Maltese Legal Jargon

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Abstract: Maltese legal language is historically bound to Italian usage. And even if in 1934 Maltese took the place of Italian in the Courts, there was no way that could alter this allegiance to the origins of this particular jargon that is practically alien to what is spoken by the man in the street. Words and expressions are either imported from Italian or created on an Italianate pattern. In the process, certain words have developed meanings that are not necessarily common to their Italian origin.

Keywords: lexicography, legal terminology, neologisms

Up to the year 1933 the language of the Maltese Courts was Italian. But, as from January 1934, Maltese replaced la lingua di Dante and, along with English, became the language of court proceedings and notarial deeds.

That, however did not mean that the influence of Italian came to a stop. In point of fact, it definitely did not, and it still runs through the legal register of justices, judges, magistrates, adjudicators, lawyers, notaries, and the Courts’ staff, keeping alive a tradition that goes back to medieval times.

Maltese legislation as we know it dates back to the time of the Knights whose official language was Italian, which was also the language of the Ecclesiastical authorities till a few years after World War II. Many Maltese legal practitioners had their training in Italy, and their resistance to English culture till World War II is part of our cultural and political history. Which is why I have always been of the view that what is called ‘the language question’ should be more correctly termed ‘the cultural question’, having at its roots the British attempt to undermine a millennial culture by dragging in Maltese as a red herring.

The legislation enacted by the British in the mid-nineteenth century consisted, in the main, of an updating of the Code de Rohan and was quite often a translation of the Italian original, with a number of necessary amendments all of which were conceived and written in the Italian forma mentis.

Years had to pass for English legislation to find its way into Maltese legislation. And some laws have had very little change. To quote one example with which I am quite conversant, that part of Chapter 13 of the Laws of Maltese that contains legislation dealing with marine insurance is, in the main, identical to the legislation devised by the Order in the late eighteenth century, translated into Italian in the
1850s, and left practically verbatim in the revision of Maltese laws undertaken in the 1940s.

It is therefore no wonder that legal jargon is interlaced with a vocabulary that is neither registered in Maltese dictionaries nor used in common everyday parlance.

Speaking of 1940s, it is also no wonder that the period coincides with the appointment, in 1942, of Joseph Aquilina, then professor of Maltese at the Royal University of Malta, as lecturer in Maltese legal terminology. In later years he would tell me that that was a thankless job. Try as he might, there was no way he could exert any influence on the language of the Courts. To put it mildly, his students, still at university, adopted a neutral attitude and as soon as they set foot at the Law Courts were engulfed in the Italianate jargon of their legal forefathers. The lectures came to a stop in 1955.

In this context it is also important to record a memorandum on Maltese legal translations which the Ghaqda tal-Kittieba tal-Malti sent to the government in 1943. The memorandum was meant to seek uniformity between the translation of Maltese legislation as handled by the Attorney General’s Office and the language that was being adopted by the Statute Law Revision Commission.

It is interesting to note that the Ghaqda’s memorandum criticizes the use of words of Semitic origin to translate concepts for which traditional legal and court usage was available.

‘The use of a pure (sic) terminology in the writing of legal documents is nothing else but the fossilization of the Maltese language. It is against the nature both of the language and of style, a) to exclude every foreign word that has crept into Maltese, both as a popular or as a technical term, and substitute it by another that has not the exact meaning specified by the writer and is consequently inadequate for the legal sense; b) to coin words which are neither found in common use nor answer the grammatical forms of Maltese; or c) to use Maltese obsolete words or borrow from Arabic words that have not been admitted into the Maltese language when we do not possess the equivalent Semitic word,’ says the memorandum.

I happen to have spent some eight years frequenting the Courts. On the numerous occasions I was in the court rooms I would note the difference between the language spoken in the corridors and that spoken in the aulae, and more especially that used in the delivery of judgements.

One day I was literally dumbstruck by an expression used by a friend of mine on the occasion of his inaugural session on the Bench. Towards the end of his speech he begged pardon of all those he might have hurt, using the verb ippekka for to offend somebody. My ears were simply dumfounded and during the reception that followed I jokingly asked him about the word. ‘I would not use it in any conversation’, was his immediate retort, ‘but it sounds natural up there.’
This short study owes its origin to that occasion. For years I had been trying to put it on paper. Till in the mid-2007s I decided to download a small sample of judgements, literally chosen at random. The results are here for all to read. And I can assure the readers that there are more, many more, Maltese legal words that form a lexical register deserve consideration.

With very few exceptions, none of these words are registered in Aquilina’s *Maltese-English Dictionary* or in Serracino-Inglott’s *Il-Miklem Malti*. The few that have been included are registered because in legal parlance they are normally given a slightly, at times substantially, different meaning from the one we are used to.

