

A.L. 256 tal-2014

**ATT DWAR IT-TRANSAZZJONIJIET ESTERNI
(KAP. 233)**

**Regolamenti tal-2014 dwar Skema
ta' Registrazzjoni dwar l-Investimenti**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 11(2) tal-Att dwar it-Transazzjonijiet Esterni (hawn iżjed 'il quddiem imsejjah "l-Att"), il-Ministru għall-Finanzi, wara konsultazzjoni mal-Bank Centrali ta' Malta, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti Titolu u skop. tal-2014 dwar Skema ta' Registrazzjoni dwar l-Investimenti.

(2) L-iskop ta' dawn ir-regolamenti huwa li jipprovdi għat-twaqqif ta' skema ta' registrazzjoni li tkun magħrufa bħala Skema ta' Registrazzjoni dwar l-Investimenti, 2014, hawn iżjed 'il quddiem msejjha bħala l-Iskema, li permezz tagħha residenti Maltin soġġetti għat-taxxa f'Malta li jkollhom assi eligibbli mingħajr ma' jkunu iddikjaraw l-income rilevanti (inkluż qligh kapital) għall-finijiet tal-Att dwar it-Taxxa fuq l-Income, jistgħu jirregolarizzaw il-pożizzjoni Kap. 123. tagħhom taħt il-ligjiet rilevanti.

2. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-Tifsir. kliem ma tkunx teħtieg xort'oħra -

"applikant" tfisser kull persuna li tirregistra taħt l-Iskema skont ir-regolament 3;

"assi eligibbli" għandha, bla īxsara għad-dispożizzjonijiet tas-subregolament (2), l-istess tifsira bħal ma għandha fl-Att u fir-regolamenti magħmula taħtu.

"aġġent għar-registrazzjoni maħtur" tfisser persuna appuntata mill-Bank Ċentrali ta' Malta taħt ir-regolament 5;

"data applikabbli" tfisser kull data bejn l-4 ta' Novembru 2013 u t-30 ta' Settembru 2014;

"fiduċjarju" tfisser kwalunkwe fondazzjoni privata jew kwalunkwe persuna li tkun involuta biex iżżomm f'isimha għan-nom ta' persuna oħra jew li għandha assi eligibbli taħt mandat jew trust;

"ligjiet rilevanti" għandha l-istess tifsira bħal ma għandha fl-Kap. 123. artikolu 9B tal-Att dwar it-Taxxa fuq l-Income;

"gurisdizzjoni ta' fama" għandha l-istess tifsira bħalma għandha fir-regolament 2 tar-Regolamenti Kontra *Money Laundering* u Finanzjar Ta' Terrorizmu.

(2) Bis-saħħha tas-setgħat mogħtija lill-Ministru taħt l-Att, il-Ministru qiegħed jiddetermina li assi eligibbli kif hawn taħt mfissra u ghall-iskop ta' dan ir-regolament, huma l-assi li ġejjin:

(a) depožiti kif imfissra fl-Att dwar il-Kummerċ Bankarju miżmuma ma' istituzzjonijiet bankarji licenzjati f'Malta jew barra mill-pajjiż irrispettivament mid-denominazzjoni tal-valuta legali;

(b) titoli inkluži (i) azzjonijiet u *stock* fil-kapital ta' kumpanija registrata jew inkorporata f'gurisdizzjoni ta' fama jew strumenti oħra li joholqu jew jirrikonox Xu interessa fil-kumpanija; (ii) *debentures*, certifikati ta' depožitu, *bonds*, *notes* u kull strument iehor simili li johloq jew jirrikonoxxi obbligi ta' debitu maħruġa minn kumpanija registrata f'gurisdizzjoni ta' fama; u (iii) titoli maħruġa minn gvernijiet centrali, regionali jew lokali, stati jew sub-diviżjoni ta' stat jew organizzazzjoni supranazzjonali;

(c) unitajiet fi skema ta' investiment kollettiv, poloz ta' assigurazzjoni fit-tul fuq il-ħajja u vitalizzji, kemm jekk ikunu relatati ma' xi indiċi kemm jekk ma jkunux maħruġa minn skema jew minn assiguratur licenzjat f'Malta jew barra mill-pajjiż;

(d) ingotti tal-metal prezjuż;

(e) *warrants*, opzjonijiet, *futures* u derivattivi oħra kif ukoll strumenti finanzjarji oħra li jiġu kuntrattati f'Malta u/jew barra mill-pajjiż għal finijiet ta' investment;

(f) self ta' azzjonisti jew self iehor lil kumpannija registrata f'gurisdizzjoni ta' fama; u

(g) proprjetà immobбли li tinsab f'Malta u, jew barra mill-pajjiż.

(3) Kliem u frażijiet użati f'dawn ir-regolamenti li jinsabu użati wkoll fl-Att u fl-Att dwar it-Taxxa fuq l-Income għandu jkollhom, kemm-il darba r-rabta tal-kliem ma tkunx teħtieg xort'oħra, l-istess tifsir bħalma għandhom f'dawk l-Atti.

(4) Ghall-iskopijiet ta' dawn ir-regolamenti, kull *income* li jkun inkiseb direttament minn assi eligibbli u li jkun riċevut wara l-4

ta' Novembru 2013 u jerġa' jiġi investit qabel id-data ta' regiestrazzjoni għandu jiġi meqjus bħala assi eligibbli li eżista fl-4 ta' Novembru 2013 u għandu jkun eligibbli għar-regiestrazzjoni taħt dawn ir-regolamenti.

3. (1) Residenti Maltin soġġetti għat-taxxa f'Malta li jkollhom assi eligibbli mingħajr ma jkunu iddikjaraw l-income rilevanti għall-finijiet ta' ligijiet rilevanti oħra, jistgħu jirregolarizzaw il-pożizzjoni tagħhom billi jirreġistrar dawn l-assi taħt l-Iskema fuq il-formola kif provduta fl-Iskeda.

Ir-residenti
jistgħu
jirregolarizzaw
il-pożizzjoni
tagħhom.

(2) L-assi eligibbli għandhom jiġu registrati taħt l-Iskema mill-individwu li fid-data applikabbli jkun is-sid beneficiarju ta' dawk l-assi jew mill-persuna li mingħandha originaw l-assi eligibbli li fid-data applikabbli huma miżmuma minn fiduċjarju, jew mill-eredi jew mil-legatarju ta' dak l-individwu, iżda l-istess assi eligibbli jistgħu jiġu registrati biss minn tali individwu.

4. L-Iskema għandha ddum sat-30 ta' Settembru 2014.

Perjodu
operativ tal-
Iskema.

5. Ir-regiestrazzjoni ta' assi eligibbli, għall-finijiet tar-regolament 3, għandha sseħħi mill-applikant permezz tal-ġġon għar-regiestrazzjoni maħtura li għandhom ikunu istituzzjonijiet ta' kreditu li tingħatalhom licenza f'Malta taħt l-Att dwar il-Kummerċ Bankarju, istituzzjonijiet finanzjarji licenzjati f'Malta taħt l-Att dwar Istituzzjonijiet Finanzjarji, *stockbrokers* li jkollhom licenza taħt l-Att dwar Servizzi ta' Investiment, u persuni li jkollhom licenza ta' Servizzi ta' Investiment f'kategorija 2 jew kategorija 3 mogħtija taħt l-Att dwar Servizzi ta' Investiment, u li jkunu f'kull każ appuntati bħala aġġenti għar-regiestrazzjoni maħtura mill-Bank Centrali ta' Malta.

Agġenti appuntati
għar-
regiestrazzjoni.

Kap. 371.

