

**Office of the Commissioner
for Voluntary Organisations**

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APPLICATION

for Enrolment of an Organisation as a Voluntary Organisation

In terms of Article 13 of the Voluntary Organisations Act

Notes to assist persons in the application for the enrolment of an organisation as a voluntary organisation have been prepared by the Office of the Commissioner for Voluntary Organisations where relevant terms and the process for application and consideration of applications are explained.

Name of Organisation:
Address of the Organisation:
Telephone Number:
Fax Number:
E-mail:
Application delivered by:

To the Commissioner for Voluntary Organisations:

The applicant hereby applies for the enrolment of the above mentioned organisation in terms of article 13 of the Voluntary Organisations Act.

The applicant hereby makes the following declarations and provides the following information about the organisation with due care and in good faith for the purpose of enrolment.

The applicant declares that:

- (i) the appropriate persons within the organisation have resolved to enrol the organisation with the Commissioner for Voluntary Organisations;
- (ii) the conditions under the Voluntary Organisations Act as to form¹, purposes², control³ and administration⁴ have been satisfied;
- (iii) the organisation qualifies as voluntary⁵ and non-profit making⁶ and no person has any private interest in its capital or income.

The following information is being provided in support of this application:
(tick as applicable):



Legal Form:

- foundation
- association of persons
- trust
- temporary organisation (article 16, Voluntary Organisations Act)
- other (please specify)

▶ **Registration as a Legal Person:**

- has been registered as a legal person in terms of the Second Schedule of the Civil Code (Cap.16, Laws of Malta) (*Registration Number:*)
- has not been registered⁷ as a legal person in terms of the Second Schedule of the Civil Code (Cap.16, Laws of Malta)

▶ **Social Purposes⁸:**

(Note: The purposes may fall under more than one heading, in which case mark all relevant purposes, or they may not fall squarely into any, in which case mark the closest heading and explain in the space below)

- philanthropy: the relief of poverty, pain and suffering, and other humanitarian needs;
- the advancement of education, including physical education and sports;
- the advancement of religion;
- the advancement of health;
- social and community advancement;
- the advancement of culture, arts and national heritage;
- the advancement of environmental protection and improvement, including the protection of animals;
- the promotion of human rights, conflict resolution, democracy and reconciliation;
- the promotion or protection of the interests of other social purpose organisations, including federations of such organisations;
- Non-Profit Making with other lawful purposes⁹ being:

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Additional comments (if any):
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▶ **Independent and Autonomous:**

- the organisation is independent of the Government;
- the organisation was in existence on the coming into force of the Voluntary Organisations Act and falls within the exception of article 39 of the Voluntary Organisations Act.
Attached herewith are the following documents:
 - a declaration by the administrators as required by article 39 (3);
 - a declaration by the administrators that the organisation is not a public agency.

▶ **Territorial Scope:**

- established to carry on activities in Malta;
- established to carry on activities internationally - Countries:
- controlled by persons who are all not resident in Malta.
Attached herewith are the following documents:
 - the appointment of a person resident in Malta to act as local representative;
 - the acceptance by the appointed person to act as local representative.



This form is accompanied by:

- an original or notarially authenticated copy of the constitutive deed or statute of the organisation which is up to date and currently in force¹⁰;
- a certified copy of the resolution of the appropriate persons within the organisation to enrol the organisation with the Commissioner for Voluntary Organisations;
- the written consent of the administrators to hold office after enrolment;
- if applicable*, a certificate issued by the relevant regulatory body referred to in article 4 (6) of the Voluntary Organisations Act confirming that the applicant is subject to its regulation and is in good standing¹¹;
- a copy of the last annual accounts for the organisation prior to enrolment;
- a copy of the last annual reports for the organisation;
- the relevant enrolment fees;
- other:

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Signature:

Name and Surname:

State Capacity:

(Administrator, Secretary, Authorised Representative)

Identity Card Number:

For Official Use Only:
<p>Date of Receipt:</p> <p>Receiving Officer:</p> <p>Remarks:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

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1. There must be a written constitutive deed establishing the organisation with the elements required by law according to the legal form it takes. It cannot be a limited liability company or a commercial partnership (see article 3 (4) and if it is formed as a trust, then it must be a charitable trust. The following information is required to appear on the constitutive deed by Article 12 of the Voluntary Organisations Act:
 - (a) the name of the organisation;
 - (b) the address of the organisation;
 - (c) the registration number of the organisation if registered as a legal person, whether in Malta or abroad;
 - (d) the names and addresses of the administrators of the organisation;
 - (e) in case of foreign or international organisations, the name and address of the representative resident in Malta of such organisation.
 2. The purpose could be a social, charitable or philanthropic purpose (see article 2 of the Voluntary Organisations Act, definition of “social purpose”) or simply any other lawful purpose.
 3. The organisation must be autonomous and independent of the Government, subject to exceptions until 2011 (see article 39 of the Voluntary Organisations Act).
 4. The organisation must have at least three administrators who agree to act.
 5. See article 2 of the Voluntary Organisations Act, definition of “voluntary”.
 6. See article 2 of the Voluntary Organisations Act, definition of “non-profit making”.
 7. In the event of registration subsequent to enrolment, the organisation is to notify the Commissioner of the registration and the relative number by notice in writing.
 8. This is defined in article 2 of the Voluntary Organisations Act and has the same meaning as “charitable purpose” and includes philanthropic purposes.
 9. The purpose cannot be to trade or the promotion of the interests of a commercial operation, see article 38 of the Voluntary Organisations Act.
 10. If for any reason it does not appear that the information filed is up-to-date or currently in force then the deed must be accompanied by a statement with such additional information signed by one of the administrators. If any of the information is no longer current due to changes in the organisation after registration, the Commissioner is to be notified (see article 12 (1) of the Voluntary Organisations Act).
 11. This applies when the applicant is a member of a self regulatory organisation which is approved by the Commissioner, enabling the applicant to enrol by the fast track notification procedure contemplated by article 4 (6) and article 13 of the Voluntary Organisations Act.