**A TENUR TA’**, also *ghat-tenur ta’*, in terms of: [AE 1] ~ tal-Artikolu 2148(a) tal-Kap. 16, in terms of Article 2148(a) of Chapter 16; [PhS 1] il-kunsens tal-konvenut kien vizzjat minhabba żball ~ tal-artikolu..., the defendant’s consent was vitiated by a mistake in terms of article...

[< It. *a tenore di*... (Zing.)]

**ACCERTABBLI**, a.inv. ascertainable, that can be ascertained: [PhS 1] fatti facilment ~, easily ascertainable facts. [< It. *accertabile* (Zing.)]

**AI TERMINI** adv. phrase as used in [AF 1], in terms of. [an Italian expression frequently used in the Courts and in notarial deeds]

**AKKOLJA**, v.i. to accept, to grant, to entertain, to agree to: [SM] (il-qortl)... t-talbiet attrici,... the court accepts the plaintiff’s claims. [< It. accogliere, Present, 3rd p. sing.; inf. accogliere, approvare, accettare (Zing.).]

**AKKORDATI**, pp. pl. of *akkorda*, to give, to accord: [PhS 2] dan apparti r-rimedji ~ mil-ligi, this apart from the remedies provided/accorded by the law. [< It. accordare, pp. of accordare, concedere (Zing.).]

**ALTAMENT**, adv. highly: [VDG 1] il-lamantela li l-piena erogata kienet wahla eccessiva hija ~ fiergha, the complaint that the punishment handed down was an excessive one is highly frivolous. [< It. altamente, grandemente (Zing.).]

**AMMILJORAMENTI**, n.pl. improvements: [PhS 3] hlief ghal xi ~ li kienu ghamlu, except for some improvements they had made. [< It. miglioramenti, cambiamenti in meglio (Zing.).]

The double /rn/ at the beginning of the Maltese word is a relic of the gemination of initial consonants so common in verbs of Romance origin

**ARRESTA**, v.t. to stop, bring to a halt/end: [PhS 2] l-aċċettazzjoni tal-kera... t- l-ażzjoni, the acceptance of the rent... stops the (legal) action.

[< It. *arresta*, present, 3rd p. sing.; inf. arrestare, fermare (Zing.).]

**ASSODAT**, pp. m. of *assoda*, to make certain: [SM] *jirizulta abbundamentem ~ li kien estraneu ghall-incident*, it abundantly results that he was not involved in the incident. [< It. assodato, pp.m. of assodare, accertare (fig. usage) (Zing.).]

**ATTRICI**, a.f. pertaining to the plaintiff: [RCP 1] teżi ~, the plaintiff’s thesis/ contention. [< It. *attrice* n. as also in Maltese, but here used adjectivally as is also the custom in It. legal jargon, e.g. *la società attrice*, the plaintiff company (Skey)].

**AVVERA**, v.i. to happen: [PhS 1] imgiba li in bazi għaċ-cirkustanzi li fih j- t-traffiku guridiku twassal ..., conduct which on the basis of the circumstances in which judicial relationships take place leads to... [< It. avvera, present 3rd p. sing.; inf. avverare, to fulfil, but here used in the meaning of the reflexive verb avverarsi, to happen, to take place (Skey)].

**AZZJONATA**, pp.f. of *azzjona*, to start doing s.th.; to proceed against: [PhS 1] saru frekwni l-kawżi fejn persuna ~ ghall-blas tinheba wara l-eċċezzjoni illi ma kinitix il-legżitimu kontrandittur, cases in which a person summoned/ called to pay hides behind the plea that he was not the legitimate/proper defendant. [< It. azionato, pp.m. of azionare, mettere in azione (Zing.).]

**DEKORRIBBLI**, a.inv. that runs from (of time): [PhS 2] fit-termini preskritti ~ mill-interpellazzjoni, within the prescribed terms that run from the (date of) notification; [LFS 25.06.07 498/2006] bl-interessi legali ~ mid-data tal-fatturi
relativi, with legal interest starting from the date of the relative invoices. [The adjective is not used in Maltese, except in legal circles. Neither does it have morphologically related words. It is not found in Italian, but in Maltese it must have been derived from the verb decorrere, to start (from), to run from (time), as in a decorrere da domani, starting from tomorrow, as from tomorrow (Skey)]

DETENTUR, n.m. holder: [VDG 23.00.2007 338/2006] - tal-Karta ta' Identità, ..., holder of Identity Card. [< It. detentore, holder (Skey). The word is not recorded in M. dictionaries but has been in use at least since the inception of National Lottery draws in the late 1940s]

DEZUMIBBILJ, a.inv. ineritable, deducible, presumable: [PhS 1] mill-indikazzjonijiet kontenuti fil-kuntratt hu - ..., from the indications contained in the contract it is to be presumed ... [< It. desumibile (Zing.)]