Kap. 376.

Kap. 370.

6. Ir-regiestrazzjoni tal-assi eligibbli taħt l-Iskema tkun miftuha għal assi eligibbli msemmija fir-regolament 2(2) miżmuma ġewwa jew barra minn Malta fl-4 ta' Novembru 2013 u li għadhom xorta jappartjenu lill-applikant jew lill-fiduċjarju għan-nom jew fuq talba tal-applikant, fid-data ta' regiestrazzjoni.

Assi li jistgħu
jiġi registrati
taħt l-Iskema.

7. (1) L-ġġon għar-regiestrazzjoni maħtur għandu biss jirregistra dawk l-assi taħt l-Iskema meta l-applikant jippreżenta l-provi dokumentarji originali li jikkonfermaw li l-istess assi huma eligibbli taħt l-Iskema u li kienu miżmuma mill-applikant fid-data applikabbli, jew inkella jkunu originaw mingħandu jekk kienu miżmuma minn fiduċjarju fit-tali data.

Provi
dokumentarji.

(2) Il-provi dokumentarji li ssemmew fis-subregolament (1) għandhom ikunu:

(a) f'każ ta' ingotti ta' metall prezjuż, konferma mill-istituzzjoni licenzjata li fiha jkunu qed jinżammu dawk l-ingotti;

(b) f'każ ta' proprjetà immobbli, kopja certifikata tal-kuntratt originali li permezz tiegħu giet mixtri ja l-proprjetà u l-konferma minn persuna kwalifikata kif imiss li l-applikant kien is-sid tal-proprjetà fid-data applikabbli;

(c) f'każ ta' self ta' azzjonisti jew self ieħor lil kumpannija f'gurisdizzjoni ta' fama, kopja certifikata tal-ftehim li permezz tiegħu fondi gew mogħtija mill-applikant lill-kumpannija flimkien ma' provi dokumentarji oħra li juru li dan is-self għadda għand min qed jissellef, kif ukoll certifikat minn awditur li jikkonferma t-titlu u l-eżistenza ta' dan is-self. Fil-każijiet kollha, l-imsemmija self iridu jiġu ppruvati fid-dikjarazzjonijiet finanzjarji awditjati mghoddija lid-Dipartiment tat-Taxxi Interni jew lir-Registratur tal-Kumpanniji f'Malta (jew mal-kontropartijiet ekwivalenti tagħhom, fil-każ ta' ġurisdizzjoni sal-4 ta' Novembru 2013;

(d) f'każ ta' titoli eligibbli oħra, depožiti, poloz tal-assigurazzjoni jew unitajiet fi skemi ta' investiment kollettiv, *contract note* jew konferma oħra mill-intermedjarju finanzjarju licenzjat rispettiv;

(e) provi dokumentarji oħra li jistgħu jiġu dikjarati suffiċjenti bil-miktub mill-Bank Ċentrali ta' Malta skont il-każ;

(f) meta l-assi eligibbli jkunu miżmuma minn terza persuna f'kapaċità fiduċjarja, l-applikant għandu jippreżenta wkoll lill-agt għar-registrazzjoni maħtur:

(i) meta l-fiduċjarju jkun regolat u jkun licenzjat f'Malta jew f'gurisdizzjoni barranija, prova li dak il-fiduċjarju jkun tassegħ regolat jew li għandu licenza u konferma li turi li l-fiduċjarju kien qiegħed jżomm l-assi eligibbli u registrati għan-nom jew fuq talba tal-applikant; jew

(ii) meta l-fiduċjarju ma jkollux licenza jew ma jkun regolat, konferma bil-firma originali tal-fiduċjarju li tkun saret quddiem Nutar Pubbliku jew Kummissjunarju b'Setgħa li Jagħti Ĝurament jew Avukat, li turi li dak il-fiduċjarju kien qiegħed iżzomm assi eligibbli f'isem jew fuq talba tal-applikant.

(3) Meta assi eligibbli li jistgħu registrati taħt l-Iskema

jkunu ġew mibdula jew konvertiti mill-applikant f'assi ohra matul il-perjodu ta' bejn l-4 ta' Novembru 2013 u d-data ta' registrazzjoni, l-applikant għandu jipprovdji provi dokumentarji ta' dawk il-konverżjonijiet jew bdil hekk kif jistgħu jkunu meħtieġa mill-äġġent għar-registrazzjoni maħtur. Din ir-regola tapplika wkoll jekk dawk l-assi huma miżmuma minn fiduċjarju.

(4) Kopji tal-provi dokumentarji originali provduti mill-applikant għal finijiet ta' dawn ir-regolamenti għandhom jiġu miżmuma mill-äġġent għar-registrazzjoni maħtur, f'għaml stampata jew elettronika, għal finijiet ta' żamma ta' *records*, għal perjodu ta' ghaxar snin.

8. (1) Persuna li tirregistra assi eligibbli taħt l-Iskema id-dikjarazzjoni għandha tiffirma dikjarazzjoni kif provduta fl-Iskeda fejn l-applikant jippreżenta lill-Bank Ċentrali ta' Malta dan li ġej:

- (a) l-istess persuna tkun is-sid beneficijarju tal-assi li jkunu qegħdin jiġu registrati jew li tali assi li huma miżmuma f'isem jew huma taħt il-kontroll ta' fiduċjarju originaw mingħandu;
- (b) l-istess persuna tkun taċċetta responsabbiltà shiħa ghall-eżattezza u l-awtenticità tal-informazzjoni u tal-provi dokumentarji mogħtija lill-äġġent għar-registrazzjoni maħtur;
- (c) l-istess persuna tintrabat li tagħmel disponibbli, lill-äġġent għar-registrazzjoni maħtur, kull informazzjoni ulterjuri li tista' tkun meħtieġa mill-äġġent sabiex ikun jista' jwettaq dmirijietu sew f'dan ir-rigward;
- (d) il-provi dokumentarji li jkunu qegħdin jiġu ppreżentati lill-äġġent għar-registrazzjoni maħtur skont dawn ir-regolamenti ikunu dokumentazzjoni originali veri;
- (e) l-assi eligibbli registrati ma jkunux jirrapreżentaw xi rikavat minn:
 - (i) reat ta' *money laundering* taħt l-Att kontra Kap. 373. *Money Laundering*, jew
 - (ii) xi wieħed mir-reati elenkati fit-Tieni Skeda li tinsab mal-Att kontra *Money Laundering*, li ma jkunx reat kontra l-ligbijiet rilevanti; Kap. 373.
- (f) l-assi registrati kienu qed jinżammu ġewwa jew barra minn Malta fl-4 ta' Novembru 2013;

(g) l-assi registrati jkunu gew registrati darba biss taħt l-Iskema u ma kienux registrati taħt din l-Iskema jew Skemi ta' Registrazzjoni ta' Investiment preċedenti;

(h) id-dikjarazzjoni tkun qiegħda tingħata *bona fide*.

(2) Id-dikjarazzjoni għandu jkun fiha wkoll:

(a) deskrizzjoni dettaljata tal-assi eligibbli li jkunu qegħdin jiġu registrati u d-dettalji dwarhom li jippermettu, fejn hu applikabbi, l-identifikazzjoni tal-assi eligibbli, inkluż referenzi jew kodiċi uniċi li japplikaw ghall-assi eligibbli;

(b) dettalji dwar is-sidien beneficiarji jew ta' persuni li mingħandhom originaw l-assi eligibbli, inkluži l-isem sħiħ, numru tal-karta tal-identità, indirizz u firma; u dettalji dwar il-fiduċjarju meta l-assi eligibbli jkunu qegħdin jinżammu minn xi terza parti;

(c) dettalji dwar l-äġġent għar-registrazzjoni maħtur.

