

Nru 176

02. 04. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Julia Farrugia, M.P., Ministru għall-Inkluzjoni u l-Volontarjat, u moqri għall-Ewwel darba fis-Seduta tat-30 ta' Marzu 2026.

A BILL introduced by the Honourable Julia Farrugia, M.P., Minister for Inclusion and the Voluntary Sector, and read the First time at the Sitting of the 30th March 2026.

ATT sabiex jemenda ligijiet varji relatati mal-awtonomija personali u materji ancillari għall-istess.

AN ACT to amend various laws relating to personal autonomy 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 jemenda liġijiet varji relatati mal-awtonomija personali u materji anċillari għall-istess.

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:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 li jemenda Diversi Liġijiet fir-rigward tal-Awtonomija Personali. Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data jew dati li l-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità tista', b'avviż fil-Gazzetta tistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

TAQSIMA I EMENDI GHALL-KODIĊI TA' ORGANIZZAZZJONI U PROĊEDURA ĊIVILI

2. Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjah "il-Kodiċi". Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

3. Fit-Titolu III A tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi, il-kliem "FUQ IL-KUSTODJA" għandhom jiġu sostitwiti bil-kliem "FUQ IS-SALVAGWARDJI TAL-AWTONOMIJA PERSONALI". Emenda tat-Titolu III A tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi.

4. L-artikolu 519A tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 519A tal-Kodiċi.

(a) fin-nota marginali tiegħu l-kliem "Bord dwar il-Kustodja." għandhom jiġu sostitwiti bil-kliem "Bord għas-

Salvagwardja tal-Awtonomija Personali.";

(b) fis-subartikolu (1) tiegħu l-kliem "Bord dwar il-Kustodja" għandhom jiġu sostitwiti bil-kliem "Bord għas-Salvagwardja tal-Awtonomija Personali";

(ċ) is-subartikolu (2) tiegħu għandu jiġi sostitwit b' dan is-subartikolu ġdid li ġej:

"(2) Il-Bord għandu jkun magħmul minn mhux aktar minn sitt (6) membri, li huma l-persuni indikati fil-paragrafi (a) sa (e), kif ukoll sa membru wiehed (1) addizzjonali kif huwa indikat fil-paragrafu (f):

(a) avukat jew persuna li kienet imħallef jew magistrat, u li għandhom għarfien u, jew esperjenza, u jew taħriġ fil-qasam tad-drittijiet ta' persuni b'diżabilità, inklużi persuni b'diżabilità psikosoċjali illi torbot ma' kundizzjoni jew sfida ta' saħħa mentali, u li għandha tkun ukoll il-President tal-Bord;

Kap. 413.

(b) membru wiehed (1) mahtur wara konsultazzjoni mal-Kummissjoni għad-Drittijiet ta' Persuni b'Diżabilità, kif stabbilit fl-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità wara li din tkun ikkonsultat mal-għaqdiet li jaħdmu fil-qasam tad-diżabilità;

Kap. 525.

(ċ) membru wiehed (1) mahtur wara konsultazzjoni mal-Kummissarju għall-Promozzjoni tad-Drittijiet ta' Persuni b'Diżordni Mentali kif stabbilit fl-Att dwar is-Saħħa Mentali, wara li tali Kummissarju jkun ikkonsulta mal-għaqdiet li jaħdmu fil-qasam tad-drittijiet tas-saħħa mentali;

Kap. 553.

(d) membru wiehed (1) mahtur wara konsultazzjoni mal-Kummissarju għall-Anzjani kif stabbilit fl-Att dwar il-Kummissarju għall-Anzjani, wara tali Kummissarju jkun ikkonsulta mal-għaqdiet li jaħdmu fl-qasam tad-drittijiet ta' persuni anzjani;

(e) membru wiehed (1) mahtur wara konsultazzjoni mal-Uffiċjal Kap Eżekuttiv tal-Aġenzija li toffri Sapport lill-Vittmi:

Kap. 16.

Iżda persuni li jissodisfaw ir-rekwiżiti tal-paragrafi (a), (b), (ċ), (d) jew (e) hawn fuq imsemmija, jistgħu jiġu maħtura bhala membri sostituti sabiex iservu fil-Bord f'każijiet fejn kwalunkwe mill-persuni maħtura taht il-paragrafu rispettiv ma jkunx jista' jisma' rikors partikolari:

Iżda wkoll safejn dan ikun possibbli, il-magġoranza tal-persuni maħtura bhala membri jew membri sostituti skont dan is-subartikolu, għandhom ikunu persuni b'diżabilità, illi jiġu mill-kategoriji differenti li joħorgu mid-definizzjoni ta' "diżabilità" li tinsab fl-artikolu 188A(6) tal-Kodiċi Ċivili u li jinżamm bilanċ bejn il-generu fit-twettiq ta' tali ħatriet;

(f) membru wiehed (1) maħtur mill-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità, illi jkun professjonist fil-qasam tas-saħħa u l-kura soċjali li jiġi minn oqsma li jinkludu imma ma humiex limitati għall-psikologija, counselling u, jew ħidma soċjali:

Iżda tali professjonist għandu jkollu għarfien u, jew taħriġ dwar il-bżonnijiet u l-esperjenzi ta' persuni b'diżabilità u, jew ta' persuni anzjani, u dwar identitajiet soċjali differenti, inklużi l-generu, l-età, l-orjentazzjoni sesswali jew l-orġini etnika, li tali persuni jistgħu jkollhom, u li jimpattaw l-approċċ li għandu jintuża sabiex jiġi indirizzat ċertu tħassib rigward dawn il-persuni ladarba jiġi identifikat:

Iżda wkoll dan il-professjonist għandu jirrikuża ruħu minn kwalunkwe proċeduri quddiem il-Bord, jekk kien jassisti, jew ikun f'dak iż-zmien qed jassisti f'kapacità professjonali lill-persuna li dwarha qed jiġu kkunsidrati salvagwardji tal-awtonomija personali.";

(d) is-subartikolu (3) tiegħu għandu jiġi sostitwit b' dan is-subartikolu ġdid li ġej:

"(3) Il-President u l-membri l-oħra tal-Bord għandhom jibqgħu fil-kariga għal perjodu ta' tliet (3) snin u għandhom ikunu eliġibbli sabiex jerġgħu jiġu maħtura għal perjodu ieħor konsekuttiv ta' tliet (3) snin fil-kariga:

Iżda jekk membru tal-Bord jiġi mahtur fi kwalunkwe waqt wara li jkunu ġew mahtura l-membri l-oħra, il-ħatra ta' dak il-membri għandha tintemm fl-istess data li fiha tintemm il-ħatra tal-membri l-oħra:

Iżda wkoll il-ħatra preċedenti skont dan l-artikolu ma għandhiex tiskwalifika persuna minn ħatriet futuri potenzjali skont dan l-artikolu.";

(e) is-subartikolu (4) tiegħu għandu jiġi sostitwit b' dan is-subartikolu ġdid li ġej:

"(4) Persuna ma tkunx kwalifikata sabiex tokkupa l-kariga ta' membru tal-Bord jekk dik il-persuna:

(a) tkun Ministru, Segretarju Parlamentari, Membru tal-Kamra tad-Deputati, Sindku jew Kunsillier f'Kunsill Lokali; jew

(b) tkun legalment interdetta, jew tkun legalment inabilitata sal-punt li ma tkunx tista' twettaq il-funzjonijiet rikjesti minnha bħala membru tal-Bord; jew

(c) tkun persuna illi hi stess ġiet akkordata salvagwardji tal-awtonomija personali, u ma tkunx tista' twettaq il-funzjonijiet rikjesti minnha bħala membru tal-Bord minħabba n-natura tas-salvagwardji inkwistjoni; jew

(d) tkun ġiet dikjarata falluta; jew

(e) tkun ġiet misjuba ħatja ta' xi delitt kontra l-fiduċja pubblika, jew ta' serq, jew frodi, jew approprjazzjoni bla jedd, jew li xjentement irċeviet proprjetà miksuba b'serq jew frodi, jew ta' delitt li jaffettwa d-dinjità tal-persuna.";

(f) is-subartikolu (7) tiegħu għandu jiġi sostitwit b' dan is-subartikolu ġdid li ġej:

"(7) Il-Bord għandu jwettaq dawk il-funzjonijiet kif assenjati lilu f'dan it-Titolu u fis-Sub-titolu I A tat-Titolu VI tal-Ewwel Ktieb tal-Kodiċi Ċivili u fi kwalunkwe regolamenti li l-Ministru responsabbli għad-Drittijiet ta' Persuni b'Dizabilità, flimkien mal-Ministru responsabbli għall-Ġustizzja u l-Ministru responsabbli għas-Saħħa jistgħu jagħmlu minn żmien għal żmien.";

Kap. 16.

(g) is-subartikolu (11) tiegħu għandu jiġi sostitwit bis-

subartikolu ġdid li ġej:

"(11) Il-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità għandu jahtar uffiċjali kemm mis-Servizz Pubbliku u kif ukoll mis-settur pubbliku sabiex jaġixxu bħala Reġistratur u Segretarju Amministrattiv tal-Bord, u għandu jipprovdi lill-Bord dawk ir-riżorsi li jista' jkollu bżonn fil-qadi tal-funzjonijiet tiegħu skont dan il-Kodiċi, inklużi riżorsi li jippermettulu li jaċċerta l-użu ta' fond xieraq, u jingagħga s-servizzi ta' persunal klerikali, tax-xogħol soċjali, u kwalunkwe persunal ieħor kif jista' jkun meħtieġ minn żmien għal żmien:

Iżda tali persunal għandu jikkoordina ma' professjonisti li diġà jkunu qed jassistu lil persuni li jidhru quddiem il-Bord, kif u fejn applikabbli, u għandu jopera f'konformità man-normi etiċi u ta' kunflitt ta' interess prevalenti, inkluż billi jirrikuża ruħu minn każijiet partikolari fejn dan ikun meħtieġ."

5. Fis-subartikolu (2) tal-artikolu 519C tal-Kodiċi, il-kelma "kustodju" għandha tiġi sostitwita bil-kliem "persuna ta' appoġġ".

Emenda tal-artikolu 519C tal-Kodiċi.

6. L-artikolu 519D tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 519D tal-Kodiċi.

(a) fin-nota marginali tiegħu, il-kelma "kustodju" għandha tiġi sostitwita bil-kliem "persuna ta' appoġġ";

(b) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Talba għall-ħatra ta' persuna ta' appoġġ għandha ssir permezz ta' rikors lill-Bord għas-Salvagwardji tal-Awtonomija Personali skont l-artikolu 188A tal-Kodiċi Ċivili."

Kap. 16.

7. L-artikolu 519E tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 519E tal-Kodiċi.

"Intervisti u assessjar ta' persuni li fir-rigward tagħhom jintalbu salvagwardji tal-awtonomija personali u l-ħatra ta' persuna ta' appoġġ temporanja.

519E. (1) Il-Bord għandu jordna lill-persuna li fir-rigward tagħha jkunu qegħdin jintalbu s-salvagwardji tal-awtonomija personali tidher quddiemu:

(a) sabiex jintervista lil dik il-persuna; u

(b) sabiex jordna, jekk iħoss li huwa meħtieġ li jiġu identifikati b'mod aktar preċiż it-tip u l-firxa ta' appoġġ meħtieġ mill-persuna kkonċernata, li jsir assessjar olistiku funzjonali u tal-ħtiġijiet ta' dik il-persuna, imwettaq:

(i) bħala valutazzjoni deskrittiva sabiex jinforma aħjar il-proċess tal-ġhoti ta' salvagwardji għall-awtonomija personali skont il-liġi, u mhux għal skop ta' djanjożi jew għal xi skopijiet oħra:

Iżda tali valutazzjoni għandha tiffoka fuq il-kawżi li jwasslu għal sitwazzjonijiet differenti li fir-rigward tagħhom persuna tista' tibbenefika minn salvagwardji għall-awtonomija personali, sabiex tkun tista' tindirizza dawn is-sitwazzjonijiet, mingħajr ma tagħmel kwalunkwe assunzjonijiet dwar il-kapaċitajiet u, jew il-ħiliet funzjonali tal-persuna;

(ii) b'mod adattat għall-età u sensitiv għall-ġeneru;

(iii) b'rispett sħiħ għal karatteristiċi oħra b'effett intersettorjali, inkluż l-isfond kulturali jew reliġjuż ta' persuna;

(iv) minn espert wieħed (1) jew aktar, imqabbda mill-imsemmi Bord fuq bażi *ad hoc* jew aktar fit-tul, inklużi iżda mhux limitatament għal psikologi, counsellors, ħaddiema soċjali u psikjatri, b'għarfien u, jew taħriġ dwar il-bżonnijiet u l-esperjenzi ta' persuni b'dizabilità u, jew ta' persuni anzjani, u dwar identitajiet soċjali differenti, inkluż il-ġeneru, l-età, l-orjentazzjoni sesswali jew l-orġini etnika, li tali persuni jistgħu jkollhom:

Iżda fir-rigward tal-intervista jew tal-valutazzjoni deskritta f'dan is-subartikolu, il-Bord jista', fil-każijiet kollha, bla ħsara għal dawk il-kondizzjonijiet li jidhirlu xierqa, jahtar persuna ta' appoġġ temporanja sabiex taġixxi bhala persuna ta' appoġġ għal tali persuna, waqt li jkunu pendenti l-proċeduri quddiem il-Bord:

Iżda wkoll il-ħatra ta' tali persuna ta' appoġġ temporanja ma għandha, fl-ebda każ, teċċedi l-perjodu ta' sitta u għoxrin (26) ġimgħa, f'liema perjodu l-Bord għandu jiddeċiedi jekk għandux isir Ordni għas-Salvagwardja tal-Awtonomija Personali.

(2) Għall-fini tad-deliberazzjonijiet imsemmija fis-subartikolu (1), il-Bord għandu, fejn ic-ċirkostanzi hekk jirrikjedu, iżomm seduti jew iwettaq assessjar *in faciem loci* f'dawk il-postijiet li huwa jista' jiddetermina.

(3) Meta l-Bord iqis li l-interessi tal-gustizzja hekk jirrikjedu, huwa għandu jahtar avukat tal-għajnuna legali sabiex jassisti lill-persuna li fir-rigward tagħha tkun qiegħda tiġi kkunsidrata talba għas-salvagwardji tal-awtonomija personali.

(4) Il-Ministru, flimkien mal-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità, jistgħu jagħmlu regolamenti fir-rigward tal-valutazzjonijiet li ssir referenza għalihom fl-artikolu 519E(1)(b)."

8. L-artikolu 519F tal-Kodiċi għandu jiġi sostitwit b' dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 519F tal-Kodiċi.

"Ħatra ta' persuna ta' appoġġ.

519F. (1) Jekk il-Bord jidhirlu li hemm raġuni tajba għall-ħatra ta' persuna ta' appoġġ, huwa għandu jipproċedi b'din il-ħatra permezz ta' hruġ ta' ordni li għandu jkun magħruf bhala Ordni għas-Salvagwardja tal-Awtonomija Personali:

Iżda għandha dejjem tingħata preferenza lil persuna ta' appoġġ proposta u, jew aċċettata mill-persuna li tingħata salvagwardji tal-awtonomija personali, wara li tali persuna tkun ingħatat, fir-rigward tal-espressjoni tar-rieda u l-preferenzi tagħha, miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli, sakemm tali persuna ta' appoġġ tissodisfa l-kriterji ta' eliġibbiltà fl-artikolu 519G(1), u soġġett għall-kondizzjonijiet fl-artikolu 519G(2):

Iżda wkoll jekk tali persuna li tingħata salvagwardji tal-awtonomija personali ma taqbilx mal-għażla finali tal-Bord ta' persuna ta' appoġġ, tali persuna tista' tagħmel rikors skont l-artikolu 519L(1), skont ir-rekwiżiti ta' dik id-dispożizzjoni.

(2) Persuna maħtura bħala persuna ta' appoġġ skont Ordni għas-Salvagwardja tal-Awtonomija Personali għandha taġixxi skont il-kontenut ta' tali Ordni sabiex twettaq il-funzjonijiet, l-obbligi u d-dmirijiet kollha rilevanti pprovduti fir-rigward ta' persuni ta' appoġġ skont is-Sub-titolu I A tat-Titolu VI tal-Ewwel Ktieb tal-Kodiċi Ċivili u skont dan it-Titolu:

Kap. 16.

Kap. 16.

Iżda bla ħsara għall-istrumenti msemmija fl-artikolu 188A(5) tal-Kodiċi Ċivili, u għall-mandati msemmija fl-artikolu 1864A tal-Kodiċi Ċivili, kwalunkwe mandati jew poteri ta' rappreżentazzjoni li għalihom il-persuna mogħtija salvagwardji tkun jew il-mandant jew il-prinċipal, jew inkella l-mandatarju jew ir-rappreżentant, u kwalunkwe ftehim, kemm jekk pubbliku jew privat, li jorbot lil tali persuna, b'kwalunkwe tali mandat, poteri jew ftehim li jkunu ġew konkluzi qabel il-ħruġ tal-Ordni għas-Salvagwardja tal-Awtonomija Personali inkwistjoni, ma għandhomx jiġu affettwati minn tali Ordni, sakemm ma jkunx hemm stipulazzjoni rigward xi strument speċifiku wieħed (1) jew aktar ta' tali natura f'tali Ordni, u suġġett għal kwalunkwe stipulazzjonijiet li jinsabu fi kwalunkwe dispożizzjoni li tinsab f'kwalunkwe tali strument, jew f'kwalunkwe liġi f'kull waqt fis-seħħ.

(3) Fid-determinazzjoni dwar jekk persuna għandhiex tingħata salvagwardja tal-awtonomija personali jew le, il-Bord għandu jikkunsidra l-ħtiġijiet tal-persuna li fir-rigward tagħha tkun qiegħda tiġi kkunsidrata s-salvagwardja, sabiex jiżgura li s-salvagwardja jkunu proporzjonati u adattati għaċ-ċirkostanzi ta' dik il-persuna, filwaqt li jirrispetta d-drittijiet, ir-rieda u l-preferenzi tal-persuna, u jiżgura li dawn is-salvagwardji jiġu applikati b'tali mod li tiġi evitata influwenza mhux dovuta fuq tali persuna.

(4) Meta l-Bord jahtar persuna ta' appoġġ wara l-ħruġ ta' Ordni għas-Salvagwardja tal-Awtonomija Personali, huwa għandu jordna wkoll li tinzamm seduta għar-reviżjoni tal-Ordni fi żmien stipulat, li ma għandux ikun ta' aktar minn sentejn (2), kif jista' jiġi stipulat fl-Ordni, u sussugewentement wara kull tali perjodu, b'dak il-perjodu jkun jista' jiġi varjat mill-Bord matul kwalunkwe minn dawn is-seduti:

Kap. 16.

Iżda l-Bord jista' fi kwalunkwe waqt jew fuq mozzjoni tiegħu stess jew wara rikors ta' kwalunkwe persuna msemmija fl-artikolu 188A(3) tal-Kodiċi Ċivili jzomm seduta għar-reviżjoni tal-Ordni għas-Salvagwardja tal-Awtonomija Personali.

(5) Il-Bord għandu permezz tar-Registratur tiegħu jinnotifika lir-Registratur tal-Qorti ta' Ġurisdizzjoni Volontarja dwar l-Ordnijiet kollha għas-Salvagwardja tal-Awtonomija Personali approvati jew revokati.

(6) Ir-Registratur tal-Bord għandu jzomm registru aġġornat tal-Ordnijiet għas-Salvagwardja tal-Awtonomija Personali kollha approvati jew revokati u l-kondizzjonijiet tagħhom.

(7) L-ebda informazzjoni meħuda mir-registru msemmi fis-subartikolu (6) ma tista' tingħata mir-Registratur, kemm-il darba l-Bord ma jkunx aċċerta l-interess legittimu tal-persuna li tkun qiegħda titlob din l-informazzjoni."

9. L-artikolu 519G tal-Kodiċi għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 519G tal-Kodiċi.

"Persuni eliġibbli bhala persuni ta' appoġġ.

519G.(1) Il-Bord jista' jahtar bhala persuna ta' appoġġ kwalunkwe persuna li tkun għalqet l-età ta' tmintax (18)-il sena, tkun ordinarjament residenti f' Malta u tagħti l-kunsens tagħha sabiex taġixxi bhala tali, jekk il-Bord ikun sodisfatt li dik il-persuna:

Kap. 16.