DISPOST, n.m. provision (of the law): [PhS 2] id- tal-liġi, the provision of the law. [< It. disposto, (leg.) contenuto di un atto di disposizione, e.g. disposto della legge (Zing.)]

ECČIPIENTI, n.m. the person presenting an exception/objection/plea: [RCP 1] il-bank ma jistax jitlob li jiżgombra litt- minn propjetil li huwa stess qatt ma xtara, the bank cannot ask for the eviction of the objecting party from property he had never bought. [The word is certainly derived from Maltese eċċepixxa, to plead by way of exception or objection. It is not used in Italian]

ENUNCJAZZJONIJIET, n.pl. enunciations, declarations: [PhS 2] mhux il-każ li din il-Qorti ttaghod tirriproduċi d-diversi - tal-Qrati, it is not necessary that the Court reproduces the various declarations by the Courts. [Standard Maltese has enunqazzjoni < It. enunziazione, but the /c/ is possibly a product of English enunciation]

EROGATA, pp.f. of *eroga, to hand out/down (a sentence, etc.): [VDG 1] il-lamentela li l-piena - kienet wahda eċċessiva hija altament fiergha, the complaint that the punishment handed down was an excessive one is highly frivolous. [< It. erogata, pp.f. of erogare, to bestow (upon) (Skey)]

ERRATA, a.f. wrong: [PhS 2] interpretazzjoni -, wrong interpretation. [< It. errata, pp.f. of errare, cadere in errore, sbagliare (Zing.)]

EVIDENZJATA, pp.f. of *evidenza, to manifest, (formal) to prove or show something, to be evidence of sth: [RCP 3] din ir-realtà hija - wkoll mill-fatt li li miċċi ħas fuq moduri separati, this reality is manifested by the fact that three separate procedures have been filed. [< It. evidenziata, pp.f. of evidenziare, mettere in evidenza (Zing.). But possible derivation from Eng. (to) evidence is not excluded]

EZAWREJMENT, adv. exhaustively: [RCP 2] tali principji u rekwiziti gew - ikkunsidrati fis-sentenzi ta' din il-qorti, these principles and requirements have been exhaustively considered in the judgements delivered by this court. [< It. esaurientemente (Zing.)]

EZEKUTAT, n.m. the recipient of a judicial act/ notification: [AF 2] id-difensur tar-rıkorrent isostiti li huwa l- - fil-mandat ta' żgumbrament, the applicant’s lawyer holds that he is the recipient of the eviction order. EZEKUTANT, n.m. person requesting execution: [RCP 1] l-istess Bank eżekutant kien talab ghall-bejgh in subasta tal-istess fond, the same Bank requesting execution had asked for the sale by auction of the same property. [< It. esecutato, pp.m. of esecutare, colpire nelle forme di legge dando esecuzione processuale forzata a un atto avente forza autoritaria (Zing.). Eżekutant is a local formation and can also have the adjectival meaning “executing”]

EZERCITANTI, a.inv. practicing: [PhS 1] Mario Camilleri - l-kummerċ taħt l-ism ..., Mario Camilleri trading/practising trade under the name. [The word is derived from eżercizzju. Maltese has eżercenti, practicing a profession, an adj. which Aq. gives as an adv.]

FEDINA PENALI, n. phrase meaning ‘criminal record’: [VDG 1] dan kien każ klassiku fojn, irrispettivament mill- - kellha tiġi applikata piena karċerarja, this was a classic case where, irrespectively of the criminal record, a prison sentence had to be applied. [< It. fedina penale (Zing.)]

FIL-FATT U FID-DRITT, adv. phrase used in [MK] in fact and at law (see also infondata). (I)ĠĠESTIXXA, v.t. to manage (a business): [AF 2] l-esponent ilu jiġġestixxi l-kafeterija ... għal dawn l-abħar ċirka seba' snin, the exponent has been managing the cafeteria ... for
interporre appeIlo, m. presented (on appeal): [id. ibid.]

he dealt with all the points raised in the applications of appeal presented before him. [< It. interpose, present, (sic) ligi u l-gurisprudenza jistabbiIixxu ebda forma

intero

INTEMPESTIV A, a.f. inopportune, untimely: [LFS]

inopportune, untimely;

INTERPOSTI, pp.m. of intervolat,

interpella magiche fil-ikkorm ma jikkombacjaw ma’ ebda edba mill-istruttruri li fil-rigward taghhom ittiehlu l-proceduri ta’ infurzar odjerni, two small structures... that do not match with any of the structures in respect of which the current enforcement procedures have been taken. [< It. combacia, present, 3rd p.sing.; inf. combaciare, to match (Skey)]

