A 558

I assent.

(L.S.) **MYRIAM SPITERI DEBONO**
President

24th April, 2026

ACT No. XIV of 2026

AN ACT to provide for the safeguarding of adults, in particular adults with a disability, including older adults, who due to finding themselves in a situation of vulnerability, are unable to protect themselves from harm, abuse, or neglect and to effect consequential amendments in the Convention on the International Protection of Adults (Ratification) Act, Cap. 633.

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 Protection of Adults in Situations of Vulnerability 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.

Interpretation.

2. For the purposes of this Act, unless the context otherwise requires:

"abuse" means any offensive treatment, whether physical, sexual, mental, emotional, psychological, material or any

combination thereof, that causes or is reasonably likely to cause the victim grievous physical or psychological harm or material loss to his estate, including acts or threats of physical or sexual violence, acts that violate sexual integrity, degrading or humiliating conduct, repeated insults, ridicule, name calling, emotional threats, deception, manipulation, invasion of privacy, limitation of liberty, denial of care, elder abuse, abuse of mandate or of powers of representation, and economic abuse through financial exploitation, deprivation of financial resources or disposal of assets and property, whether by persons within close networks, such as family members, friends, support persons, personal assistants or caregivers, or otherwise by other third parties;

"adult" means a person who has attained the age of majority in terms of article 188 of the Civil Code: Cap. 16.

Provided that any minor who would have acquired legal capacity before the age of majority in terms of any law in force governing his personal status shall also be considered to be an adult for the purposes of this Act;

"adult in a situation of vulnerability" means any adult with disability, including any older person, who due to the specific circumstances surrounding his disability is unable to take care of himself or unable to protect himself against harm or exploitation, in the short term or in the longer term;

"assistance" means assistance provided in accordance with article 17;

"conduct" means neglect and other failures to act;

"Director" means the Director responsible for the Directorate for Disability Issues, established in terms of article 5(1) of the United Nations Convention on the Rights of Persons with Disabilities Act who shall be answerable to the Permanent Secretary, and any person engaged in terms of article 4(2) when so delegated to act in the name and representation of the Director by the said Director; Cap. 627.

"disability" shall have the same meaning assigned to it in article 2(1) of the United Nations Convention on the Rights of Persons with Disabilities Act, and shall, for the purposes of this Act, include any older adult ; Cap. 627.

"Emergency Intervention Order" means an order made in accordance with article 26;

"harm" means all harmful conduct or lack of appropriate action leading to harm and, in particular, includes:

(a) physical harm,

(b) psychological harm (such as fear, alarm or distress),

(c) misappropriation or mismanagement of property, rights or interests (such as theft, fraud, embezzlement or extortion), and

(d) conduct which causes self-harm;

Cap. 464.

"health and social care professional" means a professional registered with the relevant Council under the Health Care Professions Act or under any other law regulating other allied health or caring professions, including but not limited to the professions of midwifery, nursing, social work, psychology, psychotherapy and counselling, and in the case of students or trainees, such term shall refer to their direct supervising officer;

"health care department or authority" means any health department, health care institution or authority such as hospitals, local clinics and pharmacies, whether private or Government owned, including employees thereof who exercise health functions;

"health records" means records relating to an individual's physical or mental health which have been made by or on behalf of a health and social care professional in connection with the care of the individual;

"in need of assistance" means, in relation to an adult, requiring assistance to:

(a) provide or arrange for adequate care for oneself or one's estate; or

(b) protect oneself against abuse or neglect, due to infirmity, whether physical or mental;

"in need of protection" means, in relation to an adult, requiring protective intervention to maintain the safety and wellbeing of the adult or preserve the adult's estate because, due to infirmity, whether physical or mental, the adult:

(a) is unable to provide or arrange for adequate

care for himself or his estate; or

(b) is experiencing and is unable to protect himself against abuse or neglect;

"Individualised Support Plan" means a plan of proposed assistance or protective intervention, developed following the concept of person-centred planning, in accordance with article 16;

"investigation" means an investigation carried out by the Director, in accordance with article 11, to determine whether an adult is in need of assistance or protection;

"Minister" means the Minister responsible for the rights of persons with disability;

"Ministry" means the Ministry responsible for the rights of persons with disability;

"neglect" means a lack of or failure to provide necessary care, assistance, guidance or attention which causes or is reasonably likely to cause the victim severe physical or psychological harm or severe deterioration in mental health status or significant material loss to his estate;

"older person" shall have the same meaning assigned to it in article 2 of the Commissioner for Older Persons Act; Cap. 553.

"Permanent Secretary" means the Permanent Secretary within the Ministry responsible for the rights of persons with disability;

"personal assistant" shall have the same meaning assigned to it in article 2 of the Personal Assistance Act;

"Personal Autonomy Safeguards Board" means the same Board set up by article 519A of the Code of Organization and Civil Procedure; Cap. 12.

"Personal Autonomy Safeguard Order" means an order made in accordance to article 519E of the Code of Organization and Civil Procedure; Cap. 12.

"place of residence" means the home, the establishment or premises within which an adult in a situation of vulnerability resides, whether permanently or temporarily, under any title whatsoever;

"protective intervention" shall have the same meaning assigned to it in article 19;

"Protective Intervention Order" or "Order" shall have the same meaning assigned to it in article 19;

"Register" means the Protection of Adults in Situations of Vulnerability Register established by article 38;

"Registrar" means the Registrar, Criminal Courts and Tribunals;

"Regulation (EU) 2016/679" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

Cap. 630.

"social enterprise organisation" means a social enterprise organisation in accordance with article 3 of the Social Enterprise Act;

Cap. 16.

"support person" shall have the same meaning assigned to it in article 188B of the Civil Code;

Cap. 492.

"voluntary organisation" means a voluntary organisation in accordance with article 3 of the Voluntary Organisations Act.

Scope.

3. The scope of this Act is:

(a) to provide or arrange for the assistance of an adult who is in need thereof; and

(b) to provide protective intervention for any adult who is in need of protection.

PART I
OF THE DIRECTOR RESPONSIBLE FOR THE SAFEGUARDING OF ADULTS IN SITUATIONS OF VULNERABILITY

Director for the safeguarding of adults in situations of vulnerability.

4. (1) There shall be a Director responsible to assist and protect adults in situations of vulnerability.

(2) In fulfilling his role in accordance with this Act the Director shall be assisted by, and work alongside a number of officers, who shall have adequate relevant professional knowledge and, or training, as described in article 12(3), and shall, together with such officers, or

through delegation or assignment to such officers, exercise and perform all powers, functions and duties vested in the said Director in accordance with this Act.

(3) The Director shall, in the exercise of his functions in terms of this Act, as and when necessary, consult with the Commissioner for the Rights of Persons with Disability established by the Equal Opportunities (Persons with Disability) Act and, or the Commissioner for Older Persons established by the Commissioner for Older Persons Act and, or the Commissioner for the Promotion of Rights of Persons with Mental Disorders established by the Mental Health Act and, or any other entity or authority as he deems fit. Cap. 413. Cap. 553. Cap. 525.

(4) In the exercise and performance of the powers, functions and duties delegated or assigned to them as aforesaid, the officers of the Director shall, unless otherwise specified, have the same obligations and enjoy the same protection and privileges as are imposed on or given to the Director by law.

