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Information for authorities issuing an ECS

Content provided by:



European Judicial Network
(in civil and commercial matters)



1 The kinds of registers that exist in the Member State, containing information relevant to successions

- Land register
- Condominium register
- Civil status register
- Register recording matrimonial property regimes / Register recording the property regimes of registered partnerships
- Register of wills
- Register of European Certificates of Succession
- Register of movable property (e.g. motor vehicles, boats, ships, airplanes, guns)
- Business register
- Securities register
- Insolvency register
- Register of insurance and pension funds

2 Information contained in each of the registers of the Member State, as listed under point 1

Land Register

- What information is held in the register?

In the Land Registry there is information concerning the registered property together with the contracts and other legal documents on which the registration is based. Plans of the registered properties are also found in the register.

- Contact details of the national register:

116, Casa Bolino, West Street, Valletta

- Are there regional registers?

No

- Are the regional registers interconnected?

N/A

- Can the regional registers be contacted by authorities from another Member State?

N/A

- Is the information held in the register publicly available or are there restrictions to access?

Yes, it is available.

- If there are restrictions to access, who is entitled to request information?

N/A

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes

If yes, which information can the register authority provide to another national authority under national law?

The information provided would be relevant to investigations concerning money laundering, financial crimes etc.

On which grounds can the register authority refuse to provide information to another national authority?

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

N/A

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

N/A

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

N/A

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

N/A

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

Email and Postal Services.

- In which language can the information be requested?

Generally English or Maltese

- In which form will the information be provided? For example, certified or non-certified copy, certified or

non-certified excerpt, hard copy, electronic copy.

Hard copy or soft copy depending to the case.

- In which language can the information be provided?

Maltese or English

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

This depends on the nature of the request and the type of Authority. The fee can be paid in cash or by cheque.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

This is done through a causa mortis declaration.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession? For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

The Causa Mortis declaration, and in certain cases a plan of the property.

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

Registration of property will result in a legal title over the same property registered.

Condominium Register

- What information is held in the register?

In the Condominium register there is information regarding the registered Condominia and the respective Administrators and the registration of rules regulating the Condominia.

- Contact details of the national register:

116, Casa Bolino, West Street, Valletta

- Are there regional registers?

No

- Are the regional registers interconnected?

N/A

- Can the regional registers be contacted by authorities from another Member State?

N/A

- Is the information held in the register publicly available or are there restrictions to access?

Yes, it is available.

- If there are restrictions to access, who is entitled to request information?

N/A

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes

If yes, which information can the register authority provide to another national authority under national law?

The information provided would be relevant to investigations concerning money laundering, financial crimes etc.

On which grounds can the register authority refuse to provide information to another national authority?

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

N/A

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

N/A

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

N/A

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

N/A

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

Email and Postal Services.

- In which language can the information be requested?

Generally English or Maltese

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

Hard copy or soft copy depending to the case.

- In which language can the information be provided?

Maltese or English

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

This depends on the nature of the request and the type of Authority. The fee can be paid in cash or by cheque.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

This is done through a causa mortis declaration.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

The Causa Mortis declaration, and in certain cases a plan of the property.

For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

Registration of property will result in a legal title over the same property registered.

Civil Status Register

- What information is held in the register?

As per Article 239 of the Civil Code (Ch. 16 of the Laws of Malta), “In the Public Registry Office in Malta, there shall be registered all acts of birth, marriage and death which shall have taken place in the island of Malta, as well as the acts mentioned in articles 244 and 285; and in the Public Registry Office in Gozo, there shall be registered all acts of birth, marriage and death which shall have taken place in the islands of Gozo and Comino.”

Therefore in simpler terms, in each of the four registers (birth, marriage, civil unions and death), there are registered all acts of births, marriages, civil unions and deaths occurring in Malta as well as any act of birth, marriage/ civil union and death of a citizen of Malta drawn up or registered in a foreign country by a competent authority in that country, which are eventually registered in Malta.

