

CHAPTER 490**ADMINISTRATIVE JUSTICE ACT**

To provide for Administrative Justice in Malta.

15th June, 2007;

1st January, 2009

ACT V of 2007, as amended by Legal Notices [246](#), [334](#) of 2009, [337](#) of 2010; [Act VI of 2011](#); Legal Notices [326](#) of 2011, [402](#) of 2012, [163](#), [443](#) of 2013; [Act IV of 2016](#) and Legal Notices [5](#) of 2018, [9](#) of 2019 and Acts [VII](#) and [XVII](#) of 2022 and [XXXIII](#) of 2023 and [XVII](#), [XVI](#) and [XIX](#) of 2024 and Legal Notices [191](#), [266](#), [282](#), [313](#), [314](#), [315](#), [316](#), [335](#), [336](#) and [375](#) of 2024 and [81](#), [83](#), [94](#), [191](#), [208](#), [222](#), [226](#) and [271](#) of 2025, [Act XXXVIII](#) of 2025 and Legal Notices [5](#), [104](#), [184](#) and [254](#) of 2026 and [Act XVIII](#) of 2026.

1. The short title of this Act is the Administrative Justice Act. Short title.

PART I**Preliminary Provisions**

2. In this Act, unless the context otherwise requires -

"administrative act" includes the issuing by the public administration of any order, licence, permit, warrant, authorisation, concession, decision or a refusal to any demand of a member of the public, but does not include any measure intended for internal organisation or administration within the said public administration;

"Administrative Review Tribunal" means the Administrative Review Tribunal established by article 5(1);

"administrative tribunal" means a tribunal listed in the First Schedule;

"Commission" means the Commission for Appointments and Discipline in Administrative Tribunals established in accordance with article 23A;

"the Minister" means the Minister responsible for justice;

"principles of good administrative behaviour" means the principles of good administrative behaviour listed in Part II of this Act;

"public administration" means the Government of Malta, including its Ministries and departments, local authorities and any body corporate established by law;

"the Secretary" means the Secretary of the Administrative Review Tribunal.

PART II**Administrative Tribunals**

3. (1) In their relations with the public, administrative tribunals shall respect and apply the principles of good administrative behaviour laid down in this Part of this Act.

- (2) The principles of good administrative behaviour include the following:

Interpretation.
Amended by:
[XVIII.2026.2](#).

General provision
applicable to
administrative
tribunals.

- (a) an administrative tribunal shall respect the parties' right to a fair hearing, including the principles of natural justice, namely:
 - (i) *nemo judex in causa sua*, and
 - (ii) *audi et alteram partem*;
- (b) the time within which an administrative tribunal shall take its decision shall be reasonable in the light of the circumstances of each case. The decision shall be delivered as soon as possible and for this purpose the tribunal shall deliver one decision about all matters involved in the cause whether they are of a preliminary, procedural or of a substantive nature;
- (c) an administrative tribunal shall ensure that there shall be procedural equality between the parties to the proceedings. Each party shall be given an opportunity to present its case, whether in writing or orally or both, without being placed at a disadvantage;
- (d) an administrative tribunal shall ensure that the public administration makes available the documents and information relevant to the case and that the other party or parties to the proceedings have access to these documents and information;
- (e) proceedings before an administrative tribunal shall be adversarial in nature. All evidence admitted by such a tribunal shall, in principle, be made available to the parties with a view to adversarial argument;
- (f) an administrative tribunal shall be in a position to examine all of the factual and legal issues relevant to the case presented by the parties in terms of the applicable law;
- (g) save as otherwise provided by law, the proceedings before an administrative tribunal shall be conducted in public;
- (h) reasons shall be given for the judgment. An administrative tribunal shall indicate, with sufficient clarity, the grounds on which it bases its decisions. Although it shall not be necessary for a tribunal to deal with every point raised in argument, a submission that would, if accepted, be decisive for the outcome of the case, shall require a specific and express response.

Power of Minister to make regulations to implement provisions of this Part.

4. The Minister may make regulations to implement and to give better effect to the provisions of this Part of this Act and may, without prejudice to the generality of the foregoing:

- (a) establish the date of entry into force of the provisions of this Part with regard to any administrative tribunals referred to in the First Schedule that the Minister may by regulations specify;
- (b) make such amendments, alterations, deletions, repeals, corrections, changes and modifications to any primary

law or subsidiary law for the purpose of bringing such primary law or subsidiary law in conformity with the provisions of this Part of this Act and may from time to time update the list of administrative tribunals listed in the First Schedule.

PART III

The Administrative Review Tribunal

5. (1) There shall be set up in accordance with the provisions of this Part of this Act, an independent and impartial tribunal, to be known as the Administrative Review Tribunal, for the purpose of reviewing administrative acts referred to it in accordance with this Act or any other law, and for the purpose of exercising any other jurisdiction conferred on the Administrative Review Tribunal by or under this or any other law, whether before or after the coming into force of this Act.

Administrative
Review Tribunal.
Amended by:
IV. 2016.30.

(2) The Administrative Review Tribunal shall not have a general jurisdiction to review administrative acts which are reviewable under article 469A of the [Code of Organization and Civil Procedure](#) but it shall have jurisdiction to review those administrative acts as may be prescribed in or under this Act or any other law granting jurisdiction to the Administrative Review Tribunal over any class of administrative acts.

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6. The Administrative Review Tribunal shall comply with the principles of good administrative behaviour laid down in article 3.

Principles which
shall guide the
Administrative
Review Tribunal.

7. (1) The Administrative Review Tribunal shall be competent to review administrative acts of the public administration on points of law and points of fact.

Review of
administrative acts.
Substituted by:
IV. 2016.31.

(2) Subject to the provisions of article 5 and where a special law confers jurisdiction to the Administrative Review Tribunal and unless any provision of the law does not provide for any time limit for the filing of an action for review by the Administrative Review Tribunal, an action to review administrative acts of the public administration under this Act shall be filed within a period of six months from the date when the interested person becomes aware or could have become aware of such an administrative act, whichever is the earlier.

8. (1) The Administrative Review Tribunal shall consist of a Chairperson who shall preside over the Tribunal.

Constitution of the
Administrative
Review Tribunal.

(2) The President of Malta, acting on the advice of the Prime Minister, may appoint more than one Chairperson to sit on the Administrative Review Tribunal, but only one Chairperson shall sit in any one case.

