

OSCOLA Guidelines

Adapted for Maltese Legal Sources

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This citation guide is based on OSCOLA, which was devised by the Faculty of Laws at Oxford University. We are grateful for their permission to adapt it for the purposes of developing a standard citation guide for Malta.

This guide has been subjected for the approval and endorsement by the Faculty Board of the Faculty of Laws, University of Malta, which has formally adopted it as the standard citation guide for Malta.

The present guide is accessible from:
<<https://www.ghsl.org/oscola-guidelines>>.

The fourth edition of the OSCOLA Guidelines, issued in 2012, can be found here:
<https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf>.

For more information on OSCOLA, visit: <<https://www.law.ox.ac.uk/oscola>>.

Foreword

The Faculty of Laws, and GhSL after it, at the University of Malta has adopted OSCOLA as the standard citation system for legal sources for a number of years now. However, since OSCOLA is designed for the English legal system, which is structured differently to the Maltese one, it is not always the best point of reference for Maltese legal sources. Indeed, some students incorrectly cite Maltese sources by following OSCOLA literally, or by using citation-generating engines. Discrepancies also exist between academics and students in the way they cite Maltese sources, and the courts adopt their own system (sometimes judge/magistrate-specific).

It was felt that the Maltese legal system gravely needed its own standard guidelines for citing its own legal sources, notably legislation and judgments. Furthermore, specific published materials, such as books and notes on Maltese law, are cited in different manners by different persons, and it was felt that these should be standardised as well.

The Maltese legal system is of its very nature mixed. This gives rise to considerable tensions, of which two merit particular mention: the lack of a system of binding precedent in theory and the forensic practice of referring to previous judgments as though there are precedents (or rather, 'leading cases'); and the conflict between constitutional supremacy and the primacy of EU law. The issue with judgments is compounded by reference to 'case-law', which in Malta is not law at all – nevertheless it is the accepted synonym for 'judgments' (despite opposition in some academic quarters), a legacy of 150 years of British rule. Theoretical controversies of this nature, though they may have important consequences in practice, are not something a citation guide should attempt or be expected to resolve.

It was felt that classifying a source as primary or secondary, as OSCOLA does, could give rise to certain presumptions or attitudes in the Maltese context, and so these guidelines do away with that distinction. Therefore, they begin with two general sections, followed by sections dealing with specific sources. For the avoidance of any and every doubt, it must immediately be made clear that the order in which these sources appear do not follow, and do not purport to create, a hierarchy of legal sources for Malta. That is something happily left for the academics to sort out.

These guidelines provide standard methods of citing Maltese legal sources in line with the fourth edition of the OSCOLA Guidelines (2012). They are thus best read in conjunction with OSCOLA. Always ensure that you are editing in line with the most recent Guidelines. When citing materials not mentioned in these guidelines, use the general principles of OSCOLA citation as a guide and try to be consistent. The guidelines sometimes contain additional explanations, particularly of certain terms or concepts. This was consciously done in order to give students added context.

These guidelines do not purport to be comprehensive in any manner. They are intended to give rules and examples on how to cite the main Maltese legal sources, and other specific ones, by wedding Maltese standard practices and the spirit of OSCOLA citation. In some specific cases, it was felt that malpractices should be rectified, or at least highlighted, and that a different practice was suitable. Furthermore, they are meant as a guide for the academic world and academic writing, not for the drafting of judgments, where more concision is usually adopted in referring to sources.

Nevertheless, the most important point to take from OSCOLA and any citation system in general is to be consistent. When you are writing, check and double check that the way the text is written is uniform throughout.

This document was born as a summary of the OSCOLA Guidelines for the internal use of GħSL's Publications Office, containing within it brief guidelines for how to cite Maltese legislation and court judgments. It was issued in 2016 for use in editing submissions for the organisation's peer-reviewed law journal 'Id-Dritt' and its Online Law Journal. This endeavour was undertaken by Ms Ariane Aquilina and Ms Gaynor Saliba, Publications Officers for the terms 2015/2016 and 2014/2015, respectively. The endeavour to produce the guidelines for citing Maltese primary sources and specific Maltese secondary sources in their present form was undertaken by Mr David Chetcuti Dimech, Publications Officer for the term 2021/2022. Special thanks go to Professor Kevin Aquilina at the Faculty of Laws for his kind assistance during the drafting of these guidelines.

The present guidelines have been approved and adopted by the Faculty Board of the Faculty of Laws, University of Malta, as the standard citation guide for Maltese legal sources for Malta. We are thankful for the feedback provided by University academics throughout this process. We trust law students and academics will find them useful.

August 2022

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1. General Notes

1.1 Citations and Footnotes

These guidelines, following OSCOLA, are a footnote style. They do not use in-text citations or endnotes. When citing a source, either directly (as a quotation) or indirectly (by paraphrasing or referring to ideas in a source), one must use footnotes. Longer works, such as books or theses, may also include citations in tables of cases and legislation, and bibliographies.

Footnote markers should always come at the end of a sentence, unless it is prudent to put them in the middle of a sentence for clarity's sake. If the word or phrase to which the footnote marker relates is in brackets, place the marker before the closing bracket.

Please refer to section 1.1 of the OSCOLA Guidelines for further information.

1.2 Sources in-text

The author may refer to the source in the sentence itself. For example, the sentence: 'Article 249 of the Criminal Code, Chapter 9 of the Laws of Malta' is a complete reference and therefore needs no footnotes. On the other hand, the sentence: 'Article 249 of the Criminal Code' needs a footnote to indicate that the Criminal Code is in fact Chapter 9 of the Laws of Malta.

The same applies for judgments. However, the case name should be in *italics*. For example:

In 2015, the *Schrems* case further brought to light the inadequacy of the Safe Harbour Scheme.

1.3 Quotes and Quotation Marks

When quoting directly, do not use double quotation marks. Quotations should be in single quotation marks, and any quotation that is longer than 3 lines should be in a separate paragraph. A quotation paragraph should have an indent of 1cm **on each side**. The quote paragraph should **not** include quotation marks.

If there is a quote within a quote, punctuation differs. If the quote is within single quotation marks, then the quote within a quote should be in double quotation marks. If the quote is within a paragraph (i.e., it does not have single quotation marks) then the quote within a quote should be within single quotation marks. Then, if there is a further quote (highly unlikely), revert back to single quotation marks, and so on.

If the quote is included within a sentence, a comma is enough to lead into the quote. On the other hand, use a colon to lead into a quote paragraph.

Please refer to section 1.5 of the OSCOLA Guidelines for further information on Quotes.

1.4 Foreign Words and Latin Gadgets

Foreign words and phrases should be in italics. Ensure that there is a footnote that provides a translation to the word or sentence or quote. Foreign languages for this purpose include Maltese, unless writing in Maltese.