- Contact details of the national register:

Address:

Onda Building,

Aldo Moro Road,

Marsa

Telephone:

(+356) 2590 4230

Email Address:

pubreg.civilstatus@gov.mt

- Are there regional registers?

Yes, one in Gozo. Article 2 of the Public Registry Act (Ch. 56 of the Laws of Malta) holds that there shall only “be a Public Registry Office in Malta and another in Gozo”.

- Are the regional registers interconnected?

A copy of all registrations at the Public Registry (Malta) are transmitted to the Public Registry (Gozo) and vice-versa. However, the two are considered as separate entities under the law.

- Can the regional registers be contacted by authorities from another Member State?

The Public Registry (Malta) can be contacted by authorities from another Member State on the above-indicated contact details.

- Is the information held in the register publicly available or are there restrictions to access?

Yes, Article 251(1) of the Civil Code (Ch. 16 of the Laws of Malta) stipulates that “The register books, acts and documents referred to in the foregoing articles, shall be open to inspection by every person”.

- If there are restrictions to access, who is entitled to request information?

Restrictions apply only in cases of adoptions. In such cases, only the adopted person or the adoptive parent would be entitled to request information.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes, however in limited cases only.

If yes, which information can the register authority provide to another national authority under national law?

There are certain authorities (usually for any investigations or statistics) which are entitled by law to obtain any necessary information registered in any act of birth/ marriage/ civil union/ death. In these cases, prior to providing the requested data, the Public Registry (Malta) requests the specific legal provision under which that national authority is entitled to request data.

On which grounds can the register authority refuse to provide information to another national authority?

For data protection reasons, the Public Registry (Malta) does not provide data to any person or authority who is not entitled by law to request such data. However, any national authority may, either by applying online or by visiting directly the Public Registry premises in Valletta, request any birth/ marriage/ civil union or death certificate if it is in possession of the required particulars (such as name, surname, ID number and date of birth, marriage, civil union or death).

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

N/A

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

As a minimum, the requesting authority would need to provide the name and surname of the person in question, the ID number, and the respective date of birth/ marriage/ civil union/ death.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

No, there is no need for the requesting authority to provide any supporting evidence of the information provided on the deceased.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

No, in order to obtain a birth/ marriage/ civil union/ death certificate, there is no need to highlight the fact that the information is requested pursuant to Article 66(5).

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

The requesting authority may request the Public Registry to issue a birth/marriage/ civil union or death certificate through an online application, using the following link: <https://certifikati.identita.gov.mt/en/Home>

- In which language can the information be requested?

The information can be requested either in the Maltese Language or in the English Language.

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

The certificates issued by the Public Registry are a true copy of the original registered and preserved in the Public Registry archives. Upon the request made by means of an online application, the respective certificate is issued in hard copy and sent by postal mail on the address indicated in the online application.

- In which language can the information be provided?

The information is provided both in the Maltese and the English Language. Moreover, in case where the

multilingual form of the certificate is requested, the Public Registry would only be able to issue the full version of such certificate (and not the extract version).

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

In order to obtain the full version of the requested certificate, the fee would be €9.95 whilst in order to obtain an extract version (containing the most important information) the fee would be €2.50. In case where the multilingual form is requested, an additional €10 would have to be paid together with the €9.95 fee of the full certificate. Fees are paid online.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

N/A

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

N/A

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

N/A

Register recording matrimonial property regimes - Register recording the property regimes of registered partnerships

- What information is held in the register?

The information held in the register is specified in Article 28 of the Notarial Profession and Notarial Archives Act, Chapter 55 of the Laws of Malta.

- Contact details of the national register:

Address: Public Registry Searches Unit, 34 Archbishop Street Valletta.

- Are there regional registers?

Yes, one in Gozo.

- Are the regional registers interconnected?

Yes.

- Can the regional registers be contacted by authorities from another Member State?

No.

- Is the information held in the register publicly available or are there restrictions to access?

Information is publicly available.