(3) A Chairperson who is an ex-Judge or an ex-Magistrate shall be appointed for a term of four years and shall vacate his or her office at the expiration of the term of the said appointment.

(4) A Chairperson shall be a person who holds, or has held, the office of a judge or of a magistrate in Malta.

(5) During the tenure of office, a Chairperson may not be removed except in the same manner and on the same grounds as a magistrate may be removed.

(6) In the exercise of his or her function, a Chairperson shall not be subject to the direction or control of any other person or authority.

(7) Upon his or her appointment, a Chairperson shall take an oath to examine and decide the cases brought before him or her with impartiality, fairness and according to law. The oath shall be taken before the Court of Appeal.

(8) The warrants or orders of the Administrative Review Tribunal shall be signed by the Chairperson.

(9) The oath to the witnesses shall be administered by the Chairperson or by the Secretary of the Administrative Review Tribunal or such other person as the Chairperson may by order in writing appoint.

(10) A Chairperson shall receive such remuneration as the President of Malta, acting on the advice of the Prime Minister, may by order to be published in the Gazette from time to time prescribe. Such remuneration may not be altered to the disadvantage of a Chairperson during his or her period of office.

Sections of the
Administrative
Review Tribunal.

9. (1) The President of Malta, acting on the advice of the Prime Minister, may by order establish sections of the Administrative Review Tribunal and may designate the categories of cases to be assigned to each section; and may by subsequent order amend, revoke or substitute such order.

(2) The President of Malta, acting on the advice of the Prime Minister, shall assign a Chairperson or such Chairpersons to sit in the Administrative Review Tribunal or in a section or such number of sections of the Administrative Review Tribunal and may transfer a Chairperson from one section of the Administrative Review Tribunal to another.

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(3) The provisions of the [Code of Organization and Civil Procedure](#) regarding the abstention and challenge of magistrates shall apply to the abstention and challenge of a Chairperson.

(4) When a Chairperson has been objected to or has abstained from sitting, or is otherwise unable to act, another Chairperson shall be surrogated in his or her stead by the President.

Panels of
assistants.

10. (1) In proceedings before it, the Administrative Review Tribunal shall be assisted by two assistants, appointed under this article, whom the Administrative Review Tribunal may consult in any case for its decision.

(2) Such consultation shall take place in open court or in camera and the Administrative Review Tribunal shall not be bound to abide by the opinion of the assistants.

(3) The two assistants shall be appointed by the President of Malta, acting on the advice of the Prime Minister from amongst persons who, in the Prime Minister's opinion, have previous

experience and special qualifications in a particular field of expertise falling within the competence of the Administrative Review Tribunal.

(4) The President of Malta, acting on the advice of the Prime Minister, may appoint panels of assistants depending on the subject matter of the dispute and the Secretary shall select two assistants from each panel for each case.

(5) The President of Malta, acting on the advice of the Prime Minister may, from time to time, add to or vary such order to include, remove, fuse together or change existing panels as the case may be.

(6) The President of Malta, acting on the advice of the Prime Minister, may at any time, appoint more than two persons on each panel as assistants of the Administrative Review Tribunal, but only two such persons from each panel shall assist the said Tribunal in any one case.

(7) The office of an assistant of the Administrative Review Tribunal shall become vacant:

- (a) at the expiration of four years from the date of appointment unless such appointment is renewed for a period or further periods of four years; or
- (b) following removal from office in the same manner and on the same grounds as a magistrate may be removed from office; or
- (c) following a written request addressed to the Prime Minister to that effect by such assistant.

(8) The assistants of the Administrative Review Tribunal may abstain or be challenged in the same manner and on the same grounds as, according to law, a magistrate may abstain or be challenged. Any question regarding any cause of abstention or challenge shall be decided by the Chairperson.

(9) In the exercise of his or her function, an assistant of the Administrative Review Tribunal shall not be subject to the direction or control of any other person or authority other than the Chairperson of the Administrative Review Tribunal.

(10) Upon appointment, an assistant of the Administrative Review Tribunal shall take an oath of office. The oath shall be taken before the Chairperson.

(11) An assistant of the Administrative Review Tribunal shall receive such remuneration as the President of Malta, acting on the advice of the Prime Minister, may by order to be published in the Gazette from time to time prescribe. Such remuneration may not be altered to the disadvantage of an assistant during his or her period of office.

11. (1) The Administrative Review Tribunal shall hold sittings in Malta and in Gozo at such regular intervals as may be necessary to expedite its business. The day and time of each sitting shall be determined by the Chairperson.

Sittings of the
Administrative
Appeals Tribunal.

(2) The Minister shall, by notice in the Gazette, determine the buildings where the Administrative Review Tribunal shall sit in Malta and in Gozo.

(3) Unless otherwise exempted by the Chairperson, assistants of the Administrative Review Tribunal shall attend for all sittings of the said Tribunal.

Registry of the
Administrative
Review Tribunal.

12. (1) The Minister may by regulations establish the Registry of the Administrative Review Tribunal and the functions thereof, and by the same regulations may also appoint such officers as may be necessary for the operation of the said Tribunal. All the records of the Administrative Review Tribunal shall be filed in the Registry referred to in this subarticle.

(2) The records of the Administrative Review Tribunal shall be accessible to all persons, and copies thereof shall be given on payment of the prescribed fee to any person on request.

(3) The records of the Administrative Review Tribunal shall be deposited and kept in such archives as may be designated by the Minister by regulations made under this article.

Duties of
Secretary.

13. (1) The Secretary to the Administrative Review Tribunal shall be responsible for the running of the Registry. The Secretary shall also perform any other duty which may be incumbent upon him or her under this Act or any rules made thereunder.

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(2) The duties of the Secretary shall be carried out in accordance with the provisions of the [Code of Organization and Civil Procedure](#).

Appearance before
the Administrative
Review Tribunal.

14. (1) The parties may appear before the Administrative Review Tribunal in person or be represented through an advocate, a legal procurator or another person.

(2) The parties may be assisted by an advocate, a legal procurator or by another person.

Procedure before
the Administrative
Review Tribunal.
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15. (1) The provisions of articles 21, 22 and 23 of the [Code of Organization and Civil Procedure](#) shall apply before the Administrative Review Tribunal.