Certifikazzjoni.

9. (1) L-äġġent għar-registrazzjoni maħtur, wara li jkun mela kif imiss il-modalitajiet tad-dikjarazzjoni u jkun sodisfatt bl-eżattezza u l-kompletezza tagħhom, għandu joħrog Ċertifikat ta' Registrazzjoni. Iċ-Ċertifikat għandu jiġi enumerat b'sekwenza u b'mod uniku u fuq kartolerija kontrollata, l-użu tiegħu għandu jkun ristrett għall-persuni awtorizzati kif imiss mill-äġġent għar-registrazzjoni maħtur u mid-Depożitarju Centrali Maħtur ta' Ċertifikat ta' Registrazzjoni biss.

(2) Iċ-Ċertifikat ta' Registrazzjoni għandu jinhareg lill-applikant meta huwa jħallas id-dritt ta' registrazzjoni kif hemm speċifikat fir-regolament 13.

(3) Iċ-Ċertifikat ta' Registrazzjoni għandu jinhareg mill-äġġent għar-registrazzjoni maħtur fi tlett kopji: kopja li tiġi provduta lill-applikant, kopja oħra li tinżamm mill-äġġent għar-registrazzjoni maħtur, u t-tielet kopja li għandha tingħata lid-Depożitarju Centrali Maħtur ta' Ċertifikat ta' Registrazzjoni.

(4) Il-Bank Centrali ta' Malta qiegħed, b'dawn ir-regolamenti, jinhatar bħala d-Depożitarju Centrali Maħtur ta' Ċertifikat ta' Registrazzjoni.

(5) It-tielet kopja taċ-Ċertifikati ta' Registrazzjoni kollha maħruġa mill-äġġent għar-registrazzjoni maħtur f'kull xahar għandhom jintbagħtu lid-Depożitarju Centrali Maħtur ta' Ċertifikat ta' Registrazzjoni fiż-żmien sebat ijiem wara t-tmiem ta' dak ix-

xahar.

(6) Ic-Čertifikat ta' Registrazzjoni definittivament ma jistax jiġi trasferit.

(7) Fil-każ li ċ-Čertifikat ta' Registrazzjoni jintilef, jithassar jew jinquered, l-applikant jista' jagħmel talba bil-miktub lid-Depožitarju Ċentrali Maħtur ta' Čertifikat ta' Registrazzjoni sabiex tinhareg kopja taċ-Čertifikat li jkun intilef, thassar jew inqered.

(8) Hlief b'ordni ta' Qorti, kull persuna inkluż funzjonarji jew aġenti ta' qabel jew preżenti ta' aġent għar-registrazzjoni maħtur jew tad-Depožitarju Ċentrali Maħtur ta' Čertifikat ta' Registrazzjoni, ikunu marbuta bl-obbligu tas-sigriet professjonal waqt li tkun qed teżerċita l-funzjonijiet tagħha taħt dawn ir-regolamenti u m'għandha tikxef ebda informazzjoni li tinsab fiċ-Čertifikat ta' Registrazzjoni li tista' tkun kisbet fl-eżercizzju tal-funzjonijiet tagħha taħt dawn ir-regolamenti.

10. (1) L-aġġent għar-registrazzjoni maħtur għandu jassigura konformità shiħa mad-dispożizzjonijiet ta' dawn ir-regolamenti, tal-Att kontra *Money Laundering* u r-regolamenti rilevanti li jinhargu taħtu u l-proċeduri ta' implementazzjoni kif mahruġa mill-Korp ghall-Analiżi ta' Informazzjoni Finanzjarja meta ssir ir-registrazzjoni ta' kull assi taħt din l-Iskema u għalhekk huwa obbligat li josserva l-obbligi imposti fuqu bhala persuna suġġetta, inkluż *customer due diligence* u ġabru ta' informazzjoni fuq is-sors tal-fondi.

Obbligi taħt l-Att kontra
Money Laundering.
Kap. 373,

(2) Ebda dispożizzjoni ta' dawn ir-regolamenti ma tista' b'xi mod tintiehem li qed teżenta lill-applikant jew kull persuna oħra mill-ħtija għat-twettiq ta' reat jew mill-prosekuzzjoni ta' xi reat li ma jkunx reat kontra l-ligijiet rilevanti.

11. Wara li tkun ġiet kompluta r-registrazzjoni, l-applikant jikkonferma l-kunsens tiegħu fejn jawtorizza lill-agent għar-registrazzjoni maħtur sabiex ikun jista' jagħti kopja taċ-Čertifikat ta' Registrazzjoni iid-Depožitarju Ċentrali Maħtur ta' Čertifikat ta' Registrazzjoni.

Kunsens sabiex
jingħataw kopji taċ-Čertifikat ta'
Registrazzjoni.

12. (1) Malli ssir ir-registrazzjoni, is-sid beneficijarju tal-assi eligibbli registrati taħt din l-Iskema, u li f'ismu jew għall-beneficiju tiegħu ikun inhareg Čertifikat ta' Registrazzjoni taħt dawn ir-regolamenti, għandu jkun intitolat għall-eżenzjonijiet imsemmija fl-artikolu 9B tal-Att dwar it-Taxxa fuq l-Income.

Effetti tar-registrazzjoni - eżenzjonijiet.

Kap. 123.

(2) Jekk l-applikant jippreżenta xi dikjarazzjoni u/jew dokument falz:

(a) dan jannulla ċ-Certifikat ta' Registrazzjoni bħallikieku dan iċ-Ċertifikat ta' Registrazzjoni qatt ma nhareġ; u

(b) jirrendi lill-applikant inelgibbli għall-benefiċċji u leżenzzjonijiet li jingħataw taħt l-Iskema.

13. (1) Il-ħruġ ta' Ċertifikat ta' Registrazzjoni jkun soġġett għall-ħlas lill-Gvern mill-applikant tad-dritt ta' registrazzjoni.

(2) Id-dritt ta' registrazzjoni għandu jkun ekwivalenti għal:

(a) fir-rigward ta' proprjetà immobbli, sebgha punt ħamsa fil-mija tal-prezz originali tad-data tax-xiri tal-assi registrati;

(b) fir-rigward tal-assi eligibbli l-oħra, sebgha punt ħamsa fil-mija tal-valur tas-suq attwali tal-assi eligibbli registrati:

Iżda f'każ fejn l-applikant jista' jipprovdi evidenza dokumentata li turi li l-valur tal-akkwist eċċeda l-valur tas-suq attwali, id-dritt ta' registrazzjoni għandu jiġi kkalkolat fuq il-valur tal-akkwist:

Iżda wkoll fil-każ ta' assi eligibbli msemmija fil-paragrafi (a) u (b) li kienu miżmuma barra minn Malta fl-4 ta' Novembru 2013 u li għadhom miżmuma barra minn Malta fid-data ta' registrazzjoni, għandha titħallas ir-rata ta' ħamsa fil-mija meta l-applikant jagħmel impenn irrevokabbli li jirripatrija l-qligħ fi żmien ġimaginej wara d-data tar-registrazzjoni u li jinvesti l-fondi f'titoli elenkti lokalment jew f'depožiti ma' banek domestiċi, iżda l-applikant għandu jipprovdi lill-agent tar-registrazzjoni fi żmien tlett ġimġhat mid-data tar-registrazzjoni evidenza dokumentata ta' tali ripatriazzjoni u investiment lokal, u li l-assi ripatrijati ser jinżammu lokalment għal mill-inqas tlett snin wara d-data tar-registrazzjoni.