(1)KKOMBACJA, v.i. to match: [RCP 3] zewg struttruri żghar ... li ma jikkombatjaw ma’ edba mill-istruttruri li fil-rigward taghhom ittiehlu l-proceduri ta’ infurzar odjerni, two small structures... that do not match with any of the structures in respect of which the current enforcement procedures have been taken. [< It. combacia, present, 3rd p.sing.; inf. combaciare, to match (Skey)]

(1)KKWESTJON A, v.i. to question: [PhS 1] l-appellant ji- l-perfezzjon-ament tal-kuntratt bili ..., the appellant questions whether the contract was perfected because... [< It. questiona,
KONTRATTAZZJONI, n.f. negotiation, bargaining: [PhS 1] jekk dan huwa hekk, messu anke fil-~ mas-socjetà attrici attira l-attenzjoni ta’- din ..., if this were so, he should have also, in his negotiations with the plaintiff society, drawn its attention... [<It. contrattazione, trattativa (Zing.)]

KONTRATTAZZJONI, n.f. negotiation, meaning to argue, to dispute]

KOLPIT, pp.m. of *ikkolpixxa, to hit: [RCP 3] l-approvazzjoni tal-permess ma wassslit sabiex l-żvilupp ~ bl-avvivi gie sanat, the approval of the permit did not rectify the development covered by the notice. [<It. colpito, pp.m. of colpire, to hit (anche fig.) (Skey)]

KOMPOSTA, a.f. settled: [LFS] kull vertenza bhal din setghet ħiġ ċarra l-qorti, every dispute of this kind could have been settled out of court. [<It. composta, pp.f. of comporre, conciliare (Zing.), to settle (Skey)]

KONGUNTIVAMENT, adv. jointly, conjointly, together: [RCP 3] George Said u Joseph Said ~ bhhala diretturi ghan-nom ta’ La Grotta Company Ltd, George Said and Joseph Said jointly as directors on behalf of La Grotta Company Ltd. [<It. has congruentesmente (Zing., Skey). Possibly the M. word is a derivation from It. congruente(i), conjunctive (Skey)]

LAMENTELA, n.f. complaint: [VDG 1] il-~ li l-piena erogata kienet wahda eccessiva hija altament fiergha, the complaint that the punishment handed down was an excessive one is highly frivolous. [<It. lamentela (Skey)]

LARGA, a.f. wide, broad: [PhS 2] l-interpretazzjoni moghtija tidher li hi wahda ~, the interpretation given seems to be a wide one. [<It. larga, f. of largo, wide, broad (Skey)]

LIBERAZZJONI, n.m. purchase: [RCP 1] kif ahjar jidher mill-kopja tal-~ hawn amnessa, as can be better seen from a copy of the contract of purchase here attached [Zing. does not give any legal meaning to It. liberazione, but Skey does give the legal examples, liberazione (di un accusato), discharge, and liberazione da un’ipoteca, freeing of land from a mortgage. The Maltese usage and meaning are contained in Article 319 of the Code of Organisation and Civil Procedure that deals with bidding at an auction ordered by the Courts: ‘The highest bidder, within the time stated in the advertisement, shall be the purchaser.’ is translated, ‘l-liberazzjoni ssir lil min jaghmel l-oghla offerta fiz-żmien stabbilit fl-avvivi.’]
LLANJA, v.i. to complain: [VDG 2] L'appellant jllanja..., the appellant complains ...

LANJANZI, pl. of lanjanza, n.f. complaint: [PhS 2] il-~ tal-intimata, the complaints of the defendant. [< It. present, 3rd p. sing.; inf. lagnare, an archaic form now replaced by lagnarsi (Zing.); lanjanza < It. lagnanza, espressione di malcontento (Zing.)]

ILLANJA, v.i. to complain: [VDG 2] an archaic form now replaced by ordnatilha li iiomm iewg seduti ....... kien tal-kawia odjerna, -

MALANDATI, a.pl. of malandat, in bad condition: [PhS 3] inibidu kemm il-bieb kif ukoll it-tieqa ta' barra bili li kienu -, both the door and the outside window were changed because these were in a bad condition. [< It. malandati, pl. of malandato (Skey)]

MANKANTI, a.inv. lacking: [PhS 2] l-istat tal-fond ... kien ~ minn bizzonijiet bażiċi, the state of the premises ... lacked basic needs. [< It. mancante, carenza, privo (Zing.)]

MERA, a.inv. mere: [RCP 2] ~ tolleranza, mere tolerance. [< Eng. more]

MERTU, n.m. that is the subject of: [RCP 2] l-att ~ tal-kawża odjerna, the act that is the subject of the present case. [< It. merito, merit (Skey)]

MORI, n.pl. delays, defaults: [RCP 1] il-qorti ... ordnatilha li żiżomm żewġ seduti fil-~ ta' dan id-differiment, the court ... ordered her to hold two sessions while this case was pending; [PhS 1] Theresa Cachia infurmata lill-qorti li Helen Miles mietet fil-~ u ghalhekk ghandha ssir legittimazzjoni tal-atti, Theresa Cachia informed the court that Helen Miles had died in the course of the case and therefore there was the need for a legitimation of the acts. MURUŻA, a.f. in arrears: [PhS 2] l-esponenti tinsab ~ fil-ħlas tal-kern, the exponent has fallen into arrears in the payment of rent. [< It. mora, delay, default (Skey); moruz < It. morosa, f. of moroso, in arrears (id.)]