(2) Proceedings before the Administrative Review Tribunal shall be commenced by the filing of an application. The applicant shall file an application in the Registry of the Administrative Review Tribunal. The said application shall contain:

- (a) a clear and correct statement of the subject-matter and the cause of the claim;
- (b) the claim or claims;
- (c) a clear and detailed statement of the facts of the case of which the applicant may be aware;
- (d) the name of witnesses the applicant intends to produce, including the subpoena of the other party, stating in respect of them the proof the applicant intends to establish by their evidence; and

- (e) the remedy being requested, with costs against the public administration.

(3) The application shall be served on the public administration not later than five working days from its date of filing. The provisions of article 3 in so far as they concern the expeditiousness of proceedings shall be observed in so far as the reply is concerned.

(4) The public administration shall file the reply within twenty days from the date of service of the application, unless it intends to admit the claim.

(5) When the public administration intends to admit the claim, wholly and unconditionally, it shall file a note to that effect. Once the applicant declares, by means of a note filed within twenty days from service of the public administration's admission of claim, that he is satisfied with the remedy granted by the public administration, the Tribunal shall abstain from taking further cognizance of the case.

(6) If the applicant is not satisfied with the remedy granted by the respondent, whether in full or in part, or if the public administration intends to contest the claim wholly and unconditionally, the public administration shall file a reply containing:

- (a) any such pleas as would be taken to be waived if not raised before the contestation of the suit;
- (b) a clear and correct statement of the pleas on the merits of the claim or claims and referring to the provisions of the law in terms of which the decision was taken;
- (c) a clear and detailed statement of facts of the case of which the public administration is aware, denying, admitting or explaining the circumstances of fact set out in the applicant's application;
- (d) the name of the witnesses which the applicant intends to produce, including the subpoena of the other party, stating in respect of each of them the proof he/she intends to establish by their evidence;
- (e) a request that the public administration be non-suited with costs against the applicant.

(7) Where the claim is contested, the Tribunal shall appoint the case for hearing.

(8) The Tribunal shall, subject to the provisions of this Act or any other applicable law regulating the Tribunal's procedure, regulate its own procedure.

16. (1) The Minister may make regulations to implement and to give better effect to the provisions of this Part of this Act and may, without prejudice to the generality of the foregoing, establish the date of entry into force of the provisions of this Part of this Act with regard to the public administration and administrative tribunals that the Minister may by regulations specify.

Minister to make regulations to implement provisions of this Part.

(2) The Minister may also make regulations for the better

functioning of the Administrative Review Tribunal and may, without prejudice to the generality hereof, make regulations:

- (a) setting out the procedure before the Administrative Review Tribunal;
- (b) setting out the procedure in appeals from the decisions of the Administrative Review Tribunal;
- (c) establishing the forms that are to be used in proceedings before the Administrative Review Tribunal;
- (d) establishing the forms that are to be used in proceedings in appeals from the Administrative Review Tribunal;
- (e) establishing rates of costs in proceedings before the Administrative Review Tribunal;
- (f) establishing the fees that may be due to the Registry of the Administrative Review Tribunal;
- (g) establishing the fees that may be due to advocates, legal procurators and other persons representing or appearing before the Administrative Review Tribunal;
- (h) setting out the duties of Secretary in relation to the Administrative Review Tribunal;
- (i) establishing which provisions of the [Code of Organization and Civil Procedure](#), if any, not mentioned in this Act, are to apply to the procedure before the Administrative Review Tribunal;
- (j) prescribing anything that may or is to be prescribed in accordance with this Part of this Act.

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Service of judicial acts.

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17. The service of judicial acts in terms of this Part of this Act shall be carried out in such manner as is provided for the service of judicial acts in the [Code of Organization and Civil Procedure](#), unless the Minister shall, by regulations made under this article, otherwise provide.

Benefit of legal aid.

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18. The provisions of the [Code of Organization and Civil Procedure](#) relating to the benefit of legal aid shall apply to parties to proceedings before the Administrative Review Tribunal, being persons entitled to such benefit within the meaning of those provisions.

Administrative expenses of the Administrative Review Tribunal.

19. The expenses in connection with the administration of the Administrative Review Tribunal and the remuneration due to the Chairperson and the assistants of the panel, shall be paid out of the Consolidated Fund without the necessity of any further appropriation.

Powers of the Administrative Review Tribunal.
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20. (1) The Administrative Review Tribunal shall have all such powers as are, by the [Code of Organization and Civil Procedure](#), vested in the First Hall of the Civil Court.

(2) The enforcement of the decisions of the Administrative Review Tribunal in the manner provided for in the [Code of Organization and Civil Procedure](#), shall vest in the Administrative

Review Tribunal itself.

(3) The Administrative Review Tribunal may, through its Chairperson, summon any person to appear before it and give evidence and produce documents, and the Chairperson shall have the power to administer the oath.

21. The Minister may make regulations to implement and to give better effect to the provisions of this Part of this Act and may, without prejudice to the generality of the foregoing make such amendments, alterations, deletions, repeals, corrections, changes and modifications to any law or regulation for the purpose of bringing such law or regulation in conformity with the provisions of this Part of this Act.

Minister to make regulations to implement provisions of this Part of this Act.

PART IV

Appeals from decisions of the Administrative Review Tribunal

22. (1) Any party to the proceedings before the Administrative Review Tribunal who feels aggrieved by a decision of the said Tribunal, may appeal to the Court of Appeal sitting either in its superior or in its inferior jurisdiction.

Right of appeal.

(2) The Court of Appeal competent to hear and determine an appeal from a decision of the Administrative Appeals Tribunal shall be that established in the Second Schedule:

Provided that the Minister may make regulations to implement and to give better effect to these provisions of this Part of this Act and may, without prejudice to the generality of the foregoing, make such amendments, alterations, deletions, repeals, corrections, changes and modifications to the Second Schedule and to any primary law or subsidiary law for the purpose of bringing such Schedule or primary or subsidiary law in conformity with the provisions of this Part of this Act and may from time to time add any other reference to legislation to the Second Schedule which is not mentioned in the said Second Schedule.

(3) Such appeal shall be brought before the Court of Appeal by means of an application filed in the Registry of that court within twenty days from the day on which the decision of the court was delivered.

