is also facilitated for the various boards since they are provided with a 'one-stop-shop' and there will be a reduction in the number of people calling at the respective offices. Prospective warrant holders will have

a section for online services through which they can submit warrant application. The general public will have access to a searchable online warrant holder's registry.

Archives

This Department continued with its exercise of upgrading the Archives of the Courts of Magistrates. New shelving was procured and installed and identification of all volumes carried out. Due to the ever increasing work load at the Family Court Section, an archive was set up. Two rooms within the Family Court have been identified, some shelving has been procured and terminated acts of that court are being archived.

Training

Training sessions on a regular monthly basis were delivered by the Department's legal advisor and the Director Civil Courts and Tribunals, in respect of the newly enacted amendments for the execution of warrants, on taxation of cases and other legal procedures. Sessions were held to convey information on newly introduced and forthcoming practices and procedures. Some of these sessions were transmitted via video-conferencing for the benefit of the staff at the Gozo Courts.

Orientation and introductory courses were organised for prospective and newly enrolled Deputy Registrars and Casual substitute clerks.

Staff

A newly appointed Family Mediators' Coordinator started functioning in the Civil Court Family Section. Moreover, a number of Judicial Assistants were engaged to perform research work and hear evidence.

Causes, Warrants and other acts filed

The table below represents the number of Court Cases and acts filed in Malta during 2008 compared to the total number of cases filed during 2007. There was an overall reduction in the total number of Civil Cases and a marked increase in the number of Warrants and Judicial Letters filed.

		Total Jan-Dec 2007	Total Jan-Dec 2008	Difference Jan-Dec 2007-2008
Court cases (Kawzi)	Superior	1350	1286	-64

	Family Court	508	485	-23
	Inferior	415	423	8
	Small Claims	933	952	19
	TOTAL	3206	3146	-60
Warrants	Superior	1902	2039	137
	Family Court	361	338	-23
	Inferior	3316	3665	349
	TOTAL	5579	6042	463
Judicial Letters	Superior	2888	4212	1324
	Family Court	92	96	4
	Inferior	3929	3388	-541
	TOTAL	6909	7696	787
Judicial Letters (Bill of Exchange)	Superior	19	7	-12
	Inferior	247	225	-22
	TOTAL	266	232	-34
Judicial Letters (Sect.166A of Chap. 12)	Superior	115	214	99
	Inferior	2988	2422	-566
	TOTAL	3103	2636	-467
Mediation letters	Family Court	962	1089	127
Mediation Notes	Family Court	360	341	-19
General Applications	Family Court	167	226	59
Family Court	TOTAL Acts	1489	1656	167
Applications	<i>First Hall Voluntary Jurisdiction Section</i>	857	878	21
Researches	<i>First Hall Voluntary Jurisdiction Section</i>	6869	6576	-293
Obligations	<i>First Hall Voluntary Jurisdiction Section</i>	89	71	-18
Hypothechs	<i>First Hall Voluntary Jurisdiction Section</i>	89	71	-18
Circular Letters	<i>First Hall Voluntary Jurisdiction Section</i>	45	48	3
Secret Wills	<i>First Hall Voluntary Jurisdiction Section</i>	30	29	-1
Notes and reply Secret Wills	<i>First Hall Voluntary Jurisdiction Section</i>	280	290	10

<i>First Hall Voluntary Jurisdiction Section</i>	TOTAL Acts	8259	7963	-296
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Court Cases

The table below represents the number of active Court Cases compared to the total number of cases pending the year before. A reduction in cases in front of the Civil Court of Appeal, Court of Appeal (Inferior), Small Claims Tribunal, Land Arbitration Board and Rural Leases Control Board was registered during 2008.

Court	Pending cases as on 31 December			Difference
	2007		2008	
Constitutional	34		43	9
Court of Appeal	715		663	-52
Court of Appeal (Inferior)	253		196	-57
1st Hall Civil Court	4849		4854	5
1st Hall Family Section	1043		1099	56
Magistrates Courts	1050		1079	29
Small Claims Tribunal	901		872	-29
Rent Regulating Board	129		408	279
Land Arbitration Board	263		219	-44
Rural Leases Control Board	398		124	-274

Writ of Summons based on criteria

Newly filed sworn applications (previously termed as Writ of Summons) and other Acts are being individually vetted and distributed amongst Judges according to their subject matter. The categories in specialised fields have been set as follows: Spoliation, Correction of Judicial Acts, Contempt of Court, Ejection & Eviction Orders, Applications for Enforcement of Foreign Judgements, proceedings for the recovery of a debt, other Special Summary proceedings (Giljottina), Requesting damages (in tort-*Kulpa Aquilina*), Prohibitory Injunction Orders (Mandati Inibizzjoni) involving the Government, Judicial Review Art 469A, Subasti, Unfair Competition, Intellectual Property, Trade Marks and Copyrights

European Day of Civil Justice

In 2003 the European Commission and the Council of Europe established a European Civil Justice day. This Day is an opportunity for the public to familiarise themselves with the civil justice system, which would make it easier for them to access it. It also aimed to create a symbolic event, a date for recalling that justice is first and foremost a service to citizens which enables them to settle their private disputes and assert their rights. On the 26th October, these Courts celebrated this occasion by successfully organising an open day.

