

---

April 2025  
Edition

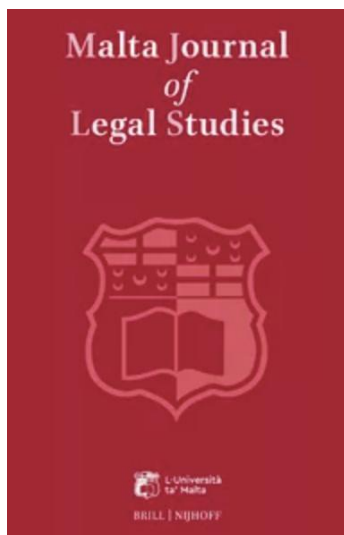
# Faculty of Laws Newsletter

Issue  
No. 29

---

## Faculty of Laws' official journal

We are very pleased to announce that during March 2025 Professor Ivan Sammut and Dr. Ivan Mifsud managed to complete practically all formalities related to the launch of the Faculty of Laws' first ever official journal.



We have appointed the Editorial Board and will soon be accepting articles for inclusion in the first edition (subject to prior blind peer review).

The MJLS will be an open access, blind peer-reviewed journal, published twice a year by Brill. It will include scholarly articles, shorter comments and notes, case reports and book reviews.

The journal was made possible thanks to a generous sponsorship from the Ministry for Justice and Reform of the Construction Sector.

Further details about its launch will be announced in the very near future.

## Post-Assessment Reporting

In the last newsletter we published a memorandum from the Academic Registrar, concerning post-assessment feedback. This month we are adding a template which we received and that we are required to use, to fill in and upload to VLE after we have concluded our corrections and after results are published.



Study Unit:  
Exam Date:  
Candidates:  
Assessment:

Please list in this space any overall strengths shown by the candidates in their answers to the exam questions. **Please note that all information should be generic and should not refer to any specific answers provided by the candidates.**

Please list in this space any overall weaknesses shown by the candidates in their answers to the exam questions. **Please note that all information should be generic and should not refer to any specific answers provided by the candidates.**

Chair obo BoE: \_\_\_\_\_

Date: \_\_\_\_\_

This template was disseminated electronically among all academic staff, on 27th March 2025. From the June 2025 exam session onwards, all BOEs will be required to fill in the above and post it into the respective VLE after the results are published.

### Article by Prof. Kevin Aquilina published in JCL

Professor Kevin Aquilina has published his fifth peer reviewed journal article on the Maltese legal system. Titled ‘Mixity in Maltese Public Law: The Constitution of Malta as a Microcosm of the Maltese Legal System,’ it is published in the *Journal of Comparative Law*, Volume 20, No. 1, March 2025, pp. 3-21. The digital edition of *The Journal of Comparative Law* is hosted by HeinOnline.

This fifth article studies mixity in Maltese Public Law with special reference to the 1964 Constitution of Malta as amended to date. Although, at face value, the impression might be given that the Constitution is but another Westminster-modelled constitution bearing the characteristic imprint of a Whitehall constitution that was dished out to the newly independent emerging colonies during decolonization of the early 1960s, a more insightful introspection reveals that several legal systems are reflected in this single legislative act even if it is considered to be predominantly a common law artefact. The Constitution of Malta has been inspired by, and draws upon, the civil law and common law legal

systems, canon law, public international law (including Council of Europe Conventions), European Union law, and the national law of certain foreign jurisdictions such as Italy, the United States of America, and New Zealand. This is not typical of the Constitution itself but also of legislation enacted during colonial times, bearing in mind that the Constitution itself is not the product of a Maltese Parliament or an autochthonous initiative, but of a British Order in Council.

In this respect, the basic law of Malta is a microcosm of the Maltese mixed legal system in so far as several legal systems operate within the Constitution in the same way that they interact within the legal system as a whole. This mixity, inevitably, poses its own difficulties and constraints, the more so where legal cultures from which it draws upon might not necessarily be in line with each other, so much so that conflict arises between the constitutional provisions themselves or in the interpretation afforded thereto by the judicial organ of the State.

The article identifies mixity in the Maltese legal system and illustrates how the organic law of public law (and the whole of public law for that matter), of which constitutional law is its pinnacle and the Constitution of Malta provides the edifice and foundations upon which the whole legal system rests, is a mixed concoction, as is the legal system itself. By studying the Constitution of Malta, one can grasp that mixity is a fundamental trait characteristic of the Maltese legal system not only within the private law realm but even in its public law.

The previous four peer reviewed papers of Professor Kevin Aquilina on the Maltese Legal System are available at:

(i) ‘Rethinking Maltese Legal Hybridity: A Chimeric Illusion or a Healthy Grafted European Law Mixture?’, *Journal of Civil Law Studies*, Volume 4, 2011, pp. 261-283.

(ii) ‘Non-Autochthonous Law Influences on the Maltese Legal System’. *Id-Dritt*, Volume XXII, 2011, pp. 265-278.