(3) Il-valur tas-suq attwali jiġi kkalkulat fuq il-baži ta' valutazzjoni minn persuna ikkwalifikata kif imiss fi żmien tliet xhur qabel id-data ta' registrazzjoni u ppreżentata lill-agent għar-registrazzjoni maħtur.

(4) Id-drittijiet ta' registrazzjoni li jithallsu minn applikanti registrati għandhom jiġu mgħoddija mill-ġagent għar-registrazzjoni maħtur lill-Gvern f'kont bankarju mistu għalhekk fil-Bank Centrali ta' Malta sa mhux aktar tard minn sebat ijiem wara tmiem ix-xahar li matulu jkunu ngabru d-drittijiet.

(5) L-ġagent għar-registrazzjoni maħtur għandu joħrog riċevuta, li tkun parti integrali mill-formola ta' regitrazzjoni, lill-applikant dwar id-dritt ta' regitrazzjoni li jkun ħallas.

14. L-ġagent għar-registrazzjoni maħtur ikollu jedd jircievi dritt għal servizzi mogħtija sabiex ikun jista' jagħmel ir-registrazzjoni. Dak id-dritt għandu jitnaqqas mid-dritt ta' regitrazzjoni li jithallas biex jinhareg iċ-Ċertifikat ta' Registrazzjoni. Dak id-dritt għandu jkunjiswa daqs ħamsa fil-mija tad-dritt tar-registrazzjoni, iżda dan ma għandux ikun inqas minn €30 jew iżjed minn €380 għal kull applikazzjoni li tīġi registrata.

Dritt għal servizzi mogħtija mill-ġagenta għar-registrazzjoni maħtura.

15. Id-detenturi ta' Ċertifikat ta' Registrazzjoni li jikkonvertu l-assi eligibbli registrati tagħhom f'assu oħra għandhom, wara r-registrazzjoni, iżommu kull prova dokumentarja li jkollha x'taqsam ma' dawk il-konverżjonijiet u f'każ li ma jkunx hemm dawn id-dokumenti, kull prova oħra li tista' tingieb u tintuża fir-rigward.

Id-detenturi għandhom iżommu l-provi dokumentarji.

16. (1) Meta detentur ta' Ċertifikat tar-Registrazzjoni jiġi notifikat b'avviż ta' inkjesta mid-Dipartiment tat-Taxxi Interni skont l-artikolu 13(7) tal-Att dwar l-Amministrazzjoni tat-Taxxa, dik il-persuna għandha tipprovd iċ-Ċertifikat tar-Registrazzjoni lid-Dipartiment tat-Taxxi Interni fi żmien tletin jum mid-data tan-notifika.

Avviż ta' Inkjesta dwar Taxxa.
Kap. 372.

(2) Fil-każ li ċ-Ċertifikat tar-Registrazzjoni ma jiġix sottomess lill-Kummissarju tat-Taxxi Interni fi żmien tletin jum mid-data tan-notifika mingħajr raġuni ġustifikabbli, l-eżenzjonijiet imsemmija taħt ir-regolament 12(1) m'għandhomx jaapplikaw.

(3) Meta l-Kummissarju tat-Taxxi Interni jkun sodisfatt li dik il-persuna ma thallitx tissottommetti ċ-Ċertifikat tar-Registrazzjoni minħabba f'kawża raġonevoli, huwa jista' jestendi l-perjodu għas-sottomissjoni tal-imsemmi Ċertifikat kif ikun raġonevoli fiċ-ċirkostanzi.

(Regolament 3)

SKEDA

KULL TRASFERIMENT TA' DAN ID-DOKUMENT HU PROJIBIT

Certifikat ta' Registrazzjoni

Mahruġ għal-finijiet ta' L-Iskema ta' Registrazzjoni dwar l-Investimenti, 2014

Dan ic-Certifikat hu mahruġ fir-rigward ta' assi eligibli hawn taħbi speċifikatt skont ir-Regolamenti tal-2014 dwar l-Iskema ta' Registrazzjoni dwar l-Investimenti. Jagħi d-dritt lis-sid benefitċjanu registrat tal-insemmija għali-x-żenżonijiet insemmja fl-arrkolu 9B tal-Att dwar l-Taxxa fuq l-Income.

L-Ewwel Parti: Din il-parti għandha tintela mill- Agent Appuntat għar-Ridistrarazzjoni (Jekk tħalliex aktar spadju jekk jogħibok oħra f-formoli add-didżjiet) (Ittu Kbar)

Deskrijżjoni ta' Assi	Vatura	Vatura Nominali jew Valur Attwali (ew Valur Attwali fis-saq*) (Valuta Barranja)	Assi Registrati	Valura investimenti		
				Prezz Originali jew Valur Attwali (ew Valur Attwali fis-saq* (f'Euro))	Prezz Originali (Valur minn r'Malta jew barra minn Malta (7.5% Drift u Registrazzjoni)** (5% Drift u Registrazzjoni)†	Valura (G)
A	B	C	D	E	F	G
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12	Valur Totali ta'-Assi cienekk hawn fuq					
13	Jekk jogħibok nizzel in-Numru(l)-ta' -Certifikat(i) tal-Formola(i) Addiżżejjjal meħmha havni tiekk					
14	Valur Totali ta'-Assi cienekk f'formu(a) addiżżejjjal					
15	Valur Totali ta'-Assi kolha li sephlin jiġi reġistrat, havni tiekk (total ta-linji (12 + 14))					

* Proprietà immobili għandha tigħi regista skont il-prezz originali jew il-ġandhom jiġi regista skont il-prezz originali fid-datal tax-xixi. Assi eligibbli obra għandhom jiġi regista skont il-prezz originali jew il-ġandhom barra minn Malta fl-4 ta' Novembru 2013 i se jibqu fuq inzammu barra minn Malta war-registrazzjoni.

** Ammont tal-prezz originali jew tal-valur tas-saq attwali tal-assi mizimumma Malta fl-4 ta' Novembru 2013 li se jkunu riparġiati fi zmien ġingħejnej wara' registrazzjoni u investi lokamente.

† Ammont tal-prezz originali jew tal-valur tas-saq attwali tal-assi mizimumma barra minn Malta fl-4 ta' Novembru 2013 li se jkunu riparġiati fi zmien ġingħejnej wara' registrazzjoni u investi lokamente.

It-Tieni Parti: Din il-Parti għandha timentha mill-Aplikant bħala Sid Beneficiaryar jew mill-persuna li mingħandha originaw l-assi eligħbi (Ittri Kbar)

Nidlikjara li qrait u flim id-dikkarazzjoni fir-Reħba Parti n° dan id-Dokument. Nidlikjara li, fid-data applikkabbi jiena kont issi ta' dawn l-assi / l-serdi jew l-eqataju assid u dawu l-assi

(imma kif lu wa applikkabbi)

Titlu (Mr/Mrs/Ms)	Ism shuk u kuċċejn	Nru Kartu ta' l-Identità *	Indirizz	Sid	Erodil Legarazu
1.					
Titlu (Mr/Mrs/Ms) **	Ism shuk u kuċċejn **	Nru Kartu ta' l-Identità *	Indirizz	Sid	Erodil Legarazu
2. **					
Ism ta' Fiduciarija (fġin jaġpiċċa) #		Nru Kartu ta' l-Identità *	Indirizz	Firma	Data
3. #					

* Jekk issid beneficiarju jew il-persuna li mingħandha originaw l-assi eligħbi jew il-fiduċiaturu hu korp ġuridiku, jaekk jogiġebok niżżei l-isem u n-numri ta' regiżzażzoni tal-kunċċanja.