(4) The said application of appeal shall be accompanied together with the payment of an all inclusive Registry appeal fee as may be prescribed by the Minister responsible for justice in consultation with the Minister responsible for finance. Such fee shall cover all Registry fees, including those taxed by the Registrar, Civil Courts and Tribunals, when final judgement is read out in open court.

(5) When there are two parties, the appeal shall be lodged in duplicate by means of an application. Where there are more than two parties to an appeal before the Administrative Review Tribunal, the application of appeal shall be lodged in such number of copies as there are parties to that appeal.

(6) The application of appeal shall be filed in the competent Registry in terms of the [Code of Organization and Civil Procedure](#).

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(7) The Registrar, Civil Courts and Tribunals, shall, on receipt of the application of appeal, serve a copy of the said application of appeal on the other party or parties.

(8) The respondent or respondents shall file their reply to the appeal within twenty days of service of the appeal. Such replies shall be accompanied together with the payment of an all inclusive Registry fee as may be prescribed by the Minister responsible for justice in consultation with the Minister responsible for finance. Such fee shall cover all Registry fees, including those taxed by the Registrar, Civil Courts and Tribunals, when final judgement is read out in open court.

(9) When an appeal is lodged to the Court of Appeal as aforesaid, that appeal and the reply or replies thereto shall be referred by the Registrar, Civil Courts and Tribunals, to the Court of Appeal.

Powers of the
Court of Appeal.

23. (1) The Court of Appeal shall have the power, in its judgement, to confirm, revoke or alter the decision appealed against and to give such directions as it may deem appropriate.

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(2) The provisions regulating the Court of Appeal in the [Code of Organization and Civil Procedure](#) shall apply to the Court of Appeal when hearing appeals from decisions of the Administrative Appeals Tribunal.

(3) Subject to the foregoing provisions and of any applicable law, the Court of Appeal shall regulate its own procedure.

Added by:
XVIII.2026.3.

PART IVbis

Commission for Appointments and Discipline in Administrative Tribunals

Establishment and
functions of the
Commission.

23A. (1) There shall be a commission to be known as the Commission for Appointments and Discipline in Administrative Tribunals, hereinafter in this Part and in Part IVter referred to as the "Commission", which shall be composed as follows:

- (a) a Chairperson being a retired Judge or Magistrate; and
- (b) four (4) other members who shall be persons of known integrity and recognised competence, possessing substantial experience in public administration, governance, regulation, administrative justice or other fields related to the functions of administrative tribunals:

Provided that no member of the Commission shall participate in any process concerning the appointment, evaluation, discipline or removal from office where that member has a direct or indirect interest, or where circumstances exist which may reasonably give rise to doubt as to his impartiality.

(2) The Chairperson and the members shall be appointed by the President of Malta acting on the advice of the Cabinet, and different members may be appointed in different compositions of the Commission entrusted with appointments to different administrative tribunals.

(3) In the exercise of its functions, the Commission shall act

independently and shall not be subject to the orders or direction of any other person or authority.

(4) The remuneration of the Chairperson and of the members of the Commission shall be a charge on the Consolidated Fund.

(5) There shall be a secretary to the Commission, appointed by the Minister, who shall be responsible only for the administrative functions of the Commission, without having any decision-making power or voting right.

(6) The Commission may, where it considers it necessary, appoint one (1) or more persons possessing relevant technical or sectoral knowledge or experience to assist it in the process of evaluating candidates for a particular administrative tribunal. Such person shall act solely in an advisory capacity and shall have no right to vote.

(7) A person appointed under sub-article (6) shall receive such remuneration as may be established by notice in the Gazette, and such remuneration shall be paid out of the Consolidated Fund.

23B. (1) The President of Malta, acting on the advice of the Cabinet, may also appoint alternate Chairpersons and alternate members of the Commission to act in the event that the Chairperson or any member of the Commission is challenged or abstains from exercising any of his functions or, for any other reason, is unable to perform his functions at any particular time.

Alternate
Chairpersons and
members.

(2) The Chairperson or a member of the Commission shall abstain or be challenged from exercising any of his functions for the reasons referred to in the provisions of article 734 of the [Code of Organization and Civil Procedure](#).

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23C. (1) Notwithstanding anything contained in any other law, wherever any law or regulations confer power on a Minister to appoint persons to preside over any administrative tribunal included in the Third Schedule, that power shall, instead of being exercised by the Minister, be exercised by the President of Malta acting on the advice of the Commission.

Appointments to
administrative
tribunals.

(2) The Commission shall give such advice following a public call for applications and a competitive, merit-based process, which may include interviews and an assessment of the candidates' professional experience, technical or sectoral competence, integrity, independence and impartiality.

(3) The Commission shall not advise in favour of the appointment of a person unless it is satisfied that such person:

- (a) has integrity and a good reputation;
- (b) has adequate competence and experience in the relevant field;
- (c) is capable of acting independently and impartially; and
- (d) is free from any conflict of interest which may affect, or appear to affect, the proper exercise of his functions.

(4) Upon completing its evaluation, the Commission shall submit to the President of Malta the name of the person whom it considers suitable for appointment.

(5) Upon transmitting the name referred to in sub-article (4), the Commission shall publish the name of the person recommended for appointment.

Guarantees of independence.

23D. (1) A person shall not be qualified to be appointed Chairperson or member of an administrative tribunal if such person:

- (a) is a member of the House of Representatives;
- (b) is a member of a Local Council;
- (c) is an undischarged bankrupt;
- (d) is interdicted or incapacitated according to law; or
- (e) has been sentenced by any court to imprisonment for any period or has been found guilty by any court of any of the offences found in Titles III, V and, or VI of Part II of Book First of the [Criminal Code](#).

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(2) The Chairpersons and members of administrative tribunals shall receive such remuneration as the Prime Minister may by notice in the Gazette establish and such remuneration shall be a charge on the Consolidated Fund. Such remuneration shall not during the term of office of Chairpersons and members be altered to their disadvantage.

(3) During the term of their office, the Chairpersons and members of administrative tribunals shall be precluded from the exercise of their profession in cases before the administrative tribunal to which they are appointed.

(4) Unless the law establishing the administrative tribunal to which appointments are made in accordance with article 23C provides for a longer period of appointment or for the exclusion of reappointment, either immediately after the expiry of an appointment or after the expiry of a reappointment, appointments made in accordance with the said article shall be for a period of five (5) years:

Provided that the appointed person may be reappointed for one (1) further term only, provided that he reapplies following a new call for applications issued in accordance with article 23C, and his application is examined by the Commission on the same basis and in accordance with the same criteria applicable to the other applicants.

