

Magistrates

Like Judges, Magistrates are appointed by the President of Malta acting in accordance with the advice of the Prime Minister. Magistrates sit in the Inferior Courts, and they enjoy the same security of tenure as Judges, with their salary being likewise a charge on the Consolidated Fund and which may not be reduced (see information on Judges).

To be appointed a Magistrate, one must have practised as an advocate in Malta for not less than seven years. Until very recently a Magistrate had to vacate his office upon reaching the age of sixty years, which was an anomaly since the general retiring age of public officers was sixty-one. This mandatory retiring age has now been raised to sixty-five, thus bringing it in line with that of Judges. Before commencing to exercise his judicial functions, a Magistrate must take before the President of Malta the prescribed oath of allegiance and the oath of office.

In the Island of Gozo, Magistrates perform the functions of Judges in many civil matters. In fact the Court of Magistrates (Gozo) has a twofold jurisdiction: an inferior jurisdiction by virtue of which it takes cognizance of all causes of a civil nature which in Malta would be heard by the Court of Magistrates (Malta), and a superior jurisdiction by virtue of which it takes cognizance, with some exceptions, of causes which in Malta would be heard by the First Hall of the Civil Court and by the Civil Court (Voluntary Jurisdiction Section). One notable exception is in respect of applications or references alleging a violation of fundamental human rights (whether in terms of the Constitution or in terms of the European Convention on Human Rights), which must always be tried in first instance before the First Hall of the Civil Court in Malta. Until some time ago, appeals from judgments of the Court of Magistrates (Gozo) in its superior jurisdiction were heard by a court composed of three Magistrates who would regularly travel to Gozo from Malta to hear these appeals. These appeals are now heard in Gozo by a single Judge.