

MALTA

**ATT Nru XII tal-2026**

ATT maħruġ b'ligi mill-Parlament ta' Malta.

**ATT sabiex jirregola t-thejjija, ir-registrazzjoni, ir-rikonoxximent u l-implimentazzjoni ta' direttivi mediċi bil-quddiem u kwalunkwe materja anċillari għalihom.**

**ACT No. XII of 2026**

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

(L.S.)

**MYRIAM SPITERI DEBONO**  
President

24 ta' April, 2026

**ATT Nru XII tal-2026**

*ATT sabiex jirregola t-tnejn, ir-registrazzjoni, ir-rikonoxximent u l-implimentazzjoni ta' direttivi mediċi bil-quddiem u kwalunkwe materja anċillari għalihom.*

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

**ARRANĠAMENT TAL-ATT**

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**TAQSIMA I**  
**Dispożizzjonijiet Ġenerali**

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

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data jew dati li l-

A 404

Ministru jista', b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

Tifsir.

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

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

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

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

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

Kap. 525.

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

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

Dritt li ssir direttiva medika bil-quddiem.

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

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

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

**TAQSIMA II**  
**Preparazzjoni, Forma u Effett Legali**  
**tad-Direttivi Mediċi bil-Quddiem**

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

Preparazzjoni medika u ċertifikazzjoni ta' direttiva.

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

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

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

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

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

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

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

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

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

5. (1) Direttiva medika bil-quddiem li giet imhejjija u ċertifikata skont l-artikolu 4 għandha ssir bil-miktub u għandha tiġi awtentikata minn nutar skont l-artikolu 2(2)(d) tal-Att dwar il-

Formola, awtentikazzjoni u registrazzjoni. Kap. 55.

Professjoni Nutarili u l-Arkivji Nutarili.

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

(a) jivverifika l-identità tal-komparenti;

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

(ċ) jawtentika l-firma tal-komparenti.

(3) In-nutar għandu fi żmien hmistax (15)-il jum ta' xogħol mid-data tal-awtentikazzjoni jissottometti lid-Direttur tar-Reġistru Pubbliku n-nota tad-direttiva.

(4) Il-komparenti, jew persuna awtorizzata mill-komparenti, għandu jissottometti d-direttiva awtentikata lid-Direttur Ġenerali għas-Servizzi tas-Saħħa.

Kap. 528.

(5) Malli jirċievi d-direttiva awtentikata skont is-subartikolu (4) id-Direttur Ġenerali għas-Servizzi tas-Saħħa, stabbilit taħt l-Att dwar is-Saħħa, fil-kapaċità tiegħu bħala kontrollur tad-data għall-finijiet tar-Regolament (UE) 2016/679, għandu jiżgura li d-direttiva medika bil-quddiem tiġi rreġistrata u arkivjata fir-rekords mediċi tal-komparenti b'dak il-mod kif jista' jiġi preskritt.

Kap. 586.

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

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

6. (1) Direttiva għandha tiffirma parti mir-rekords mediċi kunfidenzjali tal-komparenti u għandha tinżamm skont l-istandards tal-industrija u tkun soġġetta għall-implimentazzjoni ta' miżuri tekniċi u organizzattivi xierqa sabiex jiġi żgurat livell ta' sigurtà xieraq għar-riskji li jirriżultaw mill-ipproċessar ta' data personali.

Kunfidenzjalità u dritt ta' aċċess. Kap. 528.

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

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

Validità u applikabilità.

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

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

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

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

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

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

### TAQSIMA III Dmirijiet u Infurzar

8. (1) It-tobba għandhom jirrispettaw u jimplimentaw kwalunkwe direttivi validi u applikabbli.

Dimirijiet tat-tobba.

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

(3) Fejn ikun hemm dubju raġonevoli dwar l-eżistenza, il-validità jew l-applikabilità ta' direttiva, kwalunkwe trattament neċessarju

sabiex jipprevjeni deterjorazzjoni serja u imminenti tal-kondizzjoni tal-komparenti għandu jiġi pprovdut sakemm issir il-kjarifikazzjoni jew deċiżjoni mill-qorti kompetenti.

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

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

Reati u pjeni.

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

Dispożizzjonijiet tranżitorji.

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

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

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

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

Emendi konsegwenzjali. Kap. 55.

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

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

"(q) kwalunkwe direttiva medika bil-quddiem awtentikata minn nutar skont l-Att dwar Direttivi Mediċi bil-Quddiem.";

Kap. 658.