(a) tkun f'pożizzjoni li tkun tista' twettaq il-funzjonijiet, l-obbligi u d-dmirijiet kollha pprovduti fir-rigward ta' persuni ta' appoġġ taħt is-Sub-titolu I A tat-Titolu VI tal-Ewwel Ktieb tal-Kodiċi Ċivili u taħt dan it-Titolu; u

(b) taġixxi skont id-drittijiet, ir-rieda u l-preferenzi tal-persuna li tingħata s-salvagwardji tal-awtonomija personali:

(i) wara li l-persuna ta' appoġġ tkun għamlet sforzi reali, konsiderevoli u pertinenti sabiex tikseb espressjoni ta' rieda mill-persuna u taċċerta l-preferenzi tal-persuna li qiegħda tingħata l-imsemmija salvagwardji, wara li tkun ipprovditilha miżuri disponibbli rilevanti li jiżguraw l-aċċessibilità u akkomodazzjoni raġonevoli; jew

(ii) alternattivament billi taġmel l-aħjar interpretazzjoni tar-rieda u tal-preferenzi tal-persuna, kull meta jkun impossibbli illi tinkiseb tali espressjoni ta' rieda u li jiġu aċċertati tali preferenzi, wara li l-persuna ta' appoġġ tkun għamlet l-isforzi kollha rilevanti hawn fuq deskritti:

Iżda fi kwalunkwe minn dawn l-istanzi, il-persuna ta' appoġġ għandha żżomm rekord tal-passi meħuda sabiex jiġu aċċertati tali rieda u preferenzi u l-elementi li tkun segwiet, inklużi l-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-persuna li tkun qiegħda tingħata s-salvagwardji, u taġmel tali rekord disponibbli għall-Bord u għal persuni b'interess legittimu, u għandha taġixxi b' dan il-mod meta:

(a) l-għoti tas-salvagwardji tal-awtonomija personali jkun meħtieġ għall-eżerċizzju u l-protezzjoni tad-drittijiet tal-persuna illi tkun sejra tingħata tali salvagwardji;

(b) mingħajr ma teżerċita xi influwenza mhux dovuta fuq il-persuna; u

(ċ) ma tkunx f'pożizzjoni fejn l-interessi tagħha jkunu f'kunflitt jew jistgħu jkunu f'kunflitt mal-interessi tal-persuna li tingħata s-salvagwardji tal-awtonomija personali, u, minbarra l-possibilità illi l-Bord iqajjem din il-kwistjoni *ex officio*, tali interess jista' wkoll jiġi kkomunikat lill-Bord hekk kif ikun magħruf jew jiġi suspettat li jeżisti, mill-persuna ta' appoġġ stess, jew minn kwalunkwe parti oħra:

Iżda determinazzjoni finali fir-rigward ta' kunflitt attwali jew potenzjali, u speċifikament dwar jekk dan ma għandux jivvizzja arrangament ta' appoġġ ġdid, jew inkella l-kontinwazzjoni tal-persuna ta' appoġġ eżistenti fir-rwol tagħha, għandu jinkombi fuq il-Bord; u

(d) ma tkunx Ministru, Segretarju Parlamentari, Membru tal-Kamra tad-Deputati, Sindku jew Kunsillier f'Kunsill Lokali, ħlief jekk il-Bord jiddeċiedi illi għandha ssir eċċezzjoni fid-dawl taċ-ċirkostanzi marbutin mal-każ partikolari; u

(e) ma tkunx legalment interdetta, jew ma tkunx legalment inabilitata sal-punt li tali inabilitazzjoni tippreveniha milli tipprovdi l-appoġġ meħtieġ mill-persuna li fir-rigward tagħha jkunu ntalbu s-salvagwardji tal-awtonomija personali; u

(f) ma tkunx persuna illi filwaqt li hija stess tkun ġiet akkordata salvagwardji tal-awtonomija personali, ma tkunx meqjusa mill-Bord bħala persuna li ma tkunx fil-pożizzjoni li tkun tista' tipprovdi l-appoġġ meħtieġ mill-persuna li fir-rigward tagħha jkunu ntalbu s-salvagwardji tal-awtonomija personali; u

(g) ma tkunx ġiet dikjarata falluta, kemm-il darba l-persuna ta' appoġġ tkun rikjesta li tipprovdi appoġġ fir-rigward ta' kwistjonijiet finanzjarji u, jew amministrazzjoni ta' proprjetà; u

(h) ma tkunx instabet hatja ta' xi reat kontra l-fiduċja pubblika, jew ta' serq, jew frodi, jew approprjazzjoni bla jedd, jew li xjentement irċeviet proprjetà miksuba b'serq jew frodi, jew ta' reat li jaffettwa d-dinjità tal-persuna:

Iżda l-Bord jista' jahtar persuni ta' appoġġ kongunti għall-persuna li tkun qiegħda tingħata s-salvagwardji tal-awtonomija personali, b' kull waħda minnhom ikollha twettaq dawk il-funzjonijiet, obbligi u dmirijiet li l-Bord jista' jiddetermina.

(2) Fid-determinazzjoni dwar jekk persuna hijiex adatta sabiex taġixxi bħala persuna ta' appoġġ fir-rigward ta' persuna li tkun qiegħda tingħata s-salvagwardji tal-awtonomija personali, il-Bord għandu jaġixxi b'mod li jirrispetta d-drittijiet, ir-rieda u l-preferenzi tal-persuna nnifisha, filwaqt li jieħu kont tax-xewqa li jigu ppreservati r-relazzjonijiet familjari u soċjali eżistenti u l-kompatibilità tal-persuna proposta bħala persuna ta' appoġġ, mal-persuna li tkun qiegħda tingħata s-salvagwardji tal-awtonomija personali.

(3) Persuna ta' appoġġ għandha tkun intitolata li tirċievi miżata, remunerazzjoni jew kumpens ieħor talli taġixxi f'din il-kapaċità jekk il-Bord jiddeċiedi dwar dan, u jindika speċifikament fl-ordni li jahtar il-persuna ta' appoġġ.

(4) Meta jkun jidher lill-Bord li persuna ta' appoġġ proposta, anke jekk temporanja, jew persuna mahtura sabiex taġixxi bħala persuna ta' appoġġ ma tissodisfax ir-rekwiżiti tas-subartikolu (1), il-Bord jista' jahtar kwalunkwe persuna oħra adatta sabiex taġixxi bħala persuna ta' appoġġ.

(5) Il-Bord jista' wkoll jordna s-sostituzzjoni ta' persuna ta' appoġġ fi kwalunkwe waqt matul it-terminu ta' Ordni għas-Salvagwardja tal-Awtonomija Personali, jekk xi persuna elenkata fl-artikolu 188A(3) tal-Kodiċi Ċivili tqajjem tħassib quddiem il-Bord dwar jekk il-persuna ta' appoġġ tissodisfax xi wieħed (1) jew aktar mill-kriterji ta' adegwatezza skont dan l-artikolu, u l-Bord, wara li jeżamina l-kwistjoni, jiddeċiedi li tali tħassib huwa ġustifikat, f'liema każ il-proċedura prevista fl-artikolu 188A(3) tal-Kodiċi Ċivili għandha tiġi segwita meta ssir dik is-sostituzzjoni, soġġetta, fi kwalunkwe waqt, għad-dispożizzjonijiet tas-subartikolu (4):

Iżda sakemm issir tali haħtra ġdida, persuna ta' appoġġ temporanja tista' tiġi appuntata mill-Bord, skont il-proċedura deskritta fl-artikolu 519E."

Kap. 16.

artikolu ġdid li ġejj:

"Hatra ta' persuni ta' appoġġ minn fost grupp identifikat mill-Istat.

519GA.(1) Il-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità għandu jahtar grupp ta' persuni ta' appoġġ kif jista' jidhirlu li huwa xieraq, li jikkonsisti *inter alia*, f'avukati, prokuraturi legali, professjonisti tas-saħħa u tal-kura soċjali inkluż ħaddiema soċjali u terapisti okkupazzjonali u esperti oħra, kif ukoll l-Uffiċjal Kap Eżekuttiv tal-Aġenzija li toffri Sapport lill-Vittmi jew ir-rappreżentati tiegħu, sabiex jaqdu d-dmirijiet ta' persuni ta' appoġġ:

Iżda tali persuni għandhom ikollhom għarfien u, jew taħriġ dwar il-bżonnijiet u l-esperjenzi ta' persuni b'diżabilità u, jew ta' persuni anzjani, u dwar identitajiet soċjali differenti, inkluż il-ġeneru, l-età, l-orjentazzjoni sesswali jew l-oriġini etnika, li dawn il-persuni jistgħu jkollhom:

Iżda wkoll ir-rakkomandazzjonijiet dwar membri possibbli tal-grupp jistgħu isiru lill-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità, għall-kunsiderazzjoni ta' dan il-Ministru, minn attivisti li jaħdmu fil-qasam tad-drittijiet tal-bniedem, kif ukoll minn organizzazzjonijiet li jirrappreżentaw tali attivisti, inklużi attivisti u organizzazzjonijiet li jaħdmu fuq id-drittijiet ta' persuni b'diżabilità u ta' persuni anzjani.

(2) Elenku tal-membri mahtura kif hawn fuq imsemmi għandu jiġi ppubblikat fil-Gazzetta.

(3) Il-Bord għandu jaċċerta li persuna ta' appoġġ mahtura skont id-dispożizzjonijiet ta' dan l-artikolu tkun adatta għall-ħtiġijiet tat-talba partikolari għas-salvagwardja tal-awtonomija personali li fir-rigward tagħha ssir dik il-ħatra.

(4) Id-dispożizzjonijiet tal-artikoli 519F, 519G (1), (2), (4) u (5), 519H, 519I u 519J dwar il-funzjonijiet, id-dmirijiet u r-responsabilitajiet ta' persuni ta' appoġġ għandhom *mutatis mutandis* japplikaw għall-persuni tal-appoġġ li jinsabu fil-grupp tal-persuni ta' appoġġ tal-Istat.

(5) Persuna ta' appoġġ mahtura skont id-dispożizzjonijiet ta' dan l-artikolu għandha tkun intitolata għal dik ir-rimunerazzjoni illi l-Bord jispeċifika fl-ordni li biha dik il-persuna tiġi mahtura bħala persuna ta' appoġġ, b'tali rimunerazzjoni għandha tittiehed mill-patrimonju tal-persuna mogħtija s-salvagwardji tal-awtonomija personali, jew inkella ffinanzjata mill-Istat.

(6) F'każ ta' mgiba hazina, negligenza jew kwalunkwe oġġezzjoni raġonevoli għall-persuna magħżula sabiex twettaq id-dmirijiet ta' persuna ta' appoġġ, il-Bord għandu jkollu s-setgħa li jnehħiha mill-każ u li jahtar persuna oħra ta' appoġġ mill-elenku minflokha:

Iżda tali azzjonijiet meħuda mill-Bord għandhom ikunu mingħajr preġudizzju għal kwalunkwe azzjonijiet oħra ċivili jew kriminali disponibbli fil-liġi u li l-Bord jista' jikkunsidra bhala adattati sabiex jipprevalixxi ruħu minnhom fir-rigward tal-persuna ta' appoġġ, fid-dawl ta' ċirkostanzi speċifiċi tal-każ."

Sostituzzjoni tal-artikolu 519H tal-Kodiċi.

11. L-artikolu 519H tal-Kodiċi għandu jiġi sostitwit b' dan l-artikolu ġdid li ġej:

"Meta l-Ordni għas-Salvagwardja tal-Awtonomija Personali jinkludi l-amministrazzjoni tal-proprjeta'.

519H. (1) Persuna ta' appoġġ li tkun awtorizzata f'Ordni għas-Salvagwardja tal-Awtonomija Personali sabiex tkun ta' appoġġ fl-amministrazzjoni ta' flejjes jew proprjeta' oħra ta' persuna mogħtija salvagwardji tal-awtonomija personali, għandha fi żmien xahrejn (2) mill-ħatra tagħha tissottometti lill-Bord lista tal-attiv u l-passiv li jirrizultalha, tal-persuna mogħtija salvagwardji tal-awtonomija personali, li jkun hemm fid-data tal-ħruġ tal-Ordni għas-Salvagwardja tal-Awtonomija Personali:

Iżda meta tali ordni jkun jinkludi l-amministrazzjoni ta' flejjes jew proprjeta' oħra, il-Bord jista' jordna lill-persuna li huwa jkun sejjer jahtar bhala persuna ta' appoġġ, sabiex tobligha ruħha, b'ipoteka ta' hwejjigħa limitata għal somma fissa li tikkorrispondi għal mhux iktar mill-valur totali ta' tali flejjes jew proprjeta' oħra, u sabiex issostni fedelment u onestament l-amministrazzjoni ta' flejjes jew proprjeta' oħra tal-persuna mogħtija s-salvagwardji tal-awtonomija personali.

(2) Persuna ta' appoġġ li tkun ta' appoġġ billi tirċievi flejjes jew proprjeta' oħra dovuti lill-persuna mogħtija salvagwardji tal-awtonomija personali għandha żżomm kontijiet ta' pagament u rekords separati, inkluż rendikonti tad-dhul u spejjeż, fir-rigward ta' dawk il-flejjes jew proprjeta' oħra:

Iżda għall-finijiet ta' dan is-subartikolu, it-terminu "kontijiet ta' pagament" għandu jkollu l-istess tifsira mogħtija fis-subartikolu (1) tal-artikolu 2 tal-Att dwar Istituzzjonijiet Finanzjarji.

(3) Persuna ta' appoġġ għandha tinnotifika u tfitteż l-approvazzjoni minn qabel tal-Bord fir-rigward ta' kwalunkwe trasferiment ta', jew impożizzjoni ta' piż fuq proprjetà li tappartjeni lil persuna mogħtija s-salvagwardji tal-awtonomija personali, meta Ordni għas-Salvagwardja tal-Awtonomija Personali partikolari jipprevedi rwol għall-persuna ta' appoġġ fi tranżazzjonijiet ta' din in-natura:

Iżda kwalunkwe trasferiment ta', jew impożizzjoni ta' piż fuq kwalunkwe proprjetà li tappartjeni lill-persuna mogħtija s-salvagwardji tal-awtonomija personali u magħmula bi ksur tad-dispożizzjonijiet ta' dan is-subartikolu għandhom ikunu nulli u bla effett, u jekk il-persuna ta' appoġġ ma twettaqx, fi żmien raġonevoli, l-azzjonijiet kollha meħtieġa sabiex tregġa' lura l-effetti kollha ta' tali trasferiment jew impożizzjoni, wara ordni f'dan ir-rigward maħruġ mill-Bord, il-Bord għandu jipproċedi sabiex jittermina l-ħatra tal-persuna ta' appoġġ, u jibda l-proċeduri sabiex tinħatar persuna ta' appoġġ ġdida, b'tali persuna ta' appoġġ ġdida timpenja ruħha wkoll illi tiskatta dawk il-proċeduri kollha meħtieġa bl-iskop illi jiġu mregġa' lura l-effetti kollha ta' tali trasferiment jew impożizzjoni:

Iżda wkoll dan is-subartikolu bl-ebda mod ma għandu jinftiehem illi jillimita s-setgħat tal-persuna ta' appoġġ sabiex tipprovi l-appoġġ tagħha għall-provvista tal-ħtiġijiet personali ordinarji tal-persuna mogħtija salvagwardji tal-awtonomija personali.

(4) Fir-rigward tal-Ordni għas-Salvagwardja tal-Awtonomija Personali, persuna ta' appoġġ għandha wkoll tissottometti lill-Bord rendikont tad-dhul u spejjeż, ikkonfermat bil-ġurament:

- (a) kull sena; u
- (b) mar-revoka jew terminazzjoni oħra ta' Ordni għas-Salvagwardja tal-Awtonomija Personali; jew
- (ċ) mat-terminazzjoni ta' Ordni għas-Salvagwardja tal-Awtonomija Personali temporanju:

Kap. 16.

Iżda jekk il-Bord ikollu thassib, jew jekk jingieb għall-attenzjoni tal-Bord minn xi persuna elenkati fl-artikolu 188A(3) tal-Kodiċi Ċivili, illi fil-ġestjoni ta' kwalunkwe aspetti ta' amministrazzjoni rifless f'tali rendikont, l-azzjonijiet tal-persuna ta' appoġġ ikunu marru kontra d-drittijiet, ir-rieda jew il-preferenzi tal-persuna li ngħatat is-salvagwardji u, jew li tkun kisret in-normi etiċi mistennija minn u, jew obbligi legali li jinkombu fuq kwalunkwe persuna mogħtija tali responsabbiltajiet amministrattivi, il-Bord għandu jġiegħel lill-persuna ta' appoġġ tidher quddiemu, sabiex jingħataw kjarifiki, u jekk il-Bord jiddeċiedi li tali azzjonijiet ikunu fil-fatt marru manifestament kontra tali drittijiet, rieda jew preferenzi u, jew normi etiċi u, jew obbligi legali, joħroġ ordni fejn jirrikjedi li l-persuna ta' appoġġ, fi żmien raġonevoli, tieħu dawk l-azzjonijiet kollha neċessarji sabiex treġġa' lura l-effetti kollha tal-imsemmija azzjonijiet preċedenti, u jekk il-persuna ta' appoġġ ma timxix ma' tali ordni, il-Bord għandu jipproċedi sabiex jitermina l-ħatra tal-persuna ta' appoġġ, u jibda l-proċeduri sabiex tinħatar persuna ta' appoġġ ġdida, b' tali persuna ta' appoġġ ġdida tkun inkarigata wkoll illi tieħu dawk l-azzjonijiet kollha neċessarji bl-iskop illi jiġu mreġġa' lura l-effetti kollha tal-imsemmija azzjonijiet preċedenti.

(5) Fi żmien tleTTax (13)-il ġimgħa mill-mewt tal-persuna mogħtija salvagwardji tal-awtonomija personali, il-persuna ta' appoġġ għandha ttipprovdi lill-Bord rapport dettaljat dwar l-amministrazzjoni tal-attiv tal-persuna mogħtija s-salvagwardji tal-awtonomija personali, inkluż id-dħul, l-ispejjeż u l-amministrazzjoni tal-proprjetà u, fejn rilevanti, l-ispejjeż tal-funeral u d-difna:

Kap. 16.

Iżda jekk il-Bord ikollu thassib illi, jew jekk jingieb għall-attenzjoni tal-Bord minn xi persuna elenkati fl-artikolu 188A(3) tal-Kodiċi Ċivili, fil-geštjoni ta' kwalunkwe aspejt ta' amministrazzjoni rifless f'tali rapport, li waqt il-ħajja tal-persuna illi kienet mogħtija s-salvagwardji tal-awtonomija personali, l-azzjonijiet tal-persuna ta' appoġġ ikunu marru kontra d-drittijiet, ir-rieda jew il-preferenzi tal-persuna li nġhatat is-salvagwardji u, jew li tkun kisret in-normi etiċi mistennija minn u, jew obbligi legali li jinkombu fuq kwalunkwe persuna mogħtija tali responsabbiltajiet amministrattivi, il-Bord għandu jġieghel lill-persuna ta' appoġġ tidher quddiemu, sabiex jingħataw kjarifiki, u jekk il-Bord jiddeċiedi li tali azzjonijiet ikunu fil-fatt marru manifestament kontra tali drittijiet, rieda jew preferenzi u, jew normi etiċi u, jew obbligi legali, joħroġ ordni fejn jirrikjedi li l-persuna ta' appoġġ, fi żmien raġonevoli, tieħu dawk l-azzjonijiet kollha neċessarji sabiex tregġa' lura l-effetti kollha tal-imsemmija azzjonijiet preċedenti b'rabta mal-patrimonju tal-persuna deċeduta illi kienet mogħtija s-salvagwardji tal-awtonomija personali, u jekk il-persuna ta' appoġġ ma timxix ma' tali ordni, il-Bord għandu jipproċedi sabiex jittermina l-ħatra tal-persuna ta' appoġġ, u jibda l-proċeduri sabiex tinħatar persuna ta' appoġġ ġdida, b' tali persuna ta' appoġġ ġdida tkun inkarigata wkoll illi tieħu dawk l-azzjonijiet kollha neċessarji bl-iskop illi jiġu mregġa' lura l-effetti kollha tal-imsemmija azzjonijiet preċedenti.

(6) Kwalunkwe persuna interessata bħala kreditur, benefiċjarju, membru tal-familja, jew li tkun xort'oħra interessata fi kwalunkwe flejjes jew proprjetà oħra li fl-amministrazzjoni tagħhom tkun involuta persuna ta' appoġġ, tista' tagħmel rikors lill-Bord sabiex tintervjeni u tagħti l-parir tagħha dwar kwalunkwe ordni idoneju fiċ-ċirkostanzi fir-rigward ta' kwalunkwe kwistjoni li toħroġ mill-amministrazzjoni tal-imsemmija flejjes jew proprjetà li fiha l-persuna ta' appoġġ hija involuta, u l-Bord, wara li jkun sema' lill-persuna ta' appoġġ u lill-persuna mogħtija s-salvagwardji tal-awtonomija personali, jista' jagħti dak l-ordni fir-rigward ta' tali rikors kif jirrikjedu ċ-ċirkostanzi tal-każ."

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Sostituzzjoni
tal-artikolu 519I
tal-Kodiċi.

