GOVERNMENT OF MALTA
MINISTRY FOR INCLUSION
AND THE VOLUNTARY SECTOR

Guardianship Unit: Procedures

A Guide for Families and Service Users

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Malta

Legislation: current position

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Current law

Act XXIV of 2012 established the current guardianship framework.

Article 188A et seq of the Civil Code (Chapter 16 of the Laws of Malta).

Article 519A et seq of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

The following slides describe the current guardianship processes.

Personal Autonomy reform

Parliament has passed Act XIII of 2026, the Various Laws (Personal Autonomy) (Amendment) Act.

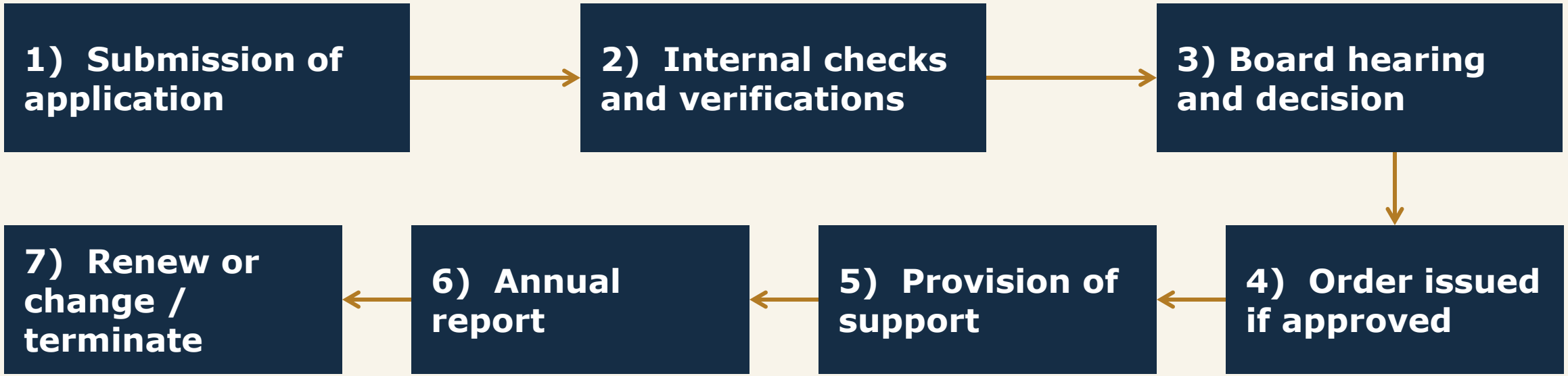
Not yet in force.

The reform provides for supported decision-making in place of guardianship, giving effect to Article 12 of the UN disability rights convention.

Guardianship: A step-by-step guide

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Malta: a guide for service users and families



Applying for a Guardianship Order

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A notary, lawyer, healthcare professional, care home or bank may suggest applying.

Who can apply?

The person who needs support

Their spouse or relatives

The State Advocate, as provided by law

Who can act as guardian?

The guardian must be at least 18, resident in Malta and have a clean police conduct certificate.

The guardian must consent to act and avoid conflicts of interest.

A family member or close friend may be suitable.

Published application references: Article 188A(3) and Article 189(3) of the Civil Code; and Article 521 of the Code of Organization and Civil Procedure.

Application for Guardianship

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At the application stage



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The Registrar
Office of the Guardianship Board
Level1, office 1B
Lagacy Business Center
Triq L- Intornjatur
Central Business District
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Email: guardianship.miv@gov.mt
Phone: +35623482331/5

Application for Guardianship

The system of guardianship is intended for those persons with disability or mental disorder[1] needing support to various extents in order to manage their own affairs. This form can be used by parents and relatives wishing to be appointed or have someone appointed to make decisions on behalf of a relative who has a disability or a mental disorder. A person can also use this form if they would like someone else appointed to make decisions on their behalf.

