

Master Terms and Enforcement Framework

GAZZETTA UFFICIALE DELL'ORDINE SOVRANO MILITARE DI MALTA

OFFICIAL GAZETTE OF THE SOVEREIGN MILITARY ORDER OF MALTA (GUOSMM)

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Master Terms and Enforcement Framework

Section 1 — Purpose

1.1 This Instrument establishes the master contractual and enforcement framework for Order-chartered digital systems, portals, registries, credential services, identity-support services, marketplace services, verification systems, and affiliated programme surfaces.

1.2 This Instrument is intended to provide the legal backbone for enforceable terms, notices, assent flows, administrative actions, suspensions, revocations, and contractual remedies.

Section 2 — Construction

2.1 Publication in GUOSMM establishes the official text, version, and institutional authority of the governing terms framework.

2.2 Enforceability against a counterparty requires, in addition to publication where applicable:

- reasonably conspicuous notice
- affirmative assent or other valid acceptance mechanism
- identity and authority sufficient to bind the accepting person or entity where required
- preservation of the accepted version and evidence of acceptance

2.3 No party may rely on a later unpublished internal draft against a counterparty in place of the version presented and accepted.

Section 3 — Relationship to public-law and monetary analogies

3.1 Some public systems derive force from statute, issuer authority, and network rules rather than from private terms alone. The United States dollar is one such example; its legal-tender status arises from public law and authorized issuance, not from a website terms page.

3.2 This Framework uses the same structural lesson in the private and institutional lane:

- authoritative publication for official text
- defined issuer or authority chain
- transactional assent
- system rules and operating controls
- preserved evidence and remedies

3.3 Nothing in this Framework claims that Order-chartered terms are equivalent to nation-state legal tender law or public sovereign compulsion.

Section 4 — Binding documents

4.1 The following may be designated binding subordinate instruments when properly published or presented:

- portal terms of use
- institutional counterparty terms
- credential issuance and family-workflow terms
- verification and border-access terms
- programme rules
- sanctions, revocation, and fee schedules
- administrative circulars incorporated by reference

4.2 A subordinate instrument may bind by:

- click-through acceptance
- sign-in-wrap with conspicuous notice and affirmative action
- electronic signature
- executed institutional contract
- authenticated administrative acknowledgment tied to a role and account

Section 5 — Administrative and contractual remedies

5.1 Subject to applicable law and any mandatory review rights, available remedies may include:

- warning or cure notice
- temporary restriction
- suspension
- revocation
- denial of issuance
- denial of verification access
- quarantine of a record or credential
- account termination
- rollback or cancellation of a workflow state
- cost recovery, administrative charges, or fee shifting where contractually valid

- referral to arbitration, court, regulator, or competent authority

5.2 Emergency administrative action may be taken without prior notice where necessary to protect:

- identity integrity
- credential integrity
- system security
- fraud prevention
- sanctions compliance
- family-safeguarding obligations
- border or checkpoint integrity

5.3 Post-action notice and review should be provided as soon as reasonably practicable where immediate prior notice is not feasible.

Section 6 — Acceptance evidence requirements

6.1 Every binding acceptance event should preserve:

- user or entity identifier
- accepted document identifier
- accepted document hash
- accepted version
- timestamp
- role or capacity
- session or transaction identifier
- assent method

6.2 For entity-level acceptance, the accepting person should represent that they have authority to bind the entity and acknowledge personal accountability for false authority statements.

6.3 A material modification to governing terms should require renewed assent before continued use of the affected function where required by law or fairness.

Section 7 — Governing-law and forum posture

7.1 Each subordinate terms document shall specify its governing-law, dispute-resolution, and forum posture.

7.2 Where the counterparty is institutional, an arbitration, court, diplomatic, or negotiated forum clause may be used if counsel approves and the clause is likely to be enforceable.

7.3 Where a consumer or protected individual is involved, mandatory law and non-waivable protections control.

Section 8 — Non-claims

8.1 This Framework does not create criminal penalties by publication alone.

8.2 This Framework does not replace host-state law.

8.3 This Framework does not authorize penalties that would be unlawful, unconscionable, punitive beyond contract allowance, or procedurally defective in the relevant jurisdiction.

Signing authority: Sovereign Military Order of Malta