If writing in Maltese, then English is a foreign language, save for terms incorporated into the Maltese language – here one may wish to refer to the guidelines issued by the *Kunsill Nazzjonali għall-Ilsien Malti* on its website: <<http://www.kunsillmalti.gov.mt/news-details?nwid=166&ctid=17&ctref=ortografija>>.

When writing in Maltese, please remember to use the proper Maltese letters. Do not use ‘gh’ instead of ‘għ’ or ‘h’ instead of ‘ħ’, etc. The same applies for quotes in Maltese in a work written in English.

If the author uses Latin gadgets that are commonly used in everyday speech, such as ‘ultra vires’, ‘a priori’, ‘prima facie’, etc., they need not be italicised.

1.5 The Main Text

It is prudent to ensure that the main text is at font size 12 and that footnotes are at font size 10. Font should be Times New Roman, Arial, or Calibri – these are the easiest on the eye for the reader, particularly if suffering from visual impairments.

Do not forget the Oxford comma.

Example:

I bought a book, a pen and a magazine.

Incorrect

I bought a book, a pen, and a magazine.

Correct

1.6 Tables and Bibliography

Refer to Sections 1.6 and 1.7 of OSCOLA for more guidance.

In longer works, such as theses and books, a bibliography listing secondary sources should be provided after the main body of text and any appendices. It should include all such sources cited in the work and need not be indexed.

Items in bibliographies take the same form as all other citations in OSCOLA, with three exceptions: (1) the author’s surname should precede his or her initial(s), with no comma separating them, but a comma after the final initial; (2) only initials should be used, and not forenames; and (3) the titles of unattributed works should be preceded by a double em-dash. Works should be arranged in alphabetical order of author surname, with unattributed works being listed at the beginning of the bibliography in alphabetical order of first major word of the title.

2. Footnotes

2.1 End Footnotes with Punctuation

End footnotes with a full stop (or a question mark or an exclamation mark).

Please refer to section 1.1 of the OSCOLA Guidelines for further information.

2.2 Multiple Sources cited in one Footnote

When citing more than one source of the same kind for a given proposition, list the sources in chronological order, separating each source with a semicolon. There is no need to precede the final citation with 'and'.

If a particular source is the main source one wants to cite, or one or more sources are more directly relevant, cite these first, followed by the others in a new sentence beginning with 'See also'.

If a single footnote cites legislation, judgments, and other sources (including books or journal articles), the order of the sources should be: legislation, then judgments, then other sources (order of authority).

2.3 Subsequent Citation and Cross-References

It is very common to have more than one footnote referencing the same source, such as a particular piece of legislation, a particular case, or a particular book. In this case, the first footnote referencing the source should be cited in full, however subsequent footnotes need only make a reference.

If the subsequent citation is right after the previous footnote, then simply use 'ibid'. Note that *ibid* does **not** begin with a capital 'I' and it is **not** in italics. For example:

¹ HLA Hart, *The Concept of Law* (2nd edn, Clarendon Press 1994) 135.

² *ibid*.

If the subsequent citation makes reference to a different page than the previous citation, then simply include the page number right after 'ibid'. For example:

² *ibid* 50.

If the footnote makes reference to a source cited in a previous footnote that does not directly precede it, include a short reference to the source and place the footnote number where the source was cited in full in brackets. Follow with any additional information relevant to the new citation, such as article or page numbers.

For example, with regard to legislation:

⁶ Data Protection Directive (n 2) Article 45.

Here the footnote is citing the Data Protection Directive that was fully cited in footnote 2 and indicating the specific provision relevant to the proposition it relates to in the main text.

For example, with regard to judgments:

⁷ *X vs Y* (n 3).

Here the footnote is citing case *X vs Y* that was fully cited in footnote 3. As with citing legislation, any reference to a particular paragraph or page of the judgment will always go after the brackets. It is permissible to give only the surnames of the parties, or abbreviations, in subsequent citations.

For example, with regard to other sources:

⁸ Borg (n 4) 55.

Here the footnote is citing another source, let us say a book, that was fully cited in footnote 4. The '55' is in reference to the page of the book that the author is citing. When citing books, articles, and other authored works, always refer to the author and not the work in the subsequent citation.

One may need to cite different sources written by the same author. In this case, after the author, include the name of the source so that it is clear which source is being referred to. For example:

⁹ Borg, *A Commentary on the Constitution of Malta* (n 6) 60.

¹⁰ Borg, *Maltese Administrative Law* (n 7) 45.

Please refer to section 1.2 of the OSCOLA Guidelines for further information.

2.4 Punctuation

OSCOLA uses as little punctuation as possible, however always ensure that the footnote is grammatically correct.

With regard to names, do **not** use punctuation. For example, write 'AF Borg' rather than 'A.F. Borg'.

2.5 Dates

Dates should be in the format of '1 January 2016'. The format of '1st January, 2016' in the footnotes is wrong.

2.6 Abbreviations

Consult the appendix to the OSCOLA Guidelines 2012 for abbreviations that can be used in footnotes.

3. Maltese Legislation

Provisions of the law (NOT of Bills) have their first letter capitalised when referring to a specific provision. This rule applies both in-text and for footnote citations (which necessarily refer to specific provisions). Thus, for example, it is 'Article' not 'article'. 'Art' is also an accepted abbreviation in footnotes.

3.1 The Constitution

The Constitution of Malta, or *Kostituzzjoni ta' Malta*, should be referred to in the same language as in the surrounding text, be it English or Maltese. Capitalise 'Constitution', but not 'constitutional'.

Cite the Constitution as follows:

Constitution, Article 115.

Only write the full name (Constitution of Malta/*Kostituzzjoni ta' Malta*) if reference is made to other constitutions in the same piece.

3.2 Acts of Parliament

To cite Maltese Acts of Parliament, use one of the following formats as appropriate.

If the Act has been given a Chapter number, use this format:

Name of Act, | Chapter number of the Laws of Malta, | Article number.

Example:

Civil Code, Chapter 16 of the Laws of Malta, Article 1.

If the Act does not have a Chapter number (it is a purely amending Act, for example), use this format. There is no need to add 'no.' after 'Act', it is self-evident.

Act number of year, | Short Title, | Article number.

Example:

Act XIX of 2021, Legal Profession (Reform) Act, Article 1.

N.B. Ordinances should also be cited as above, as appropriate. Proclamations, if given a Chapter number, should be cited as in the first format (note that Proclamations are technically subsidiary legislation). Ordinances and Proclamations, in Malta's context, are legislative instruments promulgated by the Governor or the Sovereign-in-Council during British colonial rule (the five Codes, for example). For citation of legislation issued prior to British colonial rule (therefore, pre-1814) and prior to 1839, see Section 3.6 below.

N.B. 'Ordinance', not 'Ordinance'. The latter is a synonym for artillery (mounted guns).

3.3 Subsidiary Legislation

To cite Maltese subsidiary legislation, use one of the following formats as appropriate.

If the instrument has been given a Subsidiary Legislation number, use this format:

Name of Law, | S.L. number, | Provision number.

