

Nru 169

13. 03. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Andy Ellul, M.P., Segretarju Parlamentari għad-Djalogu Soċjali u l-Akkomodazzjoni f'isem il-Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Marzu 2026.

A BILL introduced by the Honourable Andy Ellul, M.P., Parliamentary Secretary for Social Dialogue and Accommodation on behalf of the Prime Minister, and read the First time at the Sitting of the 9th March 2026.

ATT sabiex jirregola t-thejjija, ir-registrazzjoni, ir-rikonoxximent u l-implimentazzjoni ta' direttivi mediċi avvanzati u kwalunkwe materja ancillari għalihom.

AN ACT to regulate the drawing of, the registration, recognition and implementation of advanced medical directives and any matter ancillary thereto.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jirregola t-tnejn, ir-registrazzjoni, ir-rikonoxximent u l-implimentazzjoni ta' direttivi mediċi avvanzati u kwalunkwe materja ancillari għalihom.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

ARRANĠAMENT TAL-ATT

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Taqsimi I
Dispożizzjonijiet Ġenerali

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 dwar Titolu fil-qosor u bidu fis-sehh.
Direttivi Mediċi Avvanzati.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data jew dati li l-Ministru jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ Tifsir.
xort'oħra:

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"direttiva medika avvanzata" jew "direttiva" tfisser deċiżjoni meħuda minn qabel minn komparenti kapaci, li permezz tagħha jirrifjuta trattament mediku speċifiku f'ċirkostanzi futuri stabbiliti u meta l-komparenti jkun tilef il-kapaċità li jagħti l-kunsens tiegħu;

"komparenti" tfisser il-persuna li tkun qed tagħmel direttiva medika avvanzata skont dan l-Att;

"Ministru" tfisser il-Ministru responsabbli għall-promozzjoni tal-ugwaljanza b'konsultazzjoni mal-Ministru responsabbli għas-saħħa;

"rekords mediċi" tfisser id-dokumentazzjoni kollha li jkun fiha data, valutazzjonijiet u informazzjoni ta' kull tip dwar il-qagħda tal-pazjent u l-iżvilupp kliniku matul il-proċess tal-kura, u tinkludi wkoll l-informazzjoni medika elettronika tal-pazjent;

Kap. 525.

"tabib" għandu jkollha l-istess tifsira kif mogħti lilha fl-Att Dwar is-Saħħa Mentali;

"żmien materjali" tfisser iż-żmien meta jkun meħtieġ li tittieħed deċiżjoni dwar l-għoti, ir-rifjut jew il-waqfien ta' trattament mediku fir-rigward tal-komparent.

Dritt li ssir direttiva medika avvanzata.

3. (1) Kwalunkwe persuna li tkun għalqet l-età ta' tmintax (18)-il sena u li jkollha l-kapaċità mentali tista' tagħmel direttiva medika avvanzata skont dan l-Att.

(2) Direttiva għandha tinkludi r-rifjut ta' trattamenti mediċi speċifikati f'ċirkostanzi ddefiniti.

(3) Kwalunkwe stipulazzjoni li tinsab f'direttiva li tirrikjedi l-ommissjoni, l-istruzzjoni jew prattika li tkun kontra l-liġi għandha titqies nulla u bla effett.

Taqsim II

Preparazzjoni, Forma u Effett Legali tad-Direttivi Mediċi Avvanzati

Preparazzjoni medika u ċertifikazzjoni ta' direttiva.

4. (1) Direttiva medika avvanzata għandha tithejja wara konsultazzjoni bejn il-komparenti u tabib.

(2) It-tabib għandu jassisti lill-komparenti fl-ippjanar ta' kura medika avvanzata u għandu jiżgura illi l-komparenti huwa adegwatament informat dwar in-natura u l-implikazzjonijiet kliniċi tar-rifjut kontenut fid-direttiva.

(3) It-tabib għandu jivvaluta l-kapaċità mentali tal-komparenti fiż-żmien tat-tnejjija tad-direttiva u għandu jiċċertifika li:

(a) tkun saret il-valutazzjoni tal-kapaċità u li tali valutazzjoni tkun giet dokumentata kif xieraq;

(b) il-komparenti kien jipposjedi l-kapaċità mentali f'dak iż-żmien; u

(ċ) id-direttiva tirrifletti x-xewqat tal-komparenti kif minnu espressi, matul u wara l-konsultazzjoni mat-tabib.

(4) Id-direttiva kif imħejjija u ċertifikata skont dan l-Att għandha tiġi ffirmata mill-komparenti u t-tabib.