(5) In the exercise and performance of their powers, functions and responsibilities, the Director and the officers referred to in sub-article (2) may request the assistance of the Executive Police in accordance with the Police Act, whenever they deem it necessary. Cap. 164.

Functions of the Director.

5. Without prejudice to the functions which may be assigned to him by this Act, or by any other laws or regulations, the primary function of the Director shall be to investigate any alleged harm or risk of harm to an adult in a situation of vulnerability and to take such action as may be considered appropriate for the protection of such person. For these purposes, the Director shall:

(a) always ascertain the will and preferences of the adult in a situation of vulnerability who is at risk, respect his rights, and make every effort to address the adult's needs and interests by:

(i) making real, considerable and pertinent efforts to obtain an expression of will and preferences from the adult;

(ii) providing him with relevant measures ensuring accessibility and reasonable accommodation;

(iii) conducting matters in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics such as a person's cultural or religious background;

(iv) not exerting any undue influence on the said adult, while collaborating with others involved in the protection of the adult who is at risk:

Provided that where obtaining a determination of the adult's will and preferences is not practicable, the Director shall instead make a best interpretation of said will and preferences, also taking into account the past statements, values, beliefs and life history of the adult;

(b) enquire about whether any action taken in relation to the adult in a situation of vulnerability who is at risk is appropriate, ensuring that the adult is heard, in accordance with article 13, in such process;

(c) provide guidance for the family, other significant persons, support persons and personal assistants of the adult in a situation of vulnerability who is at risk, including relevant prevention strategies, in line with the contents of Section A of the Fifth Schedule to the United Nations Convention on the Rights of Persons with Disabilities Act;

Cap. 627.

(d) from time to time issue guidelines with respect to what may constitute significant harm or risk of significant harm, including relevant prevention strategies, in line with the contents of Section A of the Fifth Schedule to the United Nations Convention on the Rights of Persons with Disabilities Act;

Cap. 627.

(e) *ex officio* file a report with the Executive Police or otherwise inform the Executive Police following a report received by such Director, in respect of facts that may lead to the prosecution of one (1) or more criminal offences that may affect a person in a situation of vulnerability, whether *ex officio* by the said Executive Police, or on the complaint of the injured party.

Business of the office of the Director.

6. The matters and business of the office of the Director, including its administration and organisation, and organisation and administrative control of its officers and employees, shall be the responsibility of the Director.

PART II
GUIDING PRINCIPLES AND OUTREACH

Guiding principles.

7. This Act is to be administered in accordance with the following guiding principles:

(a) an adult shall be entitled to live in the manner he wishes and to accept or decline assistance offered by the Director, utilising any safeguards to his personal autonomy provided for and exercised in terms of the Civil Code where necessary: Cap. 16.

Provided that the Director and his office shall, when offering such assistance, provide age-appropriate and gender-sensitive advice, that also respects other intersecting characteristics when addressing vulnerability resulting from inequalities linked to such characteristics, such as increased vulnerability of adults with a disability to gender-based violence;

(b) an adult who is in need of assistance or protection should receive the most effective but least restrictive or intrusive assistance or protective intervention, as the case may be;

(c) in relation to the provisions of assistance or protective intervention to an adult who is in need of assistance or protection, the paramount consideration shall be to ascertain the will and preferences of the adult, while making every effort towards addressing and respecting the adult's rights, needs and interests, while acting in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics including a person's cultural or religious background:

Provided that when obtaining a determination of the adult's will and preferences is not practicable, the Director shall instead make a best interpretation of such will and preferences, also taking into account the past statements, values, beliefs and life history of the adult;

(d) assistance or protective intervention provided to an adult who is in need of assistance or protection should address the specific needs of the adult and be reviewed and revisited on a regular basis by the Director, including with reference to any specific provisions ordered by this Act, in particular in respect of hearing the adult in accordance with article 13, in order to be able to address any changes to such adult's needs or circumstances.

8. (1) The Director shall engage all relevant stakeholders within the public and private sectors, and within civil society, including by engaging with persons with disability and older persons directly, as well as with their representative organisations, to raise public awareness on the subject-matter of this Act, in particular Outreach.

addressing:

(a) knowledge about abuse, harm and neglect in respect of persons in situations of vulnerability in an intersectional manner;

(b) the rights of adults in situations of vulnerability;

(c) modes of support and redress covered by this Act;

(d) access to early support; and

(e) the system of character checks and the Register established by this Act.

(2) Such information produced as part of the efforts covered by sub-article (1) shall be made publicly available, in different accessible formats, and shall include any guidance mentioned in article 5(c) and guidelines mentioned in article 5(d), including any prevention strategies linked thereto.

(3) Any effort aimed at reaching out to and engaging with the general public, different stakeholders, and actual and potential beneficiaries, shall be carried out in an accessible manner, following universal design principles, and factoring in the provision of any reasonable accommodation necessary.

PART III
REPORTS AND INVESTIGATIONS

Opportunity to report.

9. (1) Any person or entity having reasonable grounds for believing that an adult is in need of assistance or protection, including the adult himself, utilising any safeguards to his personal autonomy provided for and exercised in terms of the Civil Code, where necessary, may report the circumstances to the Director, the Victim Support Agency or the Executive Police:

Cap. 16.

Provided that any reports received by the Victim Support Agency or Executive Police shall be forwarded to the Director without delay.

(2) While any documentation submitted to the Executive Police with a report mentioned in sub-article (1) shall also be forwarded to the Director, the Executive Police shall not otherwise demand specific supporting documentation, in particular concerning the physical or mental health or the disability status of a person, and shall not decline to either register or forward a report due to the absence of such documentation.

(3) The Executive Police may also proceed, *ex officio* or on the complaint of the injured party, in accordance with the relevant provisions applicable in respect of prosecuting a particular offence, should the said report also give rise to prosecution for any one (1) or more criminal offences:

Provided that in such case, the Executive Police shall also inform the Director and liaise with the said Director for relevant support in respect of said prosecutions.

(4) Notwithstanding the provisions of sub-article (1), any person who, by virtue of his professional employment or occupation in health care, social services, education, law enforcement, counselling, residential services or any other field where the person engages in work with adults in situations of vulnerability, or any entity operating with these fields has reasonable grounds for believing that an adult is in need of assistance or protection, shall report the circumstances to the Director or the Executive Police:

Provided that in the case of students or trainees, such responsibility shall lie with the direct supervising officer of said students or trainees, after said students or trainees would have formally notified their relevant direct supervising officer, having followed specific prescribed procedures in this respect.

(5) No person shall disclose or be compelled to disclose the identity of a person or entity filing a report in terms of sub-articles (1) or (4).

(6) Any person who or entity which, in good faith, files a report under sub-articles (1) or (4) or assists in an investigation is not liable to any civil action with respect to such report or assistance in the investigation.

(7) Without prejudice to the provisions of Sub-title XI of Title VIII of Part II of Book First of the Criminal Code, any person referred to in sub-article (4), who fails or which fails to file a report, shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding five thousand euro (€5,000). Cap. 9.

(8) Without prejudice to any other punishment to which the offender may be liable under any other law, any person who or entity which, acting maliciously, either makes a false report, or withholds or conceals information from the Director or the Executive Police, related to the need for assistance or protection of an adult, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term of between four (4) months to one (1) year, or to a fine (*multa*) not exceeding five thousand euro (€5,000), or to both such fine and

imprisonment.