12. L-artikolu 519I tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Persuna ta' appoġġ tista' titlob lill-Bord għall-parir.

519I. (1) Persuna ta' appoġġ tista' titlob il-parir tal-Bord dwar kwalunkwe kwistjoni relatata mal-Ordni għas-Salvagwardja tal-Awtonomija Personali jew l-eżerċizzju ta' kwalunkwe waħda mill-funzjonijiet, l-obbligi u d-dmirijiet tal-persuna ta' appoġġ skont l-Ordni għas-Salvagwardja tal-Awtonomija Personali.

(2) Il-Bord għandu jordna li t-talba skont is-subartikolu (1) tiġi notifikata lil kwalunkwe persuna li l-Bord jiddeċiedi.

(3) Il-Bord jista':

(a) japprova jew le kwalunkwe att propost li jsir mill-persuna ta' appoġġ;

(b) jagħti kwalunkwe parir li jqis xieraq;

(c) jagħmel kwalunkwe ordni jew deċiżjoni li jqis meħtieġa jew jemenda jew jirrevoka l-Ordni għas-Salvagwardja tal-Awtonomija Personali.

(4) Ma għandhom jittiehdu l-ebda proċeduri legali kontra persuna ta' appoġġ fir-rigward ta' xi att jew kwalunkwe għemil imwettaq jew li naqas milli jitwettaq mill-persuna ta' appoġġ taħt xi ordni jew parir mogħti, jew deċiżjoni magħmula mill-Bord, skont dan l-artikolu, sakemm fil-prezentazzjoni tal-fatti lill-Bord, ma jirriżultax li l-persuna ta' appoġġ tkun aġixxiet b'mod frawdolenti, jew tkun xjentement ħbiet jew fissret hażin il-fatti."

Sostituzzjoni
tal-artikolu 519J
tal-Kodiċi.

13. L-artikolu 519J tal-Kodiċi għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Revoka ta' Ordni għas-Salvagwardja tal-Awtonomija Personali.
Kap. 16.

519J. (1) Kwalunkwe persuna msemmija fl-artikolu 188A(3) tal-Kodiċi Ċivili tista', permezz ta' rikors, titlob lill-Bord sabiex jirrevoka Ordni għas-Salvagwardja tal-Awtonomija Personali u l-Bord, wara konsiderazzjoni xierqa, jista' jirrevoka l-imsemmi Ordni jekk il-Bord jistabbilixxi li:

(a) l-kawża li tat lok għall-Ordni għas-Salvagwardja tal-Awtonomija Personali ma għadhiex teżisti; jew

(b) jkun hemm raġuni tajba u suffiċjenti sabiex dan l-Ordni għas-Salvagwardja tal-Awtonomija Personali jiġi revokat.

(2) Meta persuna mogħtija s-salvagwardji tal-awtonomija personali tmut, il-persuna ta' appoġġ għandha tirrapporta l-mewt lill-Bord fi żmien li ma għandux ikun ta' aktar minn massimu ta' ġimgħa mill-mewt tal-persuna li tagħha kienet il-persuna ta' appoġġ."

14. L-artikolu 519K tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 519K tal-Kodiċi.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"519K.(1) Jekk il-Bord jirċievi informazzjoni, minn xi persuna jew entità, li persuna mogħtija s-salvagwardji tal-awtonomija personali qiegħda taffaċja ostakli serji fl-eżerċizzju tad-drittijiet, rieda jew preferenzi tagħha, jew qiegħda ssofri minn ħsara kbira għas-saħħa fiżika, emozzjonali, mentali jew il-benesseri tagħha bħala konsegwenza ta' trattament ħażin, abbuż jew negliġenza, il-Bord jista' jahtar persuna waħda (1) jew aktar sabiex iżuru l-persuna mogħtija s-salvagwardji tal-awtonomija personali għall-fini ta' investigazzjoni tal-każ u t-thejjija ta' rapport lill-Bord dwar is-sitwazzjoni ta' dik il-persuna mogħtija s-salvagwardji tal-awtonomija personali. Tali rapport għandu jsir lill-Bord fi żmien erbat (4) ijiem jew f'dak il-limitu ta' żmien kif jista' jiġi stipulat fl-ordni:

Iżda l-Bord, jekk u meta jidhirlu li jkun xieraq, jista' jitlob li din l-informazzjoni tiġi kkonfermata bil-ġurament."

(b) fis-subartikolu (4) tiegħu, il-kliem "persuna b'dizabilità jew dizordni mentali" għandhom jiġu sostitwiti bil-kliem "persuna mogħtija s-salvagwardji tal-awtonomija personali".

15. Is-subartikolu (1) tal-artikolu 519L tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda tal-artikolu 519L tal-Kodiċi.

"(1) Kwalunkwe persuna, inkluż persuna li dwarha jkunu ttieħdu proċeduri dwar salvagwardji tal-awtonomija personali, u li tħoss ruħha aggravata minn deċiżjoni tal-Bord tista' tappella permezz ta' rikors mill-istess deċiżjoni lill-Qorti ta' Ġurisdizzjoni Volontarja:

Iżda f'każ ta' azzjoni mressqa minn persuna li dwarha jkunu ttieħdu proċeduri dwar salvagwardji tal-awtonomija

personali, fejn dik il-persuna tkun inkapaċi, skont kwalunkwe dispożizzjoni tal-liġi, li tħarreġ jew tiġi mħarrka, dik l-azzjoni tkun tista' tinbeda minn dik il-persuna minkejja dik l-inkapaċità, u l-persuna għandha tingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli."

Sostituzzjoni tal-artikolu 519M tal-Kodiċi.

16. L-artikolu 519M tal-Kodiċi għandu jiġi sostitwit b'dan l-artikolu l-gdid li ġej:

Kap. 16. "519M.(1) Kwalunkwe persuna msemmija fl-artikolu 188A tal-Kodiċi Ċivili tista' titlob lill-Qorti ta' Ġurisdizzjoni Volontarja sabiex tirrevoka ordni ta' interdizzjoni jew ta' inabilitazzjoni wara li jkunu saru sforzi b'suċċess sabiex minflok jinħareġ Ordni għas-Salvagwardja tal-Awtonomija Personali, u l-imsemmija Qorti għandha tirreferi l-materja lill-Bord għas-Salvagwardja tal-Awtonomija Personali f'kull tali istanza:

Iżda f'każ ta' azzjoni mressqa minn persuna soġġetta għal digriet ta' interdizzjoni jew ta' inabilitazzjoni, fejn tali persuna tkun inkapaċi, skont kwalunkwe dispożizzjoni tal-liġi, li tħarreġ jew tiġi mħarrka, dik l-azzjoni tkun tista' tinbeda minn dik il-persuna minkejja dik l-inkapaċità, u l-persuna għandha tingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli.

(2) Meta l-Bord jikkunsidra li hemm raġunijiet suffiċjenti sabiex issir il-bidla msemmija fis-subartikolu (1), il-Bord għandu joħroġ Ordni għas-Salvagwardja tal-Awtonomija Personali u għandu javża b'dan lill-Qorti, biex din tipproċedi sabiex tirrevoka l-interdizzjoni jew l-inabilitazzjoni inkwistjoni."

(3) Il-Ministru responsabbli għall-Ġustizzja jista' permezz ta' regolamenti skont dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jiġihallu fir-reġistru tal-qradi fir-rigward tal-preżentata ta' atti ġudizzjarji fil-kuntest ta' kwalunkwe proċedura skont dan l-artikolu:

Kap. 12. Iżda sakemm tali drittijiet ikunu stabbiliti, għandhom japplikaw id-drittijiet li jinsabu fl-Iskeda A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Emenda tal-artikolu 519N tal-Kodiċi.

17. L-artikolu 519N tal-Kodiċi għandu jiġi emendat kif ġej:

(a) il-kliem "Ministru responsabbli għall-Politika Soċjali" għandhom jiġu sostitwiti bil-kliem "Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità";

(b) fil-paragrafu (b) tiegħu, il-kliem "Ordnijiet ta' Kustodja" għandhom jiġu sostitwiti bil-kliem "Ordnijiet għas-Salvagwardja tal-Awtonomija Personali";

(ċ) fil-paragrafu (e) tiegħu, il-kliem "Ordnijiet ta' Kustodja" għandhom jiġu sostitwiti bil-kliem "Ordnijiet għas-Salvagwardja tal-Awtonomija Personali".

18. Minnufih wara l-artikolu 519N tal-Kodiċi għandhom jiġu miżjuda l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda tal-Kodiċi.

"Dispożizzjonijiet tranżitorji dwar Ordnijiet ta' Kustodja. Att Nru ___ tal-2026.

519O. (1) Ordnijiet ta' Kustodja maħruġa qabel id-dhul fis-seħħ tal-artikolu 8 tal-Att tal-2026 li jemenda Diversi Liġijiet fir-rigward tal-Awtonomija Personali, għandhom ikomplu fis-seħħ sal-iskadenza ta' tali Ordnijiet ta' Kustodja wara d-dhul fis-seħħ ta' tali artikolu.

(2) Tali Ordnijiet ta' Kustodja għandhom jiġu konvertiti f'Ordnijiet għas-Salvagwardja tal-Awtonomija Personali, jekk it-tigdid ta' tali Ordnijiet ta' Kustodja jkun mitlub u aċċettat, u l-proċedura fl-artikolu 519F(4) għandha tiġi segwita sabiex jiġu evalwati tali talbiet.

Att Nru ___ tal-2026.

(3) Kwalunkwe applikazzjoni għal Ordni ta' Kustodja, sottomessa skont l-artikolu 519F(1) qabel l-emenda tal-imsemmi subartikolu permezz tal-artikolu 8 tal-Att tal-2026 li jemenda Diversi Liġijiet fir-rigward tal-Awtonomija Personali, u li tkun għadha pendenti fil-waqt tad-dhul fis-seħħ ta' dak l-artikolu, għandha tkompli tiġi evalwata skont id-dispożizzjonijiet tal-artikolu 519F(4) qabel l-emenda tiegħu bl-imsemmi Att.

Att Nru ___ tal-2026.

(4) Jekk tali applikazzjoni għal Ordni ta' Kustodja tiġi milqugħa, l-artikoli 519A sa 519L, qabel l-emenda ta' dawn l-artikoli permezz tal-artikoli 4 sa 15 tal-Att tal-2026 li jemenda Diversi Liġijiet fir-rigward tal-Awtonomija Personali, u l-artikoli 188A sa 188Ċ tal-Kodiċi Ċivili, qabel l-emenda ta' dawk l-artikoli permezz tal-artikoli 27 sa 29 ta' dak l-Att, għandhom ikomplu japplikaw fir-rigward ta' tali Ordni ta' Kustodja tul il-perjodu fis-seħħ tagħha.

Kap. 16.

Att Nru ____ tal-2026.

(5) Kwalunkwe applikazzjoni għal revoka ta' Ordni ta' Kustodja maħruġa skont l-artikolu 519F(1), qabel l-emenda tal-imsemmi subartikolu permezz tal-artikolu 8 tal-Att tal-2026 li jemenda Diversi Ligijiet fir-rigward tal-Awtonomija Personali, għandha ssegwi l-proċedura fl-artikolu 519J(1).

(6) Jekk jintalab it-tigdid ta' Ordni ta' Kustodja maħruġ skont il-proċedura msemmija fis-subartikolu preċedenti, tali talba għal tigdid għandha ssegwi l-proċedura fl-artikolu 519F(4), u jekk din it-talba tiġi aċċettata, Ordni għas-Salvagwardja tal-Awtonomija Personali għandha tiġi maħruġa skont l-artikolu 519F(1).

Dispożizzjonijiet tranżitorji dwar Digrieti ta' interdizzjoni jew inabilitazzjoni.
Att Nru ____ tal-2026.

519P.(1) Digrieti ta' interdizzjoni mogħtija skont l-artikolu 523 qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 tal-Att tal-2026 li jemenda Diversi Ligijiet fir-rigward tal-Awtonomija Personali, u digrieti ta' inabilitazzjoni mogħtija skont l-artikolu 524 qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 ta' dak l-Att, għandhom ikomplu fis-seħħ għall-bqija tal-perjodu fis-seħħ tal-mandat tal-kuratur maħtur skont tali digrieti ta' interdizzjoni jew inabilitazzjoni wara d-dhul fis-seħħ ta' tali emendi.

(2) Għall-bqija tal-perjodu fis-seħħ tal-mandat tal-kuraturi li ssir referenza għalihom fis-subartikolu preċedenti, is-segweni artikoli għandhom ikomplu jkunu applikabbli fir-rigward tad-digrieti li ssir referenza għalihom fis-subartikolu preċedenti:

(a) l-artikoli 520 sa 525, u l-artikolu 929, qabel it-tħassir jew l-emenda tal-imsemmija artikoli permezz tal-artikoli 19 u 21 tal-Att tal-2026 li jemenda Diversi Ligijiet fir-rigward tal-Awtonomija Personali;

(b) l-artikoli 154(1)(ċ), 189, 191, 597, 630, 752, 967(3)(b), 972, 1325(4), 1332(1)(a), 1744 (a) u 1744(b) tal-Kodiċi Ċivili, qabel it-tħassir jew l-emenda tal-imsemmija artikoli permezz tal-artikoli 24, 31 sa 33 u 35 sa 41 ta' dak l-Att; u

(ċ) l-artikolu 40(2) tat-Tieni Skeda tal-Kodiċi Ċivili, qabel l-emenda tal-imsemmi subartikolu permezz tal-artikolu 43 ta' dak l-Att.

(3) Id-digrieti li ssir referenza għalihom fis-subartikolu (1) għandhom jiġu kkonvertiti f'Ordnijiet għas-Salvagwardja tal-Awtonomija Personali, jekk it-tiġdid tal-mandat tal-kuratur mahtur skont tali digrieti ta' interdizzjoni jew inabilitazzjoni jintalab u jiġi aċċettat, u l-proċedura fl-artikolu 519F(4) għandha tiġi segwita f'tali kazijiet.

Att Nru ____ tal-2026.

(4) Kwalunkwe rikors għal digriet ta' interdizzjoni magħmul skont l-artikolu 523 qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 tal-Att tal-2026 li jemenda Diversi Liġijiet fir-rigward tal-Awtonomija Personali, jew għal digriet ta' inabilitazzjoni magħmul skont l-artikolu 524 qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 ta' dak l-Att, u li jkunu għadhom pendenti fil-waqt tad-dhul fis-seħh ta' dan l-artikolu, għandhom jibqgħu jiġu evalwati skont id-dispożizzjonijiet tal-artikoli 523 jew 524 qabel it-tħassir tagħhom b'dak l-Att.

(5) Jekk jiġi maħruġ digriet li ssir referenza għalih fis-subartikolu preċedenti, id-dispożizzjonijiet li ssir referenza għalihom fis-subartikolu (2) għandhom jibqgħu japplikaw fir-rigward ta' tali digriet, matul il-mandat inizjali tal-kuratur mahtur skont tali digriet.

Att Nru ____ tal-2026.

(6) Kwalunkwe rikors għal revoka ta' digriet ta' interdizzjoni magħmul skont l-artikolu 523, qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 tal-Att tal-2026 li jemenda Diversi Liġijiet fir-rigward tal-Awtonomija Personali, jew ta' digriet ta' inabilitazzjoni magħmul skont l-artikolu 524 qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 ta' dak l-Att, għandu jsir skont l-artikolu 526, qabel it-tħassir tal-imsemmi artikolu permezz tal-artikolu 19 tal-imsemmi Att:

Iżda f'każ ta' azzjoni mressqa minn persuna soġġetta għal digriet ta' interdizzjoni jew ta' inabilitazzjoni, fejn dik il-persuna tkun inkapaċi, skont kwalunkwe dispożizzjoni tal-liġi, li tħarrek jew tiġi mħarrka, dik l-azzjoni tkun tista' tinbeda minn dik il-persuna minkejja tali inkapaċità, u l-persuna għandha tingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli:

Iżda wkoll il-Ministru responsabbli għall-Ġustizzja jista' permezz ta' regolamenti taħt dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-reġistru tal-qrati fir-rigward tal-preżentata ta' atti ġudizzjarji konnessi mal-proċedura taħt dan is-subartikolu, u sakemm tali drittijiet ikunu stabbiliti, għandhom japplikaw id-drittijiet li jinsabu fl-Iskeda A.

(7) Jekk jintalab it-tiġdid tal-mandat ta' kuratur maħtur skont digriet ta' interdizzjoni jew ta' inabilitazzjoni magħmul skont il-proċeduri li ssir referenza għalihom f'dan l-artikolu, tali talba għal tiġdid għandha ssegwi l-proċedura fl-artikolu 519F(4), u jekk din it-talba tiġi aċċettata, Ordni għas-Salvagwardja tal-Awtonomija Personali għandha tinħareġ skont l-artikolu 519F(1).

(8) Jekk il-kuratur, maħtur skont digriet ta' interdizzjoni jew inabilitazzjoni li ssir referenza għalih fis-subartikolu preċedenti, jirrifjuta li jaġixxi bhala persuna ta' appoġġ ladarba l-mandat tal-kuratur skont l-imsemmi digriet jasal sabiex jiġgedded:

Kap. 16. (a) il-proċedura fl-artikolu 188A(3) tal-Kodiċi Ċivili għandha tiġi segwita għall-ħatra ta' persuna ta' appoġġ ġdida; u

Kap. _____. (b) persuna ta' appoġġ temporanja għandha tiġi maħtura skont il-proċedura fl-artikolu 18 tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, u ulterjorment skont l-istipulazzjonijiet tiegħu, sakemm tinħatar din il-persuna ta' appoġġ ġdida."

Thassir tal-artikoli 520 sa 525 tal-Kodiċi.

19. L-artikoli 520 sa 525 tal-Kodiċi, it-tnejn inklużi, għandhom jiġu mħassra.

Emenda tal-artikolu 527 tal-Kodiċi.

20. L-artikolu 527 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minnufih wara l-kliem "fid-digriet ta' interdizzjoni jew ta' inabilitazzjoni," għandhom jiżdiedu l-kliem "jew wara li tkun ġiet notifikata mir-Registratur tal-Bord għas-Salvagwardja tal-Awtonomija Personali dwar Ordni għas-Salvagwardja tal-Awtonomija Personali skont l-artikolu 519F(6) tal-Kodiċi", u minnufih wara l-kliem "il-kondizzjonijiet tal-inibizzjoni" għandhom jiżdiedu l-kliem "jew tal-Ordni";

(b) fil-proviso tas-subartikolu (1) tiegħu, minnufih wara l-kliem "għandha tordna li d-digriet", għandhom jiżdiedu l-kliem

"jew in-notifika rilevanti", u minnufih wara l-kliem "nota dwar dik l-interdizzjoni jew l-inabilitazzjoni" għandhom jiżdiedu l-kliem " jew Ordni";

(ċ) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "Registru tal-Persuni Interdetti u Inabilitati", għandhom jiżdiedu l-kliem ", u Persuni akkordati Salvagwardji tal-Awtonomija Personali";

(d) fis-subartikolu (3) tiegħu, il-kliem "tliet taqsimiet" għandhom jiġu sostitwiti bil-kliem "erba' taqsimiet", u l-kliem "u t-tielet taqsimi jkun fiha lista ta' persuni li jkun inħarġilhom ċertifikat ta' nuqqas ta' kapaċità mentali skont l-Att dwar is-Saħħa Mentali" għandhom jiġu sostitwiti bil-kliem ", it-tielet taqsimi jkun fiha lista ta' persuni li jkun inħarġilhom ċertifikat ta' nuqqas ta' kapaċità mentali skont l-Att dwar is-Saħħa Mentali, u r-raba' taqsimi jkun fiha lista ta' persuni akkordati Ordnijiet għas-Salvagwardja tal-Awtonomija Personali";

(e) fis-subartikolu (4) tiegħu, il-kliem "tal-persuna interdetta jew inabilitata" għandhom jiġu sostitwiti bil-kliem "tal-persuna interdetta, inabilitata jew akkordata Ordni għas-Salvagwardja tal-Awtonomija Personali," u minnufih wara l-kliem "tad-digriet tal-interdizzjoni jew inabilitazzjoni" għandhom jiżdiedu l-kliem ", jew tal-Ordni għas-Salvagwardja tal-Awtonomija Personali";

(f) fil-proviso tas-subartikolu (4) tiegħu:

(i) fis-subparagrafu (a) tiegħu, minnufih wara l-kliem "mid-data tad-digriet", għandhom jiżdiedu l-kliem ", jew tal-Ordni għas-Salvagwardja tal-Awtonomija Personali";

(ii) fis-subparagrafu (ċ) tiegħu, minnufih wara l-kliem "skont id-dispożizzjonijiet tal-artikolu 526," għandhom jiżdiedu l-kliem "jew l-Ordni għas-Salvagwardja tal-Awtonomija Personali jkun ġie revokat skont l-artikolu 519J";

(iii) fis-subparagrafu (d) tiegħu, minnufih wara l-kliem "persuna interdetta jew inabilitata", għandhom jiżdiedu l-kliem ", jew li tkun ġiet akkordata Ordni għas-Salvagwardja tal-Awtonomija Personali,".