- If there are restrictions to access, who is entitled to request information?

No restrictions.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes.

If yes, which information can the register authority provide to another national authority under national law?

Search by person for transfer, liabilities and redemptions

On which grounds can the register authority refuse to provide information to another national authority?

The Director is bound to give to any person applying for a search, a certificate of all the registrations of causes of preference entered in the register against any individual, or of the enrolments of deeds to which such individual was a party. The only ground whereby an order cannot be processed is if the information required to conduct a search is insufficient.

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

This unit does not keep a copy of the contents of wills, the notary presents a note of the will which contains the date and nature of the act and the designation of the testator. In order to obtain information about the contents of a will one has to contact the notary who published the will.

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

Name and surname of the deceased, father's name and surname, mother's name and maiden surname, place of birth. The authority should also specify a time-period for the search.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

No.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.
- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

An order for a search can be made on our online portal.

- In which language can the information be requested?

English.

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

Certified hard copy.

- In which language can the information be provided?

Invoice and order are in English however the actual search consists of notes presented either in English or Maltese.

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

Yes, there is a fee and one can pay either by cash, card, cheque or online.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

One must contact a notary public.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immoveable property: exact address, land parcel or cadastral number, description of the property

One must contact a notary public.

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

N/A

Register of Wills

- What information is held in the register?

The information held in the register is specified in Article 28 of the Notarial Profession and Notarial Archives Act, Chapter 55 of the Laws of Malta.

- Contact details of the national register:

Address: Public Registry Searches Unit, 34 Archbishop Street Valletta.

- Are there regional registers?

Yes, one in Gozo.

- Are the regional registers interconnected?

Yes.

- Can the regional registers be contacted by authorities from another Member State?

No.

- Is the information held in the register publicly available or are there restrictions to access?

Information is publicly available.

- If there are restrictions to access, who is entitled to request information?

No restrictions.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes.

If yes, which information can the register authority provide to another national authority under national law?

Search by person for transfer, liabilities and redemptions

On which grounds can the register authority refuse to provide information to another national authority?

The Director is bound to give to any person applying for a search, a certificate of all the registrations of causes of preference entered in the register against any individual, or of the enrolments of deeds to which such individual was a party. The only ground whereby an order cannot be processed is if the information required to conduct a search is insufficient.

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an

alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

This unit does not keep a copy of the contents of wills, the notary presents a note of the will which contains the date and nature of the act and the designation of the testator. In order to obtain information about the contents of a will one has to contact the notary who published the will.

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

Name and surname of the deceased, father's name and surname, mother's name and maiden surname, place of birth. The authority should also specify a time-period for the search.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

No.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

No.

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

An order for a search can be made on our online portal.

- In which language can the information be requested?

English.

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

Certified hard copy.

- In which language can the information be provided?

Invoice and order are in English however the actual search consists of notes presented either in English or Maltese.

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

Yes, there is a fee and one can pay either by cash, card, cheque or online.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

One must contact a notary public.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

One must contact a notary public.

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

N/A

Register for European Certificate of Succession

- What information is held in the register?

The information held in the register is specified in Article 28 of the Notarial Profession and Notarial Archives Act, Chapter 55 of the Laws of Malta.

- Contact details of the national register:

Address: Public Registry Searches Unit, 34 Archbishop Street Valletta.

- Are there regional registers?

Yes, one in Gozo.

- Are the regional registers interconnected?

Yes.

- Can the regional registers be contacted by authorities from another Member State?

No.

- Is the information held in the register publicly available or are there restrictions to access?

Information is publicly available.

- If there are restrictions to access, who is entitled to request information?

There are no restrictions.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes.

If yes, which information can the register authority provide to another national authority under national law?

Search by person for transfer, liabilities and redemptions

On which grounds can the register authority refuse to provide information to another national authority?

The Director is bound to give to any person applying for a search, a certificate of all the registrations of causes of preference entered in the register against any individual, or of the enrolments of deeds to which such individual was a party. The only ground whereby an order cannot be processed is if the information required to conduct a search is insufficient.