1	About the person to be subject to Guardianship
Surname	
Name	
Date of Birth	
ID Number	
Gender	☐ Male ☐ Female
Marital Status	
Parents (Name + Contact Number)	☐ Alive ☐ Deceased
	☐ Alive ☐ Deceased
Siblings (Name + Contact Number)	

[1] The term 'mental disorder' has the same meaning as that assigned to it in the Mental Health Act (Ch.525).

1

Who completes it

The applicant completes and signs the form.

Witnesses may also be required.

Open the published form

Medical Report

With the application



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Medical Report

This Report should be drawn by a medical expert in the appropriate speciality (Psychiatry, Geriatrics, or Neurology), otherwise provide a detailed explanation of the reason in Section 2 why you are completing this report.

Please read carefully before completing this report:

Before making a Guardianship order in respect of the proposed represented person, the Guardianship Board must be satisfied that:

1. The person has a disability (intellectual impairment, mental disorder, brain injury, physical disability or dementia);

2. The disability makes the person incapable of making reasonable decisions about their person or circumstances (including accommodation and health care) or their financial and legal affairs.

3. There is a need for a Guardian. This will not be established if there are less restrictive means of meeting the person's needs.

The completeness and accuracy of the information that you provide will greatly assist the Guardianship Board to determine whether to make an order concerning the proposed represented person. The medical report needs to be completed up till thirty (30) days before the submission of the application.

1 The Person who will be subject to Guardianship

Surname

Name

Date of Birth / / Gender ☐ Male ☐ Female

ID Number

How long have you known this person?

How many times have you seen this person over the past 12

1

Who completes it

A medical expert in the appropriate specialty completes the report.

The form covers Psychiatry, Geriatrics or Neurology.

The report should be dated within 30 days of application submission.

Documents for a complete application

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These may be found online on the Guardianship Website

Personal documents

ID Card copies for the person who shall be subject to guardianship and of the applicants

The birth certificate of the person subject to guardianship

Applicants' recently-issued conduct certificates

Medical report completed by a psychiatrist or a hospital consultant.

Other information

Signed, dated statements of assets, income and liabilities

Supporting bank statements and income evidence

Reasons for applying, powers requested and relatives' or witnesses' details

*If there are siblings, or other family members, their written confirmation of no objection to the application may also be required.

Submission and office checks

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1 Submission of application	Submit the application by hand, registered post or email
2 Reference number	The application is assigned a reference number
3 Internal verifications	The office checks documents and contacts the applicants if there are missing documents
4 Review by the G.B	Officers prepare a case summary. The Registrar completes it, and the Board reviews the summary and medical report
5 Wait for the hearing	The Board decides whom to invite and sets a hearing date

The office issues an acknowledgement once it has all required documents. Keep your case reference for enquiries.

The hearing and Board decision

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Tell the office promptly if you cannot attend or need help to take part.

Before the hearing

Check the invitation and who should attend. Might be asked to present further documents.

At the hearing

The Board asks about support needs and requested powers. Share the person's wishes and family information.

After the hearing

Within 2-3 weeks after hearing, the Order will be ready for collection. Officers will explain way forward.

If you need another date

The office places the case on the waiting list and arranges a new hearing date.

If you disagree with the outcome

See the appeal route and deadline on slide 18.

Making use of the Guardianship Order

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The order defines what the guardian is authorised to do.

Powers may include personal welfare, financial or property management. May be limited or general depending on the case.

Sign and receive

Board members sign the order. Guardians sign it and the required declaration.

Read and retain the order

Check its conditions and reporting directions. Banks and other organisations may ask to see it. Keep the original in a safe place.