21. Fl-artikolu 929 tal-Kodiċi, fil-paragrafu (a) tiegħu, il-kliem "jew ta' persuni b'diżordni mentali jew kundizzjoni oħra, li tagħmilhom inkapaċi li jieħdu ħsieb hwejjigħom, jew ta' interdetti,"

Emenda tal-artikolu 929 tal-Kodiċi.

C 4154

għandhom jiġu mħassra.

**TAQSIMA II
EMENDI GĦALL-KODIĊI ĊIVILI**

Emendi għall-Kodiċi Ċivili. Kap. 16.

22. Din it-Taqsima temenda l-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

Emenda tat-
Titolu VI tal-
Ewwel Ktieb
tal-Kodiċi.

23. Fit-Titolu VI tal-Ewwel Ktieb tal-Kodiċi, il-kliem "IL-KUSTODJA" għandhom jiġu sostitwiti bil-kliem "IS-SALVAGWARDJI TAL-AWTONOMIJA PERSONALI".

Emenda tal-
artikolu 154 tal-
Kodiċi.

24. Il-paragrafu (ċ) tas-subartikolu (1) tal-artikolu 154 tal-Kodiċi għandu jiġi mħassar.

Emenda tal-
artikolu 188 tal-
Kodiċi.

25. Is-subartikolu (2) tal-artikolu 188 tal-Kodiċi, għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) Kwalunkwe persuna li hi tal-età, inkluż persuna b'dizabilità, għandha tkun garantita ugwajjanza ġuridika sħiħa u, partikolarment, ir-rikonoxximent tal-kapaċità legali sħiħa, l-intitolament li tagħmel l-atti kollha tal-ħajja ċivili, li teżerċita d-drittijiet kollha personali, kif soġġett għall-obbligi rilevanti kollha fil-liġi, u għar-restrizzjonijiet fir-rigward ta' tali atti, drittijiet u obbligi msemmija f'dispożizzjonijiet oħra tal-liġi."

Emenda tas-
Sub-titolu I A
tat-Titolu VI tal-
Ewwel Ktieb
tal-Kodiċi.

26. Fis-Sub-titolu I A tat-Titolu VI tal-Ewwel Ktieb tal-Kodiċi, il-kliem "FUQ IL-KUSTODJA" għandhom jiġu sostitwiti bil-kliem "FUQ IS-SALVAGWARDJI TAL-AWTONOMIJA PERSONALI".

Emenda tal-
artikolu 188A
tal-Kodiċi.

27. L-artikolu 188A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kliem "Persuni soġġetti għall-kustodja." għandhom jiġu sostitwiti bil-kliem "Persuni li jistgħu jingħataw salvagwardji tal-awtonomija personali.";

(b) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-subartikolu u proviso godda li ġejjin:

"(1) Sabiex jiġu rispettati d-drittijiet, ir-rieda u l-preferenzi ta', u jew sabiex jiġi salvagwardjat l-eżerċizzju effettiv tad-drittijiet u t-twettiq tal-obbligi ta' kwalunkwe persuna li hi tal-età, tista' tinħatar persuna ta' appoġġ, bil-limitu ta' tali salvagwardja tal-awtonomija personali jkun żgurat billi din il-ħatra tkun proporzjonali u adattata għaċ-ċirkostanzi ta', u applikata b'tali mod li tevita influwenza

mhux dovuta fuq tali persuna li hi tal-età:

Iżda dan is-subartikolu ma għandux jiġi interpretat bħala li jippermetti kwalunkwe determinazzjoni dwar l-eżistenza jew l-estent tal-kapaċità legali ta' persuna, li għandha tiġi presunta kapaċi f'kull waqt, u li s-salvagwardji tal-awtonomija personali huma maħsuba unikament sabiex jiffaċilitaw l-eżerċizzju ta' tali kapaċità legali.";

(ċ) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "fl-artikolu 156" għandhom jiġu miżjuda l-kliem ", jew li inkella jkun kiseb kapaċità legali qabel ma jsir tal-età skont kwalunkwe liġi fis-seħh li tirregola l-istatus personali tiegħu";

(d) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(3) It-talba għall-għotja ta' salvagwardja tal-awtonomija personali minn persuna waħda jew aktar tista' ssir minn:

(a) kwalunkwe persuna li volontarjament tixtieq li tkun soġġetta għall-għotja ta' din is-salvagwardja tal-awtonomija personali; jew

(b) f'każijiet fejn dik il-persuna ma tkunx kapaċi jew tkun limitata fil-possibilità tagħha li titlob l-imsemmija salvagwardja tal-awtonomija personali, minn kwalunkwe persuna hawn taħt imsemmija:

(i) wieħed mill-konjuġi fil-rigward tal-ieħor;

(ii) qarib fir-rigward tal-ieħor li jiġi minnu mid-demmi;

(iii) kwalunkwe persuna li hija relata bi żwieġ mal-persuna li fir-rigward tagħha qiegħda ssir l-għotja għas-salvagwardja tal-awtonomija personali u li tista' tkun obbligata tipprovdi l-manteniment lil tali persuna;

(iv) id-Direttur għall-Affarijiet dwar id-Diżabilità kif imfisser fl-artikolu 2 tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà;

(v) kwalunkwe persuna li turi konnessjoni personali, soċjali jew professjonali mill-qrib mal-persuna, u interess fil-benesseri tal-persuna, inkluż iżda mhux limitata għal haddiem soċjali, haddiem maż-żgħażaġħ, voluntier f'organizzazzjoni volontarja jew ħabib qrib; jew

(vi) l-Avukat tal-Istat, kemm-il darba t-talba ma tkunx giet magħmula minn kwalunkwe persuna oħra,

wara li tali persuna tkun għamlet, fir-rigward tal-persuna li fir-rigward tagħha tkun qiegħda ssir dik it-talba, sforzi reali, konsiderevoli u pertinenti sabiex tikseb espressjoni ta' rieda u taċċerta l-preferenzi tal-persuna, wara li tkun ipprovdietilha l-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli, mingħajr ma tiġi eżerċitata kwalunkwe influwenza mhux dovuta fuq din il-persuna:

Iżda meta ma jkunx prattikabbli li tiġi ottjenuta determinazzjoni ta' tali rieda u preferenzi, mill-persuna li dwarha tkun qed tiġi kontemplata talba, tali persuni oħra msemmija f'dan is-subartikolu għandhom minflok jagħmlu l-aħjar interpretazzjoni ta' dik ir-rieda u l-preferenzi, kif ukoll tikkunsidra l-istorja soċjali tal-persuna li fir-rigward tagħha qed tiġi kkontemplata t-talba:

Iżda wkoll tali persuni għandhom iżommu rekord tal-passi meħuda sabiex jiġu aċċertati r-rieda u l-preferenzi tal-persuna, inkluż meta jagħmlu l-aħjar interpretazzjoni tal-istess, u tal-elementi li jkunu segwew, inklużi l-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-persuna li dwarha tkun qed tiġi kontemplata t-talba, u jagħmlu tali rekord disponibbli għall-Bord għas-Salvagwardja tal-Awtonomija Personali stabbilit permezz tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili:

Kap. 12.

Iżda wkoll fir-rigward ta' kwalunkwe talba magħmula skont dan il-paragrafu (b), illi l-għoti ta' salvagwardji tal-awtonomija personali jkun meħtieġ għall-eżerċizzju u l-protezzjoni tad-drittijiet tal-persuna li dwarha tkun qed issir it-talba.";

(e) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

Kap. 12.

"(4) Jekk f'xi proċeduri ċivili l-Qorti tikkonsidra li xi parti tista' tibbenefika minn salvagwardja tal-awtonomija personali sabiex jiġi żgurat l-eżerċizzju effettiv tad-drittijiet u t-twettiq tal-obbligi ta' dik il-parti, il-Qorti għandha, wara li tkun semgħet lil tali parti, wara li tkun ipprovditilha l-miżuri rilevanti disponibbli sabiex jiġu żgurati l-aċċessibilità u l-akkomodazzjoni raġonevoli, tirreferi l-kwistjoni lill-Bord għas-Salvagwardja tal-Awtonomija Personali stabbilit permezz tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għad-determinazzjoni tiegħu.";

(f) is-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(5) Kwalunkwe persuna li hi tal-età tista', b'antiċipazzjoni ta' hteġa ta' appoġġ fil-gejjieni għall-eżerċizzju tal-kapaċità legali tagħha, tipprovi permezz ta' strument bil-miktub, ikkomunikat lill-Bord għas-Salvagwardja tal-Awtonomija Personali, fir-rigward tar-rieda u l-preferenzi tagħha relatati mal-għotja ta' salvagwardji tal-awtonomija personali f'dawn iċ-ċirkostanzi, u dwar kwalunkwe kwistjoni anċillari jew konsegwenzjali għaliha, inkluża l-indikazzjoni ta' istanzi fejn il-Bord għas-Salvagwardja tal-Awtonomija Personali għandu jaġixxi daqslikieku rċieva talba skont is-subartikolu (3) minn dik il-persuna li hi tal-età, u l-Ministru, flimkien mal-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità u l-Ministru responsabbli għas-Saħħa, għandhom jagħmlu regolamenti fir-rigward tal-forma, kontenut u konklużjoni ta' tali strumenti bil-miktub.".

(g) minnufih wara s-subartikolu (5), kif sostitwit, għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

Kap. 627.

"(6) Għall-finijiet ta' dan is-Sub-titolu, it-terminu "diżabilità" għandu jkollu l-istess tifsira mogħtija lill-subartikolu (1) tal-artikolu 2 tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b' Diżabilità.".

Sostituzzjoni tal-artikolu 188B tal-Kodiċi.

28. L-artikolu 188B tal-Kodiċi għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Funzjonijiet ta' persuna ta' appoġġ.

188B. Persuna ta' appoġġ għandha taġixxi sabiex tiggarrantixxi l-eżerċizzju effettiv tad-drittijiet u t-twettiq tal-obbligi tal-persuna mogħtija s-salvagwardji tal-awtonomija personali, fir-rigward ta' kwalunkwe minn dawn li ġejjin:

(a) li tissalvagwardja d-drittijiet personali u proprjetarji tal-persuna mogħtija s-salvagwardji tal-awtonomija personali;

(b) li tkun ta' appoġġ jew tirrappreżenta, skont il-każ, inkluż permezz ta' teħid ta' deċiżjonijiet flimkien mal-persuna mogħtija s-salvagwardji tal-awtonomija personali, jew skont poteri ta' rappreżentazzjoni eżegwiti minn tali persuna, fi kwistjonijiet ta' natura personali jew relatati ma' proprjetà, fir-rigward ta' kwalunkwe att wieħed jew aktar tal-ħajja ċivili, kif speċifikat, u permezz tal-mekkaniżmu preskritt fl-Ordni għas-Salvagwardja tal-Awtonomija Personali;

(ċ) li taġixxi bi kwalunkwe mod ieħor sabiex tkun ta' appoġġ jew tirrappreżenta, skont il-każ, lill-persuna mogħtija s-salvagwardji tal-awtonomija personali, inkluż permezz ta' teħid ta' deċiżjonijiet flimkien, kif tista' tigi ordnata jew awtorizzata li tagħmel mill-Bord għas-Salvagwardja tal-Awtonomija Personali stabbilit taħt it-Titlu III A tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jew mill-Qorti ta' Ġurisdizzjoni Volontarja jew kif jista' jiġi preskritt b'regolamenti magħmula taħt dan is-Sub-titolu:

Kap. 12.

Iżda meta taġixxi skont dan l-artikolu, persuna ta' appoġġ għandha:

(a) iżżomm kuntatt frekwenti ma' persuna, bil-għan li tkun tista' tappoġġja, f'waqtu, lill-persuna fil-proċess ta' teħid ta' deċiżjonijiet;

(b) tagħmel sforzi reali, konsiderevoli u pertinenti sabiex tinkiseb espressjoni ta' rieda minn, u sabiex jiġu aċċertati l-preferenzi ta' persuna, filwaqt li tirrispetta d-drittijiet tagħha; u

(ċ) tipprovdu l-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli:

Iżda wkoll il-persuna ta' appoġġ għandha taġixxi unikament meta:

(a) is-salvagwardja tal-awtonomija personali huma meħtieġa għall-eżerċizzju u l-protezzjoni tad-drittijiet tal-persuna;

(b) mingħajr ma teżerċita influwenza mhux dovuta fuq tali persuna; u

(ċ) skont id-dispożizzjonijiet ta' Ordni għas-Salvagwardja tal-Awtonomija Personali kif stabbilit fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili:

Kap. 12.

Iżda wkoll l-appoġġ għandu, kemm jista' jkun, jiġi pprovdut b'mod li jippermetti lill-persuna kkonċernata tiegħu deċiżjonijiet waħedha, u r-rappreżentanza mill-persuna ta' appoġġ għandha tintuża biss fejn it-teħid appoġġjat ta' deċiżjonijiet ma jkunx prattikabbli fir-rigward ta' att speċifiku u unikament għall-anqas estent u tul meħtieġ:

Iżda wkoll meta xorta ma jkunx prattikabbli li tiġi miksuba determinazzjoni tar-rieda u tal-preferenzi wara li tkun imxiet mal-kriterji fit-tieni provviso, il-persuna ta' appoġġ għandha timxi mal-aħjar interpretazzjoni tar-rieda u tal-preferenzi tal-persuna, b'qies ukoll għall-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-persuna."

29. L-artikolu 188Ċ tal-Kodiċi għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 188Ċ tal-Kodiċi.

"Obbligi fir-rigward ta' atti għas-salvagwardja tal-awtonomija personali.

188Ċ. (1) Id-dispożizzjonijiet ta' dan is-Sub-titolu għandhom jinftiehem u jiġu interpretati, u kull funzjoni, setgħa, awtorità, diskrezzjoni, dmir jew dritt mogħti b'dan is-Sub-titolu jew b'xi regolamenti magħmulin tahtu, għandhom jitwettqu b'tali mod li:

(a) il-benesseri, id-drittijiet, ir-rieda u l-preferenzi tal-persuna mogħtija s-salvagwardja tal-awtonomija personali jiġu rispettati u mogħtija effett, inkluż permezz tal-użu tal-aħjar interpretazzjoni tar-rieda u l-preferenzi meta, wara sforzi sinifikanti sabiex jiġu determinati tali rieda u preferenzi, dan ma jkunx prattikabbli;

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(b) l-eżerċizzju effettiv tad-drittijiet u t-twettiq tal-obbligi tal-persuna mogħtija s-salvagwardji tal-awtonomija personali huma garantiti;

(ċ) in-natura tas-salvagwardji tal-awtonomija personali għandhom ikunu proporzjonati għall-għanijiet li huma maħsuba li jiksbu, u adattati għaċ-ċirkostanzi tal-persuna mogħtija s-salvagwardji tal-awtonomija personali; u

(d) is-salvagwardji tal-awtonomija personali għandhom jiġu applikati b' mod li tiġi evitata influwenza mhux dovuta fuq il-persuna mogħtija l-imsemmija salvagwardji.

(2) Fl-eżerċizzju tal-obbligi tagħha l-persuna ta' appoġġ għandha:

(a) tiegħu l-miżuri xierqa sabiex tipprovdi l-appoġġ li l-persuna mogħtija s-salvagwardji tal-awtonomija personali tista' teħtieġ fl-eżerċizzju tal-kapaċità legali tagħha, wara li tkun għamlet sforzi reali, konsiderevoli u pertinenti sabiex jiġu aċċertati r-rieda u l-preferenzi tal-persuna, u fejn dan jibqa' mhux prattikabbli wara tali sforzi, skont l-aħjar interpretazzjoni ta' tali rieda u preferenzi:

(i) wara li tkun għamlet sforzi reali, konsiderevoli u pertinenti sabiex tikseb espressjoni tar-rieda minn u taċċerta l-preferenzi ta' dik il-persuna, wara li tkun ipprovdietha b'miżuri rilevanti u disponibbli li jiżguraw l-aċċessibilità u akkomodazzjoni raġonevoli; u

(ii) fejn wara li jkunu saru dawn l-isforzi, ma jkunx prattikabbli li jiġu determinati tali rieda u preferenzi, tkun ipproċediet bl-aħjar determinazzjoni tar-rieda u l-preferenzi tal-persuna:

Cap. 12.

Iżda f'kull waħda minn dawn l-istanzi, il-persuna ta' appoġġ għandha żżomm rekord tal-passi meħuda sabiex jiġu aċċertati tali rieda u preferenzi u l-elementi li tkun mexiet fuqhom, inklużi l-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-persuna li tkun qiegħda tingħata s-salvagwardji, u tagħmel tali rekord disponibbli għall-Bord għas-Salvagwardja tal-Awtonomija Personali stabbilit permezz tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u għal persuni b'interess legittimu, u għandha taġixxi b'tali mod meta:

(a) is-salvagwardji tal-awtonomija personali jkunu meħtieġa għall-eżerċizzju u l-protezzjoni tad-drittijiet tal-persuna illi tkun sejra tingħata tali salvagwardji;

(b) b'mod adattat għall-età u sensitiv għall-ġeneru;

(ċ) b'rispett sħiħ għal karatteristiċi oħra b'effett intersettorjali inkluż l-isfond kulturali jew reliġjuż ta' persuna;

(d) mingħajr ma teżercita xi influwenza mhux dovuta fuq dik il-persuna; u

(e) f'konformità mad-dispożizzjonijiet ta' Ordni għas-Salvagwardja tal-Awtonomija Personali hekk stabbilit fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

Kap. 12.

(b) tikkonsulta u taġixxi flimkien mal-persuna mogħtija s-salvagwardji tal-awtonomija personali, fir-rigward ta' att wieħed jew aktar tal-ħajja ċivili, kif soġġett għad-dispożizzjonijiet ta' dan il-Kodiċi, u tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, meta l-Ordni għas-Salvagwardja tal-Awtonomija Personali jipprovdi speċifikament għal tali azzjoni kongunta, u wara l-possibilità li addizzjonalment jiġi konkluż Ftehim ta' Appoġġ bejn il-persuna mogħtija s-salvagwardji tal-awtonomija personali u l-persuna ta' appoġġ, eżegwit f'dik il-forma li tista' tiġi preskritta bis-saħħa tas-subartikolu (4), u kif jista' minn żmien għal żmien jiġi emendat;

Kap. 12.

(c) tipprovdi appoġġ, fejn meħtieġ, lill-persuna mogħtija s-salvagwardji tal-awtonomija personali sabiex tipparteċipa bl-aktar mod sħiħ fil-ħajja tal-komunità;

(d) tipprovdi appoġġ, fejn meħtieġ, lill-persuna mogħtija s-salvagwardji tal-awtonomija personali għal dak li għandu x' jaqsam mal-kura ta' persunitha u tagħha nnifisha, u fir-rigward ta' strategiji okkupazzjonali, inkluż dak li għandu x'jaqsam mal-ġestjoni tal-proprjetà tal-persuna, u t-teħid ta' deċiżjonijiet fir-rigward ta' kwistjonijiet relatati mal-persuna u l-proprjetà tagħha;

(e) tipprovdi appoġġ u tassisti, fejn meħtieġ, lill-persuna mogħtija s-salvagwardji tal-awtonomija personali sabiex din tipproteġi lilha nfisha minn negliġenza, abbuż jew sfruttament; u

(f) tipprovdi appoġġ u tassisti, fejn meħtieġ, lill-persuna mogħtija s-salvagwardji tal-awtonomija personali fl-akkwist u fl-użu ta' kwalunkwe mezz assistiv li jista' jkun meħtieġ għat-twettiq xieraq tal-obbligi previsti f'dan is-subartikolu.

(3) Bla ħsara għal-limiti imposti fl-Ordni għas-Salvagwardja tal-Awtonomija Personali jew għal kwalunkwe deċiżjoni oħra li l-Bord għas-Salvagwardja tal-Awtonomija Personali jista' jagħti minn żmien għal żmien, persuna ta' appoġġ tista', fejn meħtieġ, tipprovdi appoġġ jew tassisti persuna soġġetta għal salvagwardji tal-awtonomija personali fir-rigward tal-iffirmar u l-għemil ta' dawk il-ħwejjeg kollha li huma meħtieġa sabiex jinghata effett lil kwalunkwe funzjoni jew obbligu vestiti fil-persuna ta' appoġġ.

(4) Il-Ministru, flimkien mal-Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità u l-Ministru responsabbli għas-Saħħa, għandhom jagħmlu regolamenti dwar il-forma, il-kontenut u l-konklużjoni ta' Ftehim ta' Appoġġ imsemmi fis-subartikolu (2) hawn fuq."

Emenda tal-artikolu 188D tal-Kodiċi.