Power to make regulations.

23E. The Prime Minister may by regulations amend the Third Schedule and may also by regulations amend any law mentioned in the Third Schedule limitedly so that the manner, term of appointment, discipline and removal from office of persons sitting on any administrative tribunal in accordance with that law shall conform to the manner, term of appointment, discipline and removal from office provided for in this Part and in Part IVter.

Application and interpretation of this Part.

23F. (1) This Part shall apply to all new appointments made to administrative tribunals including those indicated in the Third Schedule and made after the lapse of four (4) months from the coming into force of this Part.

(2) This Part shall not be construed as exempting any person having the power to make nominations or appointments of persons to preside over any administrative tribunal not included in the Third Schedule from the duty, before making any such nomination or

appointment, to be satisfied as to the suitability of the person nominated or appointed to act independently and impartially on such administrative tribunal.

(3) Any reference in articles 23C and 23D to an "administrative tribunal" or to a "Chairperson" or "member" of an administrative tribunal shall be construed only as a reference to an administrative tribunal included in the Third Schedule and to its Chairperson and members.

(4) Any person who, on the date of the coming into force of this Part, holds office as a Chairperson or member of an administrative tribunal listed in the Third Schedule in accordance with the law applicable to such administrative tribunal immediately before the coming into force of the Administrative Justice (Amendment) Act, 2026 shall continue to hold office until the expiry of the term for which that person was appointed.

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2026.

(5) Subject to sub-article (1), upon the expiry of the term referred to in sub-article (4), any subsequent appointment to that office shall be made in accordance with the provisions of this Part and Part IVter.

(6) For the purposes of article 23D(4), any term of office served as Chairperson or member of an administrative tribunal listed in the Third Schedule before the coming into force of this Part shall not be taken into account.

(7) For the purposes of sub-article (6), a person who, before the coming into force of this Part, has served one (1) or more terms as Chairperson or member of an administrative tribunal listed in the Third Schedule shall be eligible to apply and, if selected, to be appointed as though such person had not previously served any such term.

PART IVter Ethics and Discipline

Added by:
XVIII.2026.3.

23G. (1) Without prejudice to Part II, the Chairpersons and members of administrative tribunals shall be obliged to conduct themselves properly, in an ethically correct manner and not to give rise to reasonable doubt as to their independence and impartiality in the performance of their duties.

Duty of proper
conduct.

(2) In the performance of their functions and duties, the Chairpersons and members of the administrative tribunals listed in the Third Schedule shall uphold and promote the principles and standards established in the Fourth Schedule:

Provided that within one (1) year from the date of its establishment, the Commission shall, with the concurrence of the Minister responsible for justice, draw up one or more Codes of Ethics applicable to the administrative tribunals listed in the Third Schedule.

23H. (1) There shall be an administrative office which shall provide administrative support to the Commission and shall have such staff and resources as may be necessary for the Commission to perform its functions effectively and independently.

Administrative
office.

(2) In the exercise of their functions in connection with the work of the Commission, the secretary and the staff assigned to the Commission shall be subject only to the direction of the Commission.

(3) The expenses of the Commission, including the remuneration of its members and its administrative expenses, shall be paid out of the Consolidated Fund.

Discipline and removal from office of a Chairperson or member of an administrative tribunal.

23I. (1) Notwithstanding the provisions of any other law, any person appointed as Chairperson or member of an administrative tribunal may be removed from office by the President of Malta, acting on the advice of the Commission, following proceedings which observe the principles of natural justice, provided that such Chairperson or member may be removed only on the ground of inability to perform the duties of office, whether arising from physical or mental infirmity or any other cause, or on the ground of misbehaviour.

(2) The Commission may also, in its discretion, impose disciplinary sanctions on a Chairperson or member of an administrative tribunal, which sanctions shall be proportionate and shall be imposed only after a process that respects the principles of natural justice.

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(3) Decisions of the Commission taken in accordance with sub-articles (1) or (2) shall be subject to an appeal before the Court of Appeal constituted in accordance with article 41(9) of the [Code of Organization and Civil Procedure](#) and the applicable procedure shall be that applicable to appeals from judgments of the Court of Magistrates in civil causes.

(4) The Commission shall also be responsible for the enforcement of the minimum ethical standards established in the Fourth Schedule and of any Code of Ethics drawn up in accordance with article 23G(2), and shall be authorised to issue such directives and make such recommendations, whether of an individual or general nature, as it may consider appropriate for such purpose.

PART V

Miscellaneous Provisions

Saving and transitory provision.

24. (1) On the entry into force of Parts III and IV of this Act, all pending proceedings before those persons, bodies or administrative tribunals which were competent prior to the coming into force of article 25 shall be assigned to the Administrative Review Tribunal for determination and shall be regulated by the provisions of the said Parts III and IV of this Act; and the Minister may establish different dates for the entry into force of Parts III and IV of this Act with regard to the different persons, bodies or administrative tribunals referred to in article 25.

(2) Nothing in subarticle (1) shall invalidate any procedure whether written or oral which may have been made before the coming into force of this Act and which was valid according to the law in force on the date when made.

(3) The Administrative Review Tribunal shall draw up and deliver such decrees which might be necessary to regulate those undecided proceedings which hitherto were pending before the persons, bodies and administrative tribunals mentioned in subarticle (1) prior to the date of entry into force of this article and which have on the date of the entry into force of this article been assigned to the Administrative Review Tribunal so that the latter

may bring these proceedings in line with the provisions of Part III of this Act:

Provided that, notwithstanding the provisions of this article, proceedings pending before the persons, bodies and administrative tribunals mentioned in subarticle (1) which have been put off for judgment or for final oral or written submissions on the date of the entry into force of this article, shall continue to be heard and decided by those persons, bodies and administrative tribunals and not by the Administrative Review Tribunal.

(4) Without prejudice to the generality of subarticle (1), one or more of the Chairpersons ordinarily sitting in the Administrative Review Tribunal or in a section or sections thereof, shall take cognizance of all proceedings pending before the persons, bodies or administrative tribunals mentioned in that subarticle which are reassigned to the Administrative Review Tribunal. The Secretary of the Administrative Review Tribunal shall ensure that all pending proceedings lodged from decisions of the public administration hitherto being heard by any person, body or administrative tribunal mentioned in subarticle (1) are referred to the section of the Administrative Review Tribunal which would be taking cognizance of the said proceedings.