(5) Il-formola ta' referenza li tinsab fl-Iskeda ta' dan l-Att u l-linji gwida li l-Ministru jista' minn żmien għal żmien jippreskrivi permezz ta' regolamenti, jistgħu jintużaw sabiex jassistu lill-komparenti u lit-tobba fit-tnejjija ta' direttiva.

(6) (a) Bla kwalunkwe dispożizzjoni oħra ta' dan l-Att, kwalunkwe pproċessar ta' kategoriji speċjali ta' data personali, kif imsemmi fl-Artikolu 9(1) tar-Regolament (UE) 2016/679, għandu jsir biss għall-finijiet tat-tnejjija, ir-registrazzjoni, ir-rikonoxximent u, jew l-implimentazzjoni ta' direttiva medika avvanzata, u għandu jitwettaq minn, jew taħt ir-responsabbiltà ta' tabib soġġett għal obbligi ta' segretezza professjonali.

(b) Tali pproċessar għandu jkun proporzjonat għall-għan li jrid jintlaħaq, josserva l-qofol tad-dritt għall-protezzjoni tad-data u jipprovi għal miżuri xierqa u speċifiċi sabiex jiġu protetti d-drittijiet fundamentali u l-interessi tas-suġġett tad-data.

5. (1) Direttiva medika avvanzata li giet imħejjija u ċċertifikata skont l-artikolu 4 għandha ssir bil-miktub u għandha tiġi awtentikata minn nutar skont l-artikolu 2(d) tal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili.

Formola,
awtentikazzjoni
u registrazzjoni.
Kap. 55.

(2) Għall-finijiet ta' awtentikazzjoni, il-komparenti għandu jidher personalment quddiem in-nutar mhux aktar tard minn tliet (3) xhur mid-data tad-direttiva kif imħejjija mill-komparenti u ċċertifikata mit-tabib. In-nutar għandu:

(a) jivverifika l-identità tal-komparenti;

(b) jikkonferma b'mod sigur illi l-komparenti jirrikonoxxi u jafferma mill-gdid li l-kontenut tad-direttiva tesprimi x-xewqat preżenti u riżolti tiegħu; u

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(ċ) jawtentika l-firma tal-komparenti.

(3) In-nutar għandu fi żmien hmistax (15)-il jum ta' xogħol mid-data tal-awtentikazzjoni:

(a) jissottometti lid-Direttur tar-Registru Pubbliku n-nota tad-direttiva; u

(b) jittrasmetti kopja awtentika tad-direttiva lid-Direttur Ġenerali għas-Servizzi tas-Saħħa bil-mod kif jista' jiġi stabbilit mill-Ministru.

Kap. 55. (4) In-nutar għandu jzomm id-direttiva awtentikata f'kustodja sikura u protetta skont l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili f'registru appożitu iżda ma jkunx mehtieg li jiddepożitaha fl-arkivji notarili:

Kap. 55. Iżda bla ħsara għall-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, l-obbligu li tinżamm id-direttiva għandu jiskadi għaxar (10) snin wara l-mewt tal-komparenti.

Kap. 528. (5) Malli jirċievi l-kopja ċcertifikata trasmessa skont is-subartikolu (3)(b), id-Direttur Ġenerali għas-Servizzi tas-Saħħa, stabbilit taht l-Att dwar is-Saħħa, fil-kapaċità tiegħu bħala kontrollur tad-data għall-finijiet tar-Regolament (UE) 2016/679, għandu jiżgura li d-direttiva medika avvanzata tiġi rreġistrata u arkivjata fir-rekords mediċi tal-komparenti b'dak il-mod kif jista' jiġi preskritt.

Kap. 586. (6) Kwalunkwe data personali pproċessata mid-Dipartiment għas-Servizzi tas-Saħħa permezz tad-Direttur Ġenerali għas-Servizzi tas-Saħħa jew minn nutara pubbliċi għall-finijiet ta' dan l-Att għandha tikkonforma bis-sħiħ mad-dispożizzjonijiet tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni ta' persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data u mal-Att dwar il-Protezzjoni u l-Privatezza tad-Data, inkluż r-regolamenti magħmula tahtu, kif ukoll mad-drittijiet u l-libertajiet fundamentali tas-sugġetti tad-data.

(7) Direttiva medika avvanzata għandha tkun valida u jkollha effett legali mill-mument tal-awtentikazzjoni tagħha quddiem nutar, minkejja li kwalunkwe reġistrazzjoni jew trasmissjoni skont dan l-Att tkun għadha ma sehhitx.