30. Fl-artikolu 188D tal-Kodiċi, il-kliem "Ministru responsabbli għall-Politika Soċjali" għandhom jiġu sostitwiti bil-kliem "Ministru responsabbli għad-Drittijiet ta' Persuni b'Diżabilità".

Thassir tal-artikolu 189 tal-Kodiċi.

31. L-artikolu 189 tal-Kodiċi għandu jiġi mħassar.

- 32.** L-artikolu 191 tal-Kodiċi għandu jiġi mħassar. Thassir tal-artikolu 191 tal-Kodiċi.
- 33.** L-artikolu 597 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 597 tal-Kodiċi.
- (a) fil-paragrafu (b) tiegħu, il-kliem ", għalkemm mhux interdetti," għandhom jiġu mħassra;
- (b) il-paragrafu (ċ) tiegħu għandu jiġi mħassar;
- (ċ) il-paragrafu (e) tiegħu għandu jiġi mħassar.
- 34.** Minnufih wara l-paragrafu (d) tas-subartikolu (1) tal-artikolu 605 tal-Kodiċi, għandhom jiġu miżjuda dawn il-paragrafi ġodda li ġejjin: Emenda tal-artikolu 605 tal-Kodiċi.
- "(e) intenzjonalment ikkawża uġiġh fiżiku jew korriment fuq it-testatur jew il-konjuġi tiegħu jew tagħha;
- (f) abbanduna u, jew ittraskura t-testatur jew il-konjuġi tiegħu jew tagħha;
- (g) irrifjuta jew naqas milli jwettaq obbligu ta' għoti ta' kura jew li jipprova għall-manteniment, kenn, kura tas-saħħa, jew protezzjoni lit-testatur jew lill-konjuġi tiegħu jew tagħha f'ċirkostanzi vulnerabbli."
- 35.** Fl-artikolu 630 tal-Kodiċi, il-kliem "ikun interdett minhabba tberbiq, jew" għandhom jiġu mħassra. Emenda tal-artikolu 630 tal-Kodiċi.
- 36.** L-artikolu 752 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 752 tal-Kodiċi.
- (a) is-subartikolu (2) tiegħu għandu jiġi mħassar;
- (b) fis-subartikolu (3) tiegħu, il-kliem ", inkella l-miġnun jew il-persuna b'diżordni mentali jew kundizzjoni oħra, jekk fiż-żmien tal-mewt tiegħu jkun moħħu floku," għandhom jiġu mħassra.
- 37.** Il-paragrafu (b) tas-subartikolu (3) tal-artikolu 967 tal-Kodiċi għandu jiġi mħassar. Emenda tal-artikolu 967 tal-Kodiċi.
- 38.** L-artikolu 972 tal-Kodiċi għandu jiġi mħassar. Thassir tal-artikolu 972 tal-Kodiċi.
- 39.** Is-subartikolu (4) tal-artikolu 1325 tal-Kodiċi għandu jiġi mħassar. Emenda tal-artikolu 1325 tal-Kodiċi.
- 40.** Il-paragrafu (a) tas-subartikolu (1) tal-artikolu 1332 tal-Kodiċi għandu jiġi mħassar. Emenda tal-artikolu 1332 tal-Kodiċi.

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Emenda tal-artikolu 1744 tal-Kodiċi.

41. L-artikolu 1744 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, il-kliem ", (c)" għandhom jiġu mhassra;

(b) il-paragrafu (b) tiegħu għandu jiġi mhassar.

Emenda tal-artikolu 1864A tal-Kodiċi.

42. L-artikolu 1864A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"Mandat mogħti minn persuna b'anticipazzjoni ta' indeboliment jew nuqqas fil-fakultajiet personali.

(1) Mandat mogħti minn persuna maġġorenni għandu jkun redatt taħt piena ta' nullità minn nutar pubbliku, quddiem żewġ (2) xhieda skont id-dispożizzjonijiet tal-artikolu 655(1) ta' dan il-Kodiċi, u għandu jiġi reġistrat bl-istess mod bħal wiehed mill-atti msemmija fl-artikolu 50 tal-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, meta tali mandat jingħata:

Kap. 55.

(a) b'anticipazzjoni ta' indeboliment jew nuqqas, kemm sħiħ jew inkella parzjali, fil-fakultajiet personali tagħha lill-mandatarju; u

(b) sabiex il-mandatarju indikat jappoġġja u, jew jirrappreżenta lill-mandant fir-rigward ta' kwalunkwe materja waħda (1) jew aktar relatati mal-protezzjoni tal-persuna u d-drittijiet u, jew l-amministrazzjoni tal-proprjetà tal-mandant."

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) F'każ ta' persuna maġġorenni, l-eżekuzzjoni tal-mandat għandha tkun taħt il-kondizzjoni li tinkiseb:

(a) dikjarazzjoni mingħand professjonist tas-saħħa u l-kura soċjali wieħed (1) jew aktar li tikkonferma l-preżenza ta' kwalunkwe indeboliment jew nuqqas tal-fakultajiet personali wieħed (1) jew aktar, kemm jekk parzjali jew sħiħ, elenkati fil-mandat bħala kundizzjonijiet speċifiċi li għandhom isehhu sabiex dak il-mandat jidhol fis-seħh; u

(b) l-approvazzjoni tal-Qorti ta' Ġurisdizzjoni Volontarja, wara li din tkun tat lill-mandant l-opportunità li jinstema', billi tiddeċiedi fuq it-talba tal-mandatarju msemmi fl-att wara rikors mill-mandatarju, filwaqt li tkun tista' timponi dawk il-kundizzjonijiet li jidhrilha li huma neċessarji."

(ċ) il-paragrafu (a) tas-subartikolu (3) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) Għall-fini tat-terminazzjoni tal-mandat, tali terminazzjoni għandha:

(i) tiġi redatta minn nutar pubbliku bl-istess mod kif kien kostitwit il-mandat, b'tali terminazzjoni jkollha magħha ċertifikat ġuramentat wieħed (1) jew aktar maħruġa minn professjonisti tas-saħħa u l-kura soċjali li jikkonfermaw li kwalunkwe indeboliment u, jew nuqqas ta' fakultajiet personali li s-sussistenza tagħhom kien jiddependi fuqhom l-operat tal-mandat ikunu ntemmu;

(ii) tiġi approvata mill-Qorti ta' Ġurisdizzjoni Volontarja; u

(iii) tiġi registrata bl-istess mod bħal kwalunkwe wieħed mill-atti msemmija fl-artikolu 50 tal-Att dwar il-Professjoni Nutarili u Arkivji Nutarili."

Kap. 55.

43. Fis-subartikolu (2) tal-artikolu 40 tat-Tieni Skeda tal-Kodiċi, il-kliem "inabilitat jew ikun" għandhom jiġu mħassra.

Emenda tal-artikolu 40 tat-Tieni Skeda tal-Kodiċi.

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**TAQSIMA III
EMENDA GHALL-ATT DWAR IŻ-ŻWIEĠ**

Emenda għall-
Att dwar iż-
Żwieġ.
Kap. 255.

44. Din it-Taqsima temenda l-Att dwar iż-Żwieġ u għandha tinqara u tinftiehem haġa waħda mal-Att dwar iż-Żwieġ, hawn aktar 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-
Artikolu 2 tal-
Att prinċipali.

45. Fl-artikolu 2 tal-Att prinċipali minnufih qabel it-tifsira "att taż-żwieġ" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

Kap. ___. "adult f'sitwazzjoni ta' vulnerabbiltà" għandu jkollha l-istess tifsira kif assenjata lilha fl-artikolu 2 tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà".

Sostituzzjoni
tal-artikolu 4
tal-Att
prinċipali.

46. L-artikolu 4 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġejj:

Adulti
f'sitwazzjoni ta'
vulnerabbiltà
Kap. 16.

Kap. ___. "4. Filwaqt li kwalunkwe persuna li hi tal-età, imsemmija fl-artikolu 188(2) tal-Kodiċi Ċivili, għandha tkun kapaċi li tikkontratta żwieġ, soġġett għar-restrizzjonijiet altrimenti misjuba f'dan l-Att, jekk ir-Registatur jirċievi informazzjoni li tallega, jew ikollu raġuni sabiex jemmen li applikant huwa adult f'sitwazzjoni ta' vulnerabbiltà li x'aktarx ikun ser isofri ħsara sinifikanti jekk iż-żwieġ isir, l-imsemmi Registatur jista', fir-rigward ta' talba magħmula minn dak l-applikant skont l-artikolu 7(5), jitlob il-parir bil-miktub tad-Direttur maħtur skont l-artikolu 4(1) tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, sabiex jiddeċiedi jekk jipproċedix bil-pubblikazzjoni tat-tnidijiet taż-żwieġ jew xort'oħra:

Iżda tali Direttur għandu, fi żmien hamest (5) ijiem ta' xogħol wara li jirċievi t-talba tar-Registatur, jiddetermina jekk hemmx raġuni suffiċjenti sabiex jemmen li l-applikant, li jkun adult f'sitwazzjoni ta' vulnerabbiltà, x'aktarx ikun se jsofri ħsara sinifikanti jekk iż-żwieġ kontemplat isir, u wara għandu jikkomunika din id-determinazzjoni lir-Registatur bil-miktub minnufih:

Iżda wkoll kull tali parir iservi unikament sabiex tiddokumenta valutazzjoni deskrittiva b'risposta għall-ħsibijiet imqajma, maħsuba biex tinforma aħjar il-proċess wara applikazzjoni riċevuta skont l-artikolu 7(5), u ma għandhiex tintuża, direttament jew indirettament, għal skop ta' djanjożi jew għal xi skopijiet oħra, inkluż għad-determinazzjoni jew limitazzjoni tal-kapaċità legali tal-applikant, jew sabiex jiġu stabbiliti jew altrimenti assunti l-kapaċitajiet jew il-ħiliet funzjonali tal-applikant fir-rigward ta' kwistjonijiet mhux relatati."

47. Fis-subartikolu (2) tal-artikolu 8 tal-Att prinċipali l-kliem "ordni bħal dak." għandhom jiġu sostitwiti bil-kliem "ordni bħal dak:", u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

" Iżda din id-disposizzjoni għandha tapplika wkoll jekk tali persuna tkun inkapaċi, taħt xi dispożizzjoni ta' liġi, li tħarrek jew tiġi mharrka, u f'kwalunkwe tali każ l-azzjoni tista' tinbeda minn tali persuna minkejja dik l-inkapaċità, bla ħsara għal kwalunkwe għajjnuna jew kondizzjoni oħra li l-qorti jidhrilha xieraq li tordna."

TAQSIMA IV

EMENDA GĦALL-ATT DWAR OPPORTUNITAJIET INDAQS GĦAL PERSUNI B'DIŻABILITÀ

48. Din it-Taqsima temenda l-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda għall-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità. Kap. 413.

49. Is-subartikolu (1) tal-artikolu 22 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 22 tal-Att prinċipali.

(a) il-paragrafu (t) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(t) tissorvelja Ordnijiet għas-Salvagwardja tal-Awtonomija Personali, u tibda jew tipparteċipa fi kwalunkwe azzjoni ċivili rigward dawk l-Ordnijiet provduti fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, jew inkella skont dan l-Att:

Kap. 12.

Iżda l-Kummissarju għandu wkoll jitlob reviżjoni tal-operat ta':

Kap. 12.

(a) Titolu IIIA tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

Kap. 16.

(b) Titolu VI tal-Kodiċi Ċivili; u

(ċ) l-użu tal-proċeduri koperti minn dawn it-Titoli taht l-Att dwar is-Saħħa Mentali, mill-Kumitat Permanenti dwar l-Affarijiet Soċjali tal-Kamra tad-Deputati stabbilit permezz tal-Ordni dwar Ordnijiet Permanenti tal-Kamra tad-Deputati, kull tliet (3) snin wara d-dhul fis-seħħ ta' dawn it-Titoli, u l-Kumitat ikun jista' wkoll jipproponi emendi leġiżlattivi sabiex ikunu jistgħu jintlaħqu jew jiġu indirizzati b'mod aħjar l-għanijiet u r-raġunijiet ta' dawn it-Titoli, waqt tali reviżjonijiet.";

Kap. 525.

L.S. Konst.02.

(b) fil-paragrafu (v) tiegħu l-kliem "Taqsimha dwar l-Ilmenti u t-Taqsimha dwar l-Infurzar tagħha." għandhom jiġu sostitwiti bil-kliem "Taqsimha dwar l-Ilmenti u t-Taqsimha dwar l-Infurzar tagħha;", u minnufih wara, għandu jiżdied dan il-paragrafu ġdid li ġej:

Kap. __.

Kap. 633.

"(w) tissorvelja kwalunkwe miżuri meħuda skont l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabilità, jew li fir-rigward tagħha jkun mitlub rikonoxximent skont l-artikolu 7 tal-Att dwar ir-Ratifika tal-Konvenzjoni dwar il-Protezzjoni Internazzjonali tal-Adulti, kif ukoll tibda proċeduri jew inkella tintervjeni kif meħtieġ skont kif awtorizzata minn leġiżlazzjoni rilevanti, inkluż skont dan l-Att.".

TAQSIMA V

EMENDI GHALL-ATT DWAR IS-SAHĤA MENTALI

Emendi għall-Att dwar is-Saħħa Mentali. Kap. 525.

50. Din it-Taqsimha temenda l-Att dwar is-Saħħa Mentali u għandha tinqara u tinftiehem haġa waħda mal-Att dwar is-Saħħa Mentali, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

51. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih qabel it-tifsira "*carer* responsabbli", għandhom jiżdiedu t-tifsiriet godda li ġejjin:

"Kap. 16.
Kap. 12.

"awtonomija personali" għandu jkollha l-istess tifsira assenjata lilha għall-għanijiet tal-Kodiċi Ċivili u l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

Kap. 12.

"Bord għas-Salvagwardja tal-Awtonomija Personali" għandu jkollu l-istess tifsira assenjata lilu fl-artikolu 519A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;"

(b) minnufih qabel it-tifsira "pjan ta' kura multidixxiplinarja", għandha tiżdied it-tifsira ġdida li ġejja:

"Kap. 16.
Kap. 12. "persuna ta' appoġġ" għandu jkollha l-istess tifsira assenjata lilha għall-għanijiet tal-Kodiċi Ċivili u l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.";

(ċ) minnufih wara t-tifsira "professjonist fil-kura tas-saħħa", għandha tiżdied it-tifsira ġdida li ġejja:

"Kap. 16.
Kap. 12. "salvagwardji tal-awtonomija personali" għandu jkollha l-istess tifsira assenjata lilha għall-għanijiet tal-Kodiċi Ċivili u l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.".

52. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "biex jaġixxi f'ismu" għandhom jiżdiedu l-kliem "filwaqt illi jirrispetta d-drittijiet tiegħu, u jagħmel sforzi reali, konsiderevoli u pertinenti sabiex jikseb espressjoni ta' rieda u preferenzi minn tali persuna, jew inkella jagħmel determinazzjoni dwar l-aħjar interpretazzjoni tagħhom fejn dan ma jkunx prattikabbli";

(b) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Meta xi persuna tkun inġatret b' digriet tal-Qorti jew Ordni għas-Salvagwardja tal-Awtonomija Personali sabiex tirrappreżenta jew tissalvagwardja l-awtonomija personali tal-pazjent, il-persuna hekk maħtura għandha titqies li tkun il-*carer* responsabbli ta' dak il-pazjent:

Izda persuna li tinġatar b'Ordni għas-Salvagwardja tal-Awtonomija Personali sabiex tirrappreżenta jew tissalvagwardja l-awtonomija personali tal-pazjent għandha titqies unikament li tkun il-*carer* responsabbli ta' dak il-pazjent jekk dan ikun speċifikament indikat f'tali Ordni għas-Salvagwardja tal-Awtonomija Personali.".

53. L-artikolu 24 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 24 tal-Att prinċipali.

(a) fis-subartikolu (4) tiegħu l-kliem "inabilitazzjoni jew interdizzjoni" għandhom jiġu sostitwiti bil-kliem "salvagwardji tal-awtonomija personali";

(b) is-subartikolu (6) tiegħu għandu jiġi sostitwit b'dan

is-subartikolu ġdid li ġej:

"(6) Iċ-ċertifikazzjoni li ssir skont il-Ħdax-il Skeda tkun valida biss hekk kif din tiġi approvata mill-Kummissarju, u jekk din l-approvazzjoni tkun tinkludi r-rakkomandazzjoni ta' talba għal salvagwardji tal-awtonomija personali, dik iċ-ċertifikazzjoni ma tibqax valida wara li jiskadu sitta u għoxrin ġimgħa mid-data tal-approvazzjoni, sakemm ma jkunux inbdew proċeduri għall-ghoti ta' salvagwardji tal-awtonomija personali.";

(ċ) is-subartikolu (9) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"Interdizzjoni jew inabilitazzjoni jew salvagwardji tal-awtonomija personali.

(9) Kull digriet ta' interdizzjoni jew inabilitazzjoni, jew Ordni għas-Salvagwardja tal-Awtonomija Personali li jsemmi n-nuqqas ta' kapaċità mentali bħala bażi għall-ħruġ tiegħu, għandu jiġi notifikat lill-Kummissarju li jista', jekk iqis li jkun hekk meħtieġ matul il-perjodu ta' interdizzjoni jew inabilitazzjoni, jew is-sussistenza tas-salvagwardji tal-awtonomija personali, jitlob li ssir evalwazzjoni minn tliet speċjalisti sabiex jirrevedu l-kapaċità mentali tal-persuna involuta u meta, wara li jqis dak li jingħad f'dik ir-reviżjoni, il-Kummissarju jkun tal-fehma li l-persuna kkonċernata ma tkunx għadha tbat minn nuqqas ta' kapaċità mentali, il-Kummissarju għandu jgħarraf lill-Qorti jew lill-Bord għas-Salvagwardja tal-Awtonomija Personali."

Sostituzzjoni tal-artikolu 25 tal-Att prinċipali.

54. L-artikolu 25 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Rapport li jsir lill-Qorti jew lill-Bord għas-Salvagwardja tal-Awtonomija Personali mill-Kummissarju.

25. Waqt kwalunkwe proċeduri quddiem il-Qorti dwar l-interdizzjoni jew l-inabilitazzjoni ta' persuna, jew kwalunkwe proċeduri quddiem il-Bord għas-Salvagwardja tal-Awtonomija Personali, il-Kummissarju jista' jippreżenta rapport lill-Qorti li quddiemha jkunu pendenti dawk il-proċeduri, jew lill-Bord għas-Salvagwardja tal-Awtonomija Personali jekk huwa jissuspetta jew ikollu tagħrif li dawk il-proċedimenti kienu nbdev għal raġunijiet vessatorji jew frawdolenti."

Emenda tal-artikolu 26 tal-Att prinċipali.

55. L-artikolu 26 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "inabilitata jew interdotta

b'ordni tal-qorti" għandhom jiżdedu l-kliem ", jew bħala persuna ta' appoġġ għal persuna mogħtija s-salvagwardji tal-awtonomija personali b'ordni tal-Bord għas-Salvagwardja tal-Awtonomija Personali,";

(b) il-paragrafu (b) tiegħu għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(b) tkun ta' appoġġ lill-persuna fir-rigward ta' kwalunkwe trattament meħtieġ għall-kondizzjonijiet mentali u fiżiċi tagħha;".

56. L-artikolu 27 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 27 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minnufih wara l-kelma "kuratur" għandhom jiġu miżjuda l-kliem "jew persuna ta' appoġġ";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) Jekk il-Kummissarju jsib jew ikollu għaliex jemmen li l-kuratur ma jkunx qiegħed jaġixxi fl-aħjar interessi tal-persuna, jew li l-persuna ta' appoġġ ma tkunx qiegħda taġixxi b'mod li jirrispetta d-drittijiet, ir-rieda u l-preferenzi tal-persuna, huwa għandu jippreżenta rikors quddiem il-Qorti kompetenti jew quddiem il-Bord għas-Salvagwardja tal-Awtonomija Personali fejn jitlob li l-kuratur jew il-persuna ta' appoġġ jinbidlu.".

57. Fis-subartikolu (2) tal-artikolu 45 tal-Att prinċipali l-kliem "l-inabilitazzjoni jew l-interdizzjoni ta' persuna oħra" għandhom jiġu sostitwiti bil-kliem "l-għotja ta' salvagwardji tal-awtonomija personali fir-rigward ta' persuna oħra".

Emenda tal-artikolu 45 tal-Att prinċipali.