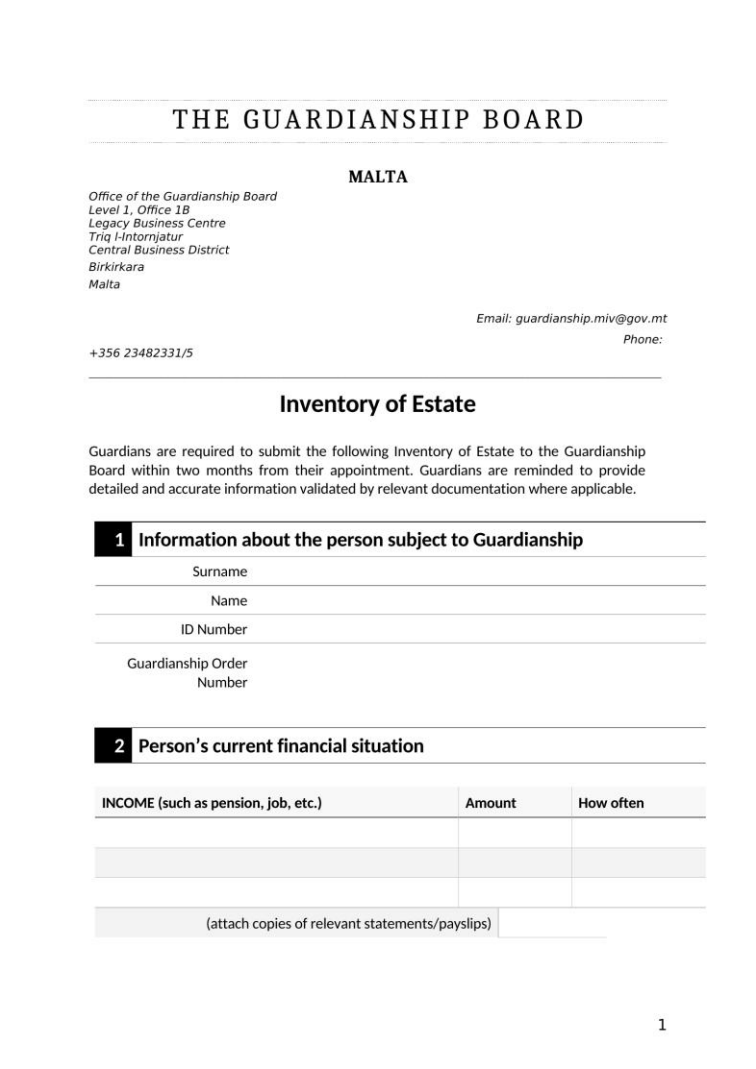
Involve the person

Respect their wishes as far as possible and support independence and participation in decisions. Remember that you are acting in the name of a vulnerable person.

The Court of Voluntary Jurisdiction receives notification of the order. Contact the office if an organisation will not accept it.

Inventory of Estate

After appointment



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Inventory of Estate

Guardians are required to submit the following Inventory of Estate to the Guardianship Board within two months from their appointment. Guardians are reminded to provide detailed and accurate information validated by relevant documentation where applicable.

1 Information about the person subject to Guardianship

Surname	
Name	
ID Number	
Guardianship Order Number	

2 Person's current financial situation

INCOME (such as pension, job, etc.)	Amount	How often
(attach copies of relevant statements/payslips)		

1

Financial records

Record the person's finances, attach supporting statements and sign the declaration.

To be submitted within two months from date of issuance of the Guardianship Order.

Keep a separate account and records of money or property received. Retain statements and receipts throughout the year.

Request the current full form from the Guardianship Registry

Requests about money and property

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Prior approval from the Guardianship Board is required before entering into any transaction involving substantial expenditure of funds belonging to the person under guardianship.

Property deeds	Permission to sign a deed, for example when selling property.
Internet banking	Access to online banking for the represented person's accounts.
Investing funds	A proposal to invest money for the represented person's benefit.
Large withdrawals	A substantial withdrawal, for example to pay for home maintenance or bills.
Inheritance	Representation in a causa mortis matter concerning an inheritance.

Requests are to be made in writing to the Registrar of the Guardianship Board.

