

22 March 2024

Circular addressed to Trustees of Family Trusts registered in terms of Article 43B of the Trusts and Trustees Act - Submission of the Annual Compliance Return and Other Regulatory Submissions

Reference is made to the Annual Compliance Return ('ACR'), which Trustees of Family Trusts registered in terms of Article 43B of the Trusts and Trustees Act, are required to submit annually as part of their regulatory submissions to the Authority. Trustees of Family Trusts are kindly informed that the revised ACR template is now available on the MFSA website.

The revised ACR template reflects modifications to the questions and data points therein, to remove certain previous duplicate requests, and for the purposes of streamlining and simplification of the ACR. Furthermore, following amendments to the MFSA's internal systems, Trustees of Family Trusts are also being notified of **modifications in the naming convention of submissions**, as explained below in this Circular. It is of utmost importance that **the latest version of the ACR** is downloaded from the MFSA's website, which is available as of the date of this Circular, **and that the naming convention as explained below is adhered to** when making the relevant submissions.

A. Changes to the Annual Compliance Return

The Authority has introduced Sheet 17 entitled 'Financial Information', as presented below. The information on this Sheet should align with the Trustee of Family Trusts' financial statements for the same reporting period of the ACR, as submitted to the Authority.

Sheet 17

17. Financial Information			
Please indicate the following details of the Registered Trustee as per the Financial Statements:			
	Response	Comments	
a) Total value of assets of the Registered Trustee.			✘
b) Total value of current assets of the Registered Trustee.			✘
c) Total value of liabilities of the Registered Trustee.			✘
d) Total value of revenues generated by the Registered Trustee during the reporting period.			✘
e) Total profit before tax for the reporting period.			✘
2) Total profit after tax for the reporting period.			✘
f) 1) Has an auditor's report been prepared during the reporting period?			✘
2) If in the affirmative, what was the opinion of the Auditor.			✘

B. Removal of the Requirement to Submit a Certificate of Compliance

Trustees of Family Trusts are no longer required to submit a Certificate of Compliance in the previously prescribed form. As the MFSA indicated in the [Consultation Document on the Trustees of Family Trusts Rulebook](#), the information previously collected in the Certificate of Compliance has been incorporated in Sheet 18 of the updated ACR, as per the screenshot below:

Sheet 18

18. Declaration by the Directors
We, the Directors of _____ hereby declare:
a) The Registered Trustee is able, and will be able for the foreseeable future, to meet all of its liabilities as they fall due for payment.
b) All matters (including contingent liabilities, claims and litigation) which might reasonably be expected to have a material effect on the Registered Trustee's financial position at the date of submission of this return have been declared herewith or notified in writing to the MFSA.
c) The Registered Trustee carried out all business activity in accordance with the requirements of the Trusts and Trustees Act (Cap 331), and the Trustees of Family Trusts Rulebook, including- any rules, directives or recommendations issued by the MFSA.
d) The Registered Trustee is not acting as a Trustee for more than five settlors of Family Trusts.
e) The activities of the Registered Trustee are limited exclusively to acting as trustee in relation to a specific settlor/s and providing administrative services in respect of a specific family trust/s.
f) The information given in and with this annual return (including the supporting documents) submitted both electronically and in hard copy is complete and correct to the best of my/our knowledge and there are no other facts or matters of which the Authority should be informed.
g) The MFSA has been notified of all matters which may influence its decision to allow the registration to continue, or which could have a bearing on the fitness and properness of approved persons of the Registered Trustee.

C. Naming Conventions

Trustees of Family Trusts are to submit the respective documentation by uploading a single Zip file through the LH Portal containing all the required documentation and are to be guided by the naming conventions listed in the table below. As outlined in the same table, **the ACR must be submitted in both Excel and PDF format.**

Submissions should be made within **four months from the Trustee's financial year end.** All documentation should cover the previous calendar year.

Naming Conventions:

Licence Type	Name of Document	Files - Naming Convention
Trustees of Family Trusts	Board Resolution of Directors	LHCode_YYYY_BRD.pdf
	Shareholding Structure / Organigram	LHCode_YYYY_SSO.pdf
	Organisation Chart	LHCode_YYYY_OC.pdf
	Annual Compliance Return	LHCode_YYYY_ACR.pdf
		LHCode_YYYY_ACR.xlsm
	Audited Annual Financial Statements	LHCode_YYYY_FS.pdf
	Other documents (if applicable)	LHCode_YYYY_OTH- <i>Name of document</i> .pdf

D. Uploading of Annual Compliance Return

Upon completion of the ACR and collection of the required supporting documents, **all the documentation must be zipped into one zip file** using the following naming convention: LHCode_YYYY.zip¹.

¹ The ".zip" is not to be included in the file name as this is automatically created once the documents being submitted have been compressed into a Zip File.