** Jumela biss metu l-assi eligħbi li qed jiġi registrat huma ta' proprjetà ta' aktar minn persuna warba flimkien.

Jumela biss metu l-assi eligħbi li qed jiġi registrat huma minn fiduciarija f'isem, jew fuq taba ta' l-applikant.

It-Tielet Parti: Din il-Parti għandha timentha mill-Agent għar-Registrazzjoni Maħsur (Ara id-Dikkarazzjoni fil-Name Parti ta' dan id-Dokument)

Isen t-Agent għar-Registrazzjoni Maħsur*	Valor attwali tas-saq / pprezz orġinali ta' l-Assi Registrati (euro)	Dritt ta' Reġistrattori bil-5% / 7.5%	Hlasijiet (euro)
Tanbru Urificjal Nidlikjara li recevji id-Dritt ta' Registrazzjoni kit-jidher hawn fuq. Firmataju Aworizzat: Data:			

* Imla biss f'kaz il-tidħbi ufficjal ma jurix id-dettajji kollha

Ir-Raba' Parti: Dikjarazzjoni tal-Applicant

B'referenza għat-Tieni Parti ta' dan id-Dokument, jien/aħna niddikjaraw li:

1. jiena/aħna s-sid/ien beneficijarju/beneficijari jew l-originatur/i tal-assi registrati jew l-eredi jew il-legatarju/i ta' tali persuna/i;
2. l-assi registrati kienu miżmuma minni/minna fl-4 ta' Novembru, 2013 u għadhom jappartjenu lili/na fid-data ta' registrazzjoni;
3. dawn l-assi qeqħdin jiġu registrati darba biss taħt din l-Iskema ta' Reġistrazzjoni dwar l-Investimenti u li dawn l-assi ma' gewx registrati f'xi forma oħra taħt l-Iskema ta' Reġistrazzjoni dwar l-Investimenti stabbilita taħt l-Avviż Legali 315 tal-2001, l-Avviż Legali 59 tal-2002, l-Avviż Legali 209 tal-2003, l-Avviż Legali 226 tal-2003, l-Avviż Legali 121 tal-2005, l-Avviż Legali 112 tal-2007 u l-Avviż Legali 256 tal-2014;
4. l-assi registrati m'humiex marbuta ma' rikavat minn reat ta' *money laundering* kif infisser fl-Att Kontra *Money Laundering*, jew minn reat li jista' jirriżulta mill-ksur ta' xi ligi oħra li ma tkunx l-Att dwar it-Taxxa fuq l-*Income*;
5. id-dokumentazzjoni u l-evidenza kollha murija lill-Aġent għar-Reġistrazzjoni Maħtur bħala appogg ġħal dawn l-assi hija vera u originali;
6. naċċetta/w li ninżamm/u responsabbi għall-korrettezza u l-awtenticità tal-informazzjoni u d-dokumentazzjoni mogħtija lill-Aġent għar-Reġistrazzjoni Maħtur taħt l-Iskema;
7. nagħti/nagħtu lill-Aġent għar-Reġistrazzjoni Maħtur l-informazzjoni, dikjarazzjonijiet, stqarrijiet u d-dokumenti kollha li huwa jista' jiġi bżonn sabiex ikun jista' jwettaq il-funzjonijiet mogħtija lilu taħt l-Iskema ta' Reġistrazzjoni dwar l-Investimenti;
8. nawtorizza/nawtorizzaw lill-Aġent għar-Reġistrazzjoni Maħtur li jagħti kopja taċ-Ċertifikat tar-Reġistrazzjoni lill-Bank Ċentrali ta' Malta bħala Depożitarju Ċentrali Maħtur ta' Ċertifikat ta' Reġistrazzjoni;
9. din id-dikjarazzjoni qiegħda ssir *bona fide*;
10. talli għamilt/għamilna din id-dikjarazzjoni u akkwistajt/akkwistajna dritt għall-eżenzjonijiet li jistgħu jingħataw taħt il-ligi wara din ir-reġistrazzjoni, jien/aħna nhallas/nħallsu d-dritt applikabbli tar-reġistrazzjoni bbażat fuq (a) fil-każ ta' proprjetà immoblli, il-prezz originali fid-data tax-xiri, u (b) fil-każ tal-assi oħra kollha eligibbli, il-valur kurrenti tal-assi eligibbli jew il-prezz originali, liema minnhom ikun l-ogħla;

11. jien/ahna nifhem/nifhmu li l-ghoti ta' dikjarazzjonijiet u dokumenti foloz jagħmlu lil dan iċ-Ċertifikat null u jistgħu jittieħdu proċedimenti kriminali kontrija/kontrina;

12. jien/ahna nifhem/nifhmu wkoll li f'każ li jien/ahna nirċievi/u xi beneficiċju, eżenzjoni jew vantaġġ ieħor taħt l-Att dwar is-Sigurtà Soċjali jew taħt xi skema oħra magħmula mill-Gvern jew xi entità pubblika oħra jew taħt xi ligi oħra minħabba li ma kontx/konniex iddikjarajt/na dawk l-assi eligibbli li qed jiġu reġistrati hawnhekk (jew dħul minnhom), jien/ahna ma għandix/ħandniex niġi/u mitlub/a li nirrifondi/u dak il-beneficiċju, eżenzjoni jew vantaġġ ieħor miksub qabel din ir-reġistrazzjoni. Iżda, jekk wara din ir-reġistrazzjoni, jien/ahna inkompli/nkomplu niehu/nieħdu dak il-beneficiċju, eżenzjoni jew vantaġġ mingħajr ma nkun/u intitolat/i għalihom, jien/ahna għandi/na nitqies/u li qatt ma gawdejt/gawdejna mill-eżenzjonijiet imsemmija fl-artikolu 9B ta' l-Att dwar it-Taxxa fuq l-Income, u ntilef/nitilfu id-dritt li ma niġix/niġux mitlub/a nirrifondi/nirrifondu xi beneficiċju, eżenzjoni jew vantaġġ miksub qabel ir-Reġistrazzjoni;

13. jien/ahna nintrabat/nintrabtu li kull telf imsemmi fl-artikolu 5(10)(a) u l-artikolu 14(1)(g) ta' l-Att dwar it-Taxxa fuq l-Income dikjarat fil-prospett tat-taxxa fuq l-income għas-sena ta' stima 2013 u għal kull sena ta' stima preċedenti, meta sottomess, ma għandux jingarr 'il quddiem u paċut kontra l-income totali tiegħi/tagħna għas-sena qabel is-sena ta' stima 2014 jew f'xi sena sussegwenti;

14. jien/ahna nifhem/nifhmu li f'każ li jien/ahna niġi/u notifikat/i b'avviż ta' inkjesta mid-Dipartiment tat-Taxxi Interni, jien/ahna obbligat/i li nissottometti/ u iċ-Ċertifikat tar-Reġistrazzjoni lid-Dipartiment fi żmien tletin jum mid-data tan-notifika. Jien/ahna nifhmu wkoll li jekk jien/ahna ma nissottomettx/ux iċ-Ċertifikat fi żmien tletin jum mingħajr kawża ragħonevoli, l-eżenzjonijiet imsemmija fl-artikolu 9B tal-Att dwar it-Taxxa fuq l-Income ma japplikawx;

15. Jien/ahna nintrabat/nintrabtu li f'każ li jien/ahna nagħżel/nagħżlu li nhallas/nħalsu d-dritt tar-reġistrazzjoni ta' 5%, jien/ahna se nirrimpatrija/nirrimpatrijaw l-assi eligibbli rilevanti fi żmien ġimġħatejn wara d-data tar-reġistrazzjoni u ninvesti/ninvestu l-fondi f'titoli elenkti lokalment jew f'depožiti ma' banek lokali. Jien/ahna nintrabat/nintrabtu li nżomm/u tali fondi lokalment għal perjodu ta' mill-inqas tlett snin wara d-data tar-reġistrazzjoni.