What the annual report covers

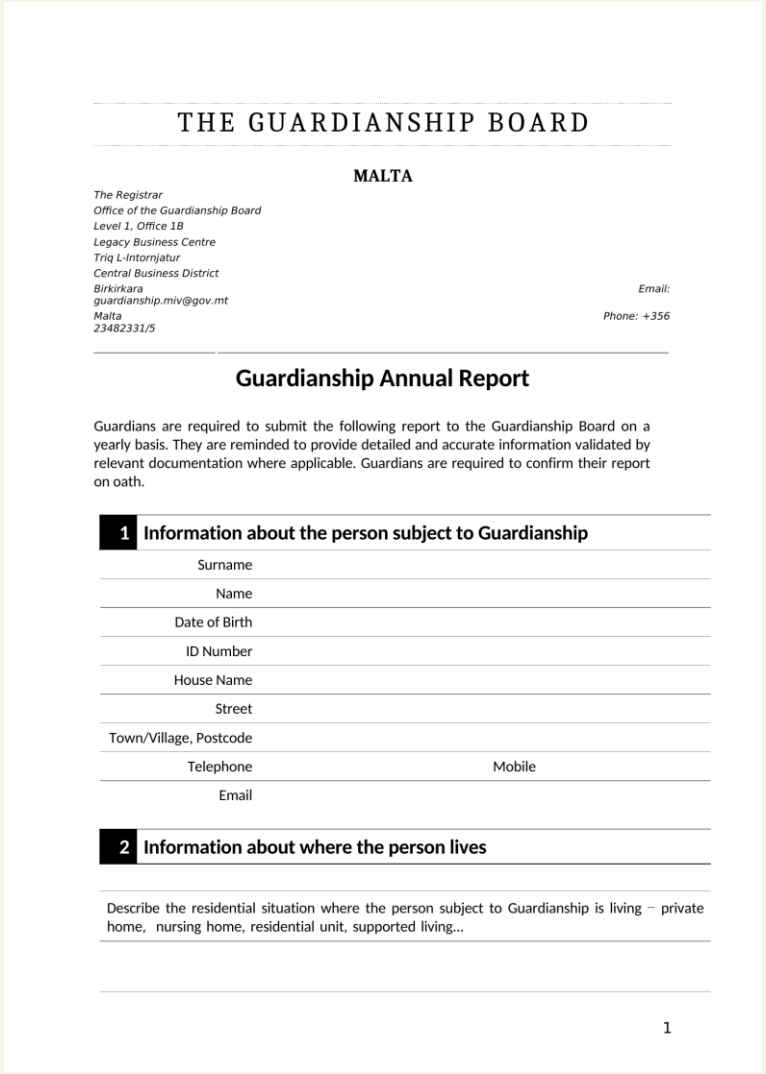
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The annual report is to be submitted before the expiry of the Guardianship Order.

Report section	Information and supporting documents
Personal and guardian details	Current addresses, contact details and living arrangements
Health and welfare	Changes in physical or mental health, with relevant reports
Contact and support	Visits, last visit and reasons why guardianship should continue
Money and property	Income, expenses, bank balances, assets and debts
Evidence and declaration	Statements, payslips, receipts and a signed declaration on oath

Guardianship Annual Report

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Guardianship Annual Report

Guardians are required to submit the following report to the Guardianship Board on a yearly basis. They are reminded to provide detailed and accurate information validated by relevant documentation where applicable. Guardians are required to confirm their report on oath.

1 Information about the person subject to Guardianship

Surname	
Name	
Date of Birth	
ID Number	
House Name	
Street	
Town/Village, Postcode	
Telephone	Mobile
Email	

2 Information about where the person lives

Describe the residential situation where the person subject to Guardianship is living – private home, nursing home, residential unit, supported living...

1

Declaration and oath

The guardian completes the report each year or every two years depending on the duration of the Guardianship Order.

Enter the order number and reporting dates.

Sign the declaration and confirm on oath that the report is accurate and complete.

Review and renewal process

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The Board reviews orders periodically. Follow the review date in your order.