School children visits

School visits in conjunction with the Ministry for Education and the Office of the Chief Justice started to be held on a fortnightly basis. During these visits the students were addressed by a member of the Judiciary on the practices and procedures of these Courts. Afterwards, they were shown around the different Courts.

DEPARTMENT OF CRIMINAL COURTS AND CRIMINAL TRIBUNALS

During the year, the Courts of Criminal Jurisdiction Department continued with its main role, that of assisting, giving advice and support to the Permanent Secretary and the Director General (Courts). It continued with the ongoing mission of providing logistical support and motivated trained staff for the better administration of justice and extend its support to members of the Judiciary.

General

Notwithstanding a change in the Directorship of this Department, the transition period was smooth and this ensured continuity in the decision-making process.

Regular staff meetings with all employees of the Department were kept, providing the staff with the necessary information to ensure that they would be updated with legal developments and amendments particularly to the Criminal Code, the Code of Organization and Civil Procedure and a number of Legal Notices. Training was also given on amendments to the Public Service Management Code.

The Directorate continued to take action regarding the freezing of assets when so directed by the Courts or when informed by the Court appointed expert. This entails research in the registries and communication of same to any court appointed expert. Every Court order was duly published in the Government Gazette. Besides this, the Directorate continued with the arduous task of conveying Letters of Request coming from or addressed to the Office of the Attorney General or through the Ministry of Justice and Home Affairs which in turn transmits same to the Ministry of Foreign Affairs.

Information Technology

Regular meetings were held with the Malta Information Technology and Information Services (MITTS) Limited aimed at further developing all electronic programmes. A number of meetings were held with the National Focal Point of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) with a view to start collecting drug-related statistics for this EU institution.

During the year the inputting in the Legal Case Management system (LECAM) of all the Criminal Schedule of Deposits was launched. All the schedule of deposits for 2006 – 2008 presented before the Courts of Magistrates were registered and those schedules of deposits made before the Superior Courts (Criminal) were all registered. This process is expected to end in the coming year. This will give a clear picture of all the monies deposited by third parties before the Courts of Criminal Jurisdiction.

During the year, one of the halls at the Family Court building was equipped with an audio and visual recording system for video conferencing. This was vital to continue with essential video conferencing procedures required by the Judiciary. Equipment in Hall 22, which is used for trials by jury, was upgraded in order to provide a more professional service to the Courts and the general public.

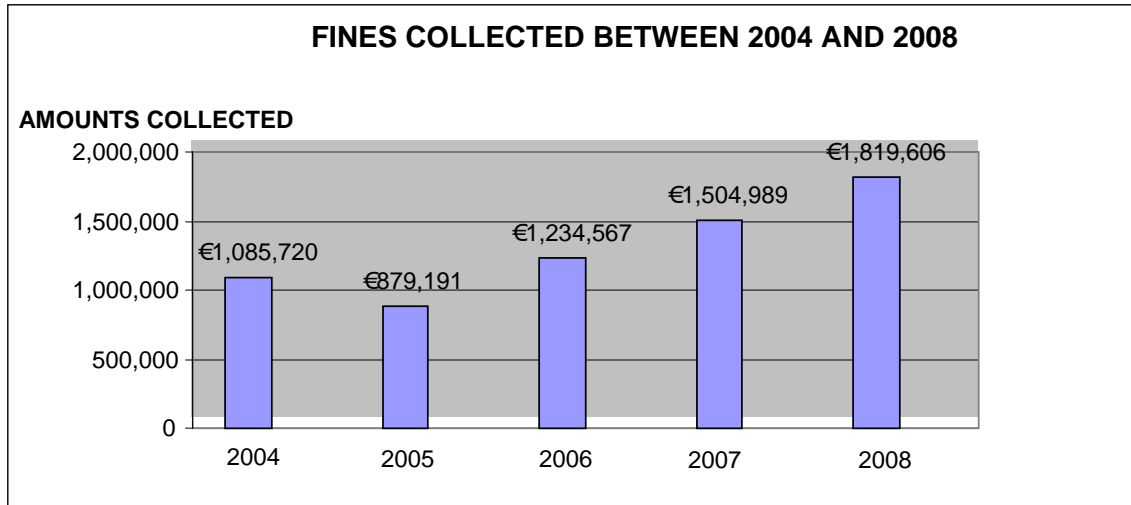
Euro Introduction

The preparations for the introduction of the EURO in the department proved successful as very few problems were encountered during the transition period. This was the result of close collaboration between this department and the Support Services Directorate. Discussions and planning for this national event took place during the previous months and this Directorate maintained continuous supervision on the process even during the period when both currencies were being used. Constant supervision was also kept at the Registry Annex and at each respective hall.