Action on report.

10. (1) The Director shall keep an internal register recording therein all reports which he receives in terms of the preceding article:

Provided that the register shall be kept in a confidential manner and only accessed by the Director or by persons duly authorised by the Director.

(2) The Director shall, within five (5) working days from receipt of the report, determine, on the basis of the information provided, whether there is sufficient reason to believe that the adult in a situation of vulnerability is suffering, or is likely to suffer, significant harm and the Director shall make such investigations and assessments as he considers necessary to determine whether the adult in a situation of vulnerability is in need of assistance and, or protection:

Provided that the time limit mentioned shall be shortened, in line with the provisions of article 26, in cases of emergency:

Provided further that if in the opinion of the Director, after said Director would have consulted relevant health and social care professionals, and, or other third parties, as necessary, there are no sufficient reasons to believe that the adult in a situation of vulnerability is suffering, or is likely to suffer, significant harm, the Director shall not proceed further on the report and shall state in detail the reasons for the dismissal:

Provided further that such professionals shall have the knowledge and, or training 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 may have.

(3) The Director shall have thirty (30) working days following the initial determination made in accordance with sub-article (2), to conduct the investigations and assessments referred to in sub-article (2):

Provided that this term may, upon good cause, including the need to receive reports from abroad, or to complete the process of gathering evidence from all persons of interest, be extended by the Director by an additional period of sixty (60) working days.

Investigations.

11. (1) Where the Director receives a report in terms of sub-articles (1) or (4) of article 9, or otherwise has reasonable grounds to believe that an adult may be in need of assistance or protection, the

Director may *ex officio* refer the matter to the Joint Committee established by article 12, in order that the said Committee carries out an investigation to determine whether the adult is in need of such assistance or protection.

(2) An investigation may include an analysis of the adult's condition, circumstances and needs, taking into consideration medical, health, social, residential, financial, vocational, educational and other factors, the role of any close relationships of the adult, including family and other significant persons, and the presence of support persons and, or personal assistants in the adult's life, when deciding on the need to support the adult to ensure his safety and well-being and the protection of his estate and on the best way for guaranteeing such, together with the adult, any persons supporting him, and any other relevant stakeholders.

Joint Committee.

12. (1) There shall be constituted a committee, to be known as the "Joint Committee", which shall conduct investigations in accordance with this Act, following a reference from the Director, and assist the Director with the development and implementation of Individualised Support Plans, determinations on assistance and relevant reviews.

(2) The Joint Committee shall be composed of:

(a) the following members sitting *ex officio*, or of officials fulfilling comparable roles should relevant designations change, with such members to be accompanied for meetings of the committee by experts answerable to them, to which members may also delegate their seats on the committee to such experts:

(i) the Director as Chairperson;

(ii) the Chief Executive Officer of Aġenzija Sapport;

(iii) the Chief Executive Officer of the Foundation for Social Welfare Services;

(iv) the Chief Executive Officer of the Department for Active Ageing and Community Care;

(v) the Clinical Chair of Mental Health Services within the Ministry responsible for health; and

(vi) the Chief Executive Officer of the Victim Support Agency:

Provided that any of the above-mentioned delegates or other experts shall recuse themselves from any proceedings before the Joint Committee, should they have assisted, or be at the time assisting in a professional capacity the person in respect of whom measures under this Act are being considered:

Provided further that other experts may also be nominated by the members of the Joint Committee to act as substitutes to the said members or to the delegates chosen by such members, whenever such members or their delegates are unavailable, or whenever any delegate recuses themselves in terms of the preceding proviso;

(b) an officer appointed by the Director to act as Secretary to the Joint Committee.

(3) The experts referred to in sub-article (2) shall be knowledgeable and, or trained about:

(a) the needs and experiences of persons with disability and, or of older persons; and

(b) different social identities, including gender, age, sexual orientation or ethnic origin, which such persons may have, allowing such professionals to be able to better identify and address situations of vulnerability tied to inequalities resulting from one's multiple social identities, including situations of gender-based violence on individuals with a disability.

(4) The Joint Committee shall hold regular meetings at suitable intervals and shall regulate its own proceedings.

Hearing the adult.

13. (1) In conducting an investigation in relation to an adult, the Joint Committee shall communicate with and interview the adult in order to be able to better assess the situation of the adult.

(2) When engaging the adult for the purposes of communicating with, or interviewing such adult in terms of this article, the Joint Committee shall ascertain the will and preferences of the adult, while respecting his rights, by following the requisites listed in article 5(a).

(3) For the purposes of engaging in such communication or interviews with the Joint Committee, an adult may be supported by any one (1) or more persons appointed as support persons for the purposes of the exercise of personal autonomy by such adult and, or by any persons acting as personal assistants to that adult.

(4) For the purposes of engaging in such communication or interviews, the Joint Committee may be assisted by any one (1) or more health and social care professionals having the expertise outlined in article 12(3) as the Committee may deem opportune.

(5) The adult may request that any one (1) or more health and social care professionals supporting the adult be heard by the Joint Committee during the investigation.

(6) Where the Joint Committee considers that the interests of justice so require, it shall appoint an advocate for legal aid to assist the adult during the course of the investigation.

Right to information.

14. (1) In conducting an investigation in relation to an adult, the Joint Committee may:

(a) request that the adult participate in a holistic functional and needs assessment, following the same procedures laid out in article 519E of the Code of Organization and Civil Procedure in such case, however, simply as a descriptive assessment towards granting assistance or protection in terms of this Act, and not for diagnostic or other purposes: Cap. 12.

Provided that such assessment shall focus on the causes leading to different situations of vulnerability that a person may be facing, in order to be able to eventually address the said causes, without making any assumptions about the person's capabilities and, or functional skills;

(b) interview persons who may have information that is relevant to the investigation;

(c) solicit, accept and review reports and information, which are strictly necessary for the fulfilment of this Act from:

(i) a health or social care provider or other person who, or agency that, has provided services to the adult; or

(ii) a person who manages the adult's financial affairs, business or other assets;

(d) require a person or agency, including a law enforcement agency, to provide information or produce records of documents in such person's or agency's possession or control which, in the opinion of the Joint Committee, may be relevant to the investigation;

(e) require the production of medical, financial or other

records regarding the adult.

(2) For the purpose of sub-article (1) the Joint Committee's right to information prevails over every:

(a) claim of confidentiality or privilege, except that of a lawyer-client privilege, or of the privileged relationship between the adult themselves and a health and social care provider, in which case the consent of the adult would be required, unless obtaining such consent would not be practicable, in which case the Joint Committee is to apply a best interpretation determination in respect of such consent; and

(b) restriction in an enactment or any other law about disclosure or confidentiality of information.

(3) Any person who, or agency that, has custody or control of information that the Joint Committee is entitled to in terms of sub-article (1) shall provide that information on request.

Application.

15. (1) Where, during the course of an investigation of a report on an adult, the Joint Committee reasonably considers it necessary for the purpose of the conduct of the investigation that a court order in accordance with sub-article (2) should be obtained, the Director shall by means of an application before the Court of Magistrates request the issue of such an order.

