

REPUBLIC OF VANUATU
FOUNDATION ACT NO. 38 OF 2009
FOUNDATIONS REGULATIONS
ORDER NO. 146 OF 2011

In exercise of the powers conferred on me by section 56 of the Foundations Act No. 38 of 2009, 1, MOANA CARCASSES KALOSIL, the Minister of Finance and Economic Management, make the following Regulation.

1 Interpretation

In these Regulations, unless the context otherwise requires:
Act means the Foundations Act No. 38 of 2009

2 Fees

For section 10.10 of the Act, the fees set out in Schedule 1 are payable.

3 Forms

The forms in Schedule 2 are prescribed.

4 Model Charter

The model Charter set out in Schedule 3 is prescribed.

Made at Port Vila this day of *JUNE*, 2011

Honourable MOANA CARCASSES KALOSIL
Minister of Finance and Economic Management



SCHEDULE 1

Regulation 2

FEES

Application for registration of a foundation – s.22	USD\$500
Application to continue an overseas foundation – s.8.1	USD\$500
Change of name certificate – s.2.8	USD\$ 50
Certificate of discontinuance – s.8.6	USD\$100
Revival of foundation – s.9.5	USD\$500
Filing an amendment of the charter – 10.4	USD\$100
Inspection of Register – s.10.1	USD\$ 20
Certificate of continuance – s.8.3	USD\$100
Certificate of registration - s.10.2	USD\$ 100
Filing an annual return - s.10.7	USD\$ 50

SCHEDULE 2

Regulation 3

FORMS

FORM 1

FOUNDATIONS REGULATIONS 2011

APPLICATION FOR REGISTRATION OF A FOUNDATION

1. Name of foundation: _____
2. Name of founder: _____
3. The foundation is a public foundation
OR
The foundation is a private foundation.
4. The initial assets to be transferred to the foundation are:
5. The name and address of the secretary of the foundation are:
6. The address of the foundation's registered office in Vanuatu is:
7. The original charter of the foundation is attached.

Application is made to register the charter of the foundation named above and it is certified that all the particulars contained in this application and in the documents accompanying it are true and correct.

Dated this day of 201

Name of applicant: _____

Signed : _____

Designation _____

Signature of witness: _____

Occupation _____ :

Address of witness: _____

Please return this application and the relevant fee to:

Vanuatu Financial Services Commission

Port Vila

Vanuatu

FORM 2

FOUNDATIONS REGULATIONS 2011

APPLICATION FOR CONTINUATION OF A FOUNDATION

1. Name of foundation: _____
2. Name of founder: _____
3. The foundation is a public foundation
OR
The foundation is a private foundation.
4. The jurisdiction in which the foundation was established is:
5. The foundation was established on (date)
6. The name and address of the secretary of the foundation are:
7. The address of the foundation's registered office in Vanuatu is:
8. A certificate under paragraph 8.1 (2)(e) of the Foundations Act 2009 by the responsible authority of the foundation's jurisdiction is attached.

Application is made to register the charter of the foundation named above and it is certified that all the particulars contained in this application and in the documents accompanying it are true and correct.

Dated this day of 201

Name of applicant: _____

Signed : _____

Designation _____

Signature of witness: _____

Occupation _____:

Address of witness: _____

Please return this application and the relevant fee to:

Vanuatu Financial Services Commission

Port Vila

Vanuatu

FORM 3

FOUNDATIONS REGULATIONS 2011

ANNUAL RETURN

1. Name of foundation: _____
2. Registered address of foundation: _____
3. For each councillor who is an individual - full name and address of each councillor:
4. For each councillor that is a body corporate –
 - (a) full name of the body corporate:
 - (b) place of incorporation:
 - (c) address of registered office:
5. Name of secretary of foundation: _____

The audited accounts of the foundation are attached to this Annual Return.
The information contained in this return is current as at the date of this return.

Dated this day of 201

Signed by secretary: _____

Signature of witness: _____

Occupation: _____

Address of witness: _____

Please return this annual return and the relevant fee to:

Vanuatu Financial Services Commission

Port Vila

Vanuatu

The Guardian of the Foundation is to be appointed as follows:
(see Part 4 of the Act)

12. The Guardian may be removed by _____
in the following circumstances:

13. The councillors of the Foundation are:
OR
The councillors of the Foundation are to be appointed as follows:
(see s.3.2 of the Act)

14. A councillor may be removed by _____
in the following circumstances:

15. The Foundation may be dissolved in the following circumstances:

[The Charter may, but need not, include provisions about the following matters:

The reservation of rights or powers to the Founder
The number, period of office and functions of councillors (see.s.3.4 of the Act)
The appointment, removal and period of office of the auditor (if any) of the Foundation
(see s.5.2 of the Act)
The Guardian's function and remuneration (see s.4.4 of the Act)
The appointment of persons to carry out particular duties on behalf of the Foundation
How the Charter may be amended (see s.10.4 of the Act)
Making by-laws (see s.10.5 of the Act)
Transferring assets to the Foundation
The addition and removal of beneficiaries.]

SIGNED, SEALED AND DELIVERED
by [name of founder] in the presence of:

OR

THE COMMON SEAL OF
[name of founder]
was affixed in the presence of:
