

Judges

Judges sit in the Superior Courts. Judges are appointed by the President of Malta acting in accordance with the advice of the Prime Minister. To date there is no Judicial Appointments Board or Committee in Malta, and the Prime Minister is not obliged to consult anyone before advising the President. In practice, however, he confers with the Minister responsible for Justice and he may also confer with the Cabinet. By tradition, the Minister responsible for Justice also confers with the Chief Justice on proposed appointments to the Bench of Judges and the Bench of Magistrates. The Prime Minister may also request the advice of the Commission for the Administration of Justice on any appointment to be made to either Bench. Since the Commission was set up in 1994, such advice was sought only once in connection with the appointment of two Judges.

Judges enjoy security of tenure, which means that a Judge can only be removed from office for proved misbehaviour or proved inability to perform the functions of his office. The removal is effected by the President of Malta upon an address by the House of Representatives supported by the votes of not less than two-thirds of all the members thereof and praying for such removal. Before any motion for removal is brought before the House it must be sent to the Commission for the Administration of Justice for investigation. The motion must contain definite charges against the Judge or Magistrate, as the case may be, on the basis of which the investigations are to be held by the Commission, as well as a statement showing the grounds on which any charge is based. If the Commission, after investigating, reports that there is no misbehaviour or no inability to perform the functions of office, then no further action can be taken upon the proposed motion. If, on the other hand, the Commission finds that there is a *prima facie* case of misbehaviour or incapacity, then it will be up to the House of Representatives to discuss the motion and vote upon it.

A Judge's salary is a charge on the Consolidated Fund and may not be reduced.

To be appointed a Judge one must have practised as an advocate in Malta for not less than twelve years, or so practised and served as a Magistrate for a period amounting in the aggregate to not less than twelve years, or have partly so practised or partly so served.

The Constitution provides for a mandatory retiring age for Judges

(including the Chief Justice) and Magistrates. Currently this age is set at 65 which, by European standards, is regarded as being an early age.