(2) On determining an application filed in terms of sub-article (1), the Court of Magistrates may make any order the said Court considers necessary for the purpose of the investigation, including an order:

(a) allowing the Joint Committee access to the adult and entry to premises to facilitate that access including ordering the assistance of the Executive Police;

(b) requiring the adult to participate in an interview specified in article 13(1) with the Joint Committee;

(c) allowing the Joint Committee and, or any further person involved in conducting an interview under article 13, or an assessment under 14(1)(a), access to the adult and entry to premises to facilitate that access;

(d) prohibiting any person, other than those persons mentioned in article 13, from being present while the Joint Committee communicates with or interviews the adult in terms of article 13; or

(e) requiring a person to provide the information referred to in article 14(1).

Determination of status and Individualised Support Plans.

16. (1) The Director shall, on the basis of the conclusions from an investigation in relation to an adult by the Joint Committee, where the said conclusions establish that the adult is in need of assistance or protection, work with the Joint Committee, with the adult who may also be supported by the persons listed in article 13(3), and with relevant stakeholders such as those listed in article 9(4), to develop an Individualised Support Plan for the assistance or protective intervention, as the case may be, in line with the concept of person-centred planning.

(2) In involving the adult in these proceedings, the Director and the Joint Committee shall follow the procedures outlined in article 13.

PART IV
ASSISTANCE

Conditions to be fulfilled for the provision of assistance.

17. The Director shall work with the Joint Committee established under article 12, with the adult receiving assistance, who may also be supported by the persons listed in article 13(3), and with relevant stakeholders such as those listed in article 9(4), to arrange for assistance for an adult where:

(a) the Joint Committee would have concluded, on the basis of an investigation, that the adult is in need of assistance;

(b) the assistance is provided or arranged in accordance with an Individualised Support Plan, in line with the concept of person-centred planning; and

(c) the adult consents for the provision of such assistance to the fullest extent while utilising any safeguards for his personal autonomy provided for and exercised in terms of the Civil Code. Cap 16.

Method of assistance.

18. Assistance may include:

(a) facilitating the exercise of the adult's personal autonomy, in accordance with article 5(a);

(b) further assessment and person-centred planning;

(c) the provision of counselling and other social work;

(d) the provision of speech and hearing therapy;

(e) the provision of occupational therapy and

physiotherapy;

(f) the provision of respite care and day care;

(g) socio-recreational activity and vocational training;

(h) housekeeping, nutritional and social support services;

(i) legal counsel and financial management services;

(j) request a Personal Autonomy Safeguard Order;

(k) residential accommodation and personal or nursing care; and

(l) any other service that may support the adult's safety and well-being:

Provided that the Director may at any time file an application before the Civil Court (Family Section) in terms of article 13(3) of the Civil Code requiring the court to order any person liable for maintenance, in whatever degree, to supply maintenance, reserving to such person the right to claim reimbursement from such other persons as, according to the said order, were bound to pay maintenance.

Cap. 16.

PART V
PROTECTIVE INTERVENTION

Protective Intervention Order.

19. (1) Where the Director has reasonable grounds to believe that an adult is in need of protection, the Director may file an application before the Court of Magistrates for the issuance of a Protective Intervention Order for the adult:

Provided that the Director shall file a copy of the investigation conducted and supporting documents with the application.

(2) In the interests of expediency the Court shall be assisted by judicial assistants when considering an application filed in terms of the sub-article (1), in respect of carrying out relevant functions linked to the judicial process in terms of article 97A of the Code of Organization and Civil Procedure, and when deciding on certain matters linked thereto further to article 97C of the said Code.

Cap. 12.

(3) Where after assessing an application filed in accordance with sub-article (1) the said Court of Magistrates, after having been guided by the provisions of article 13 in respect of hearing an adult, determines that such adult is in need of protection, the Court may make an order under this article for the protective intervention that, in the opinion of the said Court, best addresses the needs and interests of the adult, while ensuring

compliance with the provisions of articles 5(a) and (b).

20. (1) The Court of Magistrates may, with respect to an adult who is in need of protection, issue a Protective Intervention Order and may: Procedure.

(a) direct the provision or arrangement of assistance for the adult;

(b) place the adult under the supervision of the Director, in accordance with the conditions set out in the Order; or

(c) direct that the adult be relocated and, if necessary, placed under the appropriate supervision or care, in accordance with any conditions set out in the Order:

Provided that all these measures shall be coordinated by the Director together with the Joint Committee, while respecting existing procedures followed by entities represented on the said Committee, and with the involvement of the adult who may also be supported by the persons listed in article 13(3), and relevant stakeholders such as those listed in article 9(4).

(2) Any supervision or care provided in terms of this article shall not in any way impinge on the legal capacity of the adult, which shall remain regulated exclusively by the relevant provisions of the Civil Code. Cap. 16.

(3) The Court of Magistrates may, with respect to a person who is determined to be a source of harm or danger to an adult who is in need of protection, make a Protective Intervention Order directing such person to do one or more of the following:

(a) limit the person's contact, communication or involvement with the adult or the adult's estate as directed by the court;

(b) cease from residing at and stay away from the premises used by the adult as his place of residence, provided the person is not the owner or person having the title or possession of the premises;

(c) refrain from visiting, communicating with, harassing or interfering with the adult;

(d) refrain from having any involvement in or interfering with the adult's estate;

(e) provide financially for the maintenance and support of the adult if the person has a legal obligation to do so according to the provisions of Sub-title II of Title I of Book First of the Civil Code or any other law, from time to time in force, imposing a legal obligation on that person to provide such maintenance and support.

Cap. 16.

Responsibility of the Director. Cap. 528.

21. Saving the provisions of article 27 of the Health Act, or any other law to the contrary, where the Court of Magistrates has, by means of a Protective Intervention Order, ordered that an adult who is in need of protection be subject to supervision by the Director, the Director's involvement, in respect of any treatment decisions concerning the adult, unless otherwise specified in the Order, shall be subject to the same obligations and the same powers as would have been assigned to a support person in terms of the Civil Code.

Cap. 16.

Temporary Personal Autonomy Safeguard Order.

Cap. 16.

22. (1) Where the Director has reasonable grounds to believe that an adult is or may be in need of assistance or protection and is unable to make reasonable judgements with respect to his personal welfare or estate, the Director may file an application to the Personal Autonomy Safeguards Board in accordance with article 188A of the Civil Code.

(2) Notwithstanding the provisions of sub-article (1), where, in the circumstances described in the said sub-article the Director has reasonable grounds to believe that there is considerable risk of immediate, serious harm to the adult or the adult's estate, the Director may file an application for, and the Personal Autonomy Safeguards Board may issue an order appointing a temporary support person for the adult while an investigation is ongoing or other actions are taken pursuant to this Act.

(3) An order appointing a temporary support person in accordance with this article shall:

(a) remain in force for a period of not more than one hundred and eighty (180) days unless otherwise renewed by the Personal Autonomy Safeguards Board following the request of the Director; and

(b) limit the authority of the temporary support person to matters necessary for the immediate protection of the adult and the preservation of the adult's estate:

Provided that an order appointing a temporary support person in accordance with this article may be renewed more than once:

Provided further that where it is impossible to identify a temporary support person, including from the pool established by article 519GA of the Code of Organization and Civil Procedure, the Personal Autonomy Safeguards Board shall direct the Director to fulfil the role of temporary support person, and the said Director shall be assisted by the officers referred to in article 4(2) in his fulfilment of such role: Cap. 12.

