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| <b>Official name in original language</b>         | <b>Kummissjoni għall-Amministrazzjoni tal-Gustizzja</b>  |
| <b>Official name in English</b>                   | Commission for the Administration of Justice   |
| <b>Address</b>                                    | The Palace, Republic Street, Valletta, Malta   |
| <b>Telephone number</b>                           | -  |
| <b>Website</b>                                    | <a href="http://www.judiciarymalta.gov.mt">www.judiciarymalta.gov.mt</a>   |
| <b>e-mail</b>                                     | <a href="mailto:kag@gov.mt">kag@gov.mt</a>   |
| <b>Brief history</b>                              | The Constitution of Malta was amended when article 101A was added on the 2 <sup>nd</sup> September of 1994. This article laid down the foundation for the special institution - Commission for the Administration of Justice.  |
| <b>Constitutional or legal status/basis</b>       | Article 101A of the Constitution   |
| <b>Legal acts regulating the Status</b>           | No information   |
| <b>Composition:</b>                               |  |
| Total number of members                           | 10 members   |
| Term of office                                    | 4 years  |
| Is there a possibility to be renewed as a member? | No information   |
| Do the members have a full-time position or not?  | Not full-time  |
| Make up   | <ul style="list-style-type: none"> <li>- <b>4 judges</b> elected by judges</li> <li>- <b>2 lay members:</b> 1 appointed by the Prime Minister and 1 - by the Leader of Opposition</li> <li>- <b>4 <i>ex officio</i> members</b> – the President, the Chief Justice, the Attorney General, the President of the Chamber of Advocates</li> </ul> |
| Is there a majority of Judges?                    | No. However, since the Chairman has only a casting vote, this means that the members of the judiciary on the Commission always have a majority of votes.   |
| <b>Presidency</b>                                 | <b>President</b> - ex officio President of the Republic of Malta<br><b>Vice President</b> - ex officio Chief Justice   |
| <b>Main Competences:</b>                          |  |

Career of judges and / or prosecutors

Upon request of the Prime Minister, the Commission advises on any appointment to be made in terms of articles 96, 98 or 100 of Constitution.

The Commission has also a very important function according to Chapter 369 of the Laws of Malta. It is only Parliament by a two thirds majority of its members which can impeach a judge. However, prior to the impeachment proceedings in Parliament, it is the Commission which has to see whether there is a prima facie case against a judge for impeachment.

Judicial training

The Judicial Studies Committee (JSC) is the body responsible for the on-going training of the members of the judiciary. It assists judges and magistrates in training and continued professional development mainly through seminars conducted by both local and foreign experts and speakers, also organizes courses for newly appointed members of the judiciary. Other objectives of the Committee are to inform members of the judiciary of recent legal development through the use of information technology, to issue updated papers on aspects of judicial work and to promote international co-operation in matters relating to judicial training. The JSC is composed of four members, two appointed by the Chief Justice and two members appointed by the Minister responsible for justice, and acts under the general direction of the Chief Justice.

Discipline

The Commission can carry out investigations on any judge or magistrate; to draw the attention of any Judge or Magistrate on any matter, in any court in which he sits, which may not be conducive to an efficient and proper functioning of such court, and to draw the attention of any judge or magistrate to any conduct which could affect the trust conferred by their appointment or to any failure on his part to abide by any code or codes of ethics relating to him; to exercise, in accordance with any law, discipline over advocates and legal procurators practicing their profession.

Ethics

The Commission can draw up a code or codes of ethics regulating the conduct of members of the judiciary; or on the advice of the Committee for Advocates and Legal Procurators to draw up a code or codes of ethics regulating the professional conduct of members of those professions.

The Code of Ethics for Members of the Judiciary was drawn up by the Commission for the Administration of Justice. In May 2004, the Commission for the Administration of Justice approved some amendments to the Code as originally published. One of these amendments is new Rule 29, which provides that the Chief Justice shall recommend for the approval of the Commission guidelines for members of the Judiciary for the purpose of clarifying how the rules contained in the Code, or some of them, may apply to concrete cases, and to ensure, as far as possible, uniformity in the implementation of the said rules. Such guidelines were approved by the Commission on the 8 June 2008, and are now an integral part of the Code. Similar and more elaborate guidelines are contained in the Commentary on the Bangalore Principles of Judicial Conduct.

Opinions on legislation /  
other opinions

Commission has a right and a duty to make recommendations to the Minister responsible for justice as to how the courts can function more efficiently.

**Other opinions:** The Commission can give an opinion to the Government. According to the Constitution of Malta one of the functions of the Commission is to suggest remedies.

Other competencies

Other functions of the Commission are:

- to supervise the workings of all the superior and inferior courts and to make such recommendations to the Minister responsible for justice as to the remedies, which appear to it, conducive to a more efficient functioning of such courts;
- to advise the Minister responsible for justice on any matter relating to the organisation of the administration of justice;
- and any other function as may be assigned to it by law.

**Status of decisions**

Legally binding

**Review**

Not subject to review.

**Budget**

The budget falls under the vote of the President of Malta. The Commission is free to use its budget in any way it deems suitable.