

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

24th April, 2026

ACT No. XIII of 2026

AN ACT to amend various laws relating to personal autonomy and any matter ancillary thereto.

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

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

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

PART I
AMENDMENTS TO THE CODE OF ORGANIZATION AND
CIVIL PROCEDURE

2. This Part amends the Code of Organization and Civil Procedure and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as "the Code". Amendments to the Code of Organization and Civil Procedure. Cap. 12.

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

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

Amendment of
article 519A of
the Code.

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

(a) in the marginal note thereof the words "Guardianship Board." shall be substituted by the words "Personal Autonomy Safeguards Board.";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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following new sub-article:

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

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

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

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

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

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

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

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

(d) has been declared bankrupt; or

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

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

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

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

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

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

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

Amendment of article 519C of the Code.

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

Amendment of article 519D of the Code.

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

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

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

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Substitution of
article 519E of
the Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Substitution of article 519F of the Code.

"Appointment of support person.

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

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

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

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

Cap. 16. Provided that without prejudice to instruments referred to in article 188A(5) of the Civil Code, and mandates referred to in article 1864A of the Civil Code, any mandates or powers of representation in respect of which the person accorded safeguards is either the mandator or principal, or else the mandatory or representative, and any agreement, whether public or private, binding such person, with any such mandate, powers or agreement having been concluded prior to the issuance of the Personal Autonomy Safeguards Order in question, shall not be affected by such Order, unless a stipulation in respect of any one (1) or more specific instruments of such nature is made in the said Order, and subject to any stipulations emerging from any provision contained in any such instrument, or in any law at any time in force.

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

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

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

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

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

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

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

Substitution of article 519G of the Code.

"Persons eligible as support persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Appointment of support persons from the State pool.

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

Substitution of article 519GA of the Code.

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

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

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

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

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

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

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

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

Substitution of article 519H of the Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Substitution of article 519I of the Code.

"Support person may seek advice from the Board.

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

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

(3) The Board may:

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

(b) give such advice as it considers appropriate;

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

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

13. Article 519J of the Code shall be substituted by the following

Substitution of article 519J of the Code.

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new article:

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

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

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

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

Amendment of
article 519K of
the Code.

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

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

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

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

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

"person accorded personal autonomy safeguards".

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

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

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

- 16.** Article 519M of the Code shall be substituted by the following new article: Substitution of article 519M of the Code.

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

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

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

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

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

Amendment of article 519N of the Code.

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

(a) the words "Minister responsible for Social Policy" shall be replaced by the words "Minister responsible for the rights of persons with disability";

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

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

Addition of new articles to the Code.

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

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

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

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

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

Act No. XIII of 2026.
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(4) Should the said application for a Guardianship Order be acceded to, articles 519A to 519L, prior to the amendment of said articles by articles 4 to 15 of the Various Laws (Personal Autonomy) (Amendment) Act, 2026 and articles 188A to 188C of the Civil Code, prior to the amendment of said articles by articles 27 to 29 of the said Act, shall continue to apply in respect of said Guardianship Order during its period of validity.

Act No. XIII of 2026.

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

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

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

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

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

Act No. XIII of 2026.

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

Cap. 16.

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

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

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

Act No. XIII of
2026.

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

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

Act No. XIII of
2026.

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

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

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

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

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

Cap. 16. (a) the procedure in article 188A(3) of the Civil Code shall be followed for the appointment of a new support person; and

Cap. 659. (b) a temporary support person shall be appointed following the procedure in article 18 of the Protection of Adults in Situations of Vulnerability Act, and further to the stipulations therein, pending the appointment of such new support person."

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

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

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

(b) in the proviso to sub-article (1) thereof, immediately following the words "shall order that the decree", there shall be added the words "or relevant notification", and immediately

following the words "a note of such interdiction or incapacitation" there shall be added the words " or Order";

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

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

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

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

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

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

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

Amendment of
article 929 of
the Code.

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

PART II
AMENDMENTS TO THE CIVIL CODE

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

Amendments to the Civil Code. Cap. 16.

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

Amendment of Title VI of Book First of the Code.

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

Amendment of article 154 of the Code.

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

Amendment of Article 188 of the Code.

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

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

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

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

Amendment of article 188A of the Code.

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

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

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

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

(c) in sub-article (2) thereof, immediately after the words "in article 156" there shall be added the words ", or who would have otherwise acquired legal capacity before the age of majority in accordance with any law in force governing his personal status";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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following new sub-article:

Cap. 12. "(4) If in any civil proceedings the Court considers that a party may benefit from a personal autonomy safeguard in order to ensure the effective exercise of rights and fulfilment of obligations of said party, the Court shall, after having heard such party, after having provided him with the relevant available measures ensuring accessibility and reasonable accommodation, refer the matter to the Personal Autonomy Safeguards Board as established in the Code of Organization and Civil Procedure for its determination.";

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

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

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

Cap. 627. "(6) For the purposes of this Sub-title, the term "disability" shall have the same meaning as that assigned to it in sub-article (1) of article 2 of the United Nations Convention on the Rights of Persons with Disabilities Act.".

Substitution of article 188B of the Code.

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

new article:

"Functions of support person.

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

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

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

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

Cap. 12.