Kunfidenzjalità u dritt ta' aċċess.
Kap. 528.

6. (1) Direttiva għandha tiffirma parti mir-rekords mediċi kunfidenzjali tal-komparenti u għandha tinżamm skont l-istandards applikabbli għar-rekords mediċi taht l-Att dwar is-Saħħa u r-

Regolament (UE) 2016/679.

(2) L-aċċess għal direttiva jista' jingħata esklużivament lit-tabib soġġett għal obbligi tas-segretezza professjonali li jkun direttament involut fil-kura tal-komparenti, u fejn tali aċċess ikun strettament meħtieġ għall-għoti ta' tali kura.

7. (1) Direttiva għandha tkun valida sakemm ma tiġix irrevokata, emendata jew sostitwita skont dan l-Att. Validità u applikabilità.

(2) Direttiva ma għandux ikollha effett legali u ma għandhiex tapplika meta fiż-żmien materjali:

(a) il-komparenti jkollu l-kapaċità sabiex jagħti l-kunsens jew jirrifjuta t-trattament inkwistjoni; jew

(b) it-trattament jew iċ-ċirkostanzi ma jikkorrispondux ma' dawk speċifikati fid-direttiva.

(3) Il-komparenti jista' jhassar jew jemenda direttiva fi kwalunkwe waqt sakemm ikollu l-kapaċità meħtieġa.

(4) Kwalunkwe revoka jew emenda magħmula verbalment fil-presenza ta' tabib u mill-anqas xhud wieħed (1) għandha tkun valida u għandha tiġi dokumentata mit-tabib fir-rekords mediċi tal-komparenti, soġġett għall-obbligi tad-Direttur Ġenerali għas-Servizzi tas-Saħħa skont l-artikolu 5(5).

(5) Bla ħsara għas-subartikolu (4), kwalunkwe revoka jew emenda tad-direttiva għandha ssir permezz ta' dikjarazzjoni bil-miktub awtentikata quddiem nutar u mwettqa skont il-proċedura applikabbli għal direttiva skont l-artikolu 5 ta' dan l-Att.

Taqsim III Dmirijiet u Infurzar

8. (1) It-tobba għandhom jirrispettaw u jimplementaw kwalunkwe direttivi validi u applikabbli. Dimirijiet tat-tobba.

(2) It-tobba ma għandu jkollhom l-ebda responsabbiltà ċivili jew kriminali jekk jaġixxu skont direttiva valida u applikabbli.

(3) Fejn ikun hemm dubju raġonevoli dwar l-eżistenza, il-validità jew l-applikabilità ta' direttiva, kwalunkwe trattament neċessarju sabiex jipprevjeni deterjorazzjoni serja u imminenti tal-kondizzjoni tal-komparenti għandu jiġi pprovdut sakemm issir il-kjarifikazzjoni jew deċiżjoni mill-qorti kompetenti.

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(4) Kwalunkwe kwistjoni dwar l-eżistenza, validità jew l-applikabilità ta' direttiva għandha tiġi determinata mill-Qorti Ċivili (Sezzjoni ta' Ġurisdizzjoni Volontarja).

(5) Kwalunkwe proċeduri skont dan l-Att għandhom jiġu istitwiti permezz ta' rikors ipprezentat fl-imsemmija qorti kif imsemmi fis-subartikolu (4), li għandu jiġi dekretat f'perjodu li ma jeċċedix għaxart (10) ijiem mid-data tal-prezentata tiegħu fir-reġistru. Il-qorti tista', fejn tikkunsidra li jkun opportun, tappunta espert wiehed (1) jew aktar sabiex jassistuha fid-deċiżjoni tagħha.

Reati u pieni.

9. Kwalunkwe persuna li xjentement tfixkel, tiffalsifika, taħbi jew teqred direttiva, jew li tfixkel l-implimentazzjoni leġittima tagħha għandha tkun hatja ta' reat u għandha tehel meta tinstab hatja piena ta' prigunerija li ma teċċedix tmax (12)-il xahar, jew multa ta' mhux aktar minn għaxart elef euro (€10,000), jew dik il-multu u prigunerija f'daqqa.

Dispożizzjonijiet tranżitorji.