NAXXENTI, a.inv. arising/derived from: [AE] din l-azzjoni attrici hi prettament ~ u bajża fuq kuntratt ta' appalt, the plaintiff's action arises from and is based exclusively on the contract of works; [SM] il-proċedura odjerna mhux ~ u allura mhix marbuta ma' proċeduri preċedenti, the current procedure does not derive from a previous one and therefore it is not tied to preceding procedures; [PhS 1] bir-rizerva ghal kwalsunkwe kawża għad-danni ~ minn dan l-ispoll, reserving any action for damages arising from this disposition. [Neither Skey nor Zing. ascribe the local meaning to the It. nascente but both give the figurative meaning avere origine, derivare to the verb nascere].

NESS, n.m. connection: [SM] illi n-~ li jiżisti bejn il-konvenut ... u s-soċjetà attrici jirriżalta mill-polza ta' assigurazzjoni, that the connection between the defendant ... and the plaintiff society arises from the insurance policy. [< It. nexo, link, connection (Skey)]

NOSTRALI, pron. inv. our: [RCP 2] il-principji bażiżi tal-azzjoni ta' smell gew ikkonfermati diversi drabi fis-sentenzi ~, the basic principles of the spoliation suit were confirmed various times in our judgements. [cp. It. nostrale, dal nostro paese (Zing.)]

ODJERN, a.m. today's, this day's, (the) present/current: [AF] il-mandat ~, today's injunction; [id. ibid.] il-vertenza ~a, the present/current dispute; [LFS] ir-rikors ~, the current application. [< It. odierno, today's (Skey), del tempo presente (Zing.)]

OGGETTIVIZZAT, pp. of ~oggettivizza, to objectify: [PhS 1] l-izball ... ma jikkostawwixx dak l-izball ~ li jirrigwarda s-sustanza, the mistake ... does not constitute that objectified mistake which concerns the substance. [< It. oggettivizzato, pp.m. of oggettivare, rendere oggettivo (Zing.). One would have expected the M. verb to be oggettiva, but the form oggettivizzata could have been influenced by It. oggettivismo > M. oggettivizmu > oggettivizzza]

OSTA, v.t. to hinder, to prevent, to place an
obstacle: [PhS 2] ma hemm xejn x'j- jsir halli s-sid il-fittex ghall-klas tal-kera dovut, there is nothing to prevent the landlord from asking for the payment of the rent due; [RCP 2] l-univocità ta' tali possesj jew detenzjoni infatti jehtieg li tiriżżulta mill-fatti u kun tali li t- għall-intenzjoni spoljattiva tal-pussess stess, in fact the univocality of such possession or detention must result from the facts and be such as to be an obstacle to the spoliatory intention of the same possession. [< It. osta, present 3rd p. sing.; inf. ostante, essere d'ostacolo (Zing.)]

PACIFIKU, a.m. accepted, not contested: [PhS 1] dan jidher li huwa ~ bejn il-partijiet, it seems that this is accepted by both parties. [< It. pacifico, non soggetto a discussione (Zing.), a meaning not given by Aq M-E]

PATTWITI, pp. pl. of *ippatta, to agree: [SM] ir-relazzioni juridica tiddepende mill-klawsoni ~ bejn il-partijiet fl-istess polza assikurattiva, the juridical relationship depends on the clauses agreed between the parties in the same insurance policy. [< It. pattuiti, pp. pl. of pattuire, contrattare (Zing.), to agree terms (Skey)]

PERTINENZI, pl. of pertinenza, appurtenance: [RCP 1] bid-drittijiet u l-~ kollha tieghu, with all its rights and appurtenances [< It. pertinenze, pl. of pertinenza, appurtenance (Skey)]

PIAZZATA, pp. f. of *ippazzza to place (a bid), to submit: [PhS 1] l-offerta minnhom ~ the offer/ bid submitted by them. [< It. piazzata, pp.f. of piazzare, collocare (Zing.), to place (Skey)]. The M. legal meaning, however, is an extended one that is neither given by Aq M-E nor by the It. dictionaries

PORTATA, n.f. significance: [RCP 2] tal-istess ~ hija s-sentenza..., of the same significance is the sentence... [< It. portata, importance, significance (Skey)]

(I)PPREMETTA, v.t. to state beforehand, to premise: [AF 2] il-Qorti rat ir-rikors ta'... li fih ippremetta ..., the Court has considered the application of... in which he first of all stated... [< It. premette, present 3rd p. sing.; inf. premettere, dire prima (Zing.), to state beforehand (Skey)]

PRECEDENTEMENT, adv. previously: [VDG 1] l-ewwel gorti erronjament qieset li huwa kien ~ instab hati, the first court had erroneously found that he had been previously found guilty.

