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	8-9
	Schedule	

PART I
General Provisions

Short title and commencement.

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

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

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

Interpretation.

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

"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.

Form, authentication and registration.

Cap. 55.

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.

(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:

(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.

(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. 528.

(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.

Cap. 586.

(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.

Validity and applicability.

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

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

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

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

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

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

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

PART III
Duties and Enforcement

Duties of medical practitioners.

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

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

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

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

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

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

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:

"(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).". Cap. 658.

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

"(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. 658. Cap. 16.

A 422

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.

A 424

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:.....

A 426

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

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