Il-Hames Parti: Dikjarazzjoni ta' l-Aġġent tar-Registrazzjoni Mahtur

B'referenza għat-Tielet Parti ta' dan id-Dokument, jien/aħna niddikjaraw li:

1. ksibna l-informazzjoni, dikjarazzjonijiet u dokumenti kollha meħtieġa sabiex aħna nkunu nistgħu nwettqu l-funzjoni tagħna taħt l-Iskema;
 2. żammejna kopji ta' din id-dokumentazzjoni kif imiss u nobbligaw ruħna li nkomplu nżommu din id-dokumentazzjoni għal 10 snin;
 3. aħna marbuta bil-liġi bl-obbligu tas-sigriet professjonali skont l-Att dwar Segretezza Professjonali u li m'aħniex se nikxfu l-ebda informazzjoni li tinsab fiċ-Čertifikat tar-Registrazzjoni ħlief lid-Depożitarju Ċentrali ta' Ċertifikat ta' Registrazzjoni jew b'ordni ta' Qorti;
 4. nassiguraw osservanza sħiħa tad-dispożizzjonijiet tal-Att kontra *Money Laundering* u regolamenti relatati u l-proċeduri ta' implementazzjoni maħruġin mill-Korp għall-Analiżi ta' Informazzjoni Finanzjarja.
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L.N. 256 of 2014

**EXTERNAL TRANSACTIONS ACT
(CAP. 233)**

Investment Registration Scheme Regulations, 2014

IN exercise of the powers conferred by articles 11(2) of the External Transactions Act (hereinafter referred to as "the Act"), the Minister for Finance has, after consultation with the Central Bank of Malta, made the following regulations:-

1. (1) The title of these regulations is the Investment Registration Scheme Regulations, 2014. Citation and purpose.

(2) The purpose of these regulations is to provide for the establishment of a registration scheme to be known as the Investment Registration Scheme, 2014, hereinafter referred to as the Scheme, whereby residents of Malta subject to tax in Malta who hold eligible assets without declaring the relevant income (including capital gains) for the purposes of the Income Tax Act, may regularise their position Cap. 123. under the relevant laws.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"applicable date" means any date between 4 November 2013 and 30 September 2014;

"applicant" means a person who registers under the Scheme under regulation 3;

"appointed registration agent" means a person appointed by the Central Bank of Malta under regulation 5;

"eligible assets" shall, save for the provisions of sub-regulation (2), have the same meaning assigned to it by the Act and regulations made thereunder;

"fiduciary" means any private foundation or any person who is engaged to hold in his name or owns any eligible assets for another person under a mandate or a trust;

"relevant laws" has the same meaning assigned to it in article 9B of the Income Tax Act; Cap. 123.

S.L. 373.01 "reputable jurisdiction" has the same meaning assigned to it by regulation 2 of the Prevention of Money Laundering and Funding of Terrorism Regulations.

Cap. 371. (2) By virtue of the powers vested in the Minister under the Act, the Minister has determined that the eligible assets set out hereunder shall, by virtue and for the purposes of this regulation, are the following assets:

(a) deposits as defined in the Banking Act held with credit institutions licensed in Malta, or abroad irrespective of the currency of denomination;

(b) securities including (i) shares and stock in the capital of a company registered or incorporated in a reputable jurisdiction or other instruments creating or acknowledging an ownership interest in such company (ii) debentures, certificates of deposit, bonds, notes and any other similar instrument creating or acknowledging indebtedness issued by a company registered in a reputable jurisdiction; and (iii) securities issued by central, regional or local governments, states or subdivisions of any state or any supra-national organization;

(c) units in a collective investment scheme, life and annuity long term insurance policies, whether index-linked or not issued by a scheme or insurer licensed in Malta or abroad;

(d) precious metal bullion;

(e) warrants, options, futures and other derivatives as well as any other financial instruments entered into in Malta and, or abroad for investment purposes;

(f) shareholder loans or other advances extended to a company registered in a reputable jurisdiction; and

(g) immovable property situated in or outside Malta.

Cap. 123. (3) Words and expressions used in these regulations which are also used in the Act or the Income Tax Act shall, unless the context otherwise requires, have the same meaning as assigned to them in the said Acts.

(4) For the purposes of these regulations, any income arising from eligible assets which is received after 4 November 2013 and reinvested before the date of registration, shall be deemed to constitute eligible assets existing on 4 November 2013 and shall be eligible for registration under these regulations.

3. (1) Residents of Malta subject to tax in Malta who own eligible assets without declaring the relevant income for the purposes of the relevant laws, may regularise their position under the relevant laws, by registering such assets under the Scheme on the prescribed form as set out in the Schedule.

Regularization
of position
under the
Income Tax Act.
Cap. 123.

(2) Eligible assets may only be registered under the Scheme by the person who beneficially owns such assets on the applicable date or by the person from whom the eligible assets originated when on the said date these are held by a fiduciary, or by the heir or legatee of such person, provided that the same eligible assets may only be registered by one such person.

4. The Scheme shall run until 30 September 2014.

Operative
period of the
Scheme.

5. Registration of eligible assets for the purposes of regulation 3 shall be executed by an applicant through appointed registration agents which shall be credit institutions licensed in Malta under the Banking Act, financial institutions licensed in Malta under the Financial Institutions Act, stockbrokers licensed under the Investment Services Act, and persons holding a category 2 or category 3 Investment Services Licence granted under the Investment Services Act and in each case appointed as registration agents by the Central Bank of Malta.

Registration
under the
Scheme.

Cap. 371.

Cap. 376.

Cap. 370.

6. Registration of eligible assets under this Scheme shall be open to eligible assets referred to in regulation 2 (2) held in or outside Malta on 4 November 2013 and still belonging to the applicant or to a fiduciary on behalf of or at the request of the applicant on date of registration.

Assets which
may be
registered under
the Scheme.

7. (1) The appointed registration agent shall only register assets under the Scheme against the submission by the applicant of original documentary evidence confirming that such assets are eligible under the Scheme and were held by the applicant on the applicable date, or else have originated from him if held by a fiduciary on such date.

Evidence to
support
registration.

(2) The documentary evidence referred to in sub-regulation (1) shall be:

(a) in the case of precious metal bullion, a confirmation from the institution with which the precious metal bullion is held;

(b) in the case of immovable property, a duly authenticated copy of the original contract by virtue of which

the property was acquired and a confirmation from a duly qualified person that the said property was owned by the applicant on the applicable date;

(c) in the case of shareholder loans or other advances to a company in a reputable jurisdiction, a duly authenticated copy of the agreement by virtue of which funds were advanced by the applicant to such company together with such other documentary evidence that such loans or advances were duly received by the borrower, as well as an auditor's certificate confirming title and existence of such loans or advances. In all cases, the said loans or advances must be evidenced in the audited financial statements submitted to the Inland Revenue Department or the Registrar of Companies in Malta (or to their equivalent counterparts, in the case of other jurisdictions) by 4 November 2013;

(d) in the case of all other eligible securities, deposits, insurance policies or units in collective investment schemes, a contract note or other written confirmation from the relevant licensed financial intermediary;

(e) such other documentary evidence which may be declared sufficient or satisfactory by the Central Bank of Malta in writing on a case by case basis;

(f) where eligible assets are held by a third party in a fiduciary capacity, the applicant shall also submit to the appointed registration agent:

(i) where the fiduciary is regulated and licensed in Malta or in a foreign jurisdiction, evidence that such fiduciary is in fact so regulated or licensed, and confirmation evidencing that such fiduciary held the eligible assets on behalf of or at the request of the applicant; or

(ii) where the fiduciary is not licensed or regulated, a confirmation, bearing the fiduciary's original signature and witnessed by a Notary Public, a Commissioner of Oaths, or an Advocate, evidencing that such fiduciary held the eligible assets on behalf of or at the request of the applicant.