PREEDITI, a.pl. of preddett, above-mentioned, mentioned above, aforesaid: [PhS 1] il-konsegwenzi juridici ~, the above-mentioned juridical consequences. [< It. predetti, pl. of predetto (Skey)]
huma, imbghad, ~ minn manifestazzjoni ta' volontà, such act or acts are then foreseeable from a manifestation of will. [< It. ravvisabile, recognizable (Skey)]

REDATT, pp. m. of *irredìga, to draw up, to compile, to edit: [LFS] kull fiżjum... kellu necessarjament jiġi ~ bil-miktub, every agreement... had necessarily to be drawn up/ made in writing: [RCP 3] l-ordni ħiża ċa b'mod generiku, the order has been drawn up in a generic way. [< It. redatto, pp. m. of redigere, stendere, compilare (Zing.)]

REZI, a. pl. provided, given: [LFS] servizzi ta' reklamar ~ fuq il-mezzi tagħha tax-xandir, advertising services provided on its broadcasting facilities; [MK] servizzi ta' courier ~ li-lkonvenuta, courier services rendered to the defendant. [< It. resi, pl. of reso, pp.m. of rendere, to give, to render (Skey)]

RIKONVENZJONATI, a.pl. of rikonvenzjonat, recalled: [MK] (it-tribunal) ra fil-risposta fil-kontro-talba sollevata mill-atturi ~, (the tribunal) saw/considered the reply in the counter request raised by the plaintiffs who have been recalled. [< It. riconvenziationi, n. & a.pl. fr. riconvenzione, n.f. (leg.) azione del riconvenire (Zing.)] fr. riconvenire, v.t. propror de parte del convenuto a propria volta e nello stesso giudizio delle domande giudiziali contro l'attore (Zing.)]

RISKONTRAT, pp. m. of *irriskontra, to find, to encounter: [SM] edba difiża ta' dan il-tip ~ fit-tieni ċecczzjoni ma triqġi, no defence of this kind as found in the second exception is valid/ holds. [< It. riscontrato, pp.m. of riscontrare, to find, to notice (Skey)]

(R)RRADIKA, v.t. to entitle, to give a right to: [AF 2] dan il-fatt... ma jidher li jirradikalu edba tilitu fil-konfront tas-sidien tal-forn, this fact does not appear to give him the right to any title in relation to the owners of the bakery. [< It. radicare, to root, to take root, also in fig. sense (Skey). Aq M-E gives radikar, rooting, taking root, as the vn. of hypothetic irrita]a)

(R)RREKA, v.t. to cause: [PhS 3] l-intimati ~ rekal danni lir-rirkoentri, the defendants caused damages to the plaintiff. ARREKAR, vn. Causing: [PhS 2] l~ t'annu, the causing of damages. [< It. reca, present, 3rd p.sing.; inf. recare, arrecare, causare (Zing.)]

(R)RRIENTRA, v.i. to form part of, to fall within:

[PhS 2] iż-żewġ kawżalitajiet jirrintraw fl-hipotesijiet previsti mill-Artikolu 9, the two grounds (on which the action is based) fall within the hypotheses contemplated by Article 9. [< It. rientra, present, 3rd p.sing.; inf. rientrare, to form part (of), to fall within (Skey)]

(RR)VINJIA, v.t. to send back, to adjourn: [RCP 3] (it-Qorti) tergja tirrivija l-atti lura lill-Bord sabiex huwa jiddeċċedid dan il-każ skond il-liġi, (the Court) once more sends the acts back to the Board for it to decide this case according to law. [< It. rivia, present, 3rd p.sing.; inf. riviare, to send back (Skey). Ps. gives rivijju under remittal]

(R)RIPREnda, v.i. to take back (one's possessions, etc.): [PhS 2] ir-rikoentri umilment jitolbu li dan il-Bord joghghbu jawtorizzahom jirripprendu pussess tal-fond, the applicants humbly ask this Board to authorize that they take back possession of the premises. RIPREZA, n.f. the act of taking back (one's possessions, etc.): [id. ibid.] it-talba tar-rikoentri ghar~ tal-fond, the applicant's request to take back the premises; [AF 2] huwa biss jinsab intitolat ghal~ tal-immajetta, only he is entitled to take back the same keys. [< It. riprende, present 3rd p.sing.; inf. riprendere, prendere di nuovo (Zing.); ripresa < It. ripresa, resumption (Skey)]