Example:

Extreme Pornographic Images Regulations, S.L. 9.05, Regulation 1.

If the instrument has not been numbered, use this format. There is no need to insert 'of' instead of the forward slash; the meaning is self-evident.

L.N. number/year, | Title of Legal Notice, | Regulation number.

Example:

L.N. 243/2020, Second Repealing Regulations, Regulation 1.

N.B. Subsidiary legislation comes in different names: Regulations, Orders, etc. The individual provisions are called 'regulations', 'orders', etc. They are either Legal Notices (L.N.) or Government Notices (G.N.), but may also come in the form of Proclamations (Proc).

3.4 Bills

Cite Bills in the following manner.

Title | HR | (legislature | year of bill) | [running number].

First, the Bill title. This is NOT that given in the Bill itself (which tends to be inexorable) but the name by which it is referred to on Parliament's website at <<https://www.parliament.mt/en/14th-leg/bills/>> (link to the 14th legislature, one can navigate from there).

Second is the House in which it originated. This will almost always be the House of Representatives (HR), but note the *nota bene* below.

Third, in round brackets, is the legislature (Roman numerals) and the year the bill was first published. Note that if the legislature is dissolved before the Bill has become law, it will have to be re-proposed in the subsequent legislature. Be clear which of the two Bills you are referring to in these cases.

Finally, in square brackets, is the running number assigned to the Bill. This indicates which Bill of the given legislature it is (the first, the second, etc.). It can be obtained from Parliament's website. Note the *nota bene* below. A new running number is assigned if the bill must be re-proposed in a subsequent legislature.

Examples:

Marriage Bill and other Laws (Amendment) Bill HR (XIII 2017) [1].

Legal Profession (Reform) Bill HR (XIII 2020) [181].

N.B. Provisions of Bills are called clauses, and can be abbreviated to ‘cl’ (singular) or ‘cls’ (plural).

N.B. Malta’s legislature was bicameral during the period of operation of the 1921 Constitution: Legislative Assembly (LA) and Senate (Sen). For Bills of other local legislative bodies, abbreviate as appropriate. For example, ‘Council of Government’ can be abbreviated to ‘CoG’.

N.B. The running number is the informal means through which a given Bill is identified: ‘Bill 181 of 2021’, for example. While at first sight it might seem that the Bill is the 181st of the year 2021, it is actually the 181st Bill of the given legislature, proposed in the year 2021. One may refer to the Bill in such a manner in the text, but avoid this in the footnotes, not least because Parliament’s website catalogues Bills according to the running number and the legislature, not the year of proposal.

3.5 Debates of the House of Representatives (Parliamentary Debates)

N.B. ‘Parliamentary debates’ in this context refers to debates in the legislative organ of the State, be it a House of Parliament, a Council of Government, etc.

Debates are available from the year 1860 onwards at the University of Malta’s Melitensia section.

For debates of the House of Representatives, use the following format:

HR Deb | date | (legislature | sitting) | page number.

The legislature should be in Roman numerals.

Adjust as necessary if the debates are from either House of the 1921 Constitution legislature, or from the various councils of government in the pre-1921 years. The Legislative Assembly and Senate of the 1921 Constitution’s legislature can be abbreviated to ‘LA’ and ‘Sen’, respectively. Abbreviate other local legislative bodies as appropriate. For example, ‘Council of Government’ can be abbreviated to ‘CoG’.

Bills are currently debated in one of two committees: the Consideration of Bills Committee and the Adjunct Committee for the Consideration of Bills. For these, use the format below, as appropriate:

Deb (Com) | date | (legislature | sitting) | page number.

Deb (Adjunct Com) | date | (legislature | sitting) | page number.

Consult Section 3.4.2 of the OSCOLA Guidelines 2012 and adjust as necessary for the Maltese scenario if neither of the above are applicable (for example, a report or debates of a specific committee of the House, such as the Public Accounts Committee).

Debates of the House and of the Committees are also available in audio-visual format from Parliament’s

website. The written versions should always be preferred when citing, but if unavailable then instead of the page number in the citation add the link to the relevant page of Parliament's website.

3.6 Older Legislative Instruments

All laws currently in force were promulgated during or after British colonial rule (thus, after 1814), with the exception of an elusive provision of the Code de Rohan some maintain is still in force.

For legislative instruments promulgated during the time of the Knights of St John, during the French interregnum, or during *de facto* British rule (1800-1814), follow the general guides in Sections 3.2 and 3.3 above, as appropriate.

Before 1835, laws were promulgated as Minutes, Proclamations by the Governor, or unenumerated Ordinances. Ordinances only began to be numbered in 1839. Proclamations of a legislative nature were eventually labelled 'Enactments' to distinguish them from non-legislative ones. Here, one should also follow the general guides in Sections 3.2 and 3.3 above.

If the sources were found in public libraries or archives and have a manuscript number, it may be appropriate to indicate this in square brackets at the end of the citation together with the standard abbreviation for the place the manuscript is located (for example, 'Bibl' is short for 'Bibliotheca' – the National Library of Malta).

Some sources may be found in published collections. In this case, it may be appropriate to indicate the publication, following the format in Section 9.1.2 below on contributions to edited works.

Likewise, if the source is acquired online, a hyperlink may be appropriate (see Section 9.5 below for citing sources from the internet).

Some laws, particularly the codes published by the Knights, have long names. It is appropriate to cite the leading title and insert the popular name in brackets, if any.

Below are methods of citing certain important laws from the Knights period.

Del Dritto Municipale di Malta (1784) (Code de Rohan).

Leggi e Costituzioni Prammaticali (1724) (Code Manoel).

The following two include the manuscript number and the location of the manuscript.

Costituzione del Consolato del Mare (1 September 1697) [Bibl Ms CCCXCII] (Consolato del Mare).

Prammatiche Magistrali (1681) [Bibl Ms CL] (Caraffa's *Prammatiche*).

4. Judgments of the Courts of Malta

Judgments of the Courts of Malta are found in a variety of sources. The most used is the eCourts website, where cases started to be uploaded individually from the year 2001. Most cases delivered from

2001 onwards can be found here. Judgments are also published in official volumes. Those delivered in the year 1944 and onwards are also, for the most part, found online. Certain judgments are found in other publications.

All judgments from 1814 onwards are available in print or handwritten format from the Court Archives. Some older judgments (or the publications where they may be found) are available online via Google Books or at the National Archives in Mdina.

This section only deals with judgments, and not with decrees and other instruments issued by authority of the courts, since these are rarely published. For these, adjust the rules found in this section accordingly in order to indicate that a decree, a warrant, etc. is being cited.

In the Maltese context, 'case-law' does not refer to the doctrine of *stare decisis*. Judges cannot make laws, and courts are not bound by their own previous decisions or indeed decisions by higher courts. Final decisions by the courts constitute interpretations of the law applied to the particular facts of a given case and carry persuasive weight. The most weight is wielded by those of the Constitutional Court, Court of Appeal, and Court of Criminal Appeal, and as a rule these should be followed unless there are cogent reasons to depart from them or their own judgments are conflicting.