Provided further that in respect of the fulfilment of the role of temporary support persons in terms of the preceding proviso, hypothecation obligations under article 519H(1) of the Code of Organization and Civil Procedure shall not be applicable, and any legal action directed at the temporary support person shall be brought against the Directorate for Disability Issues, unless it would be in respect of an offence listed in article 38(1)(a), in which case it shall be brought directly against the Director or against any officer referred to in article 4(2) who would be assisting the Director in accordance with the preceding proviso. Cap. 12.

23. (1) Where the Director applies for a Protective Intervention Order under this Act, except under article 26, the Director shall give at least fifteen (15) days' notice of the application to the following: Notice.

(a) the adult who is, or may be in need of protection, to whom the application refers, and in a manner readily understandable by the adult;

(b) any person appointed as a support person for the purposes of the exercise of personal autonomy by that adult;

(c) any person, other than the adult, who is the subject of the application.

(2) An adult who is or may be in need of protection, who can be assisted by a support person for the purposes of the exercise of his personal autonomy, as well as personal assistants, and any other person who is the subject of an application for the issue of a Protective Intervention Order under this Act is entitled to make submissions during the proceedings related to that application:

Provided that the Court of Magistrates may, if it deems necessary, request any other person or health and social care professional having the expertise outlined in article 12(3) to make submissions in the proceedings, with said submissions, however, having the purpose of allowing the Director to better act in a manner that ascertains the adult's will and preferences and respects his rights, while acting in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics including a person's

cultural or religious background.

(3) The Court of Magistrates may order that an adult who is in need of protection, to whom an application for a Protective Intervention Order in terms of this Act refers, shall have the costs of legal representation of any proceedings related to the application covered at the expense of the Director, if it is established that the expense would be beyond the means of the adult:

Provided that any such order in relation to costs shall also extend to any appeal filed by the adult in terms of article 25(4).

Onus.

24. In any application for the issuance of a Protective Intervention Order the Director shall provide sufficient information to establish that:

(a) the adult who is the subject of the application is in need of protection;

(b) adequate protection is unlikely to be achieved other than by an Order; and

(c) the protective intervention proposed is the least intrusive or restrictive of the practicable remedies available, and that in providing such protection intervention the Director ascertains the will and preferences and respects the rights of the adult in a situation of vulnerability who is at risk, while acting in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics including a person's cultural or religious background:

Provided that when obtaining a determination of the adult's will and preferences is not practicable, the Director shall instead make a best interpretation of such will and preferences, also taking into account the past statements, values, beliefs and life history of the adult.

Time limit, review and appeals.

25. (1) A Protective Intervention Order shall remain in force for a maximum period of twelve (12) months.

(2) The Director shall ensure a review of the conditions and the need for the continuation of a Protective Intervention Order before the lapse of such an Order, further to the procedures outlined in article 28.

(3) The Court of Magistrates, upon an application filed by the Director before the lapse of a Protective Intervention Order, shall follow the procedure outlined in article 19(3) in respect of fresh

applications, and determine whether to renew, revoke or otherwise vary the Order:

Provided that in the interests of expediency the provisions of article 19(2) in respect of the Court being assisted by judicial assistants shall likewise apply to such review proceedings by the Court.

(4) A decision of the Court of Magistrates to issue a Protective Intervention Order may be appealed before the Court of Appeal (Inferior Jurisdiction), by any person listed in article 23, in their own name or in the name of an entity that such person represents, by means of an application filed within thirty (30) days from the day on which such Protective Intervention Order shall have been issued:

Provided that in case of an action brought by an adult who, under any provision of law, is incapable of suing or being sued, such action may be commenced by such adult notwithstanding such incapacity, and the adult shall also be provided with relevant available measures ensuring accessibility and reasonable accommodation.

(5) The Minister, together with the Minister responsible for justice, may by regulations under this Act establish the fees payable in the registry of the courts relative to the filing of judicial acts in connection with appeals to the Court of Appeal in accordance with sub-article (4):

Provided that until such fees are so established by means of regulations, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply. Cap. 12.

(6) The board established in accordance with article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal (Inferior Jurisdiction) in accordance with sub-article (4). Cap. 12.

PART VI
EMERGERNCY INTERVENTION

26. (1) Where the Director has reasonable grounds to believe that there is considerable risk of immediate harm to an adult who is, or may be in need of protection, the Director may, after informing the Permanent Secretary and after obtaining an Emergency Intervention Order from the Court of Magistrates, file an application in the Registry of the said Court requesting urgently that: Removal of adult at risk or of the source of potential harm.

(a) the adult be removed from the source of potential harm to such place as the Director considers appropriate for the protection of the adult; or

(b) the source of the potential harm be, with the assistance of the Executive Police, removed from the proximity of the adult.

Application for Protective Intervention Order.

(2) Within twenty-four (24) hours after an adult or a source of potential harm is removed pursuant to sub-article (1), the Director shall apply for a Protective Intervention Order for the adult in terms of article 19, unless the Director had previously reversed the actions taken under sub-article (1):

Provided that if the Court of Magistrates does not accede to the request made by the Director, no action shall lie against the Director and, or any person involved, if there were reasonable grounds to justify the action taken in terms of this article.

PART VII
REVIEW

Information to and continued involvement of adult.

27. The Director shall continue to involve an adult who is in need of, and is receiving assistance, or an adult who is in need of protection and is the subject of a Protective Intervention Order, and any persons supporting the adult in relevant processes and listed in article 13(3), in any actions planned or taken under this Act in relation to such adult, and shall communicate any information linked to such actions to that adult in writing and in a manner readily understandable by the said adult.

Scheduled review.

28. (1) The Director shall cause any Individualised Support Plan and any assistance or protective intervention to be reviewed in accordance with a schedule included as part of the Plan or Protective Intervention Order:

(a) by the Joint Committee;

(b) assisted by any one (1) or more health and social care professionals having the expertise outlined in article 12(3);

(c) with the involvement of the adult covered by the measures in question, who may also be supported by the persons listed in article 13(3);

(d) liaising with relevant stakeholders, including those listed in article 9(4), as necessary; and

(e) in no case less frequently than every six (6) months.

(2) The Director shall cause the carrying out of a review of an Individualised Support Plan and any assistance or protective

intervention being provided to an adult who is in need of assistance or protection, as the case may be, further to the provisions of paragraphs (a) to (d) of sub-article (1), if:

(a) there appears to have been a material change in the needs or circumstances of the adult; or

(b) the adult or any person appointed as a support person for the purposes of the exercise of personal autonomy by that adult requests a review based on grounds determined to be reasonable by the Director.

(3) Where, based on a review made under sub-articles (1) or (2), the Joint Committee reaches a conclusion that there has been a material change in the needs or circumstances of the adult, the Director shall adjust the Individualised Support Plan accordingly and may apply to the Court of Magistrates to have any Protective Intervention Order in relation to the adult varied, renewed or revoked.

Application by the adult for change of Order.

29. An adult who is in need of protection and is the subject of a Protective Intervention Order, or any person appointed as a support person for the purposes of the exercise of personal autonomy of that adult, may, at any time based on a material change in the needs or circumstances of the adult, apply to the Court of Magistrates to have the Order varied, renewed or revoked:

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

Notice.