58. Il-Ħdax-il Skeda tal-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tal-Ħdax-il Skeda tal-Att prinċipali.

(a) ir-raba' (4) partita tagħha għandha tiġi sostitwita bil-

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partita ġdida li ġejja:

"(4) Iż-żmien stmat li tibqa' ma jkollhiex kapacità mentali huwa

..... (ġimgħat) u ma hux rakkomandat li ssir applikazzjoni għal salvagwardji tal-awtonomija personali; JEW

għal iżjed minn 26 ġimgħa u huwa rakkomandat li ssir applikazzjoni għal salvagwardji tal-awtonomija personali.";

(b) it-taqsimha tagħha intitolata "DEĊIŻJONI" għandha tiġi sostitwita bit-taqsimha ġdida li ġejja:

"DEĊIŻJONI

Ċertifikazzjoni approvata għal perjodu ta' (ġimgħat) u għandha tiskadi fi

Ċertifikazzjoni approvata għal perjodu ta' (ġimgħat) u għandha tiskadi fi b'dawn l-emendi li ġejjin:

.....
.....
 Ċertifikazzjoni għal iżjed minn 26 ġimgħa u rakkomandazzjoni għal applikazzjoni għal inabilitazzjoni huma approvati.

Ċertifikazzjoni għal iżjed minn 26 ġimgħa u rakkomandazzjoni għal applikazzjoni għal interdizzjoni huma approvati.

Ċertifikazzjoni għal iżjed minn 26 ġimgħa u rakkomandazzjoni għal applikazzjoni għas-salvagwardji tal-awtonomija personali huma approvati.

Nru ta' Ref. CLMC: hija revokata (jekk dan japplika)

Iċ-ċertifikazzjoni mhux approvata

Nru ta' Ref. CLMC: mhijiex revokata (jekk dan japplika)

Id-deċiżjoni tiegħi twasslet bil-miktub lill-ispeċjalista responsabbli, lill-persuna, u lill-*carer* responsabbli fi (data)

.....

(Firma) (Data) (Fin)".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jiġu emendati liġijiet varji relatati mal-awtonomija personali, senjatement il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, il-Kodiċi Ċivili, l-Att dwar iż-Żwieġ, l-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità u l-Att dwar is-Saħħa Mentali, sabiex jingħata effett aħjar fil-liġi Maltija lid-dispożizzjonijiet tal-Artikolu 12 tal-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, b'mod partikolari sabiex jiġi introdott reġim ta' teħid appoġġat ta' deċiżjonijiet minflok reġim ta' kustodja, jitneħħew l-interdizzjoni u l-inabilitazzjoni, jiġi allinjat l-Att dwar iż-Żwieġ mal-legiżlazzjoni rilevanti, jiġu trattati b'mod ugwali l-persuni taħt il-kompetenza tal-Att dwar is-Saħħa Mentali, u tiġi assenjata s-sorveljanza ta' miżuri rilevanti lill-Kummissjoni għad-Drittijiet ta' Persuni b'Diżabilità.

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**A BILL
entitled**

AN ACT to amend various laws relating to personal autonomy 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:-

Short title and commencement.

1. (1) The short title of this Act is the Various Laws (Personal Autonomy)(Amendment) Act, 2026.

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

**PART I
AMENDMENTS TO THE CODE OF ORGANIZATION AND
CIVIL PROCEDURE**

Amendments to the Code of Organization and Civil Procedure. Cap. 12.

2. This Part amends the Code of Organization and Civil Procedure and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as "the Code".

Amendment of Title III A of Part II of Book Second of the Code.

3. In Title III A of Part II of Book Second of the Code, the words "OF GUARDIANSHIP" shall be substituted by the words "OF PERSONAL AUTONOMY SAFEGUARDS".

Amendment of article 519A of the Code.

4. Article 519A of the Code shall be amended as follows:

(a) in the marginal note thereof, the words "Guardianship Board." shall be substituted by the words

"Personal Autonomy Safeguards Board.";

(b) in sub-article (1) thereof, the words "Guardianship Board" shall be substituted by the words "Personal Autonomy Safeguards Board";

(c) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) The Board shall be composed of not more than six (6) members, being the persons indicated in paragraphs (a) to (e), as well as up to one (1) additional member indicated in paragraph (f):

(a) an advocate or a person who has acted as a judge or magistrate, and who is knowledgeable and, or who has experience and, or training in the area of rights of persons with disability, including persons with psychosocial disability further to a mental health condition or difficulty, and who shall also be the President of the Board;

Cap. 413.

(b) one (1) member appointed after consultation with the Commission for the Rights of Persons with Disability as established in the Equal Opportunities (Persons with Disability) Act, after this would have consulted organisations working in the field of persons with disability;

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(c) one (1) member appointed after consultation with the Commissioner for the Promotion of Rights of Persons with Mental Disorder as established in the Mental Health Act, after such Commissioner would have consulted organisations working in the field of mental health rights;

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(d) one (1) member appointed in consultation with the Commissioner for Older Persons as established in the Commissioner for Older Persons Act, after such Commissioner would have consulted organisations working in the field of the rights of older persons;

(e) one (1) member appointed after consultation with the Chief Executive Officer of the Victim Support Agency:

Provided that persons who satisfy the requirements of paragraphs (a), (b), (c), (d) or (e) mentioned above may be appointed as substitute members to act on the Board in cases where any of the persons appointed under the respective paragraph cannot hear a specific application:

Cap. 16. Provided further that as far possible, the majority of persons appointed as members or substitute members in terms of this sub-article, shall be persons with disability, drawn from the different categories further to the definition of "disability" found in article 188A(6) of the Civil Code and that gender balance is maintained in effecting such appointments;

(f) one (1) member appointed by the Minister responsible for the Rights of Persons with Disability, who is a health and social care professional drawn from fields including but not limited to psychology, counselling and, or social work:

Provided that such professional shall be knowledgeable and, or trained about the needs and experiences of persons with disability and, or of older persons, and about different social identities, including gender, age, sexual orientation or ethnic origin, which such persons might have, impacting the approach to be used to address certain concerns in respect of such persons once identified:

Provided further that such professional shall recuse himself from any proceedings before the Board, should he have assisted, or be at the time assisting in a professional capacity the person in respect of whom personal autonomy safeguards are being considered.";

(d) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The President and the other members of the Board shall hold office for a period of three (3) years and shall be eligible for reappointment for one (1) further consecutive term of office:

Provided that if a member of the Board is appointed at any time after the other members, the term of office of such member shall end on the same date as that of the other members:

Provided further that a previous appointment in terms of this article shall not disqualify a person from possible future appointments in terms of this article.";

(e) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) A person shall not be qualified to hold office as member of the Board if that person:

(a) is a Minister, a Parliamentary Secretary, a Member of the House of Representatives, a Mayor or a Councillor in a Local Council; or

(b) is legally interdicted, or is legally incapacitated to the extent of not being able to perform the functions required by him as a member of the Board; or

(c) is a person who has himself been accorded personal autonomy safeguards, and is not able to perform the functions required by him as a member of the Board due to the nature of the safeguards in question; or

(d) has been declared bankrupt; or

(e) has been convicted of a crime affecting public trust, or of theft, or fraud, or misappropriation, or of knowingly receiving property obtained by theft or fraud, or of a crime affecting the dignity of persons.";

(f) sub-article (7) thereof shall be substituted by the following new sub-article:

"(7) The Board shall perform such functions as are assigned to it in this Title and in Sub-title I A of Title VI of Book First of the Civil Code and in any regulations as the Minister responsible for the Rights of Persons with Disability, in conjunction with the Minister responsible for Justice and the Minister responsible for Health may from time to time make.";

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(g) sub-article (11) thereof shall be substituted by the

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following new sub-article:

"(11) The Minister responsible for the rights of persons with disability shall appoint officers both from the Public Service and from the public sector to act as Registrar and Administrative Secretary to the Board, and shall provide the Board with such resources as it may need to carry out its functions in terms of this Code, including resources to enable it to secure the use of appropriate premises, and engage the services of clerical, social work and any other staff as may be needed from time to time:

Provided that such staff shall coordinate with professionals already assisting persons appearing before the Board, as and where relevant, and shall operate in line with prevailing ethical and conflict of interest norms, including by recusing themselves from particular cases where such would be necessary."

Amendment of article 519C of the Code.

5. In sub-article (2) of article 519C of the Code the word "guardian" shall be substituted by the words "support person".

Amendment of article 519D of the Code.

6. Article 519D of the Code shall be amended as follows:

(a) in the marginal note thereof, the word "guardian" shall be substituted by the words "support person";

(b) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) A demand for the appointment of a support person shall be made by application to the Personal Autonomy Safeguards Board in accordance with article 188A of the Civil Code."

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Substitution of article 519E of the Code.

7. Article 519E of the Code shall be substituted by the following new article:

"Interviews and assessment of persons in respect of whom personal autonomy safeguards are requested and appointment of temporary support person.

519E. (1) The Board shall order the person in respect of whom personal autonomy safeguards are being requested to appear before it:

(a) to interview such person; and

(b) to order, should it deem it necessary to identify more precisely the type and extent of support required by the person concerned, that a holistic functional and needs assessment of the said person be carried out:

(i) as a descriptive assessment to better inform the process of granting personal autonomy safeguards in terms of law, and not for diagnostic or other purposes:

Provided that such assessment is to focus on the causes leading to different situations in respect of which a person may benefit from personal autonomy safeguards, in order to be able to address these situations, without making any assumptions about the person's capabilities and, or functional skills;

(ii) in an age-appropriate and gender-sensitive manner;

(iii) with full respect for other intersecting characteristics, including a person's cultural or religious background;

(iv) by one (1) or more experts, engaged by the said Board on an *ad hoc* or longer term basis, including but not limited to psychologists, counsellors, social workers and psychiatrists, knowledgeable and, or trained about the needs and experiences of persons with disability and, or of older persons, and about different social identities, including gender, age, sexual orientation or ethnic origin, which such persons might have:

Provided that in respect of the interview or the assessment outlined in this sub-article, the Board may, in all cases, subject to such conditions as it considers appropriate, appoint a temporary support person to act as a support person for such person, whilst proceedings before it are pending:

Provided further that the appointment of such temporary support person shall not, in any case, exceed the duration of twenty-six (26) weeks, during which period the Board shall determine whether a Personal Autonomy Safeguard Order shall be made.

(2) For the purpose of conducting the deliberations referred to in sub-article (1), the Board shall, where circumstances so require, hold sittings or assessments *in faciem loci* at such places as it may determine.

(3) Where the Board considers that the interests of justice so require, it shall appoint an advocate for legal aid to assist the person in respect of whom a request for personal autonomy safeguards is being considered.

(4) The Minister, in conjunction with the Minister responsible for the Rights of Persons with Disability, may make regulations in respect of assessments referred to in article 519E(1)(b).".

Substitution of article 519F of the Code.

8. Article 519F of the Code shall be substituted by the following new article:

"Appointment of support person.

519F. (1) If the Board finds that there is just cause for the appointment of a support person, it shall proceed to make such appointment through issuing an order, to be known as a Personal Autonomy Safeguard Order:

Provided that preference shall always be given to a support person proposed and, or agreed to by the person being accorded personal autonomy safeguards, after such person would have been provided, in respect of expressing their will and preferences, relevant available measures ensuring accessibility and reasonable accommodation, as long as such support person fulfils the eligibility criteria in article 519G(1), and subject to the stipulations in article 519G(2):

Provided further that should such person being accorded personal autonomy safeguards disagree with the Board's final choice of support person, such person may file an application in terms of article 519L(1), further to the requisites contained in such provision.

(2) A person appointed as support person in terms of a Personal Autonomy Safeguard Order shall act in terms of the contents of such Order in exercising all of the relevant functions, obligations and duties provided in respect of support persons in accordance with Sub-title IA of Title VI of Book First of the Civil Code and in accordance with this Title:

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Provided that without prejudice to instruments referred to in article 188A(5) of the Civil Code, and mandates referred to in article 1864A of the Civil Code, any mandates or powers of representation in respect of which the person accorded safeguards is either the mandator or principal, or else the mandatory or representative, and any agreement, whether public or private, binding such person, with any such mandate, powers or agreement having been concluded prior to the issuance of the Personal Autonomy Safeguards Order in question, shall not be affected by such Order, unless a stipulation in respect of any one (1) or more specific instruments of such nature is made in the said Order, and subject to any stipulations emerging from any provision contained in any such instrument, or in any law at any time in force.

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(3) In determining whether or not a person is to be accorded personal autonomy safeguards, the Board must consider the needs of the person in respect of whom the safeguard is being considered, in order to ensure that the safeguards are proportional and adapted to the circumstances of said person, while respecting the person's rights, will and preferences, and ensuring that said safeguards are applied in such a way as to avoid undue influence on said person.

(4) Where the Board appoints a support person further to the issuance of a Personal Autonomy Safeguard Order, it shall also order that a hearing for the review of the Order shall be held within a specified period, not being longer than two (2) years, as may be stipulated in the Order, and again following every such period thereafter, with such period able to be varied by the Board during any such hearing:

Provided that the Board may at any time of its own motion or on the application of any person mentioned in article 188A(3) of the Civil Code hold a hearing to review the Personal Autonomy Safeguard Order.

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(5) The Board shall through its Registrar notify the Registrar of the Court of Voluntary Jurisdiction of all Personal Autonomy Safeguard Orders approved or revoked.

(6) The Registrar of the Board shall keep an updated register of all Personal Autonomy Safeguard Orders approved or revoked and of the conditions thereof.

(7) No information taken from the register mentioned in sub-article (6) may be given by the Registrar, unless the Board would not have ascertained the legitimate interest of the person requesting the said information."

Substitution of article 519G of the Code.

9. Article 519G of the Code shall be substituted by the following

new article:

"Persons eligible as support persons.

519G. (1) The Board may appoint as a support person any person who has attained the age of eighteen (18) years, is ordinarily resident in Malta and consents to act as such, if the Board is satisfied that such person:

(a) is in a position to be able to perform all the functions, obligations and duties provided in respect of support persons under Sub-title I A of Title VI of Book First of the Civil Code and under this Title; and

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(b) shall act according to the rights, will and preferences of the person being accorded personal autonomy safeguards:

(i) after the support person would make real, considerable and pertinent efforts to obtain an expression of will from, and ascertain the preferences of the person being accorded said safeguards, having provided him with relevant available measures ensuring accessibility and reasonable accommodation; or

(ii) otherwise make the best interpretation of the will and preferences of the person, whenever it remains impossible to obtain said expression of will and to ascertain such preferences, after the support person would have exerted all relevant efforts described above:

Provided that in either of these instances, the support person shall keep a record of the steps taken to ascertain such will and preferences and the elements relied upon, including the past statements, values, beliefs and life history of the person being accorded safeguards, making such record available to the Board and to the person with a legitimate interest, and shall so act when:

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(a) the designation of personal autonomy safeguards is necessary for the exercise and protection of the rights of the person who would be accorded said safeguards;

(b) without exerting any undue influence on the person; and

(c) he is not in a position where his interests conflict or may conflict with the interests of the person being accorded personal autonomy safeguards, and, further to the possibility of the Board raising this matter *ex officio*, such interest may also be communicated to the Board as soon as it is known or is suspected that it exists, by the support person himself, or by any other party:

Provided that the final determination in respect of an actual or potential conflict, and specifically on whether such would vitiate a new support arrangement, or else the continuation of the existing support person in their role, shall lie with the Board; and

(d) is not a Minister, a Parliamentary Secretary, a Member of the House of Representatives, Mayor or Councillor in a Local Council, unless the Board decides that an exception should be made in view of circumstances linked to a particular case; and

(e) is not legally interdicted, or is not legally incapacitated to the extent that such incapacitation would prevent him from providing the support needed by the person in respect of whom personal autonomy safeguards are sought; and

(f) is not a person who, having himself been accorded personal autonomy safeguards, is not judged by the Board as not being in a position to be able to provide the support needed by the person in respect of whom personal autonomy safeguards are sought; and

(g) has not been declared bankrupt, should the support person be required to provide support in respect of financial matters and, or administration of property; and

(h) has not been convicted of a crime affecting public trust, or of theft, or fraud, or misappropriation, or of knowingly receiving property obtained by theft or fraud, or of a crime affecting the dignity of persons:

Provided that the Board may appoint joint support persons for the person being accorded personal autonomy safeguards, each of whom shall perform such functions, obligations and duties as the Board may determine.

(2) In determining whether a person is suitable to act as the support person of a person being accorded personal autonomy safeguards, the Board shall act in a manner that respects the rights, will and preferences of the person himself, while taking into account the desirability of preserving existing family and social relationships and the compatibility of the person proposed as support person with the person being accorded personal autonomy safeguards.

(3) A support person shall be entitled to receive a fee, remuneration or other reward for acting in this capacity if the Board decides on such, and indicates this decision specifically in the order appointing the support person.

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(4) Where it appears to the Board that a proposed support person, even if temporary, or a person appointed to act as a support person does not fulfil the requirements of sub-article (1), it may appoint any other person suitable to act as support person.

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(5) The Board may also order the substitution of a support person at any time during the term of a Personal Autonomy Safeguard Order, should any person listed in article 188A(3) of the Civil Code raise concerns before the Board as to the support person failing to meet any one (1) or more of the suitability criteria in accordance with this article, and the Board, having examined the matter, decides that such concerns are justified, in which case the procedure envisaged in article 188A(3) of the Civil Code shall be followed when effecting said substitution, subject, at any time, to the provisions of sub-article (4):

Provided that until such a new appointment is effected, a temporary support person may be appointed by the Board, following the procedure outlined in article 519E."

Substitution of article 519GA of the Code.

10. Article 519GA of the Code shall be substituted by the following new article

"Appointment of support persons from the State pool.

519GA. (1)The Minister responsible for the Rights of Persons with Disability shall appoint a pool of support persons as he may deem fit, consisting of, *inter alia*, advocates, legal procurators, health and social care professionals, including social workers and occupational therapists and other experts, as well as the Chief Executive Officer of the Victim Support Agency or his representatives, to perform the duties of support persons:

Provided that such persons shall be knowledgeable and, or trained about the needs and experiences of persons with disability and, or of older persons, and about different social identities, including gender, age, sexual orientation or ethnic origin, which such persons might have:

Provided further that recommendations in respect of possible members of the pool may be made to the Minister responsible for the Rights of Persons with Disability, for the consideration of the said Minister, by activists working in the field of human rights, as well as by organisations representing such activists, including by activists and organisations working on the rights of persons with disability and of older persons.

(2) A list of the members of the pool appointed as aforesaid shall be published in the Gazette.

(3) The Board shall ensure that a support person appointed according to the provisions of this article would suit the needs of the particular personal autonomy safeguard application in respect of which said appointment would be effected.

(4) The provisions of articles 519F, 519G (1), (2), (4) and (5), 519H, 519I and 519J relating to functions, duties and responsibilities of support persons shall *mutatis mutandis* apply to the State pool of support persons.

(5) A support person appointed according to the provisions of this article shall be entitled to such remuneration as the Board specifies in the order appointing said person as a support person, with said remuneration to be drawn from the estate of the person being accorded personal autonomy safeguards, or otherwise financed by the State.

(6) In case of misconduct, negligence or any reasonable objection to any person selected to perform the duties of support person, the Board shall have the power to remove him from the case and to appoint another support person from the pool in his stead:

Provided that said actions undertaken by the Board shall be without prejudice to any other civil or criminal actions available at law and that the Board may deem appropriate to pursue in respect of the support person, in light of the specific circumstances of the case."

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Substitution of article 519H of the Code.

11. Article 519H of the Code shall be substituted by the following new article:

"When a Personal Autonomy Safeguard Order includes administration of property.

519H.(1) A support person who is authorised in a Personal Autonomy Safeguard Order to support in the administration of monies or other property of a person accorded personal autonomy safeguards, shall within two (2) months of his appointment submit to the Board a list of assets and liabilities, that result from the person accorded personal autonomy safeguards as at the date of issue of the Personal Autonomy Safeguard Order:

Provided that where said order includes the administration of monies or other property, the Board may direct the support person designate to bind himself with hypothecation of his own property limited to a fixed sum that corresponds to not more than the total value of said monies or other property, faithfully and with all honesty to support in the administration of monies or other property of a person accorded personal autonomy safeguards.

(2) A support person who supports in the receipt of monies or other property due to the person accorded personal autonomy safeguards shall keep separate payment accounts and records, including income and expenditure accounts, of such monies or other property:

Provided that, for the purposes of this sub-article, the term "payment accounts" shall have the same meaning as that assigned to it in sub-article (1) of article 2 of the Financial Institutions Act.

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(3) A support person shall notify and seek the prior approval of the Board in respect of any transfer of, or imposition of a burden upon property belonging to a person accorded personal autonomy safeguards, when a particular Personal Autonomy Safeguard Order envisages a role for the support person in transactions of this nature:

Provided that any transfer of, or imposition of a burden on any property belonging to the person accorded personal autonomy safeguards and made in contravention of the provisions of this sub-article shall be null and void, and should the support person not perform, within a reasonable period of time, all actions necessary to reverse all effects of said transfer or imposition, following an order to this effect by the Board, the Board shall proceed to terminate the appointment of the support person, and commence procedures in order for a new support person to be appointed, with said new support person being also tasked with undertaking all procedures necessary with a view to reversing all effects of said transfer or imposition:

Provided further that nothing in this sub-article shall be construed as limiting the powers of the support person to support by providing for the ordinary personal needs of the person accorded personal autonomy safeguards.