N.B. Cite cases concerning Malta decided by the Judicial Committee of the Privy Council following Section 2.1 of the OSCOLA Guidelines as appropriate. None of these cases will have a neutral citation attributed to them.

4.1 Case names

Please refer to Section 2.1.2 of the OSCOLA Guidelines for more information.

Where there are multiple parties, cite only the first party and add 'et'.

If a party is acting in the name of another person, add 'noe' (or 'nomine' if you prefer the unabbreviated version).

Some cases will have a party styled as, for example, 'Josephine wife of Joseph Borg'. In these cases, the party to the suit is Josephine Borg, and so it is her name that should be indicated as party.

Ideally cite the full name of the parties if these are individuals, and in subsequent citations shorten to surnames only. There is no need to include company numbers, voluntary organisation numbers, etc.

Remove titles such as 'Dr', 'The Noble', 'Mons', and so on.

N.B. With regard to the word 'versus' in case names, it is consistent to use 'vs' for Maltese cases and simply 'v' for foreign cases.

4.2 Judgments Generally

To cite Maltese judgments, use the following format:

case reference | *party vs party*, | court | date.

For example:

1234/2005 *Joseph Borg vs Mary Borg*, Civil Court (First Hall) 11 March 2012.

The full year should be given in the case reference in order to avoid any ambivalence.

Case references for older cases (before copies of the individual judgments began to be uploaded online) are unavailable both online and in the *Kollezzjoni* volumes. Unless the author happens to have a physical copy of the original judgment (which would indicate the case reference), or knows someone who does, omit the case reference.

4.3 Published Judgments in the Official Volumes

Judgments of the Superior Courts began being officially published in the *Kollezzjoni* volumes (or *Collezione* volumes) in the year 1858. The first volume contains cases decided by the Criminal Court from the 1 June 1854, and civil and commercial cases decided by the Superior Courts from the 1 January 1858. Their full name is *Kollezzjoni ta' Deċiżjonijiet tal-Qrati Superjuri* (originally *Collezione di Decisioni dei Tribunali Superiori dell'Isola di Malta*). There are two series of this collection: the originals, thick volumes bound in black; and a republished series (which continues publishing select judgments to this day) in slimmer brown binding. Abbreviate these to 'Vol'.

The volume details should follow the other details of the judgment citation. Volume numbers are in capitalised Roman numerals; Part numbers are in non-capitalised Roman numerals; Section numbers (if any) are also in non-capitalised Roman numerals; and, page numbers (first page of judgment) are in Arabic numerals.

case reference | *party vs party*, | court | date | Vol details.

Example:

Giuseppe Mercieca pro et noe vs Il-Prim Ministru, Constitutional Court 22 October 1984 Vol LXVIII.i.42.

Note that the volumes of the 1800s are not divided into Parts. Instead, judgments are listed in chronological order and given their own decision number. To cite, merely indicate volume number and page number.

Example:

Giuseppe dei Marchesi De Piro vs Salvatore Grech Delicata, Court of Appeal (Civil) 7 January 1885 Vol X.659, 667.

If a pinpoint is necessary, add a comma after the first page number and insert the pinpoint, as in the example above.

Judgments of the Inferior Courts are also officially published. The volumes span the years 1939-1989. Cite these in the same manner as citing judgments of the Superior Courts.

4.4 Judgments Published elsewhere

Cases of the 1960s, 1970s, and 1980s are largely unreported in the official volumes. Furthermore, the official volumes do not contain all the judgments delivered during the periods they cover. These voids have been filled in through (often) subject-specific publications by different persons/associations. These publications may also contain judgments published in the official volumes.

An indicative list of these repertoires is found in Appendix A to these Guidelines.

Cite judgments found here as you would a regular one (without reference number if this is unavailable) and add the source at the end, much as is done for contributions to edited books (refer to Section 9.1.2 for these). Indicate the first page of the judgment in the given publication, with a pinpoint if necessary.

Example:

Leone Misrahi vs Rosaria Cassar et noe, Constitutional Court 10 June 1966 in Għaqda Studenti tal-Liġi (ed), *Deċiżjonijiet Kostituzzjonali 1964-1978*, vol 1 (1979) 12.

If judgments are taken from private collections (including one's own), one may wish to indicate this in brackets after the judgment citation by adding '(unpublished)' after the judgment date.

If one wishes to indicate the specific private collection the judgment was taken from, one may do so either by substituting '(unpublished)' for a reference to the collection, or leaving a note of gratitude at the end of the publication.

Example:

1234/2005 *Joseph Borg vs Mary Borg*, Civil Court (First Hall) 11 March 2012 (ABC Collection).

4.5 Older Judgments

Judgments delivered before the times given above are difficult to trace. They may be found in the Court Archives, in private collections, at the National Archives, National Library, or other State or church archives. They are invariably handwritten manuscripts.

The Mdina branch of the National Archives houses judgments dating from 1531 to 1899 for different courts extant in Malta during various periods of time. See <<https://nationalarchives.gov.mt/en/Pages/List-of-Fonds--Legal-Documentation,-Mdina.aspx>> for more information. Judgments of the Gozo courts are found in the Gozo branch of the National Archives from 1609 onwards. The National Library in Valletta contains judgments of the Corte Capitanale.

One may wish to indicate the source of each as in the second example of the preceding Section.

Those found in manuscript form at the National Archives or the National Library should be followed by the standard reference for the manuscript source in question in square brackets.

Some judgments are reported in anonymous publications attributed (by Dr Albert Ganado) to Sir Antonio Micallef. These cover the years 1839-1844 and are titled *Collezione di Decisioni dei Tribunali di Malta*. These should be cited as judgments in the official volumes, adding '[old]' (or '[antik]', if writing in Maltese) after 'Vol'. Some are available online via Google Books, in which case a link should be added as well.

Sir Antonio Micallef also recorded judgments delivered between 1829 and 1842 (these were not published). These may be found in private collections and should be cited by combining approaches as necessary in a consistent manner.

For more such sources, consult Appendix A to these Guidelines.

4.6 How to refer to Courts

Court names must be given in full in the text. In the footnotes, a modified full name can be given, or abbreviations (see the tables below).

The tables in this section detail the courts and their sections, indicating the full name of each and how to cite them in footnotes. The footnote ‘full’ citations modify the designations slightly to reduce verbosity and/or add clarity.

Note that during British colonial rule, the courts then existing were given the designation ‘H.M.’. There is no need to do this.

Maltese became the language of the Courts in 1934. If the author is writing in English, use the English names. If in Maltese, use the Maltese names.

Reference to the courts below indicates the position as at the year 2022.

4.6.1 Courts of civil jurisdiction

The courts of civil jurisdiction are:

1. Court of Magistrates (Malta)
2. Court of Magistrates (Gozo)
3. Civil Court
4. Court of Appeal

The Court of Magistrates (Gozo), Civil Court, and Court of Appeal are divided into a number of sections corresponding to their respective jurisdiction.

