

# MALTA TRUSTS

Malta Trust Set-Up

## SECTOR REGULATION

Trustees supervised & licensed by the Malta Financial Services Authority (MFSA)

## LEGISLATION

Transparent, Detailed

## TIME ZONE

Central European Time Zone (UTC+01:00)

## CURRENCY

Euro €

## APPLICABLE LAWS

Trusts & Trustees Act

## OFFICIAL LANGUAGES

Maltese, English

## EUROPEAN UNION

Member of the EU & Eurozone

## WORKFORCE

Well qualified, English speaking





## MALTA

Malta enjoys a stable political climate and a bi-partisan political scene that is largely convergent on issues of national and economic importance. The country's economy is considered to be one of the best performers in the EU, maintaining growth during the financial crisis. In 2015, Malta experienced a 6.3% GDP growth whilst unemployment was down to 5.4%. Malta has been a member of the EU since 2004 and of the Schengen Area since 2007.

Malta is a civil law country which has adopted trusts in its legislation and allows for the creation of domestic trusts. Trusts have, among other things, become very flexible and efficient vehicles for asset protection and asset management in Malta

## LEGAL BASIS

Today Malta's trusts and estates law allows for the beneficial, yet secure, protection of a person's wealth and property. The setting up of trusts in Malta is regulated by the Trusts and Trustees Act. The Act also provides for the appointment of the Malta Financial Services Authority (MFSA) as the authority in charge of the authorisation and supervision of trustees. The Act also incorporates the provisions of the Hague Convention on the Law Applicable to Trusts and on their Recognition as ratified.

### LEGAL FORM

A trust is a legal institute and does not have legal personality. Ownership of the trust assets is vested in the trustee who is holding assets for the benefit of beneficiaries whether named or still to be determined. There are various types of trusts which can be set up under Maltese law including; fixed interest trusts, discretionary trusts, charitable trusts, protective trusts, and unit trusts.



## BENEFITS OF A MALTA TRUST



Fast process;  
3 days



Fully Confidential &  
Flexible;  
No Registrations &  
flexibility in terms of trust  
deed



EU authorisation;  
Trustees authorised  
by the MFSA



Trust Mobility;  
Trust is able to be  
re-domiciled to another  
jurisdiction



Certainty & Security;  
Malta's own  
domestic trust law



Planning for  
Generations;  
Efficient distribution  
of assets





## KEY REQUIREMENTS

Malta Trusts are subject to annual requirements including drawing up of accounting records and due diligence updates.

### TRUST SETTLEMENT

Assets are transferred to the trustee through the formal trust settlement. Typical assets that are settled in trust are shares, stocks, bonds, units, bank accounts, immovable property, bank accounts, intellectual property and art

### SETTLOR

The settlor is the person who settles the assets in the trust, who upon doing such transfer no longer remains the owner and therefore no longer enjoys control thereon.

### MALTA TRUSTEE

To ensure the highest level of security, the Malta Trusts and Trustees Act provides for strict regulations relating to the authorisation and supervision of trustees. The trustee is entrusted with the legal title to the trust assets.

### PROTECTOR

The protector is the person who can oversee the conduct of the trustee and who has the power to appoint new or additional trustees, remove trustees and often has veto powers on certain decisions of importance relating to trust assets.

### BENEFICIARIES

The beneficiaries are the persons who may benefit from the assets of the trust, and they may be indicated by either; name or class or relationship to a person alive or dead. A beneficiary of a Malta trust is entitled to charge or sell or otherwise deal with his interest in the trust in any manner –subject to the terms of the trust.