10. (1) Kwalunkwe dokument jew dikjarazzjoni magħmula qabel id-dhul fis-seħħ ta' dan l-Att, li tkun intenzjonata li tesprimi x-xewqat ta' persuna dwar trattament mediku futur, ma għandu jkollhom l-ebda effetti legali u ma għandhomx jikkostitwixxu direttiva valida sakemm tali xewqat ma jiġux espressi mill-ġdid skont dan l-Att:

(2) Dan l-artikolu bl-ebda mod ma għandu jinvalida jew b'xi mod jaffettwa l-effett legali jew kliniku ta' kwalunkwe ordni ta' *do-not-resuscitate* (DNR) jew limitazzjoni ta' trattament simili maħruġa minn tabib matul il-kura tal-pazjent, meta dik l-ordni tkun:

(a) saret flimkien ma' valutazzjoni kontemporanja tal-qagħda klinika u l-kapaċità tal-pazjent; u

(b) ġiet irreġistrat fir-rekords mediċi tal-pazjent.

Emendi konsegwenzjali. Kap. 55.

11. (1) L-Att Dwar il-Professjoni Nutarili u l-Arkivji Nutarili għandu jiġi emendat kif ġej:

(i) fil-paragrafu (p) tas-subartikolu (1) tal-artikolu 50 tiegħu l-kelma "maħruġ." għandha tiġi sostitwita bil-kliem "maħruġ;" u minnufih wara għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(q) kwalunkwe direttiva medika avvanzata awtentikata minn nutar skont l-Att dwar Direttivi Mediċi Avvanzati.";

Kap. —

Kap. 55.

(ii) is-subartikolu (3) tal-artikolu 50 tiegħu għandu jiġi

sostitwit bis-subartikolu ġdid li ġej:

Kap. __. "(3) Fil-każ ta' testmenti pubblici jew ta' pubblikazzjoni ta' testmenti sigrieti, jew ta' direttivi mediċi avvanzati awtentikati skont l-Att dwar Direttivi Mediċi Avvanzati, in-nota għandu jkun fiha biss id-data u x-xorta tal-att u l-isem bil-partikolaritajiet tat-testatur jew tal-komparenti, skont il-każ, kif stipulat fl-artikolu 28(1)(ċ)".

(2) Is-subartikolu (2) tal-artikolu 8 tal-Att dwar ir-Registru Kap. 56. Pubbliku għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Kap. __. "(2) Fil-każ ta' testment, jew ta' direttiva medika avvanzata magħmula u awtentikata skont l-Att dwar Direttivi Mediċi Avvanzati, in-nota għandu jkun fiha biss id-data u x-xorta tal-att u l-partikolaritajiet tat-testatur jew tal-komparenti, skont il-każ, skont l-artikolu 2042 tal-Kodiċi Ċivili".

Kap. 16.

SKEDA

(Artikolu 4(5))

Formola ta' referenza ta' Direttiva Medika Avvanzata

PARTI I – IDENTIFIKAZZJONI TAL-KOMPARENTI

Jien, is-sottofirmat:

Isem u kunjom sħiħ:.....

Iben / Bint ta':..... (missier)

u..... (omm,
née.....)

Imwield/a fi:.....

Fil:.....

Residenti f'(lokalità):.....

Detentur/Detentriċi tal-Karta tal-Identità / Passaport
Nru:.....

niddikjara li qed nagħmel din id-Direttiva Medika Avvanzata liberament, volontarjament u wara li ġejt ipprovdut/a bl-informazzjoni medika adegwata.

PARTI II – KAPAĊITÀ U DISKUSSIONI MEDIKA

Niddikjara li:

Iddiskutejt din id-Direttiva Medika Avvanzata ma' tabib;

Ġejt infurmat/a b'mod ċar u li jinftiehem dwar in-natura u l-konsegwenzi tar-rifjuti li jinsabu hawnhekk;

Nifhem li din id-direttiva tapplika biss jekk fiż-żmien materjali, ma jkollix il-kapaċità li nagħti jew nirrifjuta l-kunsens.

PARTI III – ĊIRKOSTANZI TA' APPLIKAZZJONI

Din id-Direttiva Medika Avvanzata għandha tapplika biss fil-każ li:

Ma jkollix il-kapaċità li nieħu jew nikkomunika deċiżjonijiet dwar it-trattament mediku tiegħi; u

Inkun f'waħda (1) jew aktar mis-sitwazzjonijiet li ġejjin (immarka kif applikabbli):

- Marda terminali mingħajr prospett raġonevoli ta' rkupru;
- Telf permanenti mis-sensi, stat veġetattiv persistenti, jew stat minimament konxju mingħajr prospett raġonevoli ta' rkupru;
- Kundizzjoni avvanzata u irriversibbli li tirriżulta f' dipendenza totali u tbatija severa mingħajr prospett ta' titjib sinifikanti.

