

# **Advance Medical Directive Bill**

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**Bill No: 40/1995**

***Read the first time: 1st November 1995***

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**Advance Medical Directive Bill**

**Bill No. 40/1995**

*Read the first time on 1st November 1995.*

An Act to provide for, and give legal effect to, advance directives to medical practitioners against artificial prolongation of the dying process and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

### **Short title and commencement**

1.—(1) This Act may be cited as the Advance Medical Directive Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) This Act shall not apply to any act done or any directive or instrument made or executed before the commencement of this Act.

### **Interpretation**

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

“directive” means an advance medical directive made under section 3;

“Director” means the Director of Medical Services;

“extraordinary life-sustaining treatment” means any medical procedure or measure which, when administered to a terminally ill patient, will only prolong the process of dying when death is imminent, but excludes palliative care;

“medical practitioner” means a person who is registered, or deemed to be registered, as a medical practitioner under the Medical Registration Act [Cap. 174];

“palliative care” includes —

(a) the provision of reasonable medical procedures for the relief of pain, suffering or discomfort; and

(b) the reasonable provision of food and water;

“patient” means any person (whether or not he is undergoing any medical treatment, care or therapy) of sound mind who has attained the age of 21 years and who has made or desires to make a directive in accordance with this Act;

“recovery”, in relation to a terminal illness, includes a remission of symptoms or effects of the illness;

“register” means the register of advance medical directives established under section 6;

“Registrar” means the Registrar of Advance Medical Directives appointed under section 6 and shall include a Deputy Registrar and an Assistant Registrar;

“specialist” means a medical practitioner who possesses such postgraduate medical qualifications as the Director may recognise for the purposes of this Act;

“terminal illness” means an incurable condition caused by injury or disease from which there is no reasonable prospect of a temporary or permanent recovery where —

- (a) death would within reasonable medical judgment be imminent regardless of the application of extraordinary life-sustaining treatment; and
- (b) the application of extraordinary life-sustaining treatment would only serve to postpone the moment of death of the patient.

### **Power to make advance medical directive**

**3.—**(1) A person of sound mind who has attained the age of 21 years and who desires not to be subjected to extraordinary life-sustaining treatment in the event of his suffering from a terminal illness, may at any time make an advance medical directive in the prescribed form.

(2) Subject to subsection (3), the directive must be witnessed by 2 witnesses one of whom shall be the patient’s family medical practitioner or any other practitioner of his choice; and the other shall be a person who has attained the age of 21 years.

(3) A witness shall be a person who to the best of his knowledge —

- (a) is not a beneficiary under the patient’s will;
- (b) has no interest under any instrument under which the patient is the donor, settlor or grantor;
- (c) would not be entitled to an interest in the estate of the patient on the patient’s death intestate;
- (d) would not be entitled to an interest in the moneys of the patient held in the Central Provident Fund or other provident fund on the death of that patient; and
- (e) has not registered an objection under section 10(1).

### **Duty of witness**

**4.** Before witnessing the execution of the directive on the prescribed form, a witness who is a medical practitioner shall ensure that the patient —

- (a) is of sound mind;
- (b) has attained the age of 21 years;
- (c) has made the directive voluntarily and without inducement or compulsion;  
and
- (d) has been informed of the nature and consequences of making the directive.

### **Registration of directives**

**5.—**(1) Any person who has made a directive in accordance with section 3 shall register his directive with the Registrar.

(2) Upon receipt of the directive registered under subsection (1), the Registrar shall issue to the person who made the directive an acknowledgment in the prescribed form.

(3) No person shall act on a directive if it has not been registered in accordance with this section.

### **Registry of directives and objections**

**6.—**(1) The Director shall cause a register of advance medical directives to be established and maintained for the purposes of this Act and which shall comprise —

- (a) all directives registered under section 5;
- (b) all revocations of directives registered under section 7;
- (c) all objections of medical practitioners registered under section 10(1).

(2) The Minister shall appoint a Registrar, a Deputy Registrar and an Assistant Registrar of Advance Medical Directives and such other officers and employees as he may consider necessary for the purposes of this Act.

(3) The register shall be kept confidential and shall not be disclosed to any person except to the following:

- (a) the person who made the directive or such other person as he may in writing authorise;
- (b) the Registrar and other persons appointed to maintain and administer the register;
- (c) the medical practitioner responsible for the treatment of the person who made the directive only if a certificate in respect of that person has been forwarded to the Registrar in accordance with section 9(1).

(4) Any person who wilfully destroys, mutilates or makes any unauthorised alteration