SANAT, pp.m. of *issana, to emend, to rectify: [RCP 3] l-approvazzjoni tal-permess ma wassilux sabiex l-izvilupp kolpit bl-avviż gie ~, the approval of the permit did not rectify the development covered by the notice. [< It. sanato, pp.m. of sanare, rendere valido (Zing.), to correct, to put right, (dir.) to rectify, to emend (Skey)]

SENJATAMENT, adv. precisely: [RCP 1] xtara biss l-arja ta' l-imsemmi fond... u ~ id-deskrizzjoni tal-fond maghmul mill-periti, he only bought the space above the said premises... and precisely the description of the premises made by the architect; [PhS 2] ~, il-provi u x-xhieda tal-partijiet u dik tar-relazzjoni peritali teknika... ghandhom il-funzjoni li tassisti lill-gudikant u tghinu jsal ghal deciżjoni, precisely, the evidence and testimony of the parties and of the architect's technical report... have the function of aiding the judge and help him arrive at a decision. [< It. segnatamente, espressamente (Zing.)]
SIMILARITÀ, n.f. similarity: [RCP 3] minkejja s-- tal-kazj, in spite of the similarity of the cases. [< It. similarità (Zing.) but derivation fr. Eng. similarity is not excluded]

SKADENZI, n.pl. of skadenza, maturity, expiry (said of period of rent, etc.): [PhS 2] l-intimata nanpet milli thallas il-kera ghal aktar minn żewg --, the defendant failed to pay rent in respect of more than two terms. [< It. scadenza, termine entro il quale si deve effettuare un pagamento (Zing.)]

SOLLEVATA, pp.f. of *issolleva, to raise (a plea, a doubt): [MK] (it-tribunal) ra r-risposta ~ bil-lingwa Inglizza mill-konvenuta, (the tribunal) saw/ considered the reply raised in English by the plaintiff. [< It. sollevata, pp.f. of sollevare, presentare un eccezione etc. (Zing.)]

SOPPORTATI, pp. pl. of *issopporta, to incur, to suffer: [SM] rappresentanti kumpens ta' danni ~ mis-socjetà attrici, being/representing compensation for damages incurred by the plaintiff company. [< It. sopportati, pp.pl. of sopportare, subire, sostenere un disagio (Zing.), to suffer, to sustain (Skey)]

SPETTA, v.i. to be the duty of: [PhS 2] żgur li l-intimati ghamlu xoghol li kien jispetta lis-sidien a spejjeż taghhom, it is certain that the defendants performed works which should have been carried out by the owners at their own expense. [< It. spetta, presenti, 3^ p.sing.: inf. spettare, appartenere per dovere o per diritto (Zing.)]

SPOLL, n.m. Dispossession: [RCP 2] il-konvenuta kkometiet ~ klandestin u vjolenti ghad-danna tal-altar, the defendant secretly and violently dispossessed the plaintiff. [SPOLJAT, pp.f. of *spolja, to disposess: [id. ibid.] huwa kien fil pussess tal-żejjet --, he was in possession of the stolen object. SPOLLATTIV, a.m. spoliatory: [id. ibid.] l-univocità ta' tali pussess jew detenzjoni infatti jehtiċi li tirrizulta milli-fatt u tkun tali li tosta għall-intenzjoni ~a tal-pussess stess, in fact the univocality of such possession or detention must result from the facts and be such as to be an obstacle to the spoliatory action of the same possession. [< It. spoglio, privazione (Zing.); spoliat, < spogliato, pp.m. of spogliare, depradare, rubare, portare via con violenza; spoljattiv, local formation]

(I)SSINDIKA, v.t. to control, to check, to verify: [RCP 3] l-Awtorità ghandha l-żiridizzjoni biex tissindika dak li sehh qabel l-1992, the Authority has the jurisdiction to check what happened before 1992. [< It. sindico, present 3^ p.sing.: inf. sindicare, controllare l'operato di persone, enti, amministrazioni e sim. (Zing.)]

STANTE, prep. given: [PhS 2] ~ illi hija infondita fil-fatt u fid-drit, given that it is unfounded/it is not based on fact and at law. [< It. stante]

SUBIZZJONI, n.f. demand for a reference to the oath of the opposite party: [PhS 1] kontra l-konvenut li gie ingħan ghas--, against the defendant summoned to give evidence; [LFS] is-socjetà intimata li giet ghas--., the defendant society which has been summoned to give evidence; in ~, as in [RCP 2] bi-ingunzjoni tal-konvenut in ~, with the summons of the defendant to give evidence. [local meaning but probably < Sic. subbizioni, inter-rogatorio dell'imputato (Trov.); cp. also l'interrogatorio che fanno ai re (Tr.). It. subizione means 'sottomissione' (Batt.)]