30. An application filed in terms of article 29 shall be served on any person directly involved or affected, including the Director who shall have a right to reply to the application within fifteen (15) days from service of the application.

PART VIII
GENERAL

Liability.

31. No action shall lie against a health and social care professional or institution or its staff for rendering necessary treatment determined to have been provided in good faith and without negligence to an adult who is, or may be in need of assistance or protection.

Confidentiality.

32. No person involved in the administration of this Act shall

disclose confidential information collected in the administration of this Act except, subject to articles 13 and 14:

(a) where authorized by the Director;

(b) with the consent of the person or persons to whom the information pertains;

(c) where required for the administration of this Act;

Cap. 16.
Cap. 12.
Cap. 525.

(d) in the course of judicial proceedings in terms of this Act, the Civil Code, the Code of Organization and Civil Procedure or the Mental Health Act; or

(e) as otherwise permitted under this Act or any subsidiary legislation made thereunder.

Offences.

33. Any person who:

(a) obstructs or hinders any person who is conducting an investigation pursuant to this Act;

(b) fails to comply with the requirements of a Protective Intervention Order; or

(c) otherwise contravenes a provision of this Act or any subsidiary legislation made thereunder, unless the punishment in respect of such is already specified in the said Act or subsidiary legislation,

is guilty of an offence and liable, on conviction, to a fine (*multa*) of not more than ten thousand euro (€10,000), or to imprisonment for a term not exceeding six (6) months, or to both such fine and imprisionment.

Obligations under other Acts.
Cap. 16.
Cap. 9.
Cap. 12.
Cap. 581.
Cap. 413.
Cap. 525.
Cap. 627.
Cap. 528.
Cap. 31.
Cap. 464.
Cap. 471.
Cap. 582.

34. The provisions of this Act shall not prejudice or be construed as limiting, amending, repealing or otherwise altering any provision of other applicable Acts and regulations including the Civil Code, Criminal Code, Code of Organization and Civil Procedure, Gender-Based Violence and Domestic Violence Act, Equal Opportunities (Persons with Disability) Act, Mental Health Act, United Nations Convention on the Rights of Persons with Disabilities Act, Health Act, Medical and Kindred Professions Ordinance, Health Care Professions Act, Psychology Profession Act and Social Care Standards Authority Act, or as exempting any person from any duty or obligation of care.

PART IX
DATA PROTECTION

Processing of personal data. Cap. 586.

35. (1) Nothing in this Act shall prejudice the applicability of Regulation (EU) 2016/679 and the Data Protection Act, including the regulations made thereunder, and the fundamental rights and freedoms of the data subjects.

(2) The Director, acting in his capacity of controller (hereinafter for the purposes of this Part referred to as the "controller") in terms of Article 4(7) of Regulation (EU) 2016/679, shall perform the relevant data processing operations which are limited to the extent needed for the purposes of this Act, and to what is necessary for and proportionate to the objectives pursued by the Director.

(3) The processing of personal data, including the processing of special categories of personal data, for the purposes of this Act shall fully comply with the principles relating to the processing of personal data pursuant to Article 5 of Regulation (EU) 2016/679.

Appropriate safeguards.

36. (1) The controller, taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, both at the time of the determination of the means for processing and at the time of the processing itself, shall implement appropriate technical and organisational measures, in an effective manner and to integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

(2) The data protection officer designated by the controller in terms of Article 37 of Regulation (EU) 2016/679 shall be involved and consulted in a duly and timely manner on all issues in relation to the protection of personal data processed for the purposes of this Act.

(3) For the purpose of ensuring and to be able to demonstrate that the processing of personal data is performed in accordance with the provisions of Regulation (EU) 2016/679, the controller shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

(4) Access to any personal data, including special categories of personal data processed for the purposes of this Act, shall be reserved exclusively to duly authorised staff of the controller. Access shall be limited to the extent needed for the performance of the Director’s functions in accordance with the purposes of the Act, and to what is necessary and proportionate to the objectives pursued in terms of this Act.

Protection of the rights of the data subjects.

37. (1) With respect to all the processing of personal data pursuant to this Act, every data subject shall have the right of access, rectification, erasure and restriction, including the right to lodge a complaint with the Information and Data Protection Commissioner, the right to compensation and judicial redress as laid down in the Data Protection Act and Regulation (EU) 2016/679.

Cap. 586.

(2) The controller may restrict the rights and obligations provided for in Articles 14 to 20 and Article 34 of Regulation (EU) 2016/679 in accordance with Article 23 thereof.

(3) The restrictions under sub-article (2) shall only apply where these restrictions are considered as a necessary and proportionate measure for the performance of the functions of the controller pursuant to this Act, or to protect the vital interests of the adults in need of assistance or protection, or to effectively preserve the integrity of the delivery of the professional services provided by the controller to such persons.

(4) The data protection officer designated pursuant to Article 37 of Regulation (EU) 2016/679 shall be consulted by the controller as appropriate and in a timely manner in the entire process of applying the restriction.

(5) The controller shall apply the restrictions referred to in sub-article (3) for as long as the reasons justifying them remain applicable, following a necessity and proportionality test. The reasons justifying the restrictions shall be documented and made available to the Information and Data Protection Commissioner when and as required.

(6) Where the reasons for a restriction no longer apply, the controller shall lift the restriction and inform the data subject concerned accordingly and comply with the rights and obligations provided for in Articles 14 to 20 and Article 34 of Regulation (EU) 2016/679.

(7) The controller shall review the application of the restrictions referred to in this article and depending on the outcome of such review inform the data subject accordingly.

PART X
CHARACTER CHECKS AND PROTECTION OF ADULTS IN SITUATIONS OF VULNERABILITY REGISTER

Character checks.

38. (1) The Director shall require any individual providing services specifically aimed at supporting the well-being of adults in situations of vulnerability, whether or not said services are licensable in accordance with any legislation, to, prior to entering into

employment with any person or body corporate, including any registered voluntary organisation, or being engaged as a volunteer by any such person or body corporate, produce:

(a) a conduct certificate issued in accordance with article 2 of the Conduct Certificates Ordinance, showing no recordable convictions in accordance with: Cap. 77.

(i) this Act;

(ii) Title I of Part II of Book First of the Criminal Code; Cap. 9.

(iii) articles 82A to 82E of Title II of Part II of Book First of the Criminal Code; Cap. 9.

(iv) Title V of Part II of Book First of the Criminal Code; Cap. 9.

(v) Title VI of Part II of Book First of the Criminal Code; Cap. 9.

(vi) article 197 of Sub-title I of Title VII of Part II of Book First of the Criminal Code; Cap. 9.

(vii) Sub-titles II and III of Title VII of Part II of Book First of the Criminal Code; Cap. 9.

(viii) Sub-titles I to VI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(ix) articles 244 and 244A of Sub-title VII of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(x) Sub-titles VIII to XI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(xi) Title IX of Part II of Book First of the Criminal Code; Cap. 9.

(xii) the Sex Trafficking (Suppression) Ordinance; Cap. 63.

(xiii) the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act; Cap. 567.

(xiv) the Gender-Based Violence and Domestic Violence Act; and Cap. 581.

(xv) the Minor Protection (Alternative Care) Act; or Cap. 602.