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

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

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

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

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Provided further that a support person shall only act when:

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

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

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

Cap. 12.

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

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

Substitution of article 188C of the Code.

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

"Obligations in respect of acts to safeguard personal autonomy.

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

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

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

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

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

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

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

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

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

- Cap. 12.
- Provided that, in either of these instances, the support person shall keep a record of the steps taken to ascertain such will and preferences and the elements relied upon, including the past statements, values, beliefs and life history of the person being accorded safeguards, making such record available to the Personal Autonomy Safeguards Board as established in the Code of Organization and Civil Procedure and to persons with a legitimate interest, and shall so act:
- (a) when personal autonomy safeguards are necessary for the exercise and protection of the rights of the person who would be accorded said safeguards;
 - (b) in an age-appropriate and gender-sensitive manner;
 - (c) with full respect for intersecting characteristics, including a person's cultural or religious background;
 - (d) without exerting any undue influence on said person; and
 - (e) in line with the provisions of a Personal Autonomy Safeguard Order as established in the Code of Organization and Civil Procedure;
- Cap. 12.
- (b) consult and act together with the person accorded personal autonomy safeguards, in respect of one or more acts of civil life, and subject to the provisions of this Code, and of the Code of Organization and Civil Procedure, when provision for such joint action specifically is made in a Personal Autonomy Safeguard Order, and following the possibility of additionally concluding a Support Agreement between the person accorded personal autonomy safeguards and the support person, executed in such format as may be prescribed in virtue of sub-article (4), and as may be from time to time amended;
- Cap.12.

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

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

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

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

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

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

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

Amendment of article 188D of the Code.

31. Article 189 of the Code shall be deleted.

Deletion of article 189 of the Code.

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Deletion of article 191 of the Code.

32. Article 191 of the Code shall be deleted.

Amendment of article 597 of the Code.

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

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

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

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

Amendment of article 605 of the Code.

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

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

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

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

Amendment of article 630 of the Code.

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

Amendment of article 752 of the Code.

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

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

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

Amendment of article 967 of the Code.

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

Deletion of article 972 of the Code.

38. Article 972 of the Code shall be deleted.

Amendment of article 1325 of the Code.

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

Amendment of article 1332 of the Code.

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

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

Amendment of
article 1744 of
the Code.

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

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

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

Amendment of
article 1864A of
the Code.

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

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

Cap. 55.

(1) A mandate given by a person of full age shall be drawn up, under pain of nullity, by a notary public in the presence of two (2) witnesses in accordance with the requirements of article 655(1) of this Code, and shall be registered in the same manner as any one of the acts mentioned in article 50 of the Notarial Profession and Notarial Archives Act, when such mandate is given:

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

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

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

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

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

(b) approval from the Court of Voluntary Jurisdiction, after this would have given the mandator the opportunity to be heard, by deciding on the

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request of the mandatary designated in the act upon application by the mandatary, while being able to impose those conditions that it may deem necessary.";

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

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

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

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

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

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

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

PART III

AMENDMENTS TO THE MARRIAGE ACT

Amendments to the Marriage Act.
Cap. 255.

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

Amendment of article 2 of the principal Act.

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

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

Substitution of article 4 of the principal Act.

46. Article 4 of the principal Act shall be substituted by the

following new article:

"Adults in a situation of vulnerability.

Cap. 16.

Cap. 659.

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

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

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

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

Amendment of article 8 of the principal Act.

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

(b) in paragraph (v) thereof, the words "Investigations Unit and Enforcement Unit." shall be substituted by the words "Investigations Unit and Enforcement Unit;", and immediately

thereafter, there shall be added the following new paragraph:

- Cap. 659. "(w) monitor any measures undertaken in accordance of the Protection of Adults in Situations of Vulnerability Act, or in respect of which recognition is requested in accordance with article 7 of the Convention on the International Protection of Adults (Ratification) Act, as well as initiate proceedings or otherwise intervene as necessary as authorised by relevant legislation, including in accordance with this Act."
- Cap. 633.

PART V AMENDMENTS TO THE MENTAL HEALTH ACT

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

Amendments to the Mental Health Act. Cap. 525.

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

Amendment of article 2 of the principal Act.

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

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

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

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

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

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

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

Amendment of article 4 of the principal Act.

(a) in sub-article (2) thereof, immediately following the words "to act on his behalf" there shall be added the words "while

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respecting his rights, and making real, considerable and pertinent efforts to obtain an expression of will and preferences from such person or else making a best interpretation determination where this is not practicable";

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

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

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

Amendment of
article 24 of the
principal Act.

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

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

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

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

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

following new sub-article:

"Interdiction or incapacitation, or personal autonomy safeguards.

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

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

Substitution of article 25 of the principal Act.

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

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

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

Amendment of article 26 of the principal Act.

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

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

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

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

Amendment of article 27 of the principal Act.

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

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

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

Amendment of article 45 of the principal Act.

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

Amendment of the Eleventh Schedule of the principal Act.

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

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

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

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

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

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

"DECISION

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

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

.....

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

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

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

☐ CLMC Ref. No.: is revoked (if applicable)

☐ Certification not approved

☐ CLMC Ref. No.: is not revoked (if applicable)

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

.....

(Signature)

(Date)

(Time)".

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