PARTI IV – RIFJUT TA' TRATTAMENT MEDIKU

Jekk japplikaw iċ-ċirkostanzi deskritti fil-Parti III, b'dan nirrifjuta t-trattamenti mediċi li ġejjin (immarka kif applikabbli):

- Rianimazzjoni kardjopulmonari (CPR);
- Ventilazzjoni mekkanika;
- Nutrizzjoni artifiċjali;
- Idratazzjoni artifiċjali;
- Terapija ta' sostituzzjoni renali (dijalisi);
- Trattament b'antibijotiċi li l-għan primarju tiegħu jkun li jtawwal il-ħajja;
- Kwalunkwe trattament ieħor speċifikat:

.....

Nifhem li r-rifjut tat-trattamenti msemmija hawn fuq jista' jwassal għall-mewt tiegħi.

Il-komparenti qiegħed jaħtar lil (Isem u kunjom)(Karta tal-identitá nru) sabiex l-awtoritajiet jinnotifikawh/ha, jekk meħtieġ, madankollu din l-istess persuna ma tistax tbiddel jew tvarja d-direttiva tal-komparenti.

PARTI V – SERHAN MILL-UĠIGH U KURA PALJATTIVA

Minkejja kwalunkwe rifjut ta' trattament mediku espress f'din id-Direttiva Medika Avvanzata, nagħti istruzzjonijiet li dejjem tingħata kura paljattiva u ta' kumditá xierqa, skont l-istandards stabbiliti tal-kura medika.

B'mod partikolari, nagħti istruzzjonijiet li tingħata kura għas-serħan tal-uġigh, it-tbatija, il-qtuġh ta' nifs, l-ansjetá jew kwalunkwe skumditá oħra, anki jekk tali kura tista' b'mod inċidentali tqassarli ħajti.

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Sakemm ma niddikjarax xort'ohra hawn taht, naqbel li tigi amministrata kura li ttaffi l-uġigh u miżuri ta' kumdità kif indikat medikament:

.....
.....

(Jekk ma tigi espressa l-ebda limitazzjoni hawn fuq, għandha tingħata kura paljattiva shiha.)

PARTI VI – REVIŻJONI U KONSISTENZA

Nifhem li:

Nista' nirrevoka jew nemenda din id-direttiva fi kwalunkwe waqt sakemm ikolli l-kapaċità;

Kwalunkwe revoka verbali magħmula fil-preżenza ta' tabib u mill-anqas xhud wiehed (1) għandha tkun valida;

Kwalunkwe aġir sussegwenti li jkun b'mod ċar inkonsistenti ma' din id-direttiva jista' jaffettwa l-validità jew l-applikabilità tagħha skont l-Att dwar id-Direttivi Mediċi Avanzati.

Kap. ____.

PARTI VII – ĊERTIFIKAZZJONI TAL-PROFESSJONIST MEDIKU

Jien, it-tabib hawn taht iffirmat/a:

Isem u kunjom:.....

Numru ta' registrazzjoni professjonali:.....

Speċjalità / Prattika:.....

nikkonferma li:

Iddiskutejt il-pjan mediku avanzat mal-komparenti;

Skont l-opinjoni professjonali tiegħi, il-komparenti wera kapaċità fil-waqt tal-iffirmar ta' din id-direttiva;

Il-komparenti wera li jifhem in-natura u l-konsegwenzi tar-rifjuti li jinsabu hawnhekk.

Firma tal-professjonist mediku:.....

Isem u kunjom:.....

Numru ta' registrazzjoni:.....

TIMBRU

Data:.....

PARTI VIII – DIKJARAZZJONI TAL-KOMPARENTI (LI GHANDHA SSIR QUDDIEM NUTAR)

Niddikjara li qrajt u fhimt il-kontenut ta' din id-Direttiva Medika Avvanzata u li din tirrifletti r-rieda preżenti, libera u stabbilita tiegħi.

Din id-dikjarazzjoni qiegħda ssir u tigi ffirmata minni fil-preżenza ta' nutar għall-finijiet ta' awtentikazzjoni skont l-Att dwar id-Direttivi Medici Avvanzati. Kap. —.

Firma tal-kompurenti:.....

Data:.....

PARTI IX – AWTENTIKAZZJONI NOTARILI

Jien, in-nutar hawn taħt iffirmit/a, b'dan niċcertifika li l-kompurenti deher personalment quddiem i fid-data hawn taħt indikata, u vverifikajt l-identità tiegħu/tagħha skont il-liġi, u li l-kompurenti ffirmat/at id-dikjarazzjoni li tinsab fil-Parti VIII fil-preżenza tiegħi wara li rrikonoxxa/iet u reġa' kkonferma/at li l-kontenut ta' din id-Direttiva Medika Avvanzata tesprimi r-rieda preżenti u stabbilita tiegħu/tagħha.