(b) comparable documentation issued by the relevant

competent authorities of a foreign jurisdiction, showing no comparable convictions recorded in said documentation:

Provided that no original copies of said documentation shall be made or retained by the Director, after having examined said documentation:

Provided further that on the date of coming into force of this article, all individuals referred to in this sub-article and who are already so engaged as employees or volunteers on such date, shall, within nine (9) months of this date, likewise be required to comply with the obligation set out in this sub-article.

(2) The Director shall also require any individual wishing to provide services specifically aimed at supporting the well-being of adults in situations of vulnerability, whether or not said services are licensable in terms of any legislation, on a self-employed basis, to likewise produce, prior to commencing any such self-employed activities:

Cap. 77.

(a) a conduct certificate issued in accordance with article 2 of the Conduct Certificates Ordinance, showing no recordable convictions in terms of:

(i) this Act;

Cap. 9.

(ii) Title I of Part II of Book First of the Criminal Code;

Cap. 9.

(iii) articles 82A to 82E of Title II of Part II of Book First of the Criminal Code;

Cap. 9.

(iv) Title V of Part II of Book First of the Criminal Code;

Cap. 9.

(v) Title VI of Part II of Book First of the Criminal Code;

Cap. 9.

(vi) article 197 of Sub-title I of Title VII of Part II of Book First of the Criminal Code;

Cap. 9.

(vii) Sub-titles II and III of Title VII of Part II of Book First of the Criminal Code;

Cap. 9.

(viii) Sub-titles I to VI of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9.

(ix) articles 244 and 244A of Sub-title VII of Title VIII of Part II of Book First of the Criminal Code;

(x) Sub-titles VIII to XI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(xi) Title IX of Part II of Book First of the Criminal Code; Cap. 9.

(xii) the Sex Trafficking (Suppression) Ordinance; Cap. 63.

(xiii) the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act; Cap. 567.

(xiv) the Gender-Based Violence and Domestic Violence Act; and Cap. 581.

(xv) the Minor Protection (Alternative Care) Act; or Cap. 602.

(b) comparable documentation issued by the relevant competent authorities of a foreign jurisdiction, showing no comparable convictions recorded in said documentation:

Provided that no original copies of said documentation shall be made or retained by the Director after having examined such documentation:

Provided further that on the date of coming into force of this article all individuals referred to in this sub-article, and who are already so engaged in self-employed work on such date, shall, within nine (9) months from such date, be required to comply with the obligation set out in this sub-article.

(3) On having ascertained himself that the requesting individual, in terms of sub-articles (1) or (2), has not been convicted of any of the offences listed in said sub-articles, the Director shall proceed with issuing a clearance certificate in respect of that person, in terms of this article, following payment of an indicated fee. The Director shall also transmit a copy of said certificate to the person or body corporate that would engage the prospective employee or volunteer in accordance with sub-article (1), as well as to the Registrar:

Provided that the certificate and any copies thereof may be issued physically and, or digitally, and in both cases shall contain a two-dimensional machine-readable code allowing for the verification of the certificate's authenticity, validity and integrity, and that the Minister may by regulations in accordance

with this Act also establish technical specifications with which such physical and, or digital versions of the certificate and of copies thereof shall comply:

Provided further that failure by any individual employer, or by any person within such a body corporate responsible for engaging employees or volunteers, to proceed with such employment or volunteer engagement without said certificate having been issued in respect of the prospective employee or volunteer shall constitute an offence, and any such individual or person shall on conviction be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Commissioner for Voluntary Organisations, in exercise of the powers conferred on him by article 34 of the Voluntary Organisations Act, or the Regulator of Social Enterprise Organisations, in exercise of the powers conferred on him by article 33 of the Social Enterprise Act, may request that the Director provide them with a copy of the certificate issued in respect of any employee or volunteer engaged with a registered voluntary organisation, or with a registered social enterprise organisation respectively, where such employee or volunteer, in the opinion of said Commissioner or Regulator, would be subject to the requirements of sub-article (1).

Cap. 492.

Cap. 630.

(4) Any prospective or current recipient of self-employed services referred to in sub-article (2), being provided by any person mentioned in that sub-article, may, at any time, request that the Director provide him with a copy of the certificate issued in accordance with sub-article (3), in respect of any person providing any self-employed services referred to in sub-article (2):

Provided that engaging in any such-self-employed services by any person without having previously obtained such a certificate shall constitute an offence, and such person shall on conviction be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Commissioner for Voluntary Organisations, in exercise of the powers conferred on him by article 34 of the Voluntary Organisations Act, or the Regulator of Social Enterprise Organisations, in exercise of the powers conferred on him by article 33 of the Social Enterprise Act, may request that the Director provide them with a copy of the certificate issued in respect of any person providing any self-employed services referred to in sub-article (2) to a registered voluntary organisation, or to a registered social enterprise organisation respectively, where such person providing self-employed services, in the opinion of said Commissioner or Regulator, would be subject to the requirements of sub-article (2). Cap. 492. Cap. 630.

Register of Protection of Adults in Situations of Vulnerability Register.

39. (1) The Registrar shall maintain a Register within which there shall be recorded:

(a) the name of any person convicted by a court in Malta of an offence against:

(i) this Act;

(ii) Title I of Part II of Book First of the Criminal Code; Cap. 9.

(iii) articles 82A to 82E of Title II of Part II of Book First of the Criminal Code; Cap. 9.

(iv) Title V of Part II of Book First of the Criminal Code; Cap. 9.

(v) Title VI of Part II of Book First of the Criminal Code; Cap. 9.

(vi) article 197 of Sub-title I of Title VII of Part II of Book First of the Criminal Code; Cap. 9.

(vii) Sub-titles II and III of Title VII of Part II of Book First of the Criminal Code; Cap. 9.

(viii) Sub-titles I to VI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(ix) articles 244 and 244A of Sub-title VII of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(x) Sub-titles VIII to XI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.

(xi) Title IX of Part II of Book First of the Criminal Cap. 9.

Code;

Cap. 63. (xii) the Sex Trafficking (Suppression) Ordinance;

Cap. 567. (xiii) the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act;

Cap. 581. (xiv) the Gender-Based Violence and Domestic Violence Act;

Cap. 602. (xv) the Minor Protection (Alternative Care) Act; and

(b) the details listed in sub-articles (3) and (4).

(2) The Registrar shall also enter into the Register the names and any other relevant details obtained of any person who is a citizen of Malta, or who is resident in Malta at the time, whether or not said person is a citizen of Malta, in respect of whom details of a comparable conviction would have been transmitted by judicial authorities in a foreign jurisdiction shall have been transmitted to the Registrar, provided this is permitted by law, and the Registrar shall also add all supporting documentation received from said authorities to the Register.

(3) In respect of any person resident of Malta convicted of an offence referred to in the preceding sub-articles, the Registrar shall, within a period of three (3) days from the conviction, enter the following information on the said person in the Register:

(a) his date of birth;

(b) his legally valid identification document number or passport number;

(c) his name on the date of the conviction and, where he used one or more other names on that date, each of those names;

(d) the address of his place of residence on the date of the conviction;

(e) the address of any other premises in Malta where during relevant court proceedings he indicated as regularly residing or staying at.

(4) The Registrar shall continue monitoring any person referred to in the preceding sub-article and shall also update the Register within a period of three (3) days in cases where such person:

(a) is using a name other than a name entered into the Register; or

(b) has changed his home address; or

(c) has been released from custody following a court order or from imprisonment or detention in a hospital.