(5) Appeals lodged to the Court of Appeal from any decision of any person, body or administrative tribunal prior to the entry into force of article 25 shall continue to be heard by the said Court until they are so determined, and the provisions of the [Code of Organization and Civil Procedure](#) shall continue to apply thereto.

Cap. 12.

25. (1) This provision shall have effect subject to the provisions of article 24.

Jurisdiction.

(2) The Administrative Review Tribunal shall henceforth have jurisdiction in lieu of the persons, bodies and administrative tribunals mentioned in the laws listed in the Third Schedule* prior to the entry into force of this article.

*Omitted under the [Statute Law Revision Act, 1980](#). Amendments therein have been inserted in the relative legislation.

Amended by:
VI. 2011.167;
L.N. 326 of 2011;
XVII.2024.15.

FIRST SCHEDULE

[Article 4]

List of Administrative Tribunals Respecting the Principle of Good Administrative Behaviour

Part A - Primary Legislation

Chapter Number	Name of Law	Provision Number	Name of Administrative Tribunal
3	Marriage Legacies Act	3	Commission
45	Lepers Ordinance	2(8)	Board
69	Reletting of Urban Property (Regulation) Ordinance	16	Rent Regulation Board
81	Utilities & Services (Regulation of certain works) Act	4	Refers to the Communications Appeal Board established by the Malta Communications Authority Act
85	Agricultural Produce (Export) Ordinance	18	Board of Reference (set up under subsidiary legislation SL 85.01 regulation 27)
88	Land Acquisition Public Purposes Ordinance	23	Land Arbitration Board
94	Department of Health (Constitution) Ordinance	44	General Services Board
110	Developed Land Valuation Ordinance	9	Board of Special Commissioners for Land Valuation
117	Supplies and Services Act	3(1)(e)	Boards or Tribunals set up under subsidiary legislation to take cognisance of offences
125	Housing Act	8(6) and 12(1)	Refers to Rent Regulation Board
164	Police Act	48	Police Board
171	Port Workers Ordinance	10 and 12	Ports Disputes Board
179	Enemy Property Act	4	Board of Custodians
199	Agricultural Leases (Reletting) Act	5	Rural Leases Control Board
204	Central Bank of Malta Act	36A	Financial Services Tribunal
210	Disabled Persons Employment Act	13	Appeal to the 'authority' set up under subsidiary legislation
214	Public Transport (Regulation of Employment) Act	3	Public Transport Labour Board established by article 30 of the Malta Transport Authority Act
217	Immigration Act	25A	Immigration Appeals Board
218	Civil Aviation (Air Operators Certificate) Act	9	Aviation Safety Board
254	Post Office Act	28	Communications Appeals Board
262	Mental Health Act	38	Mental Health Review Tribunal
288	Building (Price Control) Act	9	Building Price Control Tribunal
291	Commissioners for Justice Act	3	Commissioners for Justice
308	Partition of Inheritances Act	4	Partition of Inheritances Tribunal

Chapter Number	Name of Law	Provision Number	Name of Administrative Tribunal
318	Social Security Act	107 and 128	Umpire
325	Business Promotion Act	28	Appeals Board
327	Education Act	42	Scholastic Tribunal
330	Malta Financial Services Authority Act	21	Financial Services Tribunal
331	Trusts and Trustees Act	55	Financial Services Tribunal
332	Malta Transport Authority Act	30	Public Transport Labour Board
334	Malta Freeports Act	29(2)	Appeals Board constituted under article 28 of the Business Promotion Act
337	Import Duties Act	9	Customs Valuations Appeals Board
343	Employment and Training Services Act	3	National Employment Authority
345	Financial Markets Act	42	Financial Services Tribunal
356	Development Planning Act	15	Planning Appeals Board
364	Duty on Documents and Transfers Act	57	Board of Special Commissioners for Duty on Documents and Transfers
370	Investment Services Act	19	Financial Services Tribunal
371	Banking Act	10	Financial Services Tribunal
372	Income Tax Management Act	34	Board of Special Commissioners for Income Tax purposes
376	Financial Institutions Act	21	Financial Services Tribunal
378	Consumer Affairs Act	16	Consumer Claims Tribunal
380	Small Claims Tribunal Act	3	Small Claims Tribunal
383	Controlled Companies (Procedures for Liquidations) Act	7	Appeals Board
389	Private Guards and Community Officers Act	11	Commissioner
395	Customs and Excise Tax Act	47	Excise Tax Tribunal
399	Electronics Communications (Regulation) Act	16	Communications Appeals Board
403	Insurance Business Act	35	Financial Services Tribunal
406	Value Added Tax Act	43	Value Added Tax Appeals Board
409	Malta Travel and Tourism Services Act	13	Tourism Appeals Board
420	International Protection Act	5	International Protection Appeals Tribunal
424	Occupational Health and Safety Authority Act	21	Occupational Health and Safety Appeals Board
435	Environment Protection Act	16	Appeal to the Planning Appeals Board established under Cap.356
436	Wine Act	4	Appeals Board
440	Data Protection Act	48	Data Protection Appeals Tribunal
441	Trading Licences Act	8	Licensing Appeals Board
442	Co-operative Societies Act	3	Co-operatives Board
447	Producer Organisations Act	18	Producer Organisations Appeals Board

Chapter Number	Name of Law	Provision Number	Name of Administrative Tribunal
450	Special Funds (Regulation) Act	54	Financial Services Tribunal
451	Mutual Recognition of Qualifications Act	7	Mutual Recognition of Qualifications Appeals Board
452	Employment and Industrial Relations Act	73	Industrial Tribunal
455	Sports Act	47	Sports Appeals Board
458	Medicines Act	21	Appeal to the Medicines Review Board from findings of the Medicines Authority
473	Eco-Contribution Act	26	Eco-Contribution Appeals Board
476	Prevention of Financial Markets Abuse Act	23	Financial Services Tribunal
484	Securitisation Act	19(14)	Financial Services Tribunal
487	Insurance Intermediaries Act	2	Financial Services Tribunal

. Repealed by Act XV of 2009.