Full name	Footnote (full)	Footnote (abbr.)
Court of Magistrates (Malta)	Court of Magistrates (Malta)	CM (Malta)
Court of Magistrates (Gozo) (Inferior Jurisdiction)	Court of Magistrates (Gozo, Inferior)	CM (Gozo Inf)
Court of Magistrates (Gozo) (Superior Jurisdiction)	Court of Magistrates (Gozo, Superior)	CM (Gozo Sup)
Civil Court, First Hall	Civil Court (First Hall)	FH
Civil Court (Voluntary Jurisdiction Section)	Civil Court (Voluntary)	VJS
Civil Court (Family Section)	Civil Court (Family)	Fam
Civil Court (Commercial Section)	Civil Court (Commercial)	Comm
Civil Court (Assets Recovery Section)	Civil Court (ARS)	ARS
Court of Appeal (Inferior Jurisdiction)	Court of Appeal (Inferior)	CA (Inf)
Court of Appeal	Court of Appeal	CA

Thus, one should specify that a judgment was delivered by the Court of Appeal in its inferior jurisdiction, but there is no need to designate the Court of Appeal as ordinarily composed as ‘Superior’.

The Court of Magistrates (Gozo) (Superior Jurisdiction) is itself divided into two sections: Family Section and General Jurisdiction Section. To avoid lengthy footnotes, there is no need to specify this in the footnotes.

N.B. The Civil Court is the actual court, and the rest are merely sections. Even though we say ‘the First Hall of the Civil Court’, it is the First Hall that is part of the Civil Court and not the other way around, which is why ‘First Hall (Civil Court)’ is wrong.

4.6.2 Courts of criminal jurisdiction

The courts of criminal jurisdiction include:

1. Court of Magistrates as a Court of Criminal Judicature
2. Criminal Court
3. Court of Criminal Appeal

The Court of Criminal Appeal sits in two different compositions depending on the court from which a decision is being appealed. While no designation is given by the Criminal Code (contrary to the case with the Court of Appeal in the Code of Organisation and Civil Procedure), the Court is informally designated as sitting in its inferior jurisdiction when hearing appeals from the Court of Magistrates as a Court of Criminal Judicature.

There is a Court of Magistrates for Malta and for Gozo (and Comino); however, this need not be indicated in the footnotes when referring to the Court of Magistrates as a Court of Criminal Judicature (or in the text unless it is necessary) since the competence of both is the same (unlike in civil cases, where making such a distinction is necessary).

Full name	Footnote (full)	Footnote (abbr.)
Court of Magistrates as a Court of Criminal Judicature	Court of Magistrates (Criminal Judicature)	CM (CJ)
Criminal Court	Criminal Court	Crim
Court of Criminal Appeal	Court of Criminal Appeal (Inferior)	CCA (Inf)
	Court of Criminal Appeal	CCA

The abovementioned courts are not the only courts of criminal jurisdiction.

There is the Court of Magistrates as a Court of Criminal Inquiry. Furthermore, there is the Magistrate acting in his personal capacity, not as part of a court (informally called ‘duty Magistrate’ or ‘Inquiring Magistrate’). They are being omitted since they can deliver decrees, which are not published on <courts.gov.mt> but may sometimes be published on the Department of Information website at <doi.gov.mt> under ‘Press Releases’.

In exceptional cases, the Magistrate acting in his personal capacity (not as a court) can hear certain types of cases and deliver judgment (such as requests of habeas corpus), but these are not published. There is also the Juvenile Court, which is deemed at law to be a Court of Magistrates for the hearing of cases against minors (it also has some civil competence). This delivers judgment, but due to the sensitivity of the parties involved they are not published.

4.6.3 Courts of constitutional jurisdiction

The courts of constitutional jurisdiction are:

1. Civil Court, First Hall
2. Constitutional Court

Full name	Footnote (full)	Footnote (abbr.)
Civil Court, First Hall	Civil Court (First Hall)	FH
Constitutional Court	Constitutional Court	CC

Note that the so-called ‘First Hall of the Civil Court sitting in its constitutional jurisdiction’ does not exist at law (although one will find it mentioned in judgments); it is not envisaged or established by the Constitution. It is merely a term used for ease of reference and as part of administrative practice. One should refrain from using it as much as possible: it is better to indicate that the case before the Civil Court, First Hall is of a constitutional nature (it may, in fact, be seized with mixed claims, part ‘ordinary’ and part constitutional).

Also note that the Code of Organisation and Civil Procedure designates the Constitutional Court, along with the Civil Court, as a court of civil jurisdiction (‘civil’ widely understood as ‘non-criminal’). They are being treated separately here for the sake of clarity.

4.6.4 Other courts

Besides the courts mentioned above, there is also the Court of Revision of Notarial Acts (the judgments of which are not published), and a plethora of statutory tribunals. The latter should be referred to by full name, with the standard acronym next to it in brackets for subsequent citations. For example, the acronym for the Rent Regulation Board is ‘RRB’. For these, see Appendix B to these Guidelines.

Other adjudicatory bodies include Constitutional Commissions and Authorities, and certain committees established under them, but their judgments are largely unpublished.

Other courts have existed besides these, now abolished or merged with other courts. In citing these, always be consistent in the way they are referred to throughout the text. In particular, Italian or English names may be used for the courts extant between 1814 (Malta becoming a Crown colony) and 1934 (when the official language of the Courts changed from Italian to Maltese). For an illustrative list of these, see Appendix B to these Guidelines.

4.7 Names of Members of the Judiciary

Please refer to Section 2.1.7 of the OSCOLA Guidelines for situations not contemplated by this section (particularly how to refer to judges of England and Wales).

A member of the judiciary should be referred to in his/her full name. This is because situations may arise where there may be more than one Judge Camilleri, for example (which there are), or more than one member of the judiciary with the same surname and first name initial.

Maltese became the language of the Courts in 1934. If the author is writing in English, use the English designation. If in Maltese, use the Maltese designation.

The title ‘The Honourable’ was accorded to Maltese judges through G.N. 40/1940. The Chief Justice is accorded the additional title ‘His Honour’. Magistrates have no title accorded to them. Honorifics are

not used in OSCOLA. However, if the author feels it appropriate to use it, then the honorific must be added before 'Mr/Madam Justice'/'Chief Justice'.

It is also not necessary to add the doctoral abbreviation (Dr) between judiciary designation and the person's name. Note that since the introduction of the Masters in Advocacy degree, a member of the judiciary may not be a doctor, in which case no 'Dr' is to be added. Always ensure references are consistent throughout the text.

Refer to members of the judiciary in the footnotes as below. The member of the judiciary's name should be placed in brackets at the end of the case citation. Always remember to refer to the person with the role occupied at the time of judgment delivery or report compilation. There is no need to use 'per'.