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

This unit does not keep a copy of the contents of wills, the notary presents a note of the will which contains the date and nature of the act and the designation of the testator. In order to obtain information about the contents of a will one has to contact the notary who published the will.

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

Name and surname of the deceased, father's name and surname, mother's name and maiden surname, place of birth. The authority should also specify a time-period for the search.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

No.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

No.

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

An order for a search can be made on our online portal.

- In which language can the information be requested?

English.

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

Certified, hard copy.

- In which language can the information be provided?

Invoice and order are in English however the actual search consists of notes presented either in English or Maltese.

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

Yes, there is a fee and one can pay either by cash, card, cheque or online.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

One must contact a notary public.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

One must contact a notary public.

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

N/A

Register of Ships

- What information is held in the register?

Registered particulars of the ship, registered ownership and registered encumbrances

- Contact details of the national register:

Registrar General of Shipping & Seamen

Merchant Shipping Directorate

Authority for Transport in Malta

Lija LJA 2021

- Are there regional registers?

No.

- Are the regional registers interconnected?

N/A.

- Can the regional registers be contacted by authorities from another Member State?

N/A.

- Is the information held in the register publicly available or are there restrictions to access?

The information held in the register is public.

- If there are restrictions to access, who is entitled to request information?

N/A.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

No authorisation is required to provide information that is public.

If yes, which information can the register authority provide to another national authority under national law?

All information that is public.

On which grounds can the register authority refuse to provide information to another national authority?

Where the information in question is not in the public domain, such information may only be provided to another national authority by order of a Court of law in Malta or at the request of the local police.

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

N/A.

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

Name and Surname of the individual, Passport Number and/or Identity Card Number.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

Preferably, copy of the Passport and/or Identity Card.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

Not necessarily. The request will be dealt with.

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

Email.

- In which language can the information be requested?

English language.

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

Electronic copy.

- In which language can the information be provided?

English.

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

There is no fee, unless an official transcript of register is requested by a foreign authority.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

This is regulated by Article 35 of the Merchant Shipping Act, Chapter 234 of the Laws of Malta. The following documents are also required:

1. Notarial Declaration confirming the last will of the deceased, her/his heirs, the proportion of shares held by each heir. Declaration shall be apostilled.
2. Copy of the last will.
3. Declaration of Transmission.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

The name of the vessel.

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

Registration provides evidence of legal title, based on original documents produced by the owner of the vessel.

Register of Commercial Partnerships

- What information is held in the register?

The register contains information on all types of commercial partnerships as provided for under the Companies Act, Chapter 386 of the Laws of Malta.

Information includes name of the commercial partnership, number in the register, the registered address, the date of incorporation, amount of share capital, which is furthermore divided in authorised share capital amount and issued share capital; the amount of shares held by each shareholder and the percentage paid up of the respective shares; company officials' name, address, national identification number and nationality; shareholders' name, address, national identification number and nationality, the legal and judicial representative name, address, national identification number and nationality, the status of the company (whether active, in process of merger, in process of conversion, in dissolution or struck off), details of the auditor of the company, warrant number and address, all notices delivered to the registrar for registration and all publications. In case of companies in dissolution, the portal will also have the name of liquidator and address.

Name, the date of birth, the nationality, the country of residence, the country of issue of each beneficial owner information of all commercial partnerships.

- Contact details of the national register:

Malta Business Registry, AM Business Centre, Labour Road, Zejtun ZTN 2401 - Malta

T: (+356) 22582300

W: <https://mbr.mt/>

Portal: <https://registry.mbr.mt/ROC/>

- Are there regional registers?

No - only a national register

- Are the regional registers interconnected?

N/A

- Can the regional registers be contacted by authorities from another Member State?