Part B - Subsidiary Legislation

Subsidiary Legislation/ Legal Notice Number	Name of Subsidiary Law	Provision Number	Name of Administrative Tribunal
GN 430 of 28 September 1937	Cinema and Stage Regulations	42	Board of Film and Stage Censors
SL 33.04	Civil Explosives Regulations	Second Schedule, paragraph 5 of 1. Module B	This regulation states that provision must be made for an appeal
SL 85.01	Potato Export Regulations	27	Board of Reference
SL 128.02	Licences Procedures Regulations	6	Police Licences Appeals Tribunal
SL 174.02	Public Service (Procurement) Regulations	15	Public Contracts Appeals Board
SL 174.04	Public Procurement Regulations	34	Public Contracts Review Board
SL 254.12	Postal Services Appeals Board (Rules of Procedures) Regulations	-	Postal Services Appeals Board
SL.260.03	Prison Regulations	79	Appeals Tribunal
SL 291.04	Petitions (Local Tribunals) Regulations	3	Petitions Board
SL 327.85	Assessment Test Regulations	6	University Disciplinary Board
SL 458.23	Licensing of Private Medical Clinics Regulations	5(2)	Tribunal
SL 458.25	Licensing of Private Medical Diagnostic Laboratories Regulations	5(2)	Tribunal appointed under regulation 5(2) of the Licensing of Private Medical Clinics Regulations (SL 458.23)

Subsidiary Legislation/ Legal Notice Number	Name of Subsidiary Law	Provision Number	Name of Administrative Tribunal
SL 499.32	Placing of Billboards and Advertising on the Road Regulations	9A	Authority for Transport in Malta

SECOND SCHEDULE
Competence of the Court of Appeal

Amended by:
L.N. 246 of 2009;
L.N. 334 of 2009;
L.N. 337 of 2010;
L.N. 402 of 2012;
L.N. 163 of 2013;
L.N. 443 of 2013;
L.N. 9 of 2019;
VII.2022.71;
XVII.2022.33;
XXXIII.2023.20;
XVII.2024.16;
XIX.2024.57;
L.N. 191 of 2024;
XVI.2024.45;
L.N. 266 of 2024.
L.N. 282 of 2024;
L.N. 313 of 2024;
L.N. 314 of 2024;
L.N. 315 of 2024;
L.N. 316 of 2024;
L.N. 335 of 2024;
L.N. 336 of 2024;
L.N. 375 of 2024;
L.N. 81 of 2025.
L.N. 83 of 2025;
L.N. 94 of 2025;
L.N. 191 of 2025;
L.N. 208 of 2025;
L.N. 222 of 2025;
L.N. 226 of 2025;
L.N. 271 of 2025;
XXXVIII.2025.15.
L.N. 5 of 2026;
L.N. 104 of 2026;
L.N. 184 of 2026;
L.N. 254 of 2026.

[Article 22 (2)]

Title of Law	Reference Number of the Law	Competence of the Court of Appeal
Spirits Ordinance	Cap 41	Inferior Competence
Lepers Ordinance	Cap. 45	Inferior Competence
Agricultural Produce (Export) Ordinance	Cap. 85	Inferior Competence
Supplies and Services Act	Cap. 117	Inferior Competence
Income Tax Act	Cap. 123	Inferior Competence
Enemy Property Act	Cap. 179	Inferior Competence
Accountancy Profession Act	Cap. 281	Inferior Competence
Inginiera Act	Cap. 321	Inferior Competence
Education Act	Cap. 327	Inferior Competence
Import Duties Act	Cap. 337	Inferior Competence

Title of Law	Reference Number of the Law	Competence of the Court of Appeal
Duty on Documents and Transfers Act	Cap. 364	Inferior Competence: where the total amount of duty payable in dispute at the time when the appeal was lodged before the Tribunal is less than one million and one hundred and sixty-five thousand euro (€1,165,000); and Superior Competence: where the total amount of duty payable in dispute at the time when the appeal was lodged before the Tribunal is of one million and one hundred and sixty-five thousand euro (€1,165,000) or more
Income Tax Management Act	Cap. 372	Superior Competence: where the total amount of tax, additional tax, fines and interest in dispute at the time when the appeal was lodged before the Administrative Review Tribunal or the Board of Special Commissioners, as the case may be, is of one million and one hundred and sixty-five thousand euro (€1,165,000) or more; and Inferior Competence: where the total amount of tax, additional tax, fines and interest in dispute at the time when the appeal was lodged before the Administrative Review Tribunal or the Board of Special Commissioners, as the case may be, is less than one million and one hundred and sixty-five thousand euro (€1,165,000)
Excise Duty Act	Cap. 382	Superior Competence in Proceedings related to the Seizure of Goods
Periti Act	Cap. 390	Inferior Competence
Malta Communications Authority Act	Cap. 418	Inferior Competence
Fisheries Conservation and Management Act	Cap. 425	Inferior Competence
Wine Act	Cap. 436	Inferior Competence
Animal Welfare Act	Cap. 439	Inferior Competence
Co-operatives Societies Act	Cap. 442	Inferior Competence
Lands Authority Act	Cap. 563	Inferior Competence
Government Lands Act	Cap. 573	Inferior Competence
Gaming Act	Cap. 583	Inferior Competence