Firma tan-Nutar Pubbliku:.....

Isem u kunjom:.....

TIMBRU

Data:.....

Għanijiet u Raġunijiet

L-għanijiet u raġunijiet ta' dan l-Att huwa li jstabbilixxu l-qafas legali ċar li jirregola r-rifjut bil-quddiem tat-trattament mediku u li jipprovdi protezzjoni legali u gwida lit-tobba li jimplimentaw dawn id-direttivi.

**A BILL
entitled**

AN ACT to regulate the drawing of, the registration, recognition and implementation of advanced medical directives and any matter ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the Authority of the same, as follows:-

ARRANGEMENT OF ACT

		Articles
Part I	General Provisions	1-3
Part II	Preparation, Form and Legal Effect of Advanced Medical Directives	4-7
Part III	Duties and Enforcement Schedule	8-9

**PART I
General Provisions**

Short title and commencement.

1. (1) The short title of this Act is the Advanced Medical Directives Act, 2026.

(2) This Act shall come into force on such date or dates as the Minister may by notice in the Gazette establish and different dates may be so established for different provisions and, or different purposes of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires:

"advanced medical directive" or "directive" means a prior

decision made by an appearer while having capacity, by which he refuses specified medical treatment in defined future circumstances when the appearer lacks capacity to give consent;

"appearer" means the person making an advanced medical directive in accordance with this Act;

"material time" means the time at which a decision regarding the provision, withholding or withdrawal of medical treatment is required to be taken in respect of the appearer;

"medical practitioner" shall have the same meaning assigned to it in the Mental Health Act;

Cap. 525.

"medical records" means all documents containing data, assessments and information of any kind relating to a patient's situation and clinical development throughout the treatment process, and includes the electronic health record of the patient;

"Minister" means the Minister responsible for the promotion of equality in consultation with the Minister responsible for health;

3. (1) Any person who has attained the age of eighteen (18) years and has mental capacity may make an advanced medical directive in accordance with this Act.

Right to make an advanced medical directive.

(2) A directive shall include refusal of specified medical treatments in defined circumstances.

(3) Any stipulation contained in a directive which requires the omission, instruction or practice that is contrary to law shall be null and void.

PART II
Preparation, Form and Legal Effect of
Advanced Medical Directives

4. (1) An advanced medical directive shall be prepared following consultation between the appearer and a medical practitioner.

Medical preparation and certification of directives.

(2) The medical practitioner shall assist the appearer in advanced medical planning and shall ensure that the appearer is adequately informed of the nature and clinical implications of the refusals contained in the directive.

(3) The medical practitioner shall assess the mental capacity of

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the appearer at the time of the preparation of the directive and shall certify that:

(a) such assessment regarding capacity was carried out and the assessment was properly documented;

(b) the appearer possessed mental capacity at that time; and

(c) the directive reflects the wishes of the appearer as clearly expressed, during and after the discussion with the medical practitioner.

(4) The directive as prepared and certified in accordance with this Act shall be signed by the appearer and by the medical practitioner.

(5) The model form contained in the Schedule to this Act and the guidelines which the Minister may from time to time prescribe by means of regulations, may be used for the purposes of assisting appearers and medical practitioners in the drawing up of a directive.

(6) (a) Notwithstanding any other provision of this Act, any processing of special categories of personal data, as referred to in Article 9(1) of Regulation (EU) 2016/679, shall be carried out solely for the purposes of drawing up, registering, recognising and, or implementing an advanced medical directive, and shall be performed by, or under the responsibility of a medical practitioner subject to professional secrecy obligations.

(b) Such processing shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to protect the fundamental rights and the interests of the data subject.

Form,
authentication
and registration.

Cap. 55.

5. (1) An advanced medical directive drawn up and certified in accordance with article 4 shall be made in writing and shall be authenticated by a notary in accordance with article 2(d) of the Notarial Profession and Notarial Archives Act.

(2) For the purposes of authentication, the appearer shall personally appear before the notary not later than three (3) months from the date of the directive as drawn up by the appearer and certified by the medical practitioner. The notary shall:

(a) verify the identity of the appearer;

(b) securely confirm that the appearer acknowledges and reaffirms that the contents of the directive express his or her

present and settled wishes; and

(c) authenticate the signature of the appearer.

(3) The notary shall within fifteen (15) working days from the date of authentication:

(a) submit to the Director of the Public Registry a note of the directive; and

(b) transmit a certified copy of the authenticated directive to the Director General for Health Care Services in the manner as may be established by the Minister.