(5) Any person listed in the Register shall from the date on which his details were entered into the said Register onwards, be under a perpetual interdiction from being engaged in any employment, volunteering or self-employment referred to in article 38.

(6) On entering the details into the Register of any individual previously issued with a clearance certificate by the Director in accordance with article 38(3), the Registrar shall forthwith also notify the Director and provide that information which is strictly necessary, in order that the Director be able to cancel said certificate, and inform the holder and the relevant individual or body corporate engaging that individual as employee or volunteer. Such individual or body corporate shall consequently be obliged to terminate the employment or voluntary engagement of said individual with immediate effect, without that individual being entitled to any compensation, where relevant, other than any remuneration that may be due to him for services rendered until termination:

Provided that when a certificate is cancelled in respect of an employee or volunteer engaged with a registered voluntary organisation or with a registered social enterprise organisation, the Registrar shall also notify the Commissioner for Voluntary Organisations or the Regulator of Social Enterprise Organisations of such cancellation. The Registrar shall also provide that information which is strictly necessary in the case of any subsequent investigation that might be carried out by the said Commissioner in accordance with article 34 of the Voluntary Organisations Act, or by the said Regulator in accordance with article 33 of the Social Enterprise Act, that would respectively involve a voluntary organisation or a social enterprise organisation that previously engaged the person in respect of whom said cancellation had been effected, or of any person who previously provided any self-employed services to a voluntary organisation or a social enterprise respectively, and in respect of whom a certificate would have been likewise cancelled:

Cap. 492.

Cap. 630.

Provided further that failure by any such individual, or by any person within such a body corporate acting as employer or responsible for engaging volunteers, to proceed with such termination, shall constitute an offence, and such individual or person shall on

conviction be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Director may, at any point, verify with the public employment services constituted further to applicable legislation, as to whether said termination would have been requested and effected.

(7) On entering the details into the Register of any person previously issued with a clearance certificate by the Director in accordance with article 38(3), and engaged at that time in any self-employment referred to in article 38(2), the Registrar shall forthwith also notify the Director and provide that information which is strictly necessary, in order that the Director be able to inform the holder, who would be consequently obliged to terminate his registration as a self-employed person, specifically in respect of any self-employment referred to in article 38(2), with immediate effect:

Provided that failure by any such individual to undertake relevant steps in order that such termination be effected, shall constitute an offence and such person shall, on conviction, be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Director may, at any time, verify with the public employment services constituted further to applicable legislation, as to whether said termination would have been requested and effected.

PART XI
POWERS OF THE MINISTER

Powers of the Minister to make regulations.

40. The Minister may make regulations to give better effect to the provisions of this Act, and for the enforcement thereof and, without prejudice to the generality of the foregoing, may, by such regulations, provide:

(a) for any matter consequential, incidental to or connected with any of the above-mentioned provisions;

(b) together with the Minister responsible for justice, for the fees payable in the registry of the courts relative to the filing of judicial acts in connection with appeals to the Court of Appeal in

accordance with article 25(4);

(c) for the fee to be paid in respect of the issuance of a clearance certificate in terms of article 38(3); and

(d) for the establishment of technical specifications with which physical and digital versions of the clearance certificate issued in terms of article 38(3), and any copies thereof, shall comply.

PART XII
AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL PROTECTION OF ADULTS (RATIFICATION) ACT

Amendments to the Convention on the International Protection of Adults (Ratification) Act. Cap. 633.

41. In the Convention on the International Protection of Adults (Ratification) Act:

(a) sub-articles (2) and (3) of article 5 thereof shall be substituted by the following new sub-articles:

"(2) Whenever the Director, of his own initiative or acting upon a request received from another competent authority, alleges that an adult is in need of protection within the meaning of Article 8 of the Convention, he may, without prejudice to any other action with respect to the same matter that is lawfully available, exercise his functions and powers in accordance with the Protection of Adults in Situations of Vulnerability Act, in respect of the issuance of measures directed to the protection of the adult's person or property:

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Provided that the exercise of such functions and powers in accordance with the Protection of Adults in Situations of Vulnerability Act shall include the filing of any application before the Court of Magistrates or the Personal Autonomy Safeguards Board in terms of the said Act.

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(3) The Director shall, in the exceptional situations stipulated in Article 11 of the Convention, issue or request the issuance of measures of a temporary nature for the protection of the person of an adult referred to in Article 11 of the Convention, in terms of the Protection of Adults in Situations of Vulnerability Act.";

Cap. 659.

(b) sub-article (2) of article 6 thereof shall be amended as follows:

(i) the words "made by a court in Malta" shall be substituted by the words "made by a court or competent authority in Malta";

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

"(a) the Court of Appeal may, on the application of any person appearing to have an interest in the matter, including the person to whom the decision relates, or of the Director, declare on any of the grounds specified in Article 22(2) of the Convention, as further construed in accordance with the Protection of Adults in Situations of Vulnerability Act, that the decision is not, in whole or in part, to be recognized in Malta:

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Provided that when such an application is filed, it shall also be notified to the Director and to the person to whom the decision relates, where the application has not been made by such Director or person, with these having the right to submit a reply within fifteen (15) days of service of the application; and";

(iii) in paragraph (b) thereof the words "competent court in terms of article 7." shall be substituted by the words "competent court in terms of article 7:" and immediately thereafter there shall be added the following new proviso:

"Provided that in the event of participation in proceedings in accordance with this article by a person who, under any provision of law, is incapable of suing or being sued, such participation may nevertheless occur by such person notwithstanding such incapacity, and the person shall also be provided with the relevant measures available to ensure accessibility and reasonable accommodation.";

(c) article 7 thereof shall be substituted by the following new article:

"Registration of decisions.

7. (1) An interested person, including the person to whom the decision relates, or the Director may file an application for the registration of the decision containing the measures in the registry of the Court of Appeal:

Provided that in the event of participation in proceedings in accordance with this article by a person who, under any provision of law, is incapable of suing or being sued, such participation may nevertheless occur by that person notwithstanding that incapacity, and the person shall also be provided with the relevant measures available to ensure accessibility and reasonable accommodation.

(2) When such an application is filed, it shall also be notified to the Director and to the person to whom the decision relates, where the application has not been made by such Director or person, with these having the right to submit a reply within fifteen (15) days of service of the application.

(3) The Court of Appeal shall refuse to register a decision, in whole or in part, if it is of the opinion that on any of the grounds specified in Article 22(2) of the Convention, as further construed in accordance with the Protection of Adults in Situations of Vulnerability Act, the decision should not be recognized in Malta.";

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(d) article 8 thereof shall be substituted by the following new article:

"Enforcement of decision.

8. (1) Where a decision relating to measures has been registered according to article 7, the Director shall have the same powers for the purpose of enforcing the decision, including in respect of making any relevant request to a competent court or other competent authority in Malta, as if it had been made or requested by him in accordance with the Protection of Adults in Situations of Vulnerability Act.

Cap. 659.

(2) Proceedings for or with respect to the enforcement of any such decision may be taken accordingly in terms of the Protection of Adults in Situations of Vulnerability Act, or through any other action with respect to such that is lawfully available.";

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(e) in sub-article (2) of article 9 thereof the word "Part" shall be substituted by the word "Act".

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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

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