(ii) is-subartikolu (3) tal-artikolu 50 tiegħu għandu jġi Kap. 55.  
sostitwit bis-subartikolu ġdid li ġej:

Kap. 658. "(3) Fil-każ ta' testmenti pubbliċi jew ta' pubblikazzjoni ta' testmenti sigrieti, jew ta' direttivi mediċi bil-quddiem awtentikati skont l-Att dwar Direttivi Mediċi bil-Quddiem, in-nota għandu jkun fiha biss id-data u x-xorta tal-att u l-isem bil-partikolaritajiet tat-testatur jew tal-komparenti, skont il-każ, kif stipulat fl-artikolu 28(1)(ċ)."

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

Kap. 658. "(2) Fil-każ ta' testment, jew ta' direttiva medika bil-quddiem magħmula u awtentikata skont l-Att dwar Direttivi Mediċi bil-Quddiem, in-nota għandu jkun fiha biss id-data u x-xorta tal-att u l-partikolaritajiet tat-testatur jew tal-komparenti, skont il-każ, skont l-artikolu 2042 tal-Kodiċi Ċivili."

Kap. 16.

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**SKEDA**

*(Artikolu 4(5))*

**Formola ta' referenza ta' Direttiva Medika bil-Quddiem**

**PARTI I – IDENTIFIKAZZJONI TAL-KOMPARENTI**

Jien, is-sottofirmat:

Isem u kunjom sħiħ:.....

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

u..... (omm,  
née.....)

Imwield/a fi:.....

Fil:.....

Residenti f'(lokalità):.....

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

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

**PARTI II – KAPAĊITÀ U DISKUSSJONI MEDIKA**

Niddikjara li:

Iddiskutejt din id-Direttiva Medika bil-Quddiem ma' tabib;

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

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

**PARTI III – ĊIRKOSTANZI TA' APPLIKAZZJONI**

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

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

Inkun f'waħda (1) jew aktar mis-sitwazzjonijiet li ġejjin

(immarka kif applikabbli):

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

**PARTI IV – RIFJUT TA' TRATTAMENT MEDIKU**

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

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

.....

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

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

**PARTI V – SERHAN MILL-UĠIĠH U KURA PALJATTIVA**

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

B'mod partikolari, nagħti istruzzjonijiet li tingħata kura għas-serħan tal-uġiġh, it-tbatija, il-qtuġh ta' nifs, l-ansjetà jew kwalunkwe

skumdità oħra, anki jekk tali kura tista' b'mod inċidentali tqassarli hajti.

Sakemm ma niddikjarax xort'oħra hawn taħt, naqbel li tiġi amministrata kura li ttaffi l-uġiġħ u miżuri ta' kumdità kif indikat medikament:

.....  
.....

*(Jekk ma tiġi espressa l-ebda limitazzjoni hawn fuq, għandha tingħata kura paljattiva sħiħa.)*

#### **PARTI VI – REVIŻJONI U KONSISTENZA**

Nifhem li:

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

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

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

Kap. 658.

#### **PARTI VII – ĊERTIFIKAZZJONI TAL-PROFESSJONIST MEDIKU**

Jien, it-tabib hawn taħt iffirmat/a:

Isem u kunjom:.....

Numru ta' reġistrazzjoni professjonali:.....

Speċjalità / Prattika:.....

nikkonferma li:

Iddiskutejt il-pjan mediku avanzat mal-komparenti;

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

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

Firma tal-professjonist mediku:.....

Isem u kunjom:.....

Numru ta' reġistrazzjoni:.....

TIMBRU

Data:.....

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

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

Din id-dikjarazzjoni qiegħda ssir u tigi ffirmata minni fil-preżenza ta' nutar għall-finijiet ta' awtentikazzjoni skont l-Att dwar id-Direttivi Medici bil-Quddiem. Kap. 658.

Firma tal-kompamenti:.....

Data:.....

**PARTI IX – AWTENTIKAZZJONI NOTARILI**

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

Firma tan-Nutar Pubbliku:.....

Isem u kunjom:.....

TIMBRU

Data:.....

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VERŻJONI ELETTRONIKA

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 456 tal-21 ta' April, 2026.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MYRIAM SPITERI DEBONO**  
President

24th April, 2026

**ACT No. XII of 2026**

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

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

**ARRANGEMENT OF ACT**

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

**PART I**  
**General Provisions**

**1.** (1) The short title of this Act is the Advance Medical Directives Act, 2026. Short title and commencement.

(2) This Act shall come into force on such date or dates as the Minister may by notice in the Gazette establish and different dates may

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be so established for different provisions and, or different purposes of this Act.

Interpretation.

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

"advance medical directive" or "directive" means a prior decision made by an appearer while having capacity, by which he refuses specified medical treatment in defined future circumstances when the appearer lacks capacity to give consent;

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

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

Cap. 525.

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

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

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

Right to make an advance medical directive.

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

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

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

## **PART II**

### **Preparation, Form and Legal Effect of Advance Medical Directives**

Medical preparation and certification of directives.

