

## AUTHORISED REGISTERED MANDATORY

### 1. Introduction

An Authorised Mandatory is a person who:

- holds a warrant to practice as an advocate under the *Code of Organisation and Civil Procedure*; or
- holds a warrant to practice as a legal procurator under the *Code of Organisation and Civil Procedure*; or
- has been appointed notary public in accordance with the provisions of the *Notarial Profession and Notarial Archives Act*; or
- holds a warrant to practice as an accountant under the *Accountancy Profession Act*; or
- is a member of the Institute of Financial Services Practitioners; or
- is a member of the Malta Institute of Taxation; or
- is a member of the Malta Institute of Management.

A company or firm may become an Authorised Registered Mandatory.

In order for an Authorised Mandatory to be able to represent his clients for the purposes of the *High Net Worth Individuals Rules*, such person needs to be registered with the Commissioner of Inland Revenue.

### 2. Authorised Registered Mandatory:

#### 2.1. How to become an Authorised Registered Mandatory?

Registration of an Authorised Mandatory must be done directly with the Commissioner of Inland Revenue.

The completed and signed form needs to be submitted at the International Tax Unit at the following address:

Commissioner of Inland Revenue  
International Tax Unit  
MFSA Building  
Notabile Road  
Attard  
BKR 3000

The envelope should clearly be marked as '**Application: Authorised Registered Mandatory**'.

Subsequent to registration, an Authorised Registered Mandatory is allocated a registration number which will be notified to the Authorised Registered Mandatory in writing. This registration number must be indicated in all correspondence that the Authorised Registered Mandatory has with the Commissioner of Inland Revenue.

A list of all Authorised Registered Mandatories may be found on the website of the Inland Revenue Department.

#### 2.2. Authorisation to act as an Authorised Registered Mandatory

The Authorised Registered Mandatory must be authorised by the applicant to represent a beneficiary under the *High Net Worth Individuals Rules*. Such authorisation is granted to the

Authorised Registered Mandatory in the Application Form which needs to be signed by the applicant.

It is important to note that a beneficiary cannot have more than one Authorised Registered Mandatory acting on his / her behalf, unless this is specifically authorised by the Commissioner of Inland Revenue.

### 3. Duties and obligations

#### 3.1. Channel between the Authorities and the beneficiary:

An Authorised Registered Mandatory will act as the sole channel between the Government of Malta or the Commissioner of Inland Revenue, and the beneficiary. Therefore all applications, correspondence, submissions, filings, declarations and notifications will be sent and received by the Authorised Registered Mandatory on behalf of the beneficiary. Subsequently, it is the Authorised Registered Mandatory's duty to inform the beneficiary accordingly of any such circumstances.

#### 3.2. Know-Your-Client Obligations:

An Authorised Registered Mandatory is expected to abide by all applicable know-your-client obligations in respect of applicants for a special tax status under the *High Net Worth Individuals Rules*. In any case, prior to submission of an Application in accordance with the said Rules, an Authorised Registered Mandatory should properly identify their clients and ascertain that the relevant information pertinent to filing such Application Form is correct.

### 4. Termination:

#### 4.1. From being an Authorised Registered Mandatory:

An Authorised Registered Mandatory may choose to terminate its registration with the Commissioner of Inland Revenue and therefore cease to be able to represent beneficiaries under the *High Net Worth Individuals Rules*.

In such cases, the Authorised Registered Mandatory needs to inform:

- the Commissioner of Inland Revenue;
- all the beneficiaries that that he / she will no longer be represented by the Authorised Registered Mandatory in question;
- Inform all such beneficiaries that should they wish to continue to benefit from the special tax status granted by the *High Net Worth Individuals Rules*, a new Authorised Registered Mandatory needs to be authorised.

#### 4.2. From representing a particular beneficiary:

An Authorised Registered Mandatory may choose to terminate his authorisation with respect to a particular beneficiary, or there may be circumstances where the Authorised Registered Mandatory will not remain authorised to represent such beneficiary.

In such cases the beneficiary will no longer be represented by the Authorised Registered Mandatory in question.

The Authorised Registered Mandatory needs to inform:

- the Commissioner of Inland Revenue;
- the respective beneficiary that he / she will no longer be represented by the Authorised Registered Mandatory in question; and
- inform the respective beneficiary that if the latter wishes to continue to benefit from the special tax status granted by the *High Net Worth Individuals Rules*, a new Authorised Registered Mandatory needs to be authorised.