For sitting members of the judiciary, the following apply. Note that Maltese adopts the same designation, irrespective of the gender of the office-holder:

A judge is referred to as 'Mr Justice' or 'Madam Justice' | 'Imħallef'.

A magistrate is referred to as 'Magistrate' | 'Maġistrat'.

A Chief Justice is referred to as 'Chief Justice' | 'Prim Imħallef'.

Examples:

1234/2005 *Borg vs Borg*, Civil Court (First Hall) 11 March 2012 (Mr Justice Joseph Galea Debono).

1234/2005 *Borg vs Borg*, Court of Magistrates (Malta) 11 March 2012 (Magistrate George Camilleri).

1234/2005 *Borg vs Borg*, Civil Court (First Hall) 11 March 2012 (Chief Justice Sir Arturo Mercieca).

If the court is collegial (composed of more than one judge hearing a given case), almost inevitably the Chief Justice and two other judges (though this was not always the case), follow the example below:

1234/2005 *Borg vs Borg*, Constitutional Court 11 March 2012 (Chief Justice Sir Arturo Mercieca, Mr Justice Joseph Galea Debono and Mr Justice William Harding).

Should a retired member of the judiciary be appointed to an adjudicatory body, such as a statutory tribunal, or to a board of inquiry, one still refers to them as retired members of the judiciary. Refer to retired members of the judiciary as follows, and irrespective of gender:

A judge is referred to as 'Judge' | 'Imħallef'.

A magistrate is referred to as 'Magistrate' | 'Maġistrat'.

A Chief Justice is referred to as 'Chief Justice Emeritus' | 'Prim Imħallef Emeritu'.

Maltese judges on international courts or tribunals should be referred to by the proper designation given to them by that court or tribunal. For instance, Giovanni Bonello cannot be referred to as Mr Justice Giovanni Bonello but as Judge Giovanni Bonello, both when in office (serving as a judge in the ECtHR) and when retired. The same would apply to Maltese members of the CJEU, ICC, ICTY, and ITLOS,

to mention a few.

If the person held office as member of the judiciary in Malta before appointment to an international court or tribunal, always use the position occupied at the time of the judgment being cited. If one wishes, one could indicate that the person also held a given office in Malta. The same rule applies when referring to them in-text.

N.B. When addressing a member of the judiciary in the present, say in a letter or at a formal event, always use the designation appropriate at that time.

5. EU Sources

5.1 EU Legislation

Please refer to Section 2.6.1 of the OSCOLA Guidelines for further information.

To cite EU legislation, use the format:

legislation type | number | title | [year] | OJ L issue/first page.

Example:

Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever [2002] OJ L 192/27.

5.2 Judgments of the CJEU

Please refer to Section 2.6.2 of the OSCOLA Guidelines for further information.

N.B. The Court of Justice of the European Union and the European Court of Human Rights are NOT one and the same and therefore cases emanating from these courts are cited differently.

To cite judgments of the CJEU, use the format:

case number | *case name* | [year] | ECLI identifier.

Example:

Case C–176/03 *Commission v Council* [2005] ECLI:EU:C:2005:542.

Report abbreviations can be found on the CJEU's official site: <https://curia.europa.eu/jcms/jcms/j_6/en/>.

(Please note that you may find various methods of citing CJEU case-law that are OSCOLA compliant, however try to consistently use this method).

6. Judgments and Decisions of the European Court of Human Rights

Please refer to section 2.7 of the OSCOLA Guidelines for further information.

N.B. The Court of Justice of the European Union and the European Court of Human Rights are NOT one and the same and therefore cases emanating from these courts are cited differently.

There are various ways that one can cite cases of the ECtHR under OSCOLA. For consistency's sake, use the following formats.

For judgments:

Case name | App No | (ECtHR, Date).

Example:

Balogh v Hungary App no 47940/99 (ECtHR, 20 July 2004).

For decisions:

Case name | App No | (ECtHR (dec), Date).

Example:

Barsom and Varli v Sweden App No 40766/06 and 40831/06 (ECtHR (dec), 4 January 2008).

7. Legislation and Judgments from other Jurisdictions

Please refer to section 2.7 of the OSCOLA Guidelines for further information.

As a rule, the format used is to cite such a source as it is cited in the particular jurisdiction, removing as many punctuation marks as possible.

8. International Law Sources

To cite International Law sources, please refer to the OSCOLA Guidelines 2006 on the matter.

9. Published and Online Materials

This section summarises certain aspects of the OSCOLA Guidelines on what it terms 'secondary sources'. For sources not provided for in this section, please consult the relevant part of section 3 of the OSCOLA Guidelines.

9.1 Books

Please refer to section 3.2 of the OSCOLA Guidelines for further information. This section summarises only a few aspects of how to cite books.

9.1.1 Authored works

To cite books, the format that is used is:

author, | *title* | (edition, | publisher | year).

Example:

Giovanni Bonello, *Misunderstanding the Constitution: How the Maltese Judiciary Undermines Human Rights* (BDL Publishing 2018).

Note that the title is *italicized*, and it is not put within quotation marks. Where possible give the full name of the author.

9.1.2 Edited works

Certain books are compilations of various chapters contributed by different authors. In this case the format that is used is:

author, | 'title' | in editor (ed/s), | *book title* | (publisher | year).

Example:

Silvio Camilleri, 'The Theory of Criminal Liability' in Għaqda Studenti tal-Ligi (ed), *Selected Essays on Criminal Law* (GħSL 2021).

Note that the title of the particular chapter is in single quotation marks and is not italicized, whereas the title of the book is not within single quotation marks but is italicized.

9.2 Journal Articles

With regard to Journal Articles the format that is used is:

author, | 'title' | (year) | volume number | (issue number) | journal name | first page of article, |
pinpoint.

For example:

Hugh W Harding, 'Advocates under the Code de Rohan and the Present Laws' (1950) 16(3) *Scientia* 115, 120.

Note that as per section 3.3.1 of the OSCOLA Guidelines, the year brackets change depending on whether the year identifies the volume or not. Placing the issue number depends on whether the page numbers begin anew for each issue in a given volume. If you are unable to ascertain these, it is safe to

always place the year in round brackets and mention the issue number if any.

Nowadays many journals are available online. If this is the case with the particular source, insert a link and the date accessed as indicated in Section 4.3 below.

For example:

Kevin Aquilina, 'The Nature and Sources of the Maltese Mixed Legal System: A Strange Case of Dr Jekyll and Mr Hyde?' (2013) 4(1) Comparative Law Review 261
<<http://www.comparativelawreview.unipg.it/index.php/comparative/article/view/76/72>>.

9.3 Online Articles

With regard to online articles, the format that is used is:

author, | 'title' | (*title of website*, | date) | <link> | accessed date.

Example:

Sarah Cole, 'Virtual Friend Fires Employee' (*Naked Law*, 1 May 2009) <www.nakedlaw.com/2009/05/index.html> accessed 19 November 2009.