(3) Where eligible assets which may be registered under the Scheme have been switched or otherwise converted or exchanged by the applicant into other assets during the period between 4 November

2013 and the registration date, the applicant is to provide documentary evidence of such conversions or exchanges as may be required by the appointed registration agent. This rule shall also apply if the assets are held by a fiduciary.

(4) Copies of the original documentary evidence provided by the applicant in terms of these regulations are to be retained by the appointed registration agent, in printed or electronic form, for record purposes for a period of ten years.

8. (1) A person who registers eligible assets under the Scheme shall sign a declaration which is to be provided on the prescribed form set out in the Schedule wherein the applicant represents to the Central Bank of Malta that:

(a) such person is the beneficial owner of the assets being registered or that such assets being held in the name or under the control of a fiduciary originated from him;

(b) such person accepts full responsibility for the accuracy and authenticity of the information and documentary evidence provided to the appointed registration agent;

(c) such person undertakes to make available to the appointed registration agent any further information that may be required by the agent for the proper exercise of its functions in this regard;

(d) the documentary evidence being submitted to the appointed registration agent hereof is the true original;

(e) the registered eligible assets do not represent proceeds from:

(i) a crime of money laundering under the Prevention of Money Laundering Act, or Cap. 373.

(ii) any of the crimes listed in the Second Schedule to the Prevention of Money Laundering Act other than a crime against the relevant laws; Cap. 373.

(f) the registered assets were held in or outside Malta on 4 November 2013;

(g) the registered assets have only been registered once under the Scheme and have not already been registered under this Scheme or previous Investment Registration Schemes;

(h) the declaration is being given in good faith.

(2) The declaration shall also include:

(a) a detailed description of the eligible assets being registered and such other information that would enable, where applicable, the proper identification of the eligible assets, including such unique references or codes as may apply to the eligible assets;

(b) details of the beneficial owners or of the persons from whom the eligible assets originated, including full name, identity card number, address and signature; and details of the fiduciary where eligible assets are held by a third party;

(c) details of the appointed registration agent.

Certification.

9. (1) The appointed registration agent, after having duly completed the declaration modalities and being satisfied of their accuracy and completeness, shall issue a Registration Certificate. The Certificate shall be sequentially and uniquely numbered and on controlled stationery, the use of which has to be restricted to duly authorised staff of the appointed registration agent and of the Appointed Central Registration Certificate Depository only.

(2) The Registration Certificate shall be issued to the applicant against the payment of a registration fee as specified in regulation 13.

(3) The Registration Certificate shall be issued by the appointed registration agent in triplicate: one copy shall be provided to the applicant; one copy is to be retained by the appointed registration agent; and one copy is to be provided to the Appointed Central Registration Certificate Depository.

(4) The Central Bank of Malta is, by means of these regulations, being appointed the Central Registration Certificate Depository.

(5) The triplicate copies of all the Registration Certificates issued by the appointed registration agent during each calendar month shall be sent to the Central Registration Certificate Depository within seven (7) days after the end of that month.

(6) The Registration Certificate is strictly non-transferable.

(7) In the event that a Registration Certificate is lost, defaced or destroyed, the applicant may make a request in writing to the Central Registration Certificate Depository for the issue of a copy of

the lost, defaced or destroyed certificate.

(8) Other than by order of a Court, every person, including past and present officers or agents of an appointed registration agent or of the Appointed Central Registration Certificate Depository, shall be bound by the duty of professional secrecy in the exercise of his functions under these regulations and shall not disclose any information contained in the Registration Certificate which may come in his possession in the exercise of his functions under these regulations.

10. (1) The appointed registration agent shall ensure full compliance with the provisions of these regulations, the Prevention of Money Laundering Act, regulations issued thereunder and implementing procedures issued by the Financial Intelligence Analysis Unit when registering any asset/s under this Scheme and shall therefore be bound to comply with all the obligations imposed on a subject person, including customer due diligence and the collection of information on the source of funds.

Anti Money-
Laundering
obligations.
Cap. 373.

(2) Nothing in these regulations shall be construed as exempting the applicant or any other person from liability for the commission of any crime or from prosecution for any crime other than a crime under the relevant laws.

11. In completing the registration, the applicant confirms his consent to authorise the appointed registration agent to furnish a copy of the Registration Certificate to the Central Registration Certificate Depository.

Consent to
furnish copies
of Registration
Certificate.

12. (1) Upon registration, the beneficial owner of the eligible assets registered under this Scheme and in whose name or for whose benefit a Registration Certificate has been issued pursuant to these regulations shall be entitled to the exemptions referred to in article 9B of the Income Tax Act.

Effects of
registration -
exemption.

Cap. 123.

(2) The submission by the applicant of false statements and/or documents required under these regulations shall:

(a) nullify the Registration Certificate as if that Registration Certificate had never been issued; and

(b) render the applicant ineligible to the benefits and exemptions granted under the Scheme.

13. (1) The issue of a Registration Certificate is subject to the payment by the applicant of a registration fee payable to the Government.

Registration fee.

(2) Such registration fee is equivalent to:

(a) in the case of immovable property, seven and one half per centum of the original cost on date of purchase of the registered asset;

(b) in the case of all other eligible assets, seven and one half per centum of the current market value of the registered eligible assets:

Provided that in the event that the applicant can provide documentary evidence that the acquisition cost exceeded the current market price, the applicable registration fee shall be charged on such acquisition cost:

Provided further that in respect of eligible assets referred to in paragraphs (a) and (b) which were held abroad on 4 November 2013 and are still held abroad on date of registration, a rate of five per centum shall be charged where the applicant makes an irrevocable commitment to repatriate the relative proceeds within two weeks after date of registration and to invest such funds in locally listed securities or in deposits with domestic banks, subject that the applicant shall provide to the registration agent within three weeks from date of registration documentary evidence of such repatriation and local investment, and that the repatriated assets will be retained locally for at least three years after date of registration.

(3) The current market value is calculated on the basis of a valuation by a duly qualified person made within three months preceding the date of registration and presented to the appointed registration agent.

(4) The registration fees paid by registered applicants are to be remitted by the appointed registration agent to the Government at a designated account at the Central Bank of Malta by not later than seven days after the end of the month during which the fees are collected.

(5) The appointed registration agent shall issue a receipt, which is an integral part of the Registration form, to the applicant in respect of the registration fee paid.

Fees to
appointed
registration
agents.

14. The appointed registration agent is entitled to recover a fee for services rendered to effect registration. Such fee shall be deducted from the Registration fee paid in respect of the issue of the Registration Certificate. Such fee shall be equivalent to five per centum of the Registration fee, provided that it shall not be less than €30 or more than €380 per application registered.

15. Holders of a Registration Certificate who convert their registered eligible assets into other assets shall, after registration, retain the documentary evidence regarding such conversions or if no such documentary evidence is available such other evidence in such readable medium as may be available.

Retention of
documentary
evidence.