(4) The notary shall retain the authenticated directive in safe and secure custody in accordance with the Notarial Profession and Notarial Archives Act in an apposite register but shall not be required to deposit the same in the notarial archives: Cap. 55.

Provided that without prejudice to the Notarial Profession and Notarial Archives Act, the obligation to retain the directive shall expire ten (10) years following the death of the appearer. Cap. 55.

(5) Upon receipt of the certified copy transmitted in terms of sub-article (3)(b), the Director General for Health Care Services, established under the Health Act, in his capacity as the data controller for the purposes of Regulation (EU) 2016/679, shall ensure that the advanced medical directive is recorded and archived in the medical records of the appearer in such manner as may be prescribed. Cap. 528.

(6) Any personal data processed by the Department for Healthcare Services through the Director General for Health Care Services or by notaries public for the purposes of this Act shall fully comply with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the Data Protection Act, including the regulations made thereunder and the fundamental rights and freedoms of the data subjects. Cap. 586.

(7) An advanced medical directive shall be valid and have legal effect from the moment of its authentication before a notary, notwithstanding that any registration or transmission in terms of this Act has not yet taken place.

6. (1) A directive shall form part of the confidential medical records of the appearer and shall be kept in accordance with standards Confidentiality and right of access.
Cap. 528.

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applicable to medical records under the Health Act and Regulation (EU) 2016/679.

(2) Access to a directive may be granted exclusively to a medical practitioner subject to professional secrecy obligations who is directly involved in the treatment of the appearer, and where such access is strictly required for the provision of such treatment.

Validity and applicability.

7. (1) A directive shall be valid unless and until it is revoked, amended or substituted in accordance with this Act.

(2) A directive shall not have legal effect and shall not apply where at the material time:

(a) the appearer has capacity to consent to or refuses the treatment in question; or

(b) the treatment or circumstances do not correspond to those specified in the directive.

(3) An appearer may revoke or amend a directive at any time while having the required capacity.

(4) Any revocation or amendment made orally in the presence of a medical practitioner and at least one (1) witness shall be valid and shall be documented by the medical practitioner in the medical records of the appearer, subject to the obligations of the Director General for Health Care Services under article 5(5).

(5) Without prejudice to sub-article (4), any revocation or amendment of a directive shall be made by a written declaration authenticated before a notary and carried out in accordance with the procedure applicable to a directive under article 5 of this Act.

PART III Duties and Enforcement

Duties of medical practitioners.

8. (1) Medical practitioners shall respect and give effect to any valid and applicable directives.

(2) Medical practitioners shall not incur any civil or criminal liability for acting in accordance with a valid and applicable directive.

(3) Where reasonable doubt arises as to the existence, validity or applicability of a directive, any necessary treatment to prevent serious and imminent deterioration of the appearer's condition shall be provided pending clarification or a decision by the competent court.

(4) Any question as to the existence, validity or applicability of a directive shall be determined by the Civil Court (Voluntary Jurisdiction Section).

(5) Any proceedings in accordance with this Act shall be initiated by an application filed in the said Court as mentioned in sub-article (4), which shall be determined within a period not exceeding ten (10) days from the date of its filing in the registry of the court. The Court may, where it considers appropriate, appoint one (1) or more experts to assist it in its decision.

9. Any person who knowingly interferes with, falsifies, conceals, or destroys a directive, or who obstructs its lawful implementation, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve (12) months, or to a fine (*multa*) not exceeding ten thousand euro (€10,000), or to both such imprisonment and fine.

Offences and punishments.

10. (1) Any document or declaration made prior to the coming into force of this Act, purporting to express the will of a person concerning future medical treatment, shall not have legal effect and shall not constitute a valid directive unless such wishes are expressed anew in accordance with this Act:

Transitory provisions.

(2) This article shall not invalidate or otherwise affect the legal or clinical effect of any do-not-resuscitate (DNR) order or similar treatment limitation issued by a medical practitioner in the course of a patient's care, where such order:

(a) was made following a contemporaneous assessment of the patient's clinical condition and capacity; and

(b) was recorded in the medical records of such patient.

11. (1) The Notarial Profession and Notarial Archives Act shall be amended as follows:

Consequential amendments.
Cap. 55.

(i) in paragraph (p) of sub-article (1) of article 50 thereof the word "Succession." shall be substituted by the word "Succession;" and immediately thereafter there shall be added the following new paragraph:

Cap. 55. "(q) any advanced medical directive authenticated by a notary in accordance with the Advanced Medical Directives Act.";

(ii) sub-article (3) of article 50 thereof shall be

Cap. 55.