9.4 Theses

With regard to theses the format that is used is:

author, | 'title' | (type of thesis, | university | year).

Example:

Francis Zammit Dimech, 'The role, duties and obligations of the public service broadcaster in Malta' (Ph.D. thesis, University of Malta 2021).

9.5 Sources from the Internet

If a link is included in a source, the link must come after all of the details (where applicable). The link must be included within '<>' and the date accessed must be indicated. Always ensure that the hyperlink is removed.

Example:

<https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf> accessed 29 March 2016.

9.6 'Id-Dritt' and the 'Online Law Journal'

'Id-Dritt', although today published as though a book, is a law journal and should be cited as such.

It started off under the name of 'The Law Journal', which was published from 1944 to 1955. This worked

with both volumes and issues. It was revived under the same name in 1971, this time being issued only in volumes (more or less on an annual basis). It was converted to its current Maltese title in its fourth volume in 1975.

To cite articles found in 'The Law Journal' during its first run, use the following format:

author, | 'title' | [year] | volume number | (issue number) | The Law Journal | first page of article, | pinpoint.

To cite pieces found in 'The Law Journal' revived and in 'Id-Dritt', use the format below. This applies equally irrespective of the title of the journal, to avoid ambiguities. Although the recent trend has been to publish 'Id-Dritt' with the volume number in roman numerals, cite as below.

author, | 'title' | [year] | volume number | Id-Dritt | first page of article, | pinpoint.

N.B. The 30th volume of 'Id-Dritt' was issued in two books, with the second book restarting the page numbering. Treat these as issues of the 30th volume. Thus, cite as volume number with issue number in brackets: '30(1)' or '30(2)' as required.

The Online Law Journal is not a journal proper but an online forum administered by GhSL where academic pieces by legal professionals and students alike are uploaded after undergoing editing. It exists both as a website and as a Facebook page. Articles taken from it should be cited as a website, as follows:

author, | 'title' | (*Online Law Journal*, | date) | <link> | accessed date.

9.7 Specific Maltese Publications

While in general there are few published works on Maltese law, the ones that do exist are generally either invaluable or largely unknown. For a list of these and how to cite them consistently, refer to Appendix C to these Guidelines.

Appendix A: Other Sources for Judgments

There were several subject-specific publications of judgments and/or summaries of judgments during the 1900s. They are listed here by subject.

There are also recent publications collecting judgments and/or their summaries, of which only a few have been mentioned here.

General:

- Edgardo Ganado, *Repertorio di Decisioni profferite dalla Corte d'Appello di S.M. e dalla Corte Criminale di S.M. in grado d'Appello [...]*
 - This covers the years 1917-1918
- Ian Refalo (ed), 'Sinopsis tad-Decizzjonijiet tal-Qorti tal-Appell u tal-Qorti Kostituzzjonali ghas-Sena 1978' (University of Malta)
- Ian Refalo (ed), 'Sinopsis tad-Decizzjonijiet tal-Qorti tal-Appell u tal-Qorti Kostituzzjonali ghas-Sena 1979' (University of Malta)

Constitutional law:

- Għaqda Studenti tal-Liġi (ed), *Deciżjonijiet Kostituzzjonali 1964-1978*, vol 1 (1979)
- Għaqda Studenti tal-Liġi (ed), *Deciżjonijiet Kostituzzjonali 1964-1978*, vol 2 (1979)
- Tonio Borg, *Leading Cases in Maltese Constitutional Law* (Kite Group 2019)

Administrative law:

- Ian Refalo, 'Administrative Law: Case law summaries and commentaries (Għaqda Studenti tal-Liġi)
 - Some cases are not published in the official volumes
- Tonio Borg, *Leading Cases in Maltese Administrative Law* (Kite Group 2020)
- Wallace Ph Gulia. *Governmental Liability in Malta* (MUP 1974)
 - Some cases are not published in the official volumes.

Criminal law:

- Joseph A Filletti, *Ġabra ta' Appelli Kriminali (Inferjuri)* (1987).
- Oliver Gulia, *Appelli Kriminali: Sentenzi tal-Qorti Kriminali tal-Maesta' Tagħha r-Regina (Sedi tal-Appell)* (Aquilina 1966)
 - This covers the period 1960-1962, and reproduces judgments published in the official volumes.
- William Harding, *Recent Criminal Cases Annotated*

Civil law:

- Judge Giuseppe Cremona started a *I Codici di Malta Illustrati* series in the 1930s, providing the salient case-law on each provision of the Codes of Law. Unfortunately, it was never completed. These are what were published:
 - *Raccolta della Giurisprudenza sul Codice Civile disposta articolo per articolo [...]* Vol. I *Delle Persone, Ord. I del 1873* (1932);
 - *Raccolta della Giurisprudenza sul Codice Civile disposta articolo per articolo [...]* Volume II. *Articoli 254 (Ordinanza no. VIII del 1868)* (1936);
 - *Raccolta della Giurisprudenza sul Codice di Procedura Civile disposta articolo per articolo*

[...] (a work of 8 volumes).

- Philip Farrugia Randon, *The Word of the Court* (Mid-Med Bank)
 - A 13-volume work of judgments of the courts in civil and commercial matters. The individual volumes were published between the years 1992-1993.
- Philip Sciberras. *L-Alfabett tal-Kodiċi Ċivili* (SA Publishing)
 - This is a 10-volume work, consisting of extracts of judgments published in the official volumes.
- *Maltese Cases and Materials on Trusts and Related Topics* (Institute of Financial Service Practitioners (IFSP)) – this comes in a number of volumes with varying editors.

Private International law

- Ian Refalo (ed), 'Gabra ta' Decizzjonijiet dwar Dritt Internazzjonali Privat' (University of Malta 1987);
 - This is a collection of summaries of judgments already published in the official volumes

Planning law:

- Kevin Aquilina, *Development Planning Legislation: The Maltese Experience* (Mireva 1999)
 - Some judgments are not published in the official volumes; neither are they found online.
 - This publication deals specifically with judgments concerning development planning.

Older works with reference to judgments before the Codes of Law were promulgated:

- *Collezione di Decisioni dei Tribunali di Malta*;
 - A number of volumes covering the years 1839-1844, attributed to Sir Antonio Micallef.
- *Decisioni scelte delle Corti Superiori di Malta*;
 - A collection of selected judgments, delivered between 1843-1848, compiled and annotated by a Maltese lawyer;
- A publication on Maltese case-law on commercial law from 1814-1840, attributed to Sir Antonio Micallef:
 - *Compendio de Diritto Commerciale secondo i principii di giurisprudenza Maltese, con un repertorio di Decisioni Scelte della Corte di Commercio di Malta* (1841);
- Publications on judgments delivered by the Supremo Magistrato di Giustizia, by Sir Antonio Micallef:
 - *Repertorio di decisioni scelte del Supremo Magistrato di Giustizia di Malta* (1841)
 - *Collezione di decisioni emanante dal soppresso Supremo Magistrato di Giustizia di Malta* (nd)
- The publication of the Code de Rohan with copious annotations, attributed to Sir Antonio Micallef:
 - *Dritto Municipale di Malta compilato sotto de Rohan G.M. or nuovamente corredato di annotazioni* (vol 1 in 1841 and vol 2 in 1843);

Appendix B: Other Courts and Tribunals

B.1 Statutory Tribunals

There is a plethora of statutory tribunals (under various denominations) in Malta. The table below indicates the names and abbreviations of the principal ones, as they stood at the year 2022. Other adjudicatory bodies include Constitutional Commissions and Authorities, and certain committees established under them, but their judgments are largely unpublished.

