

CHAPTER 189

**JUDICIAL PROCEEDINGS
(USE OF ENGLISH LANGUAGE) ACT**

To make provision for the use of the English language in judicial proceedings in certain cases.

(15th September, 1965)*

Enacted by ACT XXXII of 1965 as amended by Act XI of 1973.

1. This Act may be cited as the Judicial Proceedings (Use of English Language) Act. Short title.
2. In a court of civil jurisdiction - Proceedings in a court of civil jurisdiction.
 - (a) where all the parties are English-speaking persons, the court shall order that the proceedings be conducted in the English language;
 - (b) where of the parties one or more is or are Maltese-speaking and one or more is or are English-speaking and all the Maltese-speaking parties make a declaration in the records of the court consenting to the proceedings being conducted in the English language, or where none of the parties is either a Maltese-speaking person or an English-speaking person, the court may order that the proceedings be conducted in the English language;
 - (c) where any one of the parties is an English-speaking person and none of the parties is a Maltese-speaking person, the court shall order that the proceedings be conducted in the English language;
 - (d) where a court has ordered proceedings to be conducted in the English language, that language shall be used in all subsequent stages of the proceedings, unless the order is revoked by that court or any other court before which the proceedings are pending;
 - (e) the notes of the evidence of witnesses shall be taken down in Maltese, except where the evidence is given in English, in which case such notes shall be taken down in English:

Provided that where the notes are taken down in English in proceedings which are conducted in the Maltese language or in Maltese in proceedings which are conducted in the English language, a translation of such notes into the language in which the proceedings are being conducted shall be inserted by the registrar in the record of the proceedings as soon as practicable.
3. In a court of criminal jurisdiction - Proceedings in a court of criminal jurisdiction.
 - (a) where all the persons charged are English-speaking,

*See Government Notice No. 545 of 17th September, 1965.

the court shall order that the proceedings be conducted in the English language;

- (b) where of two or more persons charged together one or more is or are Maltese-speaking and one or more is or are English-speaking and all the Maltese-speaking persons so charged make a declaration in the records of the court consenting to the proceedings being conducted in the English language, or where none of the parties is either a Maltese-speaking person or an English-speaking person, the court may order that the proceedings be conducted in the English language;
- (c) where of two or more persons charged together one or more is or are English-speaking and none of the others is Maltese-speaking, the court shall order that the proceedings be conducted in the English language;
- (d) where a court has ordered proceedings to be conducted in the English language, that language shall be used in all subsequent stages of the proceedings, unless the order is revoked by that court or any other court before which the proceedings are pending;
- (e) where the evidence of witnesses is to be taken down, it shall be taken down in Maltese, except where it is given in English, in which case it shall be taken down in English:

Provided that where the evidence is taken down in English in proceedings which are conducted in the Maltese language or in Maltese in proceedings which are conducted in the English language, a translation of such evidence into the language in which the proceedings are being conducted shall be inserted by the registrar in the record of the proceedings as soon as practicable.

Court decision or decree as to language.

4. In all cases the decision or decree of the court determining the language in which proceedings are to be conducted shall be registered in the language in which it is delivered, together with a translation into English or Maltese, as the case may be, where any of the parties within three working days from the date when the decision or decree has been delivered applies for such a translation and satisfies the registrar that he does not understand the language in which such a decision or decree has been delivered but that he understands the language into which he requests the translation to be made.

Service of acts.

5. (1) Where any act is to be served on any person whom the registrar has reason to believe to be English-speaking, the registrar shall cause a translation thereof to be made into the English language by an officer of the registry and service shall be effected by delivering a copy of the original and its translation.

(2) If, for any cause whatsoever, the translation into English of any such act is not served on an English-speaking person, such person may make in the registry, or forward to the registrar, in any

manner, a declaration to the effect that he is an English-speaking person and apply for an English translation of the act served on him.

(3) Upon any such application, the registrar shall cause a translation of the act to be made as aforesaid and delivered to the applicant as soon as practicable; and, if in any such case the said application reaches the registry of the court not later than the time established for the closing thereof on the third working day after the date of service of the copy of the original act, any legal or judicial time the running of which is dependent on the service of the original act shall commence to run from the date of delivery of the translation.

(4) If it is proved that the said declaration was not made in good faith, the applicant shall be liable to proceedings for contempt of court.

(5) A copy in the English language of the provisions of subarticle (1) to (4) shall be reproduced on or annexed to every copy of any act which is to be served on any person.

6. Subject to the provisions of article 315(4) of the [Merchant Shipping Act](#), all judicial proceedings not specifically provided for in the foregoing articles of this Act shall be conducted, as regards language, in accordance with the principles set out in those articles and in any rules made under article 29 of the [Code of Organization and Civil Procedure](#).

Other judicial proceedings.
Amended by:
XI. 1973.377.
Cap. 234.
Cap. 12.

7. For the purposes of this Act -

- (a) a Maltese-speaking person is a person who has a sufficient knowledge of the Maltese language fully to understand and follow the proceedings conducted in that language;
- (b) an English-speaking person is a person who has not a sufficient knowledge of the Maltese language fully to understand and follow the proceedings if conducted in that language but who has a sufficient knowledge of the English language fully to understand and follow the proceedings if conducted in that language;
- (c) every person shall be deemed to be Maltese-speaking unless the court shall be satisfied to the contrary.

Maltese-speaking persons and English-speaking persons.