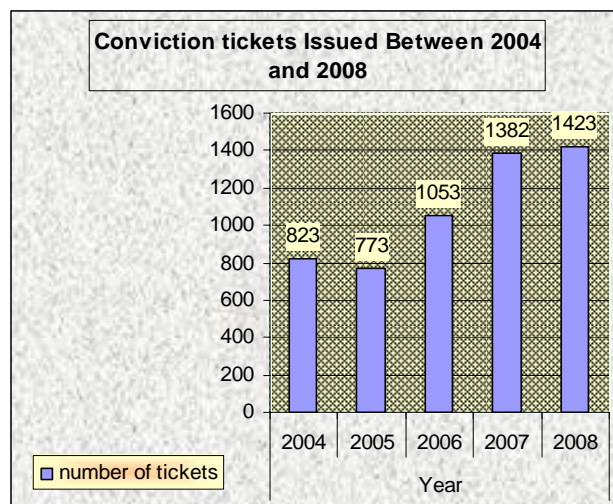
Collection of fines imposed by the Courts

The long and sometimes complex legal procedures to collect fines, court expert fees and personal guarantees imposed by the Courts of Criminal Jurisdiction or the conversion of these into terms of imprisonment or detention continued throughout the year.

As can be observed from the comparative table below there was an increase in Government revenue when compared to the previous four years.



Sending regular monthly intimations to all fined persons, taking court action and liaison with the Commissioner of Police to execute conviction tickets yielded positive results. The Registrar regularly files applications in court so that the Court converts the unpaid fines/referee fees/personal guarantee into terms of imprisonment or detention. 1,423 Conviction Tickets were issued and passed on to the Commissioner of Police for execution. The table below shows a comparison of the number of conviction tickets issued during these last five years showing the progress achieved.



The Archives and Courts exhibits

The process of disposing old court exhibits continued during the year under review. This exercise takes place after the required verifications and legal provisions have been looked into according to law. During the last month of the year, this section was strengthened with another member of the staff with the intention that old exhibits be disposed off. During construction works carried out in the basement of the Law Courts, more space was made available so that a reclassification exercise of court documents could continue. Modern shelving was introduced and space made available and this contributed to a more professional storage system.

Court staff continued to categorise and properly document all drugs, drug related material and valuable court exhibits. This process is an on-going one. After carefully examining each court exhibit to be disposed of and ascertaining that the court case to which the exhibit appertains has been definitely decided, the item is photographed. Where applicable, the destruction of drugs and drug related material is undertaken. Subsequently a report has to be prepared according to law and inserted in the records of the case. This exercise is always done if duly authorised by the Courts to whom the Registrar has to report back through the mentioned report called a “*process verbal*”.

Registry and the annex of the registry for the Courts of Criminal Jurisdiction

During the year under review the Registry and Annex to the Registry handled the following transactions:

Services – Transactions – Records – Documentation

Prison Permits	913
Withdrawal of Schedule of Deposits	257
Police Reports	1030
Additional Police Reports	227
Process Verbaux, Court Files, and Applications to the Attorney General	6622
Process Verbaux, Court Files and Replies to Applications from the Attorney General	5563
Suspended Sentences – Courts of Magistrates	488
Suspended Sentences – Superior Courts	18
Sentences over 1 year imprisonment – Courts of Magistrates	110
Sentences over 1 year imprisonment – Superior Courts	62

Acts – Revenue and other details

Filed by	Amount	Total	Revenue if Applicable
Malta Police			
Applications	1049		
Replies	218		
Note/Appeal*	704		
Note of Submissions	42		
Reports	6	2019	
Court Registrar			
Applications	209		
Applications Conversion of Fines	632		
Note	74	915	

Probation Department			
Note	119		
Report	67		
Applications	47	233	
Welfare Department			
Note	3		
Report	0	3	
Attorney General			
Applications	175		
Applications re Appeals	38		
Reply	251		
Extension of time limits	249		
Note	64		
Note of Submissions	1		
Note of Reply	0		
Applications by Jurors	2	780	
General Public			
Affidavits	2047		€4,218.15
Schedule of Deposit	328		€709,090.41
Applications	4249		€1,108.71
Applications – Appeal	379		€29.10
Applications re Jurors	566		No Charge
Note	574		€16.56
Note of Submissions	40		€1.28
Note of Pleas	7		€2.98
Reply	88		€20.83
Photocopies	268		€629.06
Witnesses – Juries	3		€8.64
Seizure of monies	8	8557	€2,053.34

* including Note of Appeal

Two Deputy Registrars at the Annex to the Registry under the supervision of the Director/Registrar, continued with the complex task of assessing the fees and expenses incurred by and awarded to Court Experts. During the year under review the total sum of **€1,108,181** was assessed to various court experts.

