



Malta

Registering and searching for wills

→ What are the principal forms of will in Malta?

- * the **authentic (or “public”) will**, drawn up by a civil notary.
- * the **sealed will**, placed in a sealed envelope. It requires the presence of two witnesses.

→ Does a register of wills exist in Malta?

Yes, there is a register of authentic wills, administered by the Ministry of Justice. This register is not kept electronically. **This is a public register which contains information on all the deeds concerning rights relating to things (real rights).**

In parallel, sealed wills are recorded in the registers kept by the local courts.

N.B.

These questions and answers constitute a general source of information, up to date as of March 19, 2010. In the event of a particular difficulty, consult a civil law notary. Pratical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





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I. The registration of a will

→ Why register a will?

The registration of authentic wills in the public register is mandatory. However, it is not mandatory to file a sealed will with the court.

However, **a will which is not found is deemed to be a non-existent will**. This is why **it is recommended that sealed wills are filed with the court**. In this way, the testator can be sure that his last wishes will be found and therefore respected following his death.

→ Who can carry out the registration?

The civil law notary carries out the registration of authentic wills in the public register. The testator is in charge of filing his sealed will with the court.

It is not the content of the will which is recorded in the public register but the information which enables it to be found. Also, the will is filed with the court in a sealed envelope, which enables the testator's wishes to be kept secret.

→ Who keeps the will?

The civil law notary is in charge of keeping the authentic wills which he has drawn up. The court keeps the sealed wills filed by the testator in a sealed envelope.

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→ Can the testator's family members consult the register while he is still alive?

The public register is freely accessible and the existence of a will may be revealed during a search for deeds concluded by a person. The law is soon to be changed in order to prohibit the disclosure of the existence of a will. In any event, **the content of the will is never disclosed during the testator's life.**

→ How much does it cost to register a will?

The registration of a will in the public register costs **5€**.

II. The search for the wills

→ Who may query the register of wills?

Upon the death of the testator, the deceased's family may query the register themselves or through a law professional (civil law notary, judge, lawyer) in order to search for an authentic will. **This query is obligatory as it ensures** that the last wishes of the testator are respected. The search may only be performed 21 days after the death of the testator.

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To search for a sealed will, a request must be addressed to the court by the deceased's family.

→ Is it necessary to provide a death certificate?

Yes, the deceased's family must provide a death certificate in order to carry out a search in the public register and with the courts.

→ How much does a search cost?

A search in the public register costs **5€**.

N.B.

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