

MEMORANDUM

for the Cabinet:

by the Hon. Minister of Justice and Parliamentary Affairs concerning the requirements for the exercise of the profession of Advocate in the Courts of Justice of Malta.

Section 79 of the Code of Organization and Civil Procedure lays down that no person may exercise the profession of Advocate in the Courts of Justice of the Island of Malta and its Dependencies, unless:-

- (a) he is of good conduct and good morals;
- (b) he is a natural born subject of Her Majesty;

(c)(i) he has obtained the acajematical degree of Doctor of Law (LL.D.) in accordance with the provisions of the Statute of the Royal University of Malta after having studied law in these Islands or abroad, or

(ii) he is entitled to practise as a barrister-at-law in England or Northern Ireland or as an Advocate in Scotland;

- (d)(one year's practice);
- (e) he possesses a full knowledge of the Maltese language as being the language of the Courts;
- (f)(examined and approved by two Judges).

The Chamber of Advocates has suggested that the qualification at (ii), underlined above, as an alternative to the qualification at (i), also reported above, be removed from the Code in view of the possibility that U.K. barristers may try to come to Malta and practice their profession here and also in view of the fact that the said alternative is, after all, a remnant of the old colonial days.

The possibility referred to by the Chamber of Advocates is very remote in view of the requirement of "a full knowledge of the Maltese language", but the second reason adduced by the Chamber is well-founded. Indeed, it is also advisable that the requirement that "he is a natural born subject of Her Majesty" should be replaced by the requirement that "he is a citizen of Malta".

Honourable Ministers are asked to approve that the Code of Organization and Civil Procedure be amended so as to delete the alternative reported at (ii), underlined above, and so as to substitute, in regard to any person intending to exercise the profession of Advocate or of Legal Procurator, the requirement that he should be a "citizen of Malta" for the requirement that "he is a natural born subject of Her Majesty".

25th November, 1967.