DEPARTMENT OF SUPPORT SERVICES

Human Resources Branch

General

During 2008, this Directorate handled the engagement of various categories of staff namely part-time Judicial Assistants, a Mediators' Co-ordinator, Assistant Registrars, Deputy Registrars, Court Messengers, a Training Administrator and Casual Substitutes. Furthermore, the Human Resources (HR) Section also handled the engagement of Clerks and the appointment of Executive Officers.

Contracts were drawn up by the HR branch and appointments issued. A number of pension papers were also processed. Staff progressions and promotions were also the responsibility of this section.

As in previous years, the important exercise of identifying existing and future vacancies was carried out on a monthly basis for the purpose of staff complementing. Recommendations were also submitted to the Office of the Prime Minister and the Public Service Commission to fill the various vacancies identified by the Division. These requests included a business case to justify the request.

Human Resources Organisation Charts

The HR Organisation Charts is an essential tool for the Courts of Justice Division which employs around 400 persons. These informative charts show, most of all, staff postings and staff movements. Due to their importance, these HR Charts were adjourned on a monthly basis even during 2008. This exercise assisted management in keeping better control over all the court staff in the various sections and departments within the Division.

Staff List

During 2008, the staff list was adjourned periodically. This list is important as it gives valuable information regarding the division's human resources. The staff list gives essential details such as salary, salary scales/steps, allowances, date of first engagement with government, date of present appointment etc.

Performance Management Programmes (PMP)/Performance Rating Reports (PRR)

The section handled over 250 PMPs as well as PRRs of court staff. The periodical adjournment of PMPs and PRRs is deemed important for the purpose of staff promotions/staff progressions. A database was also kept for all PMPs and PRRs.

Returns and Requests

The HR branch also processed a large number of returns touching family friendly measures, study allowances payable to employees in the Public Service, returns on casual substitutes, survey regarding employment and disabled persons, employees on Contract for Service and registered self-employed, survey regarding summer work schedules and a return regarding staff in post. A substantial amount of requests for Maternity Leave/Parental Leave/Career Break/Unpaid Leave/Unpaid Study Leave were also processed during 2008. Updated databases were also kept and this assisted management in obtaining information regarding staff who availed themselves of/are actually availing themselves of family friendly measures.

A table below features some HR statistics.

	January	February	March	April	May	June
Total Staff Complement *	354	354	370	373	372	373
Recruitment	3	24	1	1	4	3
Appointments Issued **	-	-	-	-	8	-
Retirements	1	2	2	-	1	-
Staff Progressions/Promotions	8	-	-	-	7	6
New Contracts	2	12	-	1	-	3
Contracts Renewed	-	4	3	2	1	5
Disciplinary Measures	-	2	2		1	3

	July	August	September	October	November	December
Total Staff Complement *	375	374	374	374	374	374
Recruitment	-	-	1	1	-	-
Appointments Issued **	-	-	-	-	-	-
Retirements	1	-	1	-	-	-
Staff Progressions/Promotions	-	7	-	-	4	-
New Contracts	-	-	1	-	-	-
Contracts Renewed	2	2	-	8	-	-
Disciplinary Measures	-	-	-	-	-	-

* Figure excludes Members of the Judiciary and Industrial Project Services Limited (IPSL) Workers

** Does not include appointments of Clerks and Executive Officer

Finance Branch

The Finance section is responsible for the collection of Fines, Court Fees and other Revenue as directed by the Director/Registrar Civil Courts and Civil Tribunals and the Director/Registrar Criminal Courts and Criminal Tribunals. This section is also responsible for the payment of fees

to persons who provide goods and services in connection with the day to day running and maintenance of the Courts of Justice. Payment is also made for other services directly related to the Administration of Justice such as Court Experts, Commissioners for Justice and other Tribunals. The finance section is also responsible for payment of salaries to all Court personnel.

Every effort was made during 2008 to curb recurrent expenditure. Total actual expenditure for 2008 was **€304,486** more than that for 2007 as follows.

Category	Expenditure 2007 €	Expenditure 2008 €	Difference (2008 less 2007) €
Personal Emoluments	6,549,713	6,877,481	327,768
Operational and Maintenance Expenses	1,361,028	1,227,747	-133,281
Programmes and Initiatives	1,259,632	1,369,631	109,999
Total	9,170,373	9,474,859	304,486

This increase was due to the increase in expenditure under the **Personal Emoluments** category which was **€328,800** more than last year. This increase in expenditure was the result of the cost of living increase and the collective agreement, which had also a direct effect on expenditure related to Social Security Contributions, Allowances and Overtime since the rates for such payments are pegged to the basic salary.