(4) A support person shall also submit to the Board, an income and expenditure account confirmed on oath with regard to the Personal Autonomy Safeguard Order:

- (a) every year; and
- (b) upon revocation or other termination of the Personal Autonomy Safeguard Order; or
- (c) upon the termination of a temporary Personal Autonomy Safeguard Order:

Provided that should the Board be concerned, or should it be brought to the attention of the Board by any person listed in article 188A(3) of the Civil Code, that in conducting any aspects of administration reflected in said account, the support person's actions would have run counter to the rights, will or preferences of the person accorded safeguards and, or would have breached ethical norms expected and, or legal obligations incumbent on any person with such administrative responsibilities, the Board shall cause the support person to be brought before it, in order to seek clarifications, and should the Board decide that any such actions would have indeed run manifestly counter to such rights, will or preferences and, or ethical norms and, or legal obligations, then it would issue an order, requiring the support person to, within a reasonable period of time, undertake all actions necessary to reverse all effects of said prior actions, and should the support person not comply with the terms of such order, the Board shall proceed to terminate the appointment of the support person, and commence procedures in order for a new support person to be appointed, with said new support person being also tasked with undertaking all actions necessary with a view to reversing all effects of said prior actions.

(5) Within thirteen (13) weeks from the death of the person accorded personal autonomy safeguards, the support person shall provide the Board with a detailed report relating to administration of the assets of the person accorded personal autonomy safeguards including, income, expenditure and administration of property and, where relevant, funeral and burial expenses:

Provided that should the Board be concerned, or should it be brought to the attention of the Board by any person listed in article 188A(3) of the Civil Code, that in conducting any aspects of administration reflected in said report, during the lifetime of the person who had been accorded personal autonomy safeguards, the support person's actions would have run counter to the rights, will or preferences of the person accorded safeguards and, or would have breached ethical norms expected of and, or legal obligations incumbent on any person tasked with such administrative responsibilities, the Board shall cause the support person to be brought before it, in order to seek clarifications, and should the Board decide that any such actions would have indeed run manifestly counter to said rights, will or preferences and, or ethical norms and, or legal obligations, then it would issue an order, requiring the support person to, within a reasonable period of time, undertake all actions necessary to reverse all effects of said prior actions in connection with the estate of the deceased person who had been accorded personal autonomy safeguards, and should the support person not comply with the terms of such order, the Board shall proceed to terminate the appointment of the support person, and commence procedures in order for a new support person to be appointed, with said new support person being also tasked with undertaking all actions necessary with a view to reversing all effects of said prior actions.

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(6) Any person interested as a creditor, beneficiary, family member, or otherwise interested, in any monies or other property in the administration of which a support person is involved, may make an application to the Board to intervene and give their advice on any order appropriate in the circumstances regarding any matter arising out of the administration of the said monies or property in which the support person is involved, and the Board, after having heard the support person and the person accorded personal autonomy safeguards, may make such order in relation to such application as the circumstances of the case may require."

Substitution of article 519I of the Code.
12. Article 519I of the Code shall be substituted by the following new article:

"Support person may seek advice from the Board.

519I. (1) A support person may request the advice of the Board regarding any matter relating to the Personal Autonomy Safeguard Order or the exercise of any of the functions, obligations and duties of the support person according to the Personal Autonomy Safeguard Order.

(2) The Board shall order that a request under sub-article (1) be served on any person that it directs.

(3) The Board may:

(a) approve or disapprove of any act proposed to be done by the support person;

(b) give such advice as it considers appropriate;

(c) make any order or decision as it considers necessary or amend or revoke the Personal Autonomy Safeguard Order.

(4) No legal proceedings shall be instituted against a support person on account of an act or anything done or omitted by the support person under any order or decision, or on the advice of the Board, made or given in accordance to this article, unless in representing the facts to the Board the support person shall have acted fraudulently or shall have wilfully concealed or misrepresented facts."

13. Article 519J of the Code shall be substituted by the following new article: Substitution of article 519J of the Code.

"Revocation of a Personal
Autonomy Safeguard Order.
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519J. (1) Any person mentioned in article 188A(3) of the Civil Code may, by application, request the Board to revoke a Personal Autonomy Safeguard Order and the Board, after due consideration, may revoke said Order if the Board determines that:

(a) the cause which gave rise to the Personal Autonomy Safeguard Order has ceased to exist; or

(b) there is good and sufficient cause to revoke such Personal Autonomy Safeguard Order.

(2) When a person accorded personal autonomy safeguards dies, the support person shall report the death to the Board within a period that shall not exceed a maximum of one (1) week from the demise of the person for whom he was support person."

14. Article 519K of the Code shall be amended as follows: Amendment of article 519K of the Code.

(a) sub-article (1) thereof shall be substituted by the

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following new sub-article:

"519K. (1) If the Board receives information, from any person or entity, that a person accorded personal autonomy safeguards is facing serious obstacles to the exercise of his rights, will or preferences, or is suffering from serious damage to his physical, emotional, mental health or well-being as a consequence of ill-treatment, abuse or neglect, the Board may appoint a person or more than one (1) person to visit the person accorded personal autonomy safeguards for the purpose of investigating the case and preparing a report to the Board on the situation of said person accorded personal autonomy safeguards. Such a report is to be made to the Board within four (4) days or any other time limit as may be stipulated in the order:

Provided that the Board, if and when it deems it appropriate, may demand that such information be confirmed on oath."

(b) in sub-article (4) thereof, the words "person with disability or mental disorder" shall be substituted by the words "person accorded personal autonomy safeguards".

Amendment of
article 519L of
the Code.

15. Sub-article (1) of article 519L of the Code shall be substituted by the following new sub-article:

"(1) Any person, including a person in respect of whom proceedings concerning personal autonomy safeguards would have been undertaken, and who feels aggrieved by a decision of the Board may by application appeal the said decision in front of the Court of Voluntary Jurisdiction:

Provided that in case of an action brought by a person in respect of whom proceedings concerning personal autonomy safeguards would have been undertaken, where such person is incapable, in accordance with any provision of law, of suing or being sued, such action may be commenced by such person notwithstanding such incapacity, and the person shall also be provided with relevant available measures ensuring accessibility and reasonable accommodation."

Substitution of
article 519M of
the Code.

16. Article 519M of the Code shall be substituted by the

following new article:

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519M. (1) Any person mentioned in article 188A of the Civil Code may request the Court of Voluntary Jurisdiction to revoke an interdiction or an incapacitation further to the successful pursual of the issuance of a Personal Autonomy Safeguard Order instead, and the said Court shall refer the matter to the Personal Autonomy Safeguards Board in every such instance:

Provided that in case of an action brought by a person subject to a decree of interdiction or of incapacitation, where such person is incapable, in accordance with any provision of law, of suing or being sued, such action may be commenced by such person notwithstanding such incapacity, and the person shall also be provided with relevant available measures ensuring accessibility and reasonable accommodation.

(2) Where the Board considers that there are sufficient grounds for the conversion referred to in sub-article (1) to be made, it shall issue a Personal Autonomy Safeguard Order and notify the Court of this fact, following which the Court shall proceed to revoke the interdiction or incapacitation in question.

(3) The Minister responsible for Justice may by regulations in accordance with this sub-article establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with any procedure in accordance with this article:

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Provided that until such fees are so established, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply."

17. Article 519N of the Code shall be amended as follows:

(a) the words "Minister responsible for Social Policy" shall be replaced by the words "Minister responsible for the Rights of Persons with Disability";

Amendment of article 519N of the Code.

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(b) in paragraph (b) thereof, the words "Guardianship Orders" shall be substituted by the words "Personal Autonomy Safeguard Orders";

(c) in paragraph (e) thereof, the words "Guardianship Orders" shall be substituted by the words "Personal Autonomy Safeguard Orders".

Addition of new articles to the Code.

18. Immediately after article 519N of the Code there shall be added the following new articles:

"Transitory Provisions concerning Guardianship Orders. Act No. ____ of 2026.

519O.(1) Guardianship Orders issued prior to the coming into force of article 8 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 shall continue in force for the remaining duration of said Guardianship Orders following the entry into force of said article.

(2) Such Guardianship Orders shall be converted into Personal Autonomy Safeguard Orders, should renewal of said Guardianship Orders be sought and acceded to, with the procedure in article 519F(4) to be followed for assessing such requests.

Act No. ____ of 2026.

(3) Any application for a Guardianship Order, filed in terms of article 519F(1) prior to the amendment of said sub-article by article 8 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 and which is still pending at the time of the coming into force of said article, shall continue to be assessed in accordance with the provisions of article 519F(4) prior to its amendment by said Act.

Act No. ____ of 2026.

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(4) Should the said application for a Guardianship Order be acceded to, articles 519A to 519L, prior to the amendment of said articles by articles 4 to 15 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 and articles 188A to 188C of the Civil Code, prior to the amendment of said articles by articles 27 to 29 of the said Act, shall continue to apply in respect of said Guardianship Order during its period of validity.

Act No. ____ of 2026.

(5) Any application for revocation of a Guardianship Order issued in accordance with article 519F(1), prior to the amendment of said sub-article by article 8 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 shall be made following the procedure in article 519J(1).

(6) Should renewal be sought of a Guardianship Order issued in accordance with the procedure referred to in the preceding sub-article, said renewal request shall follow the procedure in article 519F(4), and if such request is acceded to, a Personal Autonomy Safeguard Order shall be issued in terms of article 519F(1).

Transitory provisions concerning decrees of interdiction or incapacitation. Act No. ____ of 2026.

519P.(1) Decrees of interdiction made in accordance with article 523, prior to the deletion of said article by article 19 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 and decrees of incapacitation made in accordance with article 524, prior to the deletion of said article by article 19 of the said Act, shall continue in force for the remaining duration of the term of office of the curator appointed further to such decrees of interdiction or incapacitation following the coming into force of said amendments.

(2) For the remaining duration of the term of office of the curators referred to in the preceding sub-article, the following articles shall continue to apply in respect of the decrees referred to in said preceding sub-article:

(a) articles 520 to 525, and article 929, prior to the deletion or amendment of said articles by articles 19 and 21 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026;

(b) articles 154(1)(c), 189, 191, 597, 630, 752, 967(3)(b), 972, 1325(4), 1332(1)(a), 1744 (a) and 1744(b) of the Civil Code, prior to the deletion or amendment of said articles by articles 24, 31 to 33 and 35 to 41 of the said Act; and

(c) article 40(2) of the Second Schedule of the Civil Code, prior to the amendment of said sub-article by article 43 of the said Act.

(3) The decrees referred to in sub-article (1) shall be converted into Personal Autonomy Safeguard Orders, should renewal of the term of office of the curator appointed in terms of said decrees of interdiction or incapacitation be sought and acceded to, and the procedure in article 519F(4) shall be followed in such cases.

Act No. ____ of 2026.

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Act No. ____ of
2026.

(4) Any application for a decree of interdiction made in accordance with article 523, prior to the deletion of said article by article 19 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 or for a decree of incapacitation made in accordance with article 524, prior to the deletion of said article by article 19 of the said Act, and which are still pending at the time of coming into force of this article, shall continue to be assessed in terms of the provisions of articles 523 or 524 prior to their deletion by said Act.

(5) Should a decree referred to in the preceding sub-article be issued, the provisions referred to in sub-article (2) shall continue to apply in respect of such decree, during the initial term of office of the curator appointed further to such decree.

Act No. ____ of
2026.

(6) Any application for a revocation of a decree of interdiction made in accordance with article 523, prior to the deletion of said article by article 19 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 or of a decree of incapacitation made in accordance with article 524, prior to the deletion of said article by article 19 of the said Act, shall be made further to article 526, prior to the deletion of said article by article 19 of the said Act:

Provided that in case of an action brought by a person subject to a decree of interdiction or of incapacitation, where such person is incapable, in accordance with any provision of law, of suing or being sued, such action may be commenced by such person notwithstanding such incapacity, and the person shall also be provided with relevant available measures ensuring accessibility and reasonable accommodation:

Provided further that the Minister responsible for Justice may, by regulations under this sub-article, establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with the procedure under this sub-article, and until such fees are so established, the fees contained in Schedule A shall apply.

(7) Should renewal be sought of the term of office of a curator appointed in terms of a decree of interdiction or incapacitation made in line with the procedures referred to in this article, such renewal request shall follow the procedure in article 519F(4), and if said request is acceded to, a Personal Autonomy Safeguard Order shall be issued in terms of article 519F(1).

(8) Should the curator, appointed under a decree of interdiction or incapacitation referred to in the preceding sub-article, decline to act as a support person once the term of office of the curator in terms of said decree is due for renewal:

- Cap. 16. (a) the procedure in article 188A(3) of the Civil Code shall be followed for the appointment of a new support person; and
- Cap. ____ (b) a temporary support person shall be appointed following the procedure in article 18 of the Protection of Adults in Situations of Vulnerability Act, and further to the stipulations therein, pending the appointment of such new support person."

19. Articles 520 through to 525 of the Code, both included, shall be deleted.

Deletion of articles 520 to 525 of the Code.

20. Article 527 of the Code shall be amended as follows:

Amendment of article 527 of the Code.

(a) in sub-article (1) thereof, immediately following the words "in the decree of interdiction or incapacitation," there shall be added the words "or after having been notified by the Registrar of the Personal Autonomy Safeguards Board of an approved Personal Autonomy Safeguard Order in terms of article 519F(6) of the Code," and immediately following the words "the terms of the inhibition" there shall be added the words "or of the Order";

(b) in the proviso to sub-article (1) thereof, immediately following the words "shall order that the decree", there shall be added the words "or relevant notification", and immediately following the words "a note of such interdiction or incapacitation" there shall be added the words " or Order";

(c) in sub-article (2) thereof, immediately following the words "Register of Interdicted and Incapacitated Persons", there shall be added the words ", and Persons accorded Personal Autonomy Safeguards";

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(d) in sub-article (3) thereof, the words "three parts" shall be substituted by the words "four parts", and the words "and the third part shall contain a list of persons in respect of whom a certificate of lack of mental capacity has been issued in accordance with the Mental Health Act" shall be substituted by the words ", the third part shall contain a list of persons in respect of whom a certificate of lack of mental capacity has been issued in accordance with the Mental Health Act, and the fourth part shall contain a list of persons accorded Personal Autonomy Safeguard Orders";

(e) in sub-article (4) thereof, the words "the person interdicted or incapacitated" shall be substituted by the words "the person interdicted, incapacitated or accorded a Personal Autonomy Safeguard Order," and immediately following the words "the decree of interdiction or incapacitation" there shall be added the words ", or of the Personal Autonomy Safeguard Order";

(f) in the proviso to sub-article (4) thereof:

(i) in sub-paragraph (a) thereof, immediately following the words "since the date of the decree", there shall be added the words "or of the Personal Autonomy Safeguard Order";

(ii) in sub-paragraph (c) thereof, immediately following the words "in terms of article 526," there shall be added the words "or the Personal Autonomy Safeguard Order has been revoked in terms of article 519J";

(iii) in sub-paragraph (d) thereof, immediately following the words "person interdicted or incapacitated", there shall be added the words ", or accorded a Personal Autonomy Safeguard Order,".

Amendment of
article 929 of
the Code.

21. In Article 929 of the Code, in paragraph (a) thereof, the words "or person with a mental disorder or other condition, which renders him incapable of managing his own affairs, or persons interdicted" shall be deleted.

PART II AMENDMENTS TO THE CIVIL CODE

Amendments to
the Civil Code.
Cap. 16.

22. This Part amends the Civil Code and shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as "the Code".

23. In Title VI of Book First of the Code, the word "GUARDIANSHIP" shall be substituted by the words "PERSONAL AUTONOMY SAFEGUARDS".

Amendment of Title VI of Book First of the Code.

24. Paragraph (c) of sub-article (1) of article 154 of the Code shall be deleted.

Amendment of article 154 of the Code.

25. Sub-article (2) of article 188 of the Code shall be substituted by the following new sub-article:

Amendment of Article 188 of the Code.

"(2) A major person, including a person with disability, shall be guaranteed full juridical equality and, particularly, the recognition of full legal capacity, the entitlement to perform all the acts of civil life, to exercise all personal rights, as subject to all relevant obligations at law, and to the restrictions in respect of said acts, rights and obligations contained in other provisions of law."

26. In Sub-title I A of Title VI of Book First of the Code, the words "OF GUARDIANSHIP" shall be substituted by the words "OF PERSONAL AUTONOMY SAFEGUARDS".

Amendment of Sub-title I A of Title VI of Book First of the Code.

27. Article 188A of the Code shall be amended as follows:

Amendment of article 188A of the Code.

(a) in the marginal note thereof, the words "Persons subject to guardianship." shall be substituted by the words "Persons who can be accorded personal autonomy safeguards.";

(b) sub-article (1) thereof shall be substituted by the following new sub-article and proviso:

"(1) As a means of respecting the rights, will and preferences of, and in order to safeguard the effective exercise of rights and fulfilment of obligations of any major person, a support person can be appointed, to the extent of the relevant personal autonomy safeguard being ensured through such appointment being proportional and adapted to the circumstances of, and applied in such a way so as to avoid undue influence on said major person:

Provided that this sub-article shall not be interpreted as permitting any determination of the existence or extent of a person's legal capacity, which shall at all times be presumed, and that personal autonomy safeguards shall be intended solely to facilitate the exercise of such legal capacity.";

(c) in sub-article (2) thereof, immediately after the words

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"in article 156" there shall be added the words ", or who would have otherwise acquired legal capacity before the age of majority in accordance with any law in force governing his personal status";

(d) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The demand for the application of a personal autonomy safeguard by one or more persons may be made by:

(a) any person who voluntarily wishes to be made subject to the application of said personal autonomy safeguard; or

(b) in cases where said person is unable or limited in their possibility to request said personal autonomy safeguard, by any person mentioned below:

(i) one of the spouses in respect of the other;

(ii) any person in respect of another related to him by consanguinity;

(iii) any person who is related by affinity to the person in respect of whom the application of a personal autonomy safeguard is sought and who may be called upon to supply maintenance to such person;

(iv) the Director for Disability Issues as defined in article 2 of the Protection of Adults in Situations of Vulnerability Act;

(v) any person demonstrating a close personal, social or professional connection with the person, and an interest in the person's well-being, including but not limited to a social worker, youth worker, volunteer in a voluntary organisation or close friend; or

(vi) the State Advocate, unless the demand shall have been made by any other person,

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after said person would have made, in respect of the person concerned with regard to whom said request is being made, real, considerable and pertinent efforts to obtain an expression of will from, and ascertain the preferences of the person, having provided him with relevant available measures ensuring accessibility and reasonable accommodation, without exerting any undue influence on said person:

Provided that when it would not be practicable to obtain a determination of such will and preferences from the person in respect of whom a request is being contemplated, such other persons mentioned in this sub-article should otherwise make a best interpretation of such will and preferences, also taking into account the social history of the person in respect of whom the request is being contemplated:

Provided further that such persons shall keep a record of the steps taken to ascertain the person's will and preferences, including when making a best interpretation thereof, and of the elements relied upon, including the past statements, values, beliefs and life history of the person in respect of whom the request is being contemplated, making such record available to the Personal Autonomy Safeguards Board as established in the Code of Organization and Civil Procedure:

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Provided further that in respect of any request made in accordance with this paragraph, that the designation of personal autonomy safeguards would be necessary for the exercise and protection of the rights of the person in respect of whom said request is being made.";

- (e) sub-article (4) thereof shall be substituted by the

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following new sub-article:

(4) If in any civil proceedings the Court considers that a party may benefit from a personal autonomy safeguard in order to ensure the effective exercise of rights and fulfilment of obligations of said party, the Court shall, after having heard such party, after having provided him with the relevant available measures ensuring accessibility and reasonable accommodation, refer the matter to the Personal Autonomy Safeguards Board as established in the Code of Organization and Civil Procedure for its determination.";

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(f) sub-article (5) thereof shall be substituted by the following sub-article:

"(5) Any major person may, in anticipation of requiring future support for the exercise of their legal capacity, make provision through a written instrument, communicated to the Personal Autonomy Safeguards Board, in respect of their will and preferences in relation to the application of personal autonomy safeguards in such circumstances, and of any matters ancillary or consequential thereto, including the indication of instances in which the Personal Autonomy Safeguards Board should act as if it had received a demand in terms of sub-article (3) from said major person, and the Minister, in conjunction with the Minister responsible for the Rights of Persons with Disability and the Minister responsible for Health, shall make regulations in respect of the form, content and conclusion of said written instruments.";

(g) immediately after sub-article (5) as substituted, there shall be added the following new sub-article:

(6) For the purposes of this Sub-title, the term "disability" shall have the same meaning as that assigned to it in sub-article (1) of article 2 of the United Nations Convention on the Rights of Persons with Disabilities Act.".