16. (1) Where the holder of a Registration Certificate is served with a notice of enquiry by the Inland Revenue Department in terms of article 13(7) of the Income Tax Management Act, such person is required to produce the Registration Certificate to the Inland Revenue Department within thirty days from the date of such notification.

Notice of Tax
Enquiry.

Cap. 372.

(2) In the event that the Registration Certificate is not submitted to the Commissioner of Inland Revenue within thirty days from the date of such notification without a justifiable reason, the exemptions referred to in regulation 12(1) shall not apply.

(3) Where the Commissioner of Inland Revenue is satisfied that such person was prevented from submitting the Registration Certificate owing to a reasonable cause, he may extend the period for submission of the said Certificate as may be reasonable in the circumstances.

(Regulation 3)

SCHEDULE
STRICTLY NOT TRANSFERABLE**Registration Certificate**

Issued for the purposes of the Investment Registration Scheme 2014

This Certificate is issued in respect of the registration of the eligible assets specified below in terms of the Investment Registration Scheme Regulations 2014. It entitles the registered beneficial owner of the said assets to the exemptions referred to in article 9B of the Income Tax Act.

Section 1: To be completed by appointed registration agent (please use additional prescribed forms if space is not sufficient) (Block Letters)

Type of Asset	Currency	Registered Assets			Amount held in Malta or retained abroad (7.5% fee)**	Amount repatriated on or after registration (5% fee)†
		Amount in nominal terms	At original cost or current market value *	At original cost or current market or current market value * (in euro) (foreign currency)		
A	B	C	D	E	F	G
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12	Total Value of the Assets listed above					
13	Please indicate the Certificate Number(s) of the additional form(s) used if any					
14	Total Value of Assets listed in additional forms if any					
15	Total Value of All Assets being hereby registered (Sum of Rows 12 and 14)					

* Immoveable property is to be registered at original cost or current market value, whichever is the higher.

** Amount at original cost or current market value of assets held abroad on 4 November 2013 which will continue to be retained abroad after registration.
† Amount at original cost or current market value of assets held in Malta on 4 November 2013 or held abroad on 4 November 2013 which will be repatriated within two weeks after registration and invested locally.

Section 2: To be completed by Applicant as Beneficial Owner or the person from whom the eligible assets originated (Block Letters)					
<p>I have read and understood the declaration in Section 4 overleaf. I confirm that on the applicable date I was the owner of these assets/heir or legatee of the owner of these assets (please tick as applicable)</p>					
1.	Title (Mr/Mrs/Ms) * Full name and surname	ID Card No *	Address	Owner _____	Heir/legatee _____
2. **	Title (Mr/Mrs/Ms) * Full name and surname **	ID Card No *	Address	Signature _____ Owner _____	Date _____
3. #	Name of Fiduciary (where applicable) #	ID Card No *	Address	Signature _____	Date _____
<p>* If the beneficial owner or the person from whom the eligible assets originated or fiduciary is a body corporate, please insert company name and company registration number. ** to be filled in only when the eligible assets being hereby registered are jointly owned by more than one person. # to be filled in only when the eligible assets being hereby registered are held by the fiduciary on behalf of or at the request of the applicant.</p>					
Section 3: To be completed by Appointed Registration Agent (See Declaration in Section 5 overleaf)					
Name of Appointed Registration Agent *		Market value / original cost of Registered Assets (euro)	Registration Fee at 5% / 7.5% (euro)	Commission (euro)	
<p>Official Stamp</p> <p>I confirm having received the Registration Fee detailed above.</p> <p>Authorised Signature:</p>				<p>Date:</p> <p>Authorised Signature:</p>	

* Complete details when not included on the official stamp

Section 4: Applicant's Declaration

In completing Section 2, I/ we declare:

1. to be the owner/joint beneficial owner(s) or the originator(s) of the registered assets or the heir or legatee of such person(s);
2. that the registered assets were owned by me/us on 4 November 2013 and are still owned by me/us on date of registration;
3. that these assets are being registered only once under this Investment Registration Scheme and that these assets have not already been registered in any form under the Investment Registration Schemes established by virtue of Legal Notice 315 of 2001, Legal Notice 59 of 2002, Legal Notice 209 of 2003, Legal Notice 226 of 2003, Legal Notice 121 of 2005, Legal Notice 112 of 2007 and Legal Notice 256 of 2014;
4. that the registered assets do not represent proceeds from a crime of money laundering in terms of the Prevention of Money Laundering Act, or from a crime that would result due to an infringement of any law other than the Income Tax Act;
5. that the documentary evidence being hereby submitted to the Appointed Registration Agent in support of the registered assets is true and original;
6. that I/we accept full responsibility for the accuracy and authenticity of the information and of the documentary evidence submitted to the Appointed Registration Agent under the Scheme;
7. that I/we will make available to the Appointed Registration Agent any further information, statements or documents that it may require for the proper exercise of its functions in terms of the Investment Registration Scheme;
8. that I/we hereby authorise the Appointed Registration Agent to provide a copy of the Registration Certificate to the Central Bank of Malta as Central Registration Certificate Depository;
9. that the declaration is being made in good faith;
10. that in return for my/our making this declaration and obtaining the relevant exemptions arising from law upon registration, I/we hereby pay the applicable registration fee based on (a) in the case of immovable property, the original cost on date of purchase, and (b) in the case of all other eligible assets, the market value of the eligible assets or the original cost whichever is the higher;
11. I/we understand that the submission of false statements and documents

will nullify this Certificate and render me/us liable to legal prosecution;

12. I/we also understand that in the event that I/we am/are receiving any benefit, exemption or other advantage under the Social Security Act or under any other scheme made by the Government or any public entity or under any other law, as a result of not having declared the eligible assets being hereby registered (or income therefrom), I/we shall not be required to refund that benefit, exemption or other advantage acquired before this declaration. However, if after this registration, I/we continue to take that benefit, exemption or advantage without being entitled thereto, I/we shall be considered as never having enjoyed exemptions referred to in article 9B of the Income Tax Act, and shall forfeit the right not to refund any benefit, exemption or advantage acquired before the Registration;

13. I/We undertake that any losses referred to in article 5(10)(a) and article 14(1)(g) of the Income Tax Act declared in the return for year of assessment 2013 and for any preceding year of assessment, whenever submitted, shall not be carried forward and set off against my/our total income for the year preceding the year of assessment 2014 or in any subsequent year;

14. I/We understand that in the event that I am/we are served with a notice of enquiry by the Inland Revenue Department, I am/we are obliged to submit this Registration Certificate to the said Department within thirty days from the date of such notification. I/We also understand that if I/we fail to submit the Certificate within thirty days without a reasonable cause, the exemptions referred to in article 9B of the Income Tax Act will not apply;

15. I/We undertake that in the event that I/we opt for the 5% registration fee, I/we will repatriate the relative registered assets within two weeks after registration date and invest such funds in locally listed securities or in deposits with local banks. I/we undertake to retain such funds locally for at least three years after date of registration.

Section 5: Appointed Registration Agent's Declaration

In completing Section 3, we declare:

1. that we have obtained the necessary information, statements and documents required for the proper exercise of our function under the Scheme;
 2. that we have retained copies of supporting documentary evidence as necessary and undertake to continue retaining such documentation for 10 years;
 3. that we are bound by the duty of professional secrecy in terms of the Professional Secrecy Act and will not disclose any information contained in the Registration Certificate other than to the Central Registration Certificate Depository or by order of a Court;
 4. that we ensure full compliance with the provisions of the Prevention of Money Laundering Act and related regulations and the implementing procedures issued by the Financial Intelligence Analysis Unit.
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