With regards to Operational and Maintenance Expenditure, the Courts of Justice Division managed to reduce expenditure under this category by **€133,300** when compared to 2007. This was due to savings effected under various items of this category mainly under Office Services and Transport. However, it must be noted that the Water and Electricity bill for the month of October, normally settled within the same financial year, has not yet been settled due to the fact that the Courts have not received the invoices. In fact a balance of **€1,781.43** was left unspent under the utilities item.

With regards to the Programmes and Initiatives Category, a net increase in expenditure of **€110,000** was registered when compared to 2007. The main increase in expenditure under this category was due to an increase of **€40,000** under the Court Experts Item. However, one must state that expenditure under this Item depends on the number of accidents and criminal cases reported annually. This applies also to other Items under this category such as sittings in the Small Claims Tribunals, Family Court and Local Tribunals. The other increase was spread over the other ten items under this category.

Capital Expenditure

One of the main functions of the Support Services Directorate is that of Capital projects. A total expenditure of **€316,950** was made during 2008 under this category. This year's main project was the Structural Reinforcement and Consolidation of various columns situated in different floors of the Courts of Justice building. This project, which included urgent repairs and the replacement of the main garage door leading to the basement, was made for a total cost of

€268,215 including professional fees. Apart from this project the Courts have also commissioned the construction of a utility lift to be used for the transport of bulky files and court processes where no access is possible with the passenger lifts. The cost of this project was **€12,000**. Other projects included the refurbishing of various Court Halls. The old air-conditioning system (chillers) has now been phased out and replaced with modern A/C units.

Revenue

Once again the Division registered an increase in the collection of Revenue over the preceding year. During 2008 Revenue collected was **€457,676** more than that collected in 2007 Revenue collected was made up as follows:-

Category	Revenue 2007 €	Revenue 2008 €	Difference (2008 less 2007) €
Fines	1,635,489	2,005,770	370,281
Fees	3,133,395	3,227,604	94,209
Miscellaneous	9,946	3,132	-6,814
Total	4,778,830	5,236,506	457,676

Operational and Maintenance Branch

During the first quarter of the year, all directional signs within the main Court building were replaced with modern and updated signs.

Remote Visual/Audio recording equipment was installed in Hall 24 enabling witnesses to testify without the need to be directly present in the Hall.

All recording equipment in the Criminal Hall was replaced and a new PA system was installed in the Training Academy.

During the last six months of the year, the main capital project was the structural reinforcement of the columns of the main Courts of Justice building. Such project included the thickening of the columns supporting the whole building at various levels. During the same works a number of areas were refurbished such as parts of the lock-up, exhibits stores and the garage. The total cost for this project was of **€268,215**.

Tender documents for the replacement of the lift used by the members of the judiciary and a new stairs lift on the second floor were prepared. The relative tenders will be issued during 2009.

Health and Safety

In order to address the health and safety risks at the Courts of Justice Division, members of the staff continued to receive training in fire-fighting by the Civil Protection Department. A fire-

alarm was installed in the main building; moreover fire-detectors were installed in the main server room.

Following the certification report on the electrical installation at the Law Courts drafted by an Engineering firm, RCBOs were installed in the main distribution panel to protect court employees from electrical hazards.

A lift for bulky material has been ordered to help employees carry heavy files from ground to level 1.

Security

The contract for the engagement of security guards at the Courts of Justice Division was renewed following a call for tenders. A new security firm started offering the services. The annual expenditure in security services was that of **€57,744**. Additional security cameras were installed in the corridors on ground floor, 2nd floor, in Strait Street and in the basement.

Entry access by members of the Judiciary to the Courts building through the restricted area was upgraded with the installation of a coloured CCTV camera at the inside entrance.

A new, more secure automatically operated garage door was installed and windows at street level were barred with expanded metal sheets to ensure higher security levels at the Courts of Justice.

Refurbishment Works

In 2008 refurbishment works were carried out in Halls 3, 7, 11, the Small Claims Tribunal office, the Judicial Sales by Auction office in Strait Street, Criminal Hall offices, the main wooden doors at the Courts' entrance and the iron gates of the Portico.

All Halls have been equipped with an air-conditioning system, with airconditioning units installed in another 6 Halls. Consequently, the old centralised cooling system operated on diesel was switched off saving thousands of Euros.

Extensive works have been carried out on the drainage system and painting of various parts of the Law Courts including main corridors and common areas.

Old oil paint on Hall door ways located in the main Court corridors was carefully removed from masonry works thus regaining the décor of the original building.

Green Initiatives

A number of initiatives were taken to reduce energy costs. Where possible, PL lamps were fitted in common areas whilst low wattage lamps were fitted in other areas. The number of light fittings in the basement and at ground floor was halved given that these were much more than sufficient.