1 Send report and supporting documents → **2 Office checks completeness** → **3 Registrar verifies the file and administers oath** → **4 Board signs renewed order**

If something is missing

The office contacts the guardian for documents or clarification. Respond before the file can proceed.

Signing and collection

Follow the office's instructions to sign and collect the renewed order.

Submit the annual report each year. The order's review date does not mean renewal is automatic.

Earlier review or change of guardian

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An interested person can ask the Board to review an order before its scheduled date.

Requesting an earlier review

Should the guardians wish to amend or terminate the Guardianship Order, an earlier review of the Order would be required.

Submit your request to the Registrar

Explain what changed. Provide relevant evidence and ask whether an updated medical report is needed.

1 The guardian or the person subject to guardianship dies.

2 The condition of the person under guardianship has improved to the extent that the Guardianship Order is no longer necessary.

3. The guardian applies to be discharged from the agreed responsibilities.

4. The guardian can no longer fulfil those responsibilities.

5. The guardian is found guilty of neglect or misconduct and the Board considers them no longer suitable.

A request to change or end an order doesnot itself replace the Board’s decision. Ask what duties continue meanwhile.

Closing a guardianship case

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Guardianship Final Report

Guardians are required to submit the following final report to the Guardianship Board. They are reminded to provide detailed and accurate information validated by relevant documentation where applicable. Guardians are required to confirm their report on oath.

1 Information about the person that was subject to Guardianship

Surname
Name
Date of Birth
ID Number
House Name
Street
Town/Village, Postcode

2 Information about where the person lived

Describe the residential situation where the person subject to Guardianship was living – private home, nursing home, residential unit, supported living...

1

Death or termination

On death, powers cease. Notify the office and submit the death certificate and Final Report.

For termination while the person is alive, give reasons and an updated medical report to the Registrar. Ask which final-report form to use.

Include reporting dates, final finances and evidence. Complete the declaration and oath. The office and Registrar review the file. Ask for confirmation of closure and remaining requirements.

Appeals and other application routes

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20 days

The Board's published appeal deadline runs from the date of its decision.

Appeals go to the Court of Voluntary Jurisdiction. Seek legal advice immediately about the rules and deadline for your case.

Pausing an application

Ask how to pause or withdraw an application. If a power of attorney is suggested instead, ask the Registry and a lawyer which route fits your case.

An existing court order

Published guidance describes conversion of interdiction or incapacitation through the Court of Voluntary Jurisdiction. Ask a lawyer about the applicable transition rules.

A request for help, a complaint or an early review should not be assumed to stop an appeal deadline.

Personal information and concerns

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How the Board uses information

It uses personal, medical and financial information to assess applications and administer guardianship.

Only authorised people and bodies may receive information where necessary and lawful, subject to the applicable legal provisions.

Your rights and contact route

You may ask for access to your data and correction of inaccurate details.

Contact the Registrar or Data Protection Officer about privacy concerns. You may also complain to Malta’s IDPC.

For service concerns, contact the Registry. Office details are on slide 21.

Legal and document references

Sources supporting this guide, reviewed on 7 October 2026

Law and public guidance

Act XXIV of 2012 established the current guardianship framework.

Article 188A et seq of the Civil Code (Chapter 16 of the Laws of Malta).

Article 519A et seq of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

Act XIII of 2026
Various Laws (Personal Autonomy) (Amendment) Act

Guardianship offices and support

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The Registry is your first contact for applications, guardianship enquiries and ongoing support.

Guardianship Registry

+356 23482331 / +356 23482335

guardianship.miv@gov.mt

Level 1, Office 1B, Legacy Business Centre
Triq l-Intornjatur, Central Business District
Birkirkara

Office hours

1 October–15 June: 09:00–15:00
16 June–30 September: 08:00–12:00

Before contacting or visiting

Have your case or order number ready.

Explain the help or change you need.

Ask which documents and dates apply.

Confirm office hours before visiting.

Keep copies of what you send.