SUESPOST, a.m. what has been stated above: [PhS 1] mingħjar preġudizzju ghas--., with prejudice to what has been stated above. [< It. sesposto (Zing.)]

SUFFRAGAT, pp.m. of *issuffraga, to support: [SM] liema ammont hu wkoll ~ minn dokumentazzjoni kopjuża, which amount is also supported by copious documentation. [< It. suffragato, pp.m. of inf. suffragare, rafforzare, as in suffragato da prove (Zing.)]

SUPERIJORMENT, adv. above: [PhS 2] fis-sens tal-konsiderazzjonijiet kollha ~ dedotti, in the sense of all the considerations advanced above. [< It. superiormente (Zing.)]

TASSATTIVAMENT, adv. categorically: [RCP 2] il-liġi tipprovdi --, the law explicitly provides. [< It. tassattivamente, in modo perentorio, categorico (Zing.)]

TENUR TA', see a tenur ta'.

TENUT KONT, prep. phrase, in view of, on the basis of, given that, taking into consideration [PhS 1] ~ ~ id-dokumenti li hemm esibiti fl-atti, in view of the documents exhibited in the acts. [id. ibid.] ~ ~ il-kwalità tax-xoghol, taking into consideration the quality of the work. [< It. tenuto conto, avendo considerato, valutato (Zing.)]

TRAFFIKU, n.m. relation, relationship: [PhS 1] imġiba li in bażi għad-ċirkustanzi li fih javevera t-- ġuridiku twassal ..., conduct which on the basis of the circumstances in which judicial
relationships take place leads to ... [This is perhaps a one-time usage which has no counterpart in It. or even Maltese]

**TRAMITE**, prep. through, via: [GG] il-prosekuzzjoni marret bara mill-konfini moghtija lilha ~ l-ordni tal-Qorti Kriminali, the prosecution went beyond the limits given/set to it through the order of the Criminal Court. [<It. tramite, per mezzo di (Zing.)]

**TRASFUZI**, pp.pl. of *trasfuza*, to transfer: [RCP 2] l-atti gew ~ l’isem..., the acts were transferred to the name of... [local formation. It. trasfuso has a different meaning which corresponds to Eng. transfuse, to transfuse blood into a patient]

**VERSU**, prep. for: [PhS 2] u dan ~ l-kera ta’ Lm60, and this for/in respect of a rent of Lm60. [<It. verso, contro,dietro (nel linguaggio commerciale) (Zing.)]

**VERTENZA**, n.f. dispute, quarrel: [LFS]

Potenzjament kull ~ dwar drittijiet preliii setghet twassal ghal proceduri ġudizzjarji, potentially every dispute regarding presumed rights could have led to judicial proceedings; [id. ibid.] kull ~ bhal din setghet tigi komposta barra l-qorti, every dispute of this kind could have been settled out of court; [MK] il~ ta’ din il-kawża, the dispute in this case. [<It. vertenza]

**VIZZJAT**, m.pp. of *jvizzjata*, to vitiate, to invalidate: [PhS 1] il-kunsens tal-kon v enut kien ~, the defendant’s consent was vitiated. VIZZJU, n.m. defect: [id. ibid.] il-qorti lest biex tikkunsidra l-eccezzjoni tal~ tal-kunsens, the court is ready to consider the plea of defect of consent. [<It. viziato, pp.m. of viziare, rendere nullo, invalidare (Zing.); vizzju < It. vizio, (dir.) irregolarità, vizio del consenso, difetto infligente della volonta negoziale di un soggetto (Zing.)]

**Abbreviations** of references giving name of judge, magistrate, or adjudicator, date of judgement and reference number of the relative court case:


[AF 1] Madam Justice Anna Felice 28.06.07 1082/2006/1

[AF 2] Madam Justice Anna Felice 27.06.07 314/2007/1


[LFS] Mr Justice Lino Farrugia Sacco 25.06.07 498/2006

[MK] Adjudicator Maria Karlson 27.06.2007 1237/2005

[PhS 1] Mr Justice Philip Sciberras 27.06.2007 171/2004/1

[PhS 2] Mr Justice Philip Sciberras 27.06.2007 97/2003/1

[PhS 3] Mr Justice Philip Sciberras 27.06.2007 121/2000/1

[RCP 1] Mr Justice Raymond C. Pace 28.06.2007 1020/2005

[RCP 2] Mr Justice Raymond C. Pace 27.06.2007 314/1994/2

[RCP 3] Mr Justice Raymond C. Pace 27.06.2007 12/2006

[SM] Magistrate Silvio Meli 27.06.07 525/2005

[VDG 1] Chief Justice Vincent De Gaetano 23.03.07 338/2006

[VDG 2] Chief Justice Vincent De Gaetano, Mr Justice Joseph D. Camilleri and Mr Justice Joseph A. Filletti 15.12.06 89/2006/1

**References**