The centralised cooling system running on diesel and electrical power was permanently switched off.

Efforts were made to localise a well that was not in use for many years. Tests by the Health department were carried out and it resulted that the water can be used. Preparations are being made to make full use of this water.

Preliminary meetings were held with Enemalta personnel to study the possibility of installing Photovoltaic panels on the roof and thus reduce energy consumption from the grid.

Other Maintenance Works

During 2008 the existing PABX was upgraded to reduce recurrent expenditure. Much of the old cards were replaced by sophisticated ones which are cheaper to replace and having twice the capacity of extension lines as the previous type.

A roof shelter was installed over the Main generator thus offering protection from weather corrosion.

The application filed with MEPA to carry out the necessary structural works on the roof of a store situated at Crown Ditch, Floriana was rejected. Funds allocated for this purpose were used for other services. Thus an alternative site at Lascaris was identified, cleaned and exhibit items in Floriana were transferred to these new stores.

Water leaking into third party buildings from the Court of Justice building in Old Bakery Street was addressed and resolved.

Training Academy

The Training Academy, during the year under review, organized seventeen sessions of local lecturing to Court staff and one session to the Judiciary. These sessions were of a minimum duration of two hours to a maximum of a half day. The courses in the Training Programme covered during the period were varied and were attended by all categories of law court employees.

The material covered during the courses dealt with the role, conduct, managerial, legal and practical aspects of the duties of the employees concerned. As regards the participants, the feedback was very positive. The attendance was regular, consistent and was highlighted by the frequent interaction with the lecturers.

The bulk of the training sessions were facilitated by competent law court employees whilst others were run in collaboration with the Staff Development Organisation, MITTS, the Data Protection Office and the Probation Office.

Some of the topics addressed during the courses were: Generic Procedures for court support staff, refresher courses on Taxation Procedures and relative recording, Data Protection in the Judicial Sector, Orientation Courses for prospective employees, Hands on Training on the LECAM and Community Service Orders.

In addition to the above, the Training Academy, in collaboration with the Curriculum Management and eLearning Department within the Education Division and the Office of the

Chief Justice invited groups of Form IV students from 10 different schools to visit the Courts of Justice. The aim of these visits was to enhance the knowledge of the students on the role and functioning of the Courts and to foster an understanding on the judicial system.

The Training Academy's Web-Site was, during the month of December 2008, hosted on the Ministry for Justice and Home Affairs web-site. It provides details about its inception, set up as well as up to date information on past and forthcoming courses.

Judicial Studies Committee

The objective of the Judicial Studies Committee (JSC) is to guarantee that specialized legal training is provided to enable those who carry out judicial functions to carry out their functions effectively.

One of the major functions of the JSC is to foster international participation for members of the Judiciary in some of the programmes that are offered by the European Judicial Training Network (EJTN) in conjunction with the European Commission. Two programme submissions were made in two different subject areas. The first submission was the **Language training on the vocabulary of judicial cooperation in criminal matters** whilst the second programme proposal was **The International Judicial Cooperation in criminal matters in practice**. This training is part of simultaneous seminars that will be carried out in Europe which will deal with **Europe Arrest Warrant (EAW)** and the **Mutual Legal Assistance (MLA)** training simulations. A questionnaire was filled in by the JSC as part of the participation in the International Judicial Cooperation in criminal matters in practice.

The JSC coordinated a visit to the European Law Academy seminar in Trier, Germany in November 2008 treating the subject of Evaluating Counter terrorism legislation and jurisprudence in the area of European Criminal Justice.

GOZO COURTS AND TRIBUNALS

Mission Statement

This Directorate continued its work to reform and improve the quality of services that support the justice system process in Gozo

The Organisation of the Gozo Courts and Tribunals

The two resident Magistrates work on a new roster of a week each and take cognizance of all acts filed during the proceedings of the cases assigned to them, prohibitory injunctions with the exception of applications before the Court of Voluntary Jurisdiction. These two Magistrates also serve as duty Magistrates for the Islands of Gozo and Comino, and as such hold magisterial inquiries and carry out preliminary investigations. Civil Court sittings are almost invariably held from Tuesday to Friday, with an average of 40 cases per sitting, while sittings of the Court of Magistrates (Gozo) in its Criminal Jurisdiction are usually held on Tuesdays and Thursdays.

Registry

The single Registry at the Gozo Courts caters for both civil and criminal cases, as well as for appeals from the inferior courts.

The following were the number of acts filed in the Registry during 2008:

Type of act	Number of acts filed
Judicial Letters (excl. sect. 166A & 253 COCP)	659
Judicial Letters in terms of Sect. 166A (COCP)	175
Judicial Letters in terms of Sect. 253 (COCP)	6
Schedules of Deposit	424
Legal Protest/Counter Protests	58
Applications/Replies in lawsuits (application program)	2535
Acts filed by the Attorney General	45

Court of Magistrates

During this period, 133 cases were introduced in the **Superior Jurisdiction**, while 178 cases were decided and 53 were ceded, leaving 721 pending cases.

