

## CHAPTER 1

### ECCLESIASTICAL COURTS (CONSTITUTION AND JURISDICTION) LAW\*

*A law regulating the constitution and the jurisdiction of the ecclesiastical courts and subjecting all classes of citizens, in temporal matters, to the jurisdiction of the lay tribunals.*

10th April, 1828

*PROCLAMATION No. V. of 1828, as amended by Legal Notice 46 of 1965; Acts: XXXI of 1966, LVIII of 1974 and XXIV of 1975; Legal Notice 148 of 1975; and Acts I and XXIV of 1995.*

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| <p><b>1.</b> The title of this Proclamation is Ecclesiastical Courts (Constitution and Jurisdiction) Law.</p>  | <p>Title.</p>  |
| <p><b>2.</b> Ecclesiastical courts and judges established or appointed, or that may be established or appointed in Malta, to decide cases regarding the laws of the Roman Catholic Church shall have no jurisdiction and shall not make, or attempt to make any judicial act having civil, other than purely spiritual, effect except as may be provided by law.</p>                                     | <p>Jurisdiction of ecclesiastical courts and judges.<br/><i>Substituted by: I.1995.16.</i></p>   |
| <p><b>3.</b> Documents and Acts of Ecclesiastical Courts where the same may, as provided in article 2 of this law, have civil effect are admissible as proof in the same manner as provided in <a href="#">article 627</a> of the Code of Organization and Civil Procedure, provided that the same are authenticated as provided from time to time by the ecclesiastical law regulating such courts.</p> | <p>Documents of Ecclesiastical Courts.<br/><i>Amended by: L.N. 46 of 1965; XXXI.1966.2; LVIII.1974.68. Substituted by: I.1995.16. Cap. 12.</i></p> |
| <p><i>Repealed by: I. 1995.16.</i></p>   | <p>Courts having spiritual jurisdiction.<br/><i>Amended by: L.N. 148 of 1975.</i></p>  |
| <p><i>Repealed by: I. 1995.16.</i></p>   | <p>Appointment of ecclesiastical judges.<br/><i>Amended by: L.N. 46 of 1965; XXXI. 1966.3; LVIII. 1974.68; XXIV. 1975.2.</i></p>                   |
| <p><i>Repealed by: I. 1995.16.</i></p>   | <p>Enforcement of judgments of ecclesiastical courts.</p>  |
| <p><b>4.</b> From and after the date of this Proclamation, no person living or residing in Malta shall be exempt, by reason of his or her rank, station, or profession, whether civil or ecclesiastical, military or naval, or by or on account of any other privilege whatsoever, from suing or being sued in the lay courts, in respect of any</p>   | <p>Personal immunity abolished.<br/><i>Amended by: XXXI. 1966.2; XXIV. 1975.2; I.1995.16; XXIV.1995.360.</i></p>                                   |

\*See the Bishop of Gozo (Extension of Privileges) Ordinance ( 15).

temporal right, or from prosecuting or being prosecuted in the lay courts, in respect of any temporal offence, or from being in all other respects whatsoever subject to the jurisdiction of the said courts: provided that such suit, prosecution, or other proceeding be instituted before a lay court, judge or magistrate, competent in the subject-matter of such suit, prosecution or proceeding.

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