Name	Abbreviation
Adjudicatory Panel for Private Residential Leases	AP
Administrative Review Tribunal	ART
Arbitral Tribunal	Arb
Commissioners for Justice	CoJ
Rent Regulation Board	RRB
Environment and Planning Review Tribunal	EPRT
Industrial Tribunal	Ind
Land Arbitration Board	LAB
Rural Leases Control Board	RLCB
Small Claims Tribunal	SCT

B.2 Courts no longer in operation

Other courts have existed besides those currently in operation, now abolished or merged with other courts. In citing these, always be consistent in the way they are referred to throughout the text. In particular, Italian or English names may be used for the courts extant between 1814 (Malta becoming a Crown colony) and 1934 (when the official language of the Courts changed from Italian to Maltese). By way of illustration:

1. Admiralty Court;
2. Privy Council | Kunsill Privat;
3. Captain's Court | *Corte Capitanale*;
4. Civil Court (Second Hall);
5. Civil Court (Third Hall);
6. Commercial Court | Qorti tal-Kummerċ | *Corte di Commercio*;
7. *Consolato del Mare*;
8. Court of Appeal (Civil Hall) | *Corte d'Appello (Aula Civile)*;
9. Court of Appeal (Commercial Hall) | *Corte d'Appello (Aula Commerciale)*;
10. Court of Syndics | *Corte dei Sindaci*;
11. Governor's Court | *Corte Governatoriale*.
12. Supreme Tribunal of Justice | *Supremo Magistrato di Giustizia*;

Appendix C: How to Cite Certain Local Publications

C.1 University Professors' Notes

The old university professors had the habit of publishing their notes for students to utilize. Some can today be found in the University library or private collections, and some can be procured from GħSL either as a hard copy or as a non-downloadable soft-copy.

Below is how to appropriately cite each, along with suggested abbreviations in square brackets after the citation proper. Dates are exemplary, since some of the notes were revised over time or reprinted – always check and insert the date of the source you use. In some cases, the University of Malta crest appears on the publication, in others it does not.

The list below is in alphabetical order by name of author.

- Anthony J Mamo, 'Lectures in Criminal Law (First Year)' (UoM 1987) | Mamo Notes (Gen)
- Anthony J Mamo, 'Notes on Criminal Law' (1954) | Mamo Notes (Subst)
- Anthony J Mamo, 'Notes on Criminal Procedure' (nd) | Mamo Notes (Proc)
- Felice Cremona, 'Notes on Commercial Law' (1970) | Cremona Notes (Comm)
 - Note, this is divided into two Parts, printed separately. Since page numbers continue to run from one to the other the notes have been considered as a whole.
- Felice Cremona, 'Storia della Legislazione Maltese' (nd) | Cremona Notes (Leg Hist)
- Felice Cremona, 'Notes on Maltese Maritime Law' (1974) | Cremona Notes (Maritime)
 - This is divided into two Parts, with page numbers that originally ran continuously from one to the other. However, Part I was revised in 1974 by Dr George Schembri following the enactment of the Merchant Shipping Act in 1973 (and Part II was not), causing a disruption in the numbering.
- Giuseppe Mifsud Bonnici, 'Custom/Customary Law/Customs: Philosophy of Law Notes' (nd)
- Giuseppe Mifsud Bonnici, 'Filosofija tad-Dritt' (nd)
- Giuseppe Mifsud Bonnici, 'Il-Karatteristici u t-Tendenzi tad-Dritt' (nd)
- Hugh W Harding, 'Notes on History of Legislation (History of Roman Law in Malta)' (nd) | Harding Notes (General)
 - This is referred to as Part I or the General Part.
- Hugh W Harding, 'History of Legislation' (nd) | Harding Notes (Special)
 - This is referred to as Part II or the Special Part (even on the notes themselves).
- Joseph M Ganado, 'Notes on Prolegomena' (nd) | Ganado (Proleg)
- Ian Refalo, 'Administrative Law: Case law summaries and commentaries' | Refalo (Admin)
- Ian Refalo, 'Gabra ta' Decizzjonijiet dwar Dritt Internazzjonali Privat' (UoM 1987) | Refalo (PIL)
- Renè Cremona, 'Roman Law' (nd) | R Cremona Notes (RL)
- Victor Caruana Galizia, 'Notes on Civil Law' (University of Malta nd) | Caruana Galizia Notes
 - These are divided into four volumes. The first three deal with the Civil Code, while the fourth deals with the Code of Organisation and Civil Procedure. At times, parts of volumes have been published separately (for example, the notes on sale or the notes on prescription). Since page numbers flow from one to the next, they should be treated as one whole.
 - Note that Caruana Galizia was born Caruana (his mother's surname was Galizia), and he seems to have used both interchangeably. Do not get confused if in some notes the surname is 'Caruana' and in others it is 'Caruana Galizia'.

- Note also that the notes were revised and abridged by Professor JM Ganado and subsequently republished in two volumes. If these are used, cite as appropriate, indicating Ganado as editor/reviser.
- A number of notes published by Joseph A Micallef in the 1980s on commercial law.

C.2 Sir Adriano Dingli's 'Appunti'

Dingli's 'Appunti', his notes on the Civil Code, indicating the sources he consulted to draft each provision of what became Ordinance VIII of 1868, were never published. The original manuscript, and copies of it, exist in public and private libraries, and online (downloadable) from the UoM's OAR website.

This is a suggested standard citation:

Adriano Dingli 'Appunti' (unpublished MS, nd)
<<https://www.um.edu.mt/library/oar/handle/123456789/68843>>.

Adjust as necessary if an MS number must be inserted.

C.3 Older Works (pre-1950)

The year 1950 was chosen as an arbitrary cut-off date. Before this date, books tended to indicate the printer as opposed to the publisher proper. Where the reference is to the printer, simply insert the place of publication followed by the date. If there is an actual publisher (which is rare), use the standard format.

Titles of published works tended to be long, including the author's name and other details. Ideally omit these, and shorten to more 'colloquial' names.

For example, convert this:

Giuseppe Falzon, *Annotazioni alle Leggi Criminali per l'Isola di Malta e Sue Dipendenze da servire di guida al giurato*, vol 2 (Malta 1872).

Into this:

Giuseppe Falzon, *Annotazioni alle Leggi Criminali*, vol 2 (Malta 1872).