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Substitution of article 188B of the Code.

28. Article 188B of the Code shall be substituted by the following

new article:

"Functions of support person.

188B. A support person shall act so as to guarantee the effective exercise of rights and fulfilment of obligations of the person accorded personal autonomy safeguards, in any one or more of the following:

(a) to safeguard the personal and proprietary rights of the person accorded personal autonomy safeguards;

(b) to support or represent, as the case may be, including through co-decision-making with the person accorded personal autonomy safeguards, or in accordance with powers of representation executed by such person, in matters of a personal or of a proprietary nature, in relation to any one or more acts of civil life, as specified, and through the mechanism prescribed in the Personal Autonomy Safeguard Order;

(c) to act in any other manner, including to support or represent, as the case may be, the person accorded personal autonomy safeguards, including through co-decision-making, as he may be ordered or authorised to do by the Personal Autonomy Safeguards Board established under Title III A of Part II of Book Second of the Code of Organization and Civil Procedure or by the Court of Voluntary Jurisdiction or as may be prescribed by regulations made under this Sub-title:

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Provided that when acting in accordance with this article, a support person shall:

(a) maintain frequent contact with a person, with a view to being able to support, in a timely manner, the person in the decision-making process;

(b) make real, considerable and pertinent efforts to obtain an expression of will from and ascertain a person's preferences, while respecting his rights; and

(c) provide him with relevant available measures ensuring accessibility and reasonable accommodation:

Provided further that a support person shall only act when:

(a) personal autonomy safeguards are necessary for the exercise and protection of the rights of the person;

(b) without exerting any undue influence on such person; and

(c) in line with the provisions of a Personal Autonomy Safeguard Order as established in the Code of Organization and Civil Procedure:

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Provided further that support shall, as far as possible, be provided in a manner that enables the person concerned to make decisions themselves, and representation by the support person shall be used only where supported decision-making is not practicable in relation to a specific act and only to the minimum extent and duration necessary:

Provided further that where determination of will and preferences is still not practicable after the support person would have followed the criteria in the second proviso, the support person shall follow a best interpretation of a person's will and preferences, also taking into account the person's past statements, values, beliefs and life history."

Substitution of article 188C of the Code.

29. Article 188C of the Code shall be substituted by the following new article:

"Obligations in respect of acts to safeguard personal autonomy.

188C. (1) The provisions of this Sub-title shall be construed and interpreted and every function, power, authority, discretion, duty or right conferred by this Sub-title or by any regulations made thereunder shall be exercised, in such manner that:

(a) the well-being, rights, will and preferences of the person accorded personal autonomy safeguards are respected and given effect, including through the use of a best interpretation of will and preferences undertaken when, following significant efforts to determine such will and preferences, this would not be practicable;

(b) the effective exercise of rights and fulfilment of obligations of the person accorded personal autonomy safeguards shall be guaranteed;

(c) the nature of the personal autonomy safeguards shall be proportionate to the aims which they are intended to achieve, and adapted to the circumstances of the person accorded personal autonomy safeguards; and

(d) the personal autonomy safeguards shall be applied in such a way as to avoid undue influence on the person accorded said safeguards.

(2) In the exercise of his obligations the support person shall:

(a) take appropriate measures to provide the support that the person accorded personal autonomy safeguards may require in exercising his legal capacity, after having made real, considerable and pertinent efforts to ascertain the person's will and preferences, and where such is still not practicable following such efforts, following a best interpretation of said will and preferences:

(i) after having made real, considerable and pertinent efforts to obtain an expression of will from, and ascertain the preferences of the said person, having provided him with relevant available measures ensuring accessibility and reasonable accommodation; and

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(ii) where after such efforts having been made, it is not practicable to determine such will and preferences, having proceeded with a best determination of the will and preferences of the person:

Provided that, in either of these instances, the support person shall keep a record of the steps taken to ascertain such will and preferences and the elements relied upon, including the past statements, values, beliefs and life history of the person being accorded safeguards, making such record available to the Personal Autonomy Safeguards Board as established in the Code of Organization and Civil Procedure and to persons with a legitimate interest, and shall so act:

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(a) when personal autonomy safeguards are necessary for the exercise and protection of the rights of the person who would be accorded said safeguards;

(b) in an age-appropriate and gender-sensitive manner;

(c) with full respect for intersecting characteristics, including a person's cultural or religious background;

(d) without exerting any undue influence on said person, and

(e) in line with the provisions of a Personal Autonomy Safeguard Order as established in the Code of Organization and Civil Procedure;

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(b) consult and act together with the person accorded personal autonomy safeguards, in respect of one or more acts of civil life, and subject to the provisions of this Code, and of the Code of Organization and Civil Procedure, when provision for such joint action specifically is made in a Personal Autonomy Safeguard Order, and following the possibility of additionally concluding a Support Agreement between the person accorded personal autonomy safeguards and the support person, executed in such format as may be prescribed in virtue of sub-article (4), and as may be from time to time amended;

(c) support, where necessary, the person accorded personal autonomy safeguards to participate to the fullest extent in the life of the community;

(d) support, where necessary, the person accorded personal autonomy safeguards in relation to self-care and self-management, and in relation to occupational strategies, including in relation to the management of the person's property, and decision-making in respect of matters relating to his person and property;

(e) support and assist, where necessary, the person accorded personal autonomy safeguards in protecting themselves from neglect, abuse or exploitation; and

(f) support and assist, where necessary, the person accorded personal autonomy safeguards in sourcing and accessing any assistive means as may be required for the proper fulfillment of the obligations provided for in this sub-article.

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(3) Subject to the limits imposed in the Personal Autonomy Safeguard Order or by any other decision which the Personal Autonomy Safeguards Board may give from time to time, a support person may, where necessary, support or assist a person subject to personal autonomy safeguards in relation to signing and doing all such things as are necessary to give effect to any functions or obligations vested in the support person.

(4) The Minister, in conjunction with the Minister responsible for the Rights of Persons with Disability and the Minister responsible for Health, shall make regulations in respect of the form, content and conclusion of Support Agreements referred to in sub-article (2)."

Amendment of article 188D of the Code.

30. In Article 188D of the Code, the words "Minister responsible for Social Policy" shall be substituted by the words "Minister responsible for the Rights of Persons with Disability".

Deletion of article 189 of the Code.

31. Article 189 of the Code shall be deleted.

Deletion of article 191 of the Code.

32. Article 191 of the Code shall be deleted.

Amendment of article 597 of the Code.

33. Article 597 of the Code shall be amended as follows:

(a) in paragraph (b) thereof, the words ", even if not interdicted," shall be deleted;

(b) paragraph (c) thereof shall be deleted;

(c) paragraph (e) thereof shall be deleted.

Amendment of article 605 of the Code.

34. Immediately after paragraph (d) of sub-article (1) of article 605 of the Code, there shall be added the following new paragraph:

"(e) wilfully inflicted physical pain or injury on the testator or his or her spouse;

(f) abandoned and, or neglected the testator or his or her spouse;

(g) refused or failed to fulfil a care giving obligation or to provide for the maintenance, shelter, health care, or protection to the testator or his or her spouse in vulnerable circumstances."

35. In article 630 of the Code, the words "is interdicted on the ground of prodigality, or" shall be deleted. Amendment of article 630 of the Code.

36. Article 752 of the Code shall be amended as follows: Amendment of article 752 of the Code.

(a) sub-article (2) thereof shall be deleted;

(b) in sub-article (3) thereof, the words ", or the insane person, or person with a mental disorder or other condition, if of sound mind at the time of his death" shall be deleted.

37. Paragraph (b) of sub-article (3) of article 967 of the Code shall be deleted. Amendment of article 967 of the Code.

38. Article 972 of the Code shall be deleted. Deletion of article 972 of the Code.

39. Sub-article (4) of article 1325 of the Code shall be deleted. Amendment of article 1325 of the Code.

40. Paragraph (a) of sub-article (1) of article 1332 of the Code shall be deleted. Amendment of article 1332 of the Code.

41. Article 1744 of the Code shall be amended as follows: Amendment of article 1744 of the Code.

(a) in paragraph (a) thereof, the words ", (c)" shall be deleted;

(b) paragraph (b) thereof shall be deleted.

42. Article 1864A of the Code shall be amended as follows: Amendment of article 1864A of the Code.

(a) sub-article (1) thereof shall be substituted by the following new sub-article

"Mandate given by a person in anticipation of impairment or insufficiency of personal faculties.

(1) A mandate given by a person of full age shall be drawn up, under pain of nullity, by a notary public in the presence of two witnesses in accordance with the requirements of article 655(1) of this Code, and shall be registered in the same manner as any one of the acts mentioned in article 50 of the Notarial Profession and Notarial Archives Act, when such mandate is given:

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(a) in anticipation of impairment or insufficiency, whether complete or otherwise partial, of their personal faculties to a mandatary; and

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(b) for the mandatary indicated to support and, or represent the mandator in respect of any one (1) or more matters related to the protection of the mandator's person and rights and, or administration of the mandator's property."

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) In the case of a person of full age, performance of the mandate shall be conditional upon having obtained:

(a) a declaration from one (1) or more health and social care professionals confirming the presence of any one (1) or more impairments or insufficiencies of personal faculties, whether partial or complete, listed in the mandate as specific conditions needing to occur for such mandate to be brought into force; and

(b) approval from the Court of Voluntary Jurisdiction, after this would have given the mandator the opportunity to be heard, by deciding on the request of the mandatary designated in the act upon application by the mandatary, while being able to impose those conditions that it may deem necessary."

(c) paragraph (a) of sub-article (3) thereof shall be substituted by the following new paragraph:

"(a) For the purpose of termination of the mandate, such termination has to:

(i) be drawn up by a notary public in the same manner as the mandate was constituted, and accompanied by one (1) or more sworn certificates issued by health and social care professionals which confirm that any impairments and, or insufficiencies of personal faculties the subsistence of which the operation of the mandate was conditional on would have ceased;

(ii) be approved by the Court of Voluntary Jurisdiction; and

(iii) be registered in the same manner as any one act mentioned in article 50 of the Notarial Profession and Notarial Archives Act."

43. In sub-article (2) of article 40 of the Second Schedule of the Code, the words "an interdicted or" shall be deleted.

Amendment of article 40 of the Second Schedule of the Code.

**PART III
AMENDMENTS TO THE MARRIAGE ACT**

44. This Part amends the Marriage Act and shall be read and construed as one with the Marriage Act, hereinafter in this Part referred to as the "principal Act".

Amendment to the Marriage Act.
Cap. 255.

45. In article 2 of the principal Act immediately after the definition "act of marriage" there shall be added the following new definition:

Amendment of article 2 of the principal Act.

Cap. __. "adult in a situation of vulnerability" shall have the same meaning as that assigned to it in article 2 of the Protection of Adults in Situations of Vulnerability Act;".

46. Article 4 of the principal Act shall be substituted by the following new article:

Substitution of article 4 of the principal Act.

"Adults in a situation of vulnerability."
Cap. 16.

4. While any major referred to in article 188(2) of the Civil Code shall be capable of contracting marriage, subject to the restrictions otherwise contained in this Act, should the Registrar have received information alleging that, or otherwise have reason to believe that an applicant is an adult in a situation of vulnerability who is likely to suffer significant harm should the marriage proceed, said Registrar may, in respect of a request made by said applicant in accordance with article 7(5), seek the written advice of the Director appointed in terms of article 4(1) of the Protection of Adults in Situations of Vulnerability Act, in deciding whether to proceed with the publication of bans of matrimony or otherwise:

Cap. __.

Provided that said Director shall, within five (5) working days following receipt of the Registrar's request, determine whether there is sufficient reason to believe that the applicant, being an adult in a situation of vulnerability, is likely to suffer significant harm should the contemplated marriage proceed, and thereafter communicate such determination to the Registrar in writing forthwith:

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Provided further that such advice shall only serve to document a descriptive assessment in response to concerns raised, meant to better inform the process subsequent to an application received under article 7(5), and shall not be used, directly or indirectly, for diagnostic or other purposes, including for the determination or limitation of the applicant's legal capacity, or for establishing or otherwise assuming the capabilities or functional skills of the applicant in respect of unrelated matters."

Amendment of article 8 of the principal Act.

47. In sub-article (2) of article 8 of the principal Act the words "any such directions." shall be substituted by the words "any such directions:" and immediately thereafter there shall be added the following new proviso:

" Provided that this provision shall apply even where such person is, under any provision of law, incapable of suing or being sued, and in any such case the action may be commenced by such person notwithstanding such incapacity, saving any assistance or other condition that the court may deem appropriate to order."

**PART IV
AMENDMENTS TO THE EQUAL OPPORTUNITIES (PERSONS WITH DISABILITY) ACT**

Amendment to the Equal Opportunities (Persons with Disability) Act. Cap. 413.

48. This Part amends the Equal Opportunities (Persons with Disability) Act and shall be read and construed as one with the Equal Opportunities (Persons with Disability) Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 22 of the principal Act.

49. Sub-article (1) of of article 22 of the principal Act shall be amended as follows:

(a) paragraph (t) thereof shall be substituted by the following new paragraph;

"(t) monitor Personal Autonomy Safeguard Orders, and initiate or participate in any civil action in respect of such Orders provided for in the Code of Organization and Civil Procedure, or else in terms of this Act;"

Cap. 12.

Provided that the Commissioner shall also request a review of the operation of:

Cap. 12.

(a) Title IIIA of Part II of Book Second of the Code of Organization and Civil Procedure;

Cap. 16.

(b) Title VI of the Civil Code; and

Cap. 525. (c) the use of procedures covered by said
Titles under the Mental Health Act,
by the Standing Committee on Social Affairs of the
S.L.Const.02. House of Representatives established by the Standing
Orders of the House of Representatives Order, every
three (3) years following the entry into force of the said
Titles, and the Committee would also be able to propose
legislative amendments in furtherance of better reaching
or addressing the objects and reasons of these Titles,
during said reviews."

(b) in paragraph (v) thereof, the words "Investigations
Unit and Enforcement Unit." shall be substituted by the words
"Investigations Unit and Enforcement Unit;", and immediately
thereafter, there shall be added the following new paragraph:

Cap. — "(w) monitor any measures undertaken in accordance
of the Protection of Adults in Situations of Vulnerability
Act, or in respect of which recognition is requested in
Cap. 633. accordance with article 7 of the Convention on the
International Protection of Adults (Ratification) Act, as
well as initiate proceedings or otherwise intervene as
necessary as authorised by relevant legislation, including
in accordance with this Act."

PART V AMENDMENTS TO THE MENTAL HEALTH ACT

50. This Part amends the Mental Health Act and shall be read and construed as one with the Mental Health Act, hereinafter in this Part referred to as "the principal Act".

Amendments to
the Mental
Health Act.
Cap. 525.

51. Article 2 of the principal Act shall be amended as follows:

Amendment of
article 2 of the
principal Act.

(a) immediately following the definition "patient", the following new definitions shall be added:

Cap. 16. " "personal autonomy" shall have the same
Cap. 12. meaning assigned to it for the purposes of the
Civil Code and the Code of Organization and
Civil Procedure;

Cap. 16. " "personal autonomy safeguards" shall have
Cap. 12. the same meaning assigned to it for the purposes
of the Civil Code and the Code of Organization
and Civil Procedure;

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Cap.12. "Personal Autonomy Safeguards Board" shall have the same meaning assigned to it in article 519A of the Code of Organization and Civil Procedure";

(b) immediately prior to the definition "treatment", the following new definition shall be added:

Cap. 16. " "support person" shall have the same meaning assigned to it for the purposes of the Civil Code and the Code of Organization and Civil Procedure;".
Cap. 12.

Amendment of article 4 of the principal Act.

52. Article 4 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof, immediately following the words "to act on his behalf" there shall be added the words "while respecting his rights, and making real, considerable and pertinent efforts to obtain an expression of will and preferences from such person or else making a best interpretation determination where this is not practicable";

(b) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) Where any person is appointed by a decree of a court or a Personal Autonomy Safeguard Order to represent or safeguard the personal autonomy of the patient, the person so appointed shall be deemed to be the responsible carer of the patient:

Provided that a person appointed through a Personal Autonomy Safeguard Order to represent or safeguard the personal autonomy of the patient shall only be deemed to be the responsible carer of the patient if such is specifically indicated in such Personal Autonomy Safeguard Order."

Amendment of article 24 of the principal Act.

53. Article 24 of the principal Act shall be amended as follows:

(a) in sub-article (4) thereof the words "incapacitation or interdiction" shall be substituted by the words "personal autonomy safeguards";

(b) sub-article (6) thereof shall be substituted by the

following new sub-article:

"(6) Certification in terms of the Eleventh Schedule shall only be valid as approved by the Commissioner, and if such approval includes the recommendation of a request for personal autonomy safeguards, such certification shall cease to be valid after the lapse of twenty-six weeks from the date of approval, unless procedures for the granting of personal autonomy safeguards would have been initiated.";

(c) sub-article (9) thereof shall be substituted by the following new sub-article:

"Interdiction or incapacitation, or personal autonomy safeguards.

(9) Every decree of interdiction or incapacitation, or Personal Autonomy Safeguard Order that mentions lack of mental capacity as a ground for its issuance, shall be notified to the Commissioner who may, if he so deems necessary, during the period of interdiction or incapacitation or subsistence of the personal autonomy safeguards, request the evaluation by three specialists to review the mental capacity of the person concerned and where, after considering the said review, the Commissioner is of the opinion that the person concerned no longer lacks mental capacity, the Commissioner shall inform the court or the Personal Autonomy Safeguards Board accordingly."

54. Article 25 of the principal Act shall be substituted by the following new article:

Substitution of article 25 of the principal Act.

"Report to Court or Personal Autonomy Safeguards Board by the Commissioner.

25. During any court proceedings regarding the interdiction or incapacitation of a person, or any proceedings before the Personal Autonomy Safeguards Board, the Commissioner may submit a report to the Court before which proceedings are pending, or to the Personal Autonomy Safeguards Board, if he suspects or has knowledge that such proceedings were initiated for vexatious or fraudulent reasons."

55. Article 26 of the principal Act shall be amended as follows:

Amendment of article 26 of the principal Act.

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(a) immediately following the words "incapacitated or interdicted by order of a court", there shall be added the words ", or as a support person for a person accorded personal autonomy safeguards by order of the Personal Autonomy Safeguards Board,";

(b) paragraph (b) thereof shall be substituted by the following new paragraph:

"(b) support the person in respect of any treatment necessary for his mental and physical conditions;".

Amendment of article 27 of the principal Act.

56. Article 27 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, immediately after the word "curator" there shall be added the words "or support person";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) If the Commissioner finds or has reason to believe that the curator is not acting in the best interests of the person, or that the support person is not acting in a manner that respects the rights, will and preferences of the person, he shall file an application in the competent court or before the Personal Autonomy Safeguards Board asking for a change of curator or support person."

Amendment of article 45 of the principal Act.

57. In sub-article (2) of article 45 of the principal Act, the words "incapacitation or interdiction of another person" shall be substituted by the words "application of personal autonomy safeguards in respect of another person".

Amendment of the Eleventh Schedule of the principal Act.

58. The Eleventh Schedule of the principal Act shall be amended as follows:

(a) item (4) thereof shall be substituted by the following new item:

"(4) Estimated duration of lack of mental capacity is

..... (weeks) and an application for personal autonomy safeguards is not recommended; OR

more than 26 weeks and an application for personal autonomy safeguards is recommended.";

(b) the section thereof entitled "DECISION" shall be substituted by the following new section:

"DECISION

Certification approved for a period of (weeks) and shall expire on

Certification approved for a period of (weeks) and shall expire on with the following amendments:.....
.....

Certification for more than 26 weeks and a recommendation for an application for incapacitation are approved

Certification for more than 26 weeks and a recommendation for an application for interdiction are approved.

Certification for more than 26 weeks and a recommendation for an application for personal autonomy safeguards are approved.

CLMC Ref No: is revoked (if applicable)

Certification not approved

CLMC Ref No: is not revoked (if applicable)

My decision was communicated in writing to the responsible specialist, the person, and the responsible carer on (date)

.....

(Signature) (Date) (Time)".

Objects and Reasons

The objects and reasons of this Bill are to amend various laws relating to personal autonomy, mainly the Code of Organization and Civil Procedure, Civil Code, Marriage Act, Equal Opportunities (Persons with Disability) Act and Mental Health Act, to give better effect in Maltese law to the provisions of Article 12 of the United Nations Convention on the Rights of Persons with Disabilities, in particular to introduce a supported decision-making regime in place of a guardianship regime, abolish interdiction and incapacitation, align the Marriage Act with relevant legislation, equalise treatment of persons within the remit of the Mental Health Act, and assign oversight of relevant measures to the Commission for the Rights of Persons with Disability.