Guidelines on File Naming Convention
Required format: LHCode_YYYY.zip
Example: TCSP_2024.zip

For more details with regards to the naming conventions of the contents of the Zip file [click here](#)

Please note that you are only allowed to upload 1 ZIPPED(.ZIP) file at a time, not exceeding 30MB.

The zip file should be uploaded through the [LH Portal](#) under the Trustees Annual Returns Project. Kindly refrain from including sub-folders within the zip file. Submissions are to be uploaded in **.zip format only**.

File Uploads

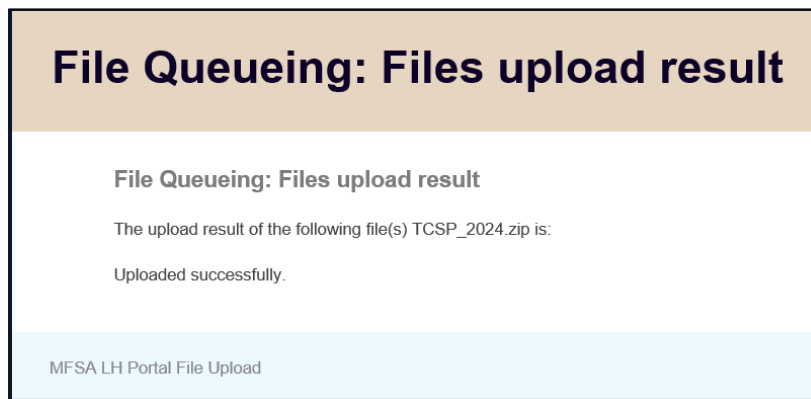
Use the feature below to upload files to the MFSA server. It is important that all file names are in the appropriate convention.

Authorised Person:

Project:

Files: No file chosen

The user making the submission will receive the below automated notification via e-mail if the above guidelines are followed and the Annual Compliance Return and supporting documents have been successfully submitted. Please note that it may take a few minutes or longer for the automated confirmation email to be received. **Should you not receive any confirmation email within 24 hours, you are kindly requested to reach out to the Trustees and Company Service Providers Function.**

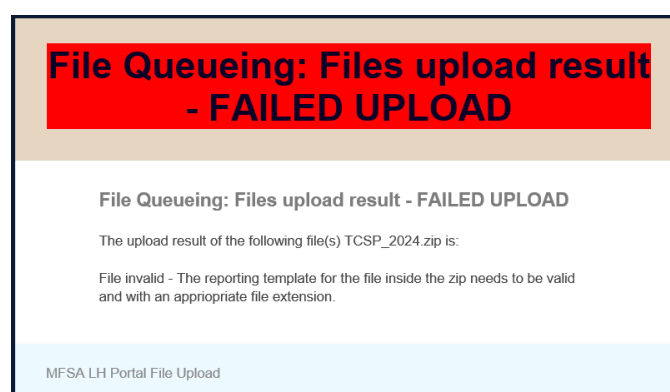


E. Possible errors while uploading documentation on the LH Portal

The hereunder are some possible errors that might be encountered should the above naming conventions not be adhered to. Consequently, **the file will be rejected and not uploaded through the system**. You are therefore kindly requested to ensure that users uploading the relevant returns check their inbox to ensure that a file upload result email is received and to address any of the possible errors outlined below at the earliest, as otherwise, the submission will not be deemed complete.

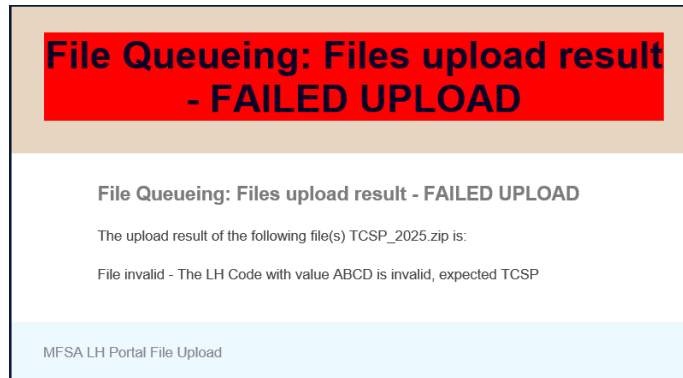
Scenario 1:

In the event the Zip file contains the correct naming convention, but the files within the Zip file do not follow the above guidelines on the naming convention of each document, the following email will be received, and the submission will fail:



Scenario 2:

If the Zip file name does not follow the above guidelines, the following notification is received by email:



Should you not be able to rectify the error after following the guidance provided in this Circular, or you need further clarification with respect to the changes related to the ACR for Trustees of Family Trusts, please direct your queries to the Trustees and Company Service Providers Supervision Function by emailing fiduciariesoffsite@mfsa.mt.