



MALTA MEDIATION CENTRE

The Malta Mediation Centre was set up by virtue of the Mediation Act, 2004 (Chapter 474 of the Laws of Malta) which came into force on the 21<sup>st</sup> December, 2004.

The Centre was established for the purpose of providing a forum where two or more parties may voluntarily apply to lodge a mediation claim before the Centre. The Court or other adjudicatory authority may also refer the parties to resolve their dispute by mediation. In the process, a mediator duly accredited by the Centre acts as an impartial third party with a view to facilitating negotiations between the parties in order to assist them resolve their dispute by reaching a voluntary and timely agreement.

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## Alternative Dispute Resolution (ADR)

This notice is to remind the public that litigation is not the only method how to reach a final outcome to a dispute. ADR's such as mediation and arbitration can be resorted to whereby the same or similar outcome could be reached in a more expeditious time.

### Advantages of Mediation

1. Litigation can be expensive, dragging and tedious with a right of appeal that would lengthen the court process. In mediation the Parties can reach an agreement within an expeditious time.
2. Mediation is not only time effective but also cost effective. In fact Mediation is less costly than Judicial Proceedings and Arbitration.
3. In litigation it is the court that has exclusive control of the procedure and outcome. In mediation it is the parties that retain full control of the dispute and can control and influence any outcome that may be reached. In mediation, all prescriptive periods are suspended and put in abeyance.
4. Court proceedings are heard in public. In mediation proceedings the proceedings are held in private and are strictly confidential.
5. In litigation, parties are confronting each other and are on either side of a dispute. In mediation, parties can still maintain friendships and cooperate with each other despite their differences whereby the parties may get to understand each other and try to iron out their dispute by finding solutions.
6. In litigation the judge or adjudicator may not always be specialised in the subject matter pertaining to the dispute. In mediation the parties may select and choose the mediator and may also select and choose someone specialised in the matter.
7. In litigation the court appoints an expert. In mediation the parties can select an expert of their choice.