

Registrar of Companies

MALTA

INFORMATION ON RELIABILITY OF REGISTERED DOCUMENTS

All documents and statutory notices submitted by companies for registration are signed/authenticated by the signature of a director or company secretary of the company. Documents and statutory notices are received by the Registrar of Companies in good faith. The company officer signing is responsible for the content of the document. It is a criminal offence in Malta for a person to give a false declaration or statement in any document intended for any public authority in order to gain any advantage or benefit for himself or others.

Any document, certificate, or other particular required to be delivered, given to or served on the Registrar for registration may be relied on by companies as against third parties only after it has been duly published in accordance with subarticle (1)(e) of article 401 of Chapter 386 of the Laws of Malta, unless the company proves that third parties had knowledge thereof in which case the company may rely on any such document, certificate or other particular notwithstanding that it has not yet been so published. Any transactions taking place before the sixteenth day following the publication of any such document, certificate or other particular shall not be relied on as against third parties who prove that it was not possible for them to have had knowledge thereof. Provided that at any time third parties may always rely on any such document, certificate or other particular, even if the publication formalities in relation thereto have not at that time been complied with.

Furthermore, as regards the formalities of the appointment of a director or other officer and to his qualification, any irregularity concerning the appointment of a director or other officer of a company raised after the completion of the publication of his appointment shall not be relied upon by the company as against third parties unless the company proves that such parties were aware of the irregularity at the relevant time. Third parties who were not aware of such irregularities at the relevant time may rely on that irregularity as against the company.

It is to be noted that the law does not exclude that interested persons may contest in Court the validity or veracity of the information or content provided in documents and statutory notices which have been registered and published in terms of law. The decision of the Court in such a case would be final.