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

(2) The medical practitioner shall assist the appearer in advanced

medical planning and shall ensure that the appearer is adequately informed of the nature and clinical implications of the refusals contained in the directive.

(3) The medical practitioner shall assess the mental capacity of the appearer at the time of the preparation of the directive and shall certify that:

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

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

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

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

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

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

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

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

Form,  
authentication  
and registration.  
Cap. 55.

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

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(a) verify the identity of the appearer;

(b) confirm in a secure manner, that the appearer acknowledges and reaffirms that the contents of the directive express his present and settled wishes; and

(c) authenticate the signature of the appearer.

(3) The notary public shall, within fifteen (15) working days from the date of authentication, submit to the Director of the Public Registry a note of the directive.

(4) The appearer, or any person authorised by the appearer, shall submit the authenticated directive to the Director General for Health Care Services.

Cap. 528. (5) Upon receipt of an authenticated directive in terms of sub-article (4), the Director General for Health Care Services, established under the Health Act, in his capacity as data controller for the purposes of Regulation (EU) 2016/679, shall ensure that the advance medical directive is recorded and archived in the medical records of the appearer in such manner as may be prescribed.

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

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

Confidentiality  
and right of  
access.  
Cap. 528.

**6.** (1) A directive shall form part of the confidential medical records of the appearer and shall be stored in accordance with industry standards and subject to the implementation of appropriate technical and organisational measures to ensure a level of security appropriate to the risks arising from the processing of personal data.

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

strictly required for the provision of such treatment.

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

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

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

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

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

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

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

### **PART III Duties and Enforcement**

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

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

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

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

(5) Any proceedings in accordance with this Act shall be initiated by an application filed in the said Court as mentioned in sub-article

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(4), which shall be determined within a period not exceeding ten (10) days from the date of its filing in the registry of the court. The Court may, where it considers appropriate, appoint one (1) or more experts to assist it in its decision.

Offences and  
punishments.

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

Transitory  
provisions.

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

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

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

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

Consequential  
amendments.  
Cap. 55.

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

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

(q) any advance medical directive authenticated by a notary in accordance with the Advance Medical Directives Act.";

Cap. 658.

Cap. 55.

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

substituted by the following new sub-article:

Cap. 658.                   "(3) In the case of public wills or of the publication of secret wills, or of advance medical directives authenticated in accordance with the Advance Medical Directives Act, the note shall only contain the date and nature of the act, and the designation of the testator or appearer, as the case may be, in accordance with article 28(1)(c).".

(2) Sub-article (2) of article 8 of the Public Registry Act shall be substituted by the following new sub-article: Cap. 56.

Cap. 658.                   "(2) In the case of a will, or of an advance medical directive made and authenticated in accordance with the Advance Medical Directives Act, the note shall only contain the date and nature of the act and the designation of the testator or appearer, as the case may be, in accordance with article 2042 of the Civil Code.". Cap. 16.

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**SCHEDULE**

*(Article 4(5))*

**Model Form of Advance Medical Directive**

**PART I – IDENTIFICATION OF THE APPEARER**

I, the undersigned:

Full name and surname:.....

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

and..... (mother,  
née.....)

Born in:.....

On:.....

Residing in (locality):.....

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

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

**PART II – CAPACITY AND MEDICAL DISCUSSION**

I declare that:

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

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

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

**PART III – CIRCUMSTANCES OF APPLICATION**

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

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

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

applicable):

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

**PART IV – REFUSAL OF MEDICAL TREATMENT**

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

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

.....

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

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

**PART V – RELIEF FROM PAIN AND COMFORT CARE**

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

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

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

.....  
.....

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

**PART VI – REVIEW AND CONSISTENCY**

I understand that:

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

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

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

Cap. 658.

**PART VII – MEDICAL PRACTITIONER CERTIFICATION**

I, the undersigned medical practitioner:

Name and surname:.....

Professional registration number:.....

Speciality / Practice:.....

certify that:

I have discussed advanced medical planning with the appearer;

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

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

Signature of medical practitioner:.....

Name and surname:.....

Registration number:.....

STAMP

Date:.....

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

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

This declaration is made and signed by me in the presence of a notary for the purposes of authentication in accordance with the Advance Medical Directives Act. Cap. 658.

Signature of appearer:.....

Date:.....

**PART IX – NOTARIAL AUTHENTICATION**

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

Signature of Notary:.....

Name and surname:.....

STAMP

Date:.....

\_\_\_\_\_

VERŻJONI ELETTRONIKA

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Passed by the House of Representatives at Sitting No. 456 of the  
21st April, 2026.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Clerk of the House of Representatives*



# VERŻJONI ELETTRONIKA