

Consultation Document

Proposed Amendments to the Tenth Schedule of the Companies Act

MFSA Ref: 05/2014

2nd June 2014

Closing Date: 20th June 2014

Note: The documents circulated by the MFSA for the purpose of consultation are in draft form and consist of recommendations. Accordingly these recommendations are not binding and are subject to changes and revisions following representations received from interested parties. It is important that persons involved in the consultation bear these considerations in mind.

1. PURPOSE

The MFSA is issuing for consultation proposed amendments to the Tenth Schedule to the Companies Act, which amendments are to be effected through a Legal Notice (hereinafter referred to as ‘the draft Regulations’), to be issued in terms of article 425 of the Companies Act (Chapter 386 of the Laws of Malta).

Reference is also made to the amendments to article 66A of the Companies Act which were brought into force by means of Act No. XX of 2013. The principal objective of these amendments was to make it clear that partnerships *en commandite* which fall within the scope of article 66A(1) shall be governed by the provisions of the Tenth Schedule to the Companies Act and by any regulations issued by the Minister in terms of article 66A. The provisions of Part IV of the Companies Act (other than article 66A) which deals with partnerships *en commandite* established for general commercial purposes shall not apply to partnerships *en commandite* falling within the scope of Article 66A, unless otherwise provided in the Tenth Schedule or in the said regulations.

The proposed amendments which are the subject of this consultation exercise are quite extensive. The proposed amendments relate to the review of the current regime applicable to partnerships *en commandite* established as collective investment schemes in terms of article 66A of the Companies Act and the current Tenth Schedule to such Act.

The ultimate aim is to ensure that the provisions of the Tenth Schedule to the Companies Act as drafted and as amended will be workable for private equity funds.

Any comments and feedback are to be addressed to the Authorisation Unit by email on au@mfsa.com.mt. **Interested parties are kindly asked to submit any comments in writing by not later than, 20th June 2014.**