



Malta

enforcement system e-manual





**This publication was funded
by the European Union's
Justice Programme
(2014-2020)**

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WHAT IS ENFORCED



Monetary Claims

01



Non-Monetary Claims

- Handing over movable assets
- Eviction
- Obligations to act, refrain from acting or suffer action
- Reinstatement of employee to work

02

WHO ENFORCES



Judicial Officer

01

Civil servant employed by the state

Competences

- Service of judicial documents
in civil and commercial cases
- Enforcement of enforceable titles
in civil and commercial cases

Criminal matters:

exclusive competence of police

ENFORCEMENT PROCEDURE



Enforceable title

- *Res judicata* court judgement
- Court decree
- Contract/public deed recorded in the Public Registry of Malta
- Judicial letter etc.



Creditor's sworn application



Executive warrant

Types

- Warrant of seizure of movable/immovable property
- Executive garnishee order
- Judicial sale by auction of movable/immovable property
- Warrant of eviction etc.

Exception:

precautionary warrant issued before enforceable title



Judicial Officer appointed to execute warrant



Initiation of enforcement

HOW LONG DOES THE PROCESS LAST



Time limits of enforcement vary depending on enforceable title

(10 years, 5 years, or 3 years)

- Upon expiry of time limit,
the title would still be enforceable,
if a sworn application is filed

HOW MUCH DOES THE PROCESS COST



Initial fee

- Proportional amount based on type (monetary/non-monetary) and amount of claim

Third party expenses

- External spending contracted outside Judicial Officer's office (Storage, locksmith, etc.)

Enforcement expenses

- cover reimbursement of necessary procedural expenses
- fixed for specific enforcement activities

Performance fee

- No fee upon successful enforcement
- Remuneration of Judicial Officers established by contract with the Government