SCHEDULE

(Article 4(5))

Model Form of Advanced Medical Directive

PART I – IDENTIFICATION OF THE APPEARER

I, the undersigned:

Full name and surname:.....

Son / Daughter of:..... (father)

and..... (mother,
née.....)

Born in:.....

On:.....

Residing in (locality):.....

Holder of Identity Card / Passport
No.:.....

hereby declare that I am making this Advanced Medical Directive freely, voluntarily and after having been provided with adequate medical information.

PART II – CAPACITY AND MEDICAL DISCUSSION

I declare that:

I have discussed this Advanced Medical Directive with a medical practitioner;

I have been informed in a clear and comprehensible manner of the nature and consequences of the refusals contained herein;

I understand that this directive applies only if at the material time, I lack capacity to give or refuse consent.

PART III – CIRCUMSTANCES OF APPLICATION

This Advanced Medical Directive shall apply only in the event that:

I lack capacity to make or communicate decisions regarding my medical treatment; and

I am in one (1) or more of the following situations (tick as

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applicable):

- Terminal illness with no reasonable prospect of recovery;
- Permanent unconsciousness, persistent vegetative state, or minimally conscious state with no reasonable prospect of recovery;
- Advanced, irreversible condition resulting in total dependency and severe suffering with no prospect of meaningful improvement.

PART IV – REFUSAL OF MEDICAL TREATMENT

If the circumstances described in Part III apply, I hereby refuse the following medical treatments (tick as applicable):

- Cardiopulmonary resuscitation (CPR);
- Mechanical ventilation;
- Artificial nutrition;
- Artificial hydration;
- Renal replacement therapy (dialysis);
- Antibiotic treatment primarily aimed at prolonging life;
- Any other specified treatment:

.....

I understand that refusal of the above treatments may result in my death.

The appearer appoints (Name and Surname) (Identity Card No.) in order that the authorities notify him/her, if required, however the said person may not alter or vary the directive of the appearer.

PART V – RELIEF FROM PAIN AND COMFORT CARE

Notwithstanding any refusal of medical treatment expressed in this Advanced Medical Directive, I instruct that appropriate palliative and comfort care shall always be provided, in accordance with established standards of medical care.

In particular, I instruct that treatment for the alleviation of pain, suffering, breathlessness, anxiety or any other discomfort shall be provided, even if such treatment may incidentally shorten my life.

Unless I state otherwise below, I consent to the provision of pain relief and comfort measures as medically indicated:

.....
.....

(If no limitation is expressed above, full palliative care shall be provided.)

PART VI – REVIEW AND CONSISTENCY

I understand that:

I may revoke or amend this directive at any time while I have capacity;

Any oral revocation made in the presence of a medical practitioner and at least one (1) witness shall be valid;

Any subsequent conduct clearly inconsistent with this directive may affect its validity or applicability in accordance with the Advanced Medical Directives Act. Cap. ____.

PART VII – MEDICAL PRACTITIONER CERTIFICATION

I, the undersigned medical practitioner:

Name and surname:.....

Professional registration number:.....

Speciality / Practice:.....

certify that:

I have discussed advanced medical planning with the appearer;

In my professional opinion, the appearer demonstrated capacity at the time of signing this directive;

The appearer demonstrated understanding of the nature and consequences of the refusal contained herein.

Signature of medical practitioner:.....

Name and surname:.....

Registration number:.....

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STAMP

Date:.....

PART VIII – DECLARATION BY THE APPEARER (TO BE MADE BEFORE A NOTARY)

I declare that I have read and understood the contents of this Advanced Medical Directive and that it reflects my present, free and settled wishes.

Cap. ____ This declaration is made and signed by me in the presence of a notary for the purposes of authentication in accordance with the Advanced Medical Directives Act.

Signature of appearer:.....

Date:.....

PART IX – NOTARIAL AUTHENTICATION

I, the undersigned notary, hereby certify that the appearer personally appeared before me on the date hereunder indicated, and that I verified his/her identity in accordance with law, and that the appearer signed the declaration contained in Part VIII in my presence after acknowledging and reconfirming that the contents of this Advanced Medical Directive express his/her present and settled wishes.

Signature of Notary:.....

Name and surname:.....

STAMP

Date:.....

Objects and Reasons

The objects and reasons of this Act is to establish a clear legal framework regulating advance refusals of medical treatment and to provide legal protection and guidance to medical practitioners who implement such directives.