(iii) ‘The Nature and Sources of the Maltese Mixed Legal System: A Strange Case of Dr Jekyll and Mr Hyde’, *Comparative Law Review*, Vol. 4, Issue No. 1, 2013, pp. 1-38.

(iv) ‘Legislative Drafting and Statutory Interpretation in the Maltese Mixed Legal System’, *International Journal of Legislative Drafting and Law Reform*, Vol. 6, June 2017, pp. 29-42.

All five journal articles are available in the Open Access Repository (OAR) of the University of Malta Library at

<https://www.um.edu.mt/library/oar/handle/123456789/1124/simple-search?filterquery=Aquilina%2C+Kevin&filtername=author&filtertype>equals>

## Demise of Prof. Guido Alpa

It is with much regret that we report the passing of Prof. Guido Alpa on 8th March 2025. He assisted our Faculty in examination processes and was also key speaker at the Annual Consumer Law Conference 2019 marking Consumer Rights Day (Chamber of Advocates' Malta Law Academy in collaboration with the Faculty's Department of Commercial Law, 15th March 2019).



## Public Lecture by Professor Laurence W Gormley

On Friday 7th March Professor Laurence Gormley delivered a public lecture on References to the CJEU for Preliminary Rulings.

# References for Preliminary Rulings (Malta, Advanced Students)

Prof. Dr. Laurence W. Gormley

Professor at the College of Europe, Bruges

Emeritus Professor of European Law, University of Groningen

As expected from someone of this calibre, Professor Gormley's presentation was highly informative; his readiness to take questions and to engage with his audience on current issues including the dearth of references for preliminary rulings from the Maltese Courts, was also very much appreciated.

Prof. Gormley's profile may be viewed at <https://www.coleurope.eu/whoswho/person/laurence-w.gormley> .

## Graduation Ceremonies

On 14th March 2025, one hundred and seventy-nine students from our Faculty graduated: 130 graduated Master of Advocacy, 24 Master of Notarial Studies, the rest in other courses which we offer. The Editorial Board takes the opportunity to congratulate our students on their graduation; the Dean also take the opportunity to thank those Academics who heeded his plea to attend the graduation ceremonies and to celebrate this memorable occasion with our students.

## Presentation at the Office of the Ombudsman

On 25th March Dr. Ivan Mifsud presented to the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, his latest publication entitled: The "Duty of Care" in Maltese Court Judgment - Adding Value or Just a Cliché?



In his meeting with the Ombudsman, Dr. Mifsud explained that his latest work was inspired by a desire to answer three central questions: What is this "duty of care" which the Maltese courts have adopted? Was it incorporated using

traditional sources of Maltese legal interpretation? And has the duty added genuine value to the legal system or brought about fundamental changes in how Maltese law is interpreted by the courts?

On his part, the Ombudsman welcomed the work of Dr. Mifsud as a significant contribution to legal scholarship and observed that the changing nature of the State in Malta, from a monolithic structure to one increasingly managed on commercial lines including where essential services are concerned, invites renewed reflection on how the duty of care has evolved as a principle of social responsibility. In such a context, the question of how this duty is applied becomes more crucial and pertinent than ever. *(Article and photo courtesy of the Office of the Ombudsman).*

### Global Summit on Constitutionalism

Between 19 to 22 March 2025, Prof. Tonio Borg, Dr. Joseph Bugeja and Prof. Ivan Sammut attended [The Global Summit on Constitutionalism](#) at the University of Texas at Austin, TX, USA, representing the University of Malta. Dr. Bugeja presented a paper on the financial aspect of the Maltese Constitution and Prof. Sammut delivered a talk about the primacy of EU law and the supremacy of the national constitutions in several Member States. Prof. Borg, with Prof. John Stanton led a book launch on ‘The Constitution of Malta at Sixty’. All presentations were well received.

The Global Summit is an international conference showcasing all areas of constitutionalism. The program features plenary lectures, moderated discussions, and concurrent panels held over three days. The first edition was held in [2021](#)—the second in [2023](#). The 2025 Global Summit was the third edition.



### Prof. John Stanton visit and lecture

Prof. John Stanton from London City visited our University in March, and delivered two lectures, one titled ‘Government vs. The Courts’, the second ‘The Origins of Modern Judicial Review’. During the same visit Prof. Stanton also discussed further collaboration and projects with our Faculty, including joining the MJLS editorial board and co-authoring a second book with an academic from our Faculty.

The Faculty Newsletter Editorial Board takes the opportunity to congratulate Prof. Stanton on his recent promotion to Reader (equivalent to Associate Professor in Malta).

**Have you got any news to share?** If you have any item of relevance to this newsletter, feel free to inform us about it. You may contact any member of the editorial board, these being Prof Tonio Borg, Prof Ivan Sammut, Ms Rowena Leontijevic and Dr Ivan Mifsud. The Board reserves the right to refuse to publish an item submitted to it for its consideration.