The Court of Magistrates in its **Inferior (Civil) Jurisdiction**, as a court of first instance, hears and determines claims not exceeding €1,646.87 and had 24 newly introduced cases. It decided 27 cases, 3 were ceded and 10 deserted/deducted, leaving 132 pending cases.

There were 83 new applications with 92 new additions before the Court of Magistrates in its **Voluntary Jurisdiction**, while 200 decrees were issued. The same Court still has 54 pending cases.

The Court of Magistrates as a Court of **Criminal Judicature** (*Kawzi Sommarji*) takes cognizance of all criminal offences and contraventions punishable with a maximum of six months imprisonment. During 2008, 879 cases were introduced while 647 cases were decided, 20 were put off *sine die*, no cases were re-appointed from *sine die* and 83 cases were withdrawn. The total number of cases pending here stands at 954.

As a **Court of Criminal Inquiry**, 81 new preliminary inquiries (*kumpilazzjonijiet*) were introduced, 48 were decided while 158 remain pending. None were transmitted to the Attorney General for the issue of a bill of indictment.

The Magistrate presiding as **Revising Officer** in terms of Section 13 (3) of Chapter 354 (**General Elections Act**, 1991), decided 20 applications pending before him. During the same period, 3 new applications were introduced while 2 were withdrawn. There are no pending applications here.

As regards magisterial inquiries, there are, at present, 333 pending, with 78 introduced during 2008, while 29 were concluded.

Family Court

In the Family Court, there were 167 pending letters at mediation stage by the end of the year under review and this included all such letters since their inception in 2003. There were 26 applications (*rikorsi f' medjazzjoni*) and 6 notes and 4 conjunct notes related to the same letters.

As regards cases of the Civil Superior Jurisdiction (Family Section), 30 writs of summons were introduced in the Family Court during the year under review, with 16 cases being decided. Three cases were ceded, while two were deserted, leaving a balance of 42 pending cases.

Small Claims Tribunal

The Small Claims Tribunal has jurisdiction to hear and determine cases involving money claims of an amount not exceeding €3,494.06. There were 43 new cases introduced and 9 were referred from the Tribunal in Malta. 41 cases were decided and 2 cases referred to the Tribunal in Malta, while 2 cases were ceded and 7 deserted. This Tribunal has 68 pending cases.

The adjudicator sitting on the Small Claims Tribunal is substituted by another one from the Courts of Justice in Malta in cases of abstention or challenge.

The same adjudicator of the Tribunal also chairs the Local Councils Tribunal as Commissioner for Justice in Gozo, dealing with minor offences such as traffic contraventions.

Juvenile Court

The sittings of this Court continued to be heard at the NGO Centre in Xewkija and in one particular case, the Courts' Administration had to install the necessary equipment so that one of the minors involved could give her testimony by means of video-conferencing.

Court of Appeal

The **Court of Appeal (Civil Inferior)** holds sittings in Gozo to hear appeals from decisions of the Rent Regulation Board, the Rural Leases Control Board and the Small Claims Tribunal in addition to those of the Court of first instance, inferior jurisdiction, as well as appeals from other Administrative boards which hold sittings in Gozo. This Court had 15 newly-introduced cases, decided 17 and has 15 pending cases.

Appealed judgements of the Court of Magistrates (Gozo) in its Civil Superior Jurisdiction are heard by the Court of Appeal in Malta.

The **Court of Criminal Appeal (Inferior Jurisdiction)** also holds sittings in Gozo and decided 82 cases, had 18 newly introduced ending with 13 pending cases. Two cases were deserted, while one case was referred back to the Inferior Court.

The Registry of this Court is also designated as the Registry of the Court of Criminal Appeal regarding appeals filed from judgements of the Court of Magistrates as a Court of Criminal Judicature in Gozo.

Boards

The **Rent Regulation Board** and the **Rural Leases Control Board** deal with applications regarding matters between lessors and lessees of premises or land respectively. The former had 6 new applications introduced while the latter had 3 such applications. Each Board decided 2 cases and had one ceded case each, the former ending with 20 pending cases, whilst the latter ending with 19.

The Judicial Assistant continued to hold sittings in Gozo as delegated by the Magistrates sitting in the Court of Magistrates in its Civil Jurisdiction. This officer was also encouraged and in fact started to send copies of his *verbali* and postponement of his sittings to lawyers via e-mail, thereby promoting further the concept of e-Government.