## KEY REQUIREMENTS



Trust Settlement

+



Malta authorized  
Trustee

+



Settlor

+



Named Beneficiaries or  
Group of Beneficiaries

+



Optional  
Appointment of a  
Protector

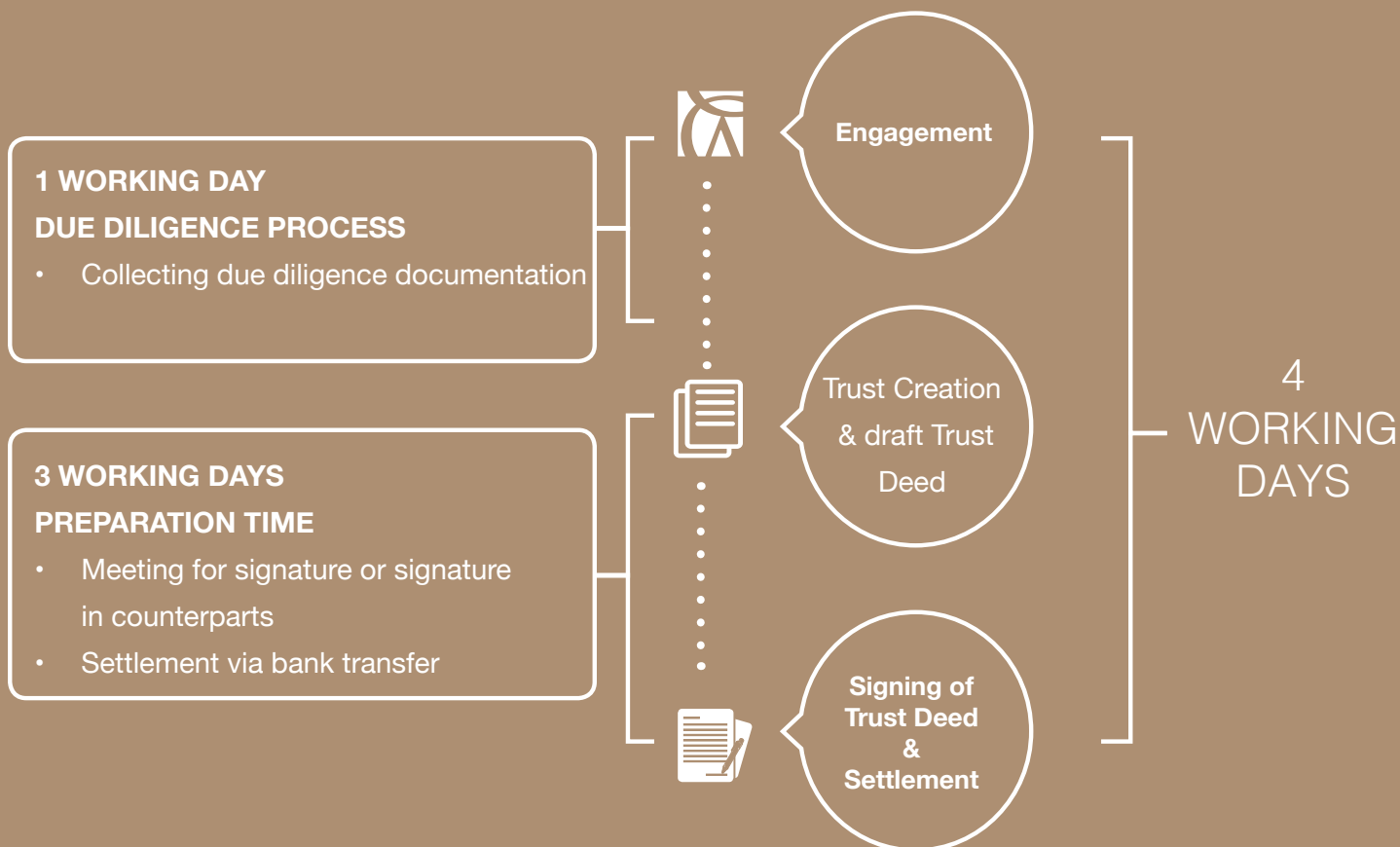
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Trust

# MALTA TRUST SET-UP

## Trust Formation Timeline



## WHY WORK WITH US?



Problem Solving,  
Integrity, Honesty

**Claris**  
Trustees

Authorised Trustee  
by the Malta Financial  
Services Authority



We're lawyers:  
Lawyer - client  
privilege



Malta-Cyprus Trust  
Lawyers



Malta-Cyprus  
Lawyers,  
Tax advisors,  
Fiduciary staff: 100+



Our Ethos:  
Big firm expertise,  
Small firm personal



**CHETCUTI CAUCHI**  
ADVOCATES

Malta  
Cyprus  
London  
Zürich  
Hong Kong



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