Title of Law	Reference Number of the Law	Competence of the Court of Appeal
Malta Digital Innovation Authority Act	Cap. 591	Inferior Competence
Climate Action Act	Cap. 643	Superior Competence
Agriculture Act	Cap. 639	Inferior Competence
Customs Ordinance	Cap. 37	Superior Competence in Proceedings related to the Seizure of Goods
Registration and Warranting of Sign Language Interpreters Act	Cap. 654	Inferior Competence
Regulator for Energy and Water Services Act	Cap. 545	Superior/Inferior Competence
Cinema and Stage Regulations	S.L. 10.17	Inferior Competence
Civil Explosives Regulations	S.L. 33.04	Inferior Competence
Importation of Dogs and Cats Regulations	S.L. 36.42	Inferior Competence
Motor Vehicles (Carriage of Goods By Road) Regulations	S.L. 65.19	Inferior Competence
National Malta Library Regulations	S.L. 92.03	Inferior Competence
Malta Public Library Regulations	S.L. 92.06	Inferior Competence
Control of the Sale of Eggs Regulations	S.L. 117.17	Inferior Competence
Control of Kerosene Regulations	S.L. 117.18	Inferior Competence
Exemption from Motor Vehicles Registration Tax Rules	S.L. 368.01	Inferior Competence
Registration and Licensing of Motor Vehicles Regulations	S.L. 368.02	Inferior Competence
Airport (Groundhandling Services) Regulations	S.L. 499.25	Inferior Competence
Conservation of Wild Birds Regulations	S.L. 549.42	Inferior Competence
Cybersecurity Certification Regulations	S.L. 591.02	Inferior Competence
Data Governance Regulations	S.L. 591.03	Inferior Competence
Innovative Technology Arrangements and Services (ITAS) Certification Regulations	S.L. 591.01	Inferior Competence
Electricity Connection and Supply Regulations	S.L. 545.41	Superior/Inferior Competence
Data Centres (Sustainability Reporting Obligations) Regulations	S.L. 545.42	Superior/Inferior Competence
European Union Greenhouse Gas Emissions Trading System for Stationary Installations Regulations	S.L. 643.02	Superior/Inferior Competence
European Union Greenhouse Gas Emissions Trading System for Aviation	S.L. 643.03	Superior/Inferior Competence
European Union Greenhouse Gas Emissions Trading System for Buildings, Road Transport and Additional Sectors Regulations	S.L. 643.05	Superior/Inferior Competence
European Union Greenhouse Gas Emissions Trading System for Maritime Transport Regulations	S.L. 643.06	Superior/Inferior Competence
Manufacture, Placing on the Market and Use of Medicated Feed Rules	S.L. 437.114	Inferior Competence
Private Veterinary Establishments (Licensing) Regulations	S.L. 437.106	Superior/Inferior Competence

Title of Law	Reference Number of the Law	Competence of the Court of Appeal
Veterinary Medicinal Products Regulations	S.L. 437.115	Superior/Inferior Competence
Veterinary Pharmacy Regulations	S.L. 437.116	Superior/Inferior Competence
Trade in Equidae intended for Competitions and Conditions for Participation Regulations	S.L. 437.02	Superior/Inferior Competence
Methods of Sampling and Analysis for the Control of Levels of Dioxins, Dioxin-like PCBs and Non-dioxin-like PCBs in Certain Foodstuffs Rules	S.L. 437.122	Superior/Inferior Competence
Marketing of Maltese Agricultural Produce and Maltese Agricultural Marketing Centres Regulations	S.L. 639.12	Inferior Competence
Protection of Animals Offered in Pet Shops (Minimum Standards) Regulations	S.L. 439.16	Inferior Competence
Fair Access to and Use of Data Regulations	S.L. 418.06	Inferior Competence
Fair Access to and Use of Data Regulations	S.L. 591.04	Inferior Competence
Artificial Intelligence Regulations	S.L. 591.05	Inferior Competence
Resilience of Critical Entities and Infrastructures (Identification, Designation and Protection) Order	S.L. 460.43	Inferior Competence
Autonomous Small Buses Trials Regulations	S.L. 499.76	Inferior Competence
Online Dispensing of Medicinal Products to Third Countries from Free Zones and Customs Authorised Warehouses Regulations	S.L. 458.64	Superior/Inferior Competence
Companies Act (Register of Beneficial Owners) Regulations	S.L. 386.19	Inferior Competence
Carbon Border Adjustment Mechanism (Implementing) Regulations	S.L. 643.07	Superior/Inferior Competence

Added by:
XVIII.2026.4.

THIRD SCHEDULE

(Article 23C)

Administrative Tribunals in respect of which appointments under the laws hereunder listed are to be made by the President of Malta

Tribunal	Legislation
Police Licences Appeals Tribunal	Police Act , Cap. 164 and the Licences Procedures Regulations , S.L. 128.02
Partition of Inheritances Tribunal	Partition of Inheritances Act , Cap 308
Financial Services Tribunal	Malta Financial Services Authority Act , Cap. 330
Consumer Claims Tribunal	Consumer Affairs Act , Cap. 378
Small Claims Tribunal	Small Claims Tribunal Act , Cap. 380
Patents Tribunal	Patents and Designs Act , Cap. 417
International Protection Appeals Tribunal	International Protection Act , Cap. 420
Industrial Tribunal	Employment and Industrial Relations Act , Cap. 452
Environment and Planning Review Tribunal	Environment and Planning Review Tribunal Act , Cap. 551

Information and Data Protection Appeals Tribunal	Data Protection Act , Cap. 586
Building and Construction Tribunal	Building and Construction Authority Act , Cap. 623
Appeals Tribunal	Prisons Regulations , S.L. 260.03
Commercial Sanctions Tribunal	Public Procurement Regulations , S.L. 601.03

Added by:
XVIII.2026.4.

FOURTH SCHEDULE (Article 23G)

Minimum Ethical Standards for Chairpersons and Members of Administrative Tribunals

The persons serving as Chairpersons or members of administrative tribunals, in this Schedule also referred to as the "adjudicators", shall:

1. Observe the law and demonstrate professional competence in both their judicial work and in their administrative work;
 2. Not neglect their judicial work on account of their other work and do their utmost to give precedence to their judicial duties over such other duties;
 3. Conduct themselves in a dignified manner and with courtesy towards the parties, witnesses and employees of the tribunal;
 4. Perform their duties impartially and free from any prejudice, including prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, gender expression, or socio-economic status;
 5. Avoid giving expert assignments that are not necessary and do not approve payments for such assignments when they exceed the proper value of the service rendered;
 6. Abstain from carrying out their functions in circumstances where:
 - (a) they have personal prejudice against any party or have a personal dispute with that party's advocate;
 - (b) they have personal knowledge of facts in issue before them;
 - (c) they were involved as advocates in the matter in issue before them;
 - (d) they or any of their trustees have an economic interest in the matter of the proceedings or have any economic interest in any entity that is a party to the proceedings;
 - (e) they know that their spouse, parents or children, or any member of their family residing in the same household, has an economic interest in the matter of the proceedings;
 - (f) a person related to them or to their spouse within the third (3) degree, or the spouse of such person, is a party to the proceedings or is an officer, director or trustee of a party to the proceedings; or the adjudicator knows that such person is likely to be a material witness in the proceedings; or the adjudicator knows that such person has an interest greater than a *de minimis* interest that may be substantially affected by the proceedings.
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