Judicial Sales/Licitations

For a number of years this department lacked a deputy registrar who could be specifically delegated with the task of processing judicial sales/licitations. In June 2008 a new deputy registrar was engaged with the Gozo Courts and entrusted with judicial sales. She was trained at the Judicial Sales Section at the Courts in Malta prior to commencing her work here.

Out of a starting balance of 154 pending judicial sales, 107 have been rendered as deserted and 17 were withdrawn. Twenty new applications were filed during 2008 and 8 were concluded between September and December 2008, ending with 42 pending cases.

Scanning

The Directorate of this department saw it fit to embark on a scanning project. This pilot project may be considered as being antecedent to the scanning project which the Courts of Justice intends to undertake on a larger scale when the requisite funds are available.

By the end of 2008, all acts relating to the cases introduced during 2008 of Magistrate Dr Anthony Ellul were scanned and linked to the LECAM system, including those acts presented by lawyers during sittings.

Information Technology and e-government

Throughout 2008, the Gozo Courts continued with its effort to improve the level of service to the legal profession and the public in general.

This department was the first in Gozo to have all the hardware utilized by its staff substituted by new PC's, monitors and keyboards under the Government ICT Leasing Agreement.

New hardware was installed in all halls and in the Registry. Lawyers, legal procurators and the public in general now have the facility to make their own query, via the PC at their disposal, thus easing demands for assistance from our staff in that section.

Video-conferencing

During the period under review, the Courts experienced an increase in requests for the use of video-conferencing.

As regards the use of internal video-conferencing, this has been invariably utilized during criminal cases involving witnesses who were minors and/or victims of rape or abuse.

On the other hand, there were three requests for the use of the video-conferencing facilities made available to us by the Ministry for Gozo, allowing one of our Magistrates to take the testimony of a party to a case in Gozo but residing abroad:

06/03/2008	Melbourne Australia
23/06/2008	Royal Courts of Justice UK
03/10/2008	London/Manchester Courts

Another testimony was taken using audio means with Australia.

Finally we had two video-links with the Courts in Malta, the first one on the occasion of the inauguration of the Training Academy premises and the other for a training session on taxation held by the same Academy.

Staff Training

Staff training continued to be an integral part of human resource development. Employees from all sectors of this department were encouraged to undergo training in various fields especially those related to their responsibilities. It is mandatory that staff is well trained to meet the requirements of the complex environment of the Courts. For some years now, training in the field of IT has been and is continuing to be provided by The Malta Information Technology and Training Services Ltd. (MITTS).

Various employees also attended IT courses organised by the Staff Development Organisation in collaboration with the Ministry for Gozo in various IT programs.

Collection of Revenue

Revenue at the Courts of Justice is generated through fees paid when filing acts at the registry and the relevant registry fees collected once a case is decided and through the collection of fines inflicted by the Courts.

During 2008, a total of 1177 taxed bills were drawn up, in their majority regarding decided cases. A copy of the taxed bill is, in various instances, sent through e-mail to lawyers requesting such facility.

Furthermore, the following fines were inflicted by our courts:

Court inflicting fine	Number of fines	Amount rounded up/down to nearest €
Court of Criminal Appeal	27	165,186
Court of Magistrates (Criminal Jurisdiction)	375	99,886
Other court divisions/tribunals & contempt of court	15	2,420
Total	417	267,492

As regards the collection of Revenue, €192,403 were collected from fines (including arrears), an increase of €103,465.19 and €288,949 by way of filing and registry fees, an increase of €1,576.53 from 2007, bringing the total revenue to €481,352 which amounts to a global increase in revenue of €125,041.72 from the previous year.

Refurbishment of premises

In view of the fact that both resident Magistrates sometimes hold sittings contemporaneously, and due to an increase in sittings of the Criminal Jurisdiction cases, the need was felt to have a third hall. For this reason the hall which previously housed the Advocates' Chambers, was converted into a third hall with annexed Magistrate's chambers.

The expenses for the refurbishment works in this Hall were kept to a minimum as regards premises. However, a more sophisticated recording system utilizing compact disks instead of the usual cassettes was procured.

Sittings of the Small Claims Tribunal and of the Judicial Assistant are usually held in this Hall, and the said Judicial Assistant uses the Magistrate's chambers therewith annexed as his office.

The Advocates' Chambers are also being refurbished.

Premises administered by the Gozo Courts

The lawsuit filed by the Director/Registrar at the Civil Court Registry (Malta) against Maltapost plc to safeguard this department's rights over the flat at 128, Republic Street, Victoria, Gozo, is still pending. This flat was previously used as the residing Magistrate's residence and was still undergoing refurbishment when the case was instituted.

Furthermore, a garage was leased from the Government Property Division at an annual rent of €120 per annum with the intention of using said premises for the storage of court exhibits. This garage needs some refurbishment and the installation of shelves for storage, which task will be embarked on during 2009.

KEVIN MAHONEY

Director General

Courts of Justice Division