The Maltese national register of commercial partnerships utilises the European Union's infrastructure and is in fact connected to the Business Registers Interconnection System (BRIS). This interconnection will be further enhanced and contain more detailed information to transfer information as permissible and required. All this will be possible following the transposition of Directive (EU) 2019/1151 of the European Parliament and of the Council of 20 June 2019 amending Directive (EU) 2017/1132 as regards the use of digital tools and processes in company law.

- Is the information held in the register publicly available or are there restrictions to access?

Information is publicly available through this portal: <https://registry.mbr.mt/ROC/>

- If there are restrictions to access, who is entitled to request information?

Access to data is free of charge. Access to information held on the Register of commercial partnerships concerning documents and beneficial ownership information is available against payment of minimal fees.

Restrictions to the register of beneficial owners of commercial partnerships apply on a case-by-case basis when access would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable. Such restrictions are in accordance with the 5 AMLD.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

Yes, the MBR has entered into a memorandum of understanding with a number of competent authorities for the sharing of its data. Data is being provided by means of direct access through Application Program Interface.

If yes, which information can the register authority provide to another national authority under national law?

The MBR's portal can be accessed worldwide. All statutory notices delivered to the Registrar of Companies for registration are publicly available.

On which grounds can the register authority refuse to provide information to another national authority?

Only the restriction in relation to the register of beneficial owners specified above.

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

N/A - Register of commercial partnerships does not hold information on registered wills.

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

The interconnection of business registers facilitates searches based on commercial partnerships details, including registered name and number.

Since the MBR register is the Register of Commercial Partnerships (and not a register of natural persons) and all involvements in the respective commercial partnerships have their personal identity number and residential address listed in the Register, due to General Data Protection Regulation (GDPR) requirements, the portal cannot offer search criteria based on individual natural persons. If there would be a legal basis for such an exemption, the Registrar will be able to give such information.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

To search the portal by commercial partnership there is no need for any supporting documents. If a search by person is required and the Registrar is satisfied that the search will not be in breach of GDPR, then a certificate of death is required together with a legal opinion issued by a local advocate that this search is in accordance with data protection rules.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

Any search on commercial partnerships is possible as the information is publicly available. In cases of providing information by person, then a copy of the application is required.

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

The MBR's portal as specified above. In case of specific requests, an email can be sent to legal.enforcement@mbr.mt and an original to follow to MBR's office.

- In which language can the information be requested?

In Maltese or English language

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

It depends on the request. If a soft copy is sufficient to the requesting authority, MBR will send a soft copy. If any other form is required we will do our best to adhere to such request.

- In which language can the information be provided?

Maltese or English language

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

For information there is no fee. If there are documents requested that require payment, such payment can be done from the use of a 'Top-up Account' if a user to the system holds an account with the MBR's portal, or by credit card if he is not a registered user. For other services, payments can also take place by a bank transfer or cheque.

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

The MBR's remit is limited to shares in commercial partnerships, in which case the concerned company needs to file a notice that the shares have been transferred *causa mortis* within one month from the date on which such shares have been registered in the name of the person entitled to be registered as the holder thereof. In such a notice the names and addresses of the persons entitled to the shares transmitted *causa mortis* are indicated. In

addition to that, a notification of change in the register of beneficial owners of the company needs to also be filed together with a certified true copy of the identification document of the beneficial owner. The Commissioner for Revenue needs to be notified about the share transfer.

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

Further to the procedure outlined in the preceding question, the notary in charge of the opening of the will of the deceased is required to get in touch with the MBR and the latter will provide such notary with all the involvements of the deceased.

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

Any document, certificate, or other particular document required to be delivered, given to or served on the Registrar of Companies for registration may be relied on by the commercial partnership as against third parties only after it has been duly published on the MBR's portal, unless the commercial partnership proves that third parties knowledge thereof in which case the commercial partnership may rely on any such document, certificate or other particular notwithstanding that it has not yet been so published.

Insolvency Register

- What information is held in the register?

A list of Maltese registered companies that became insolvent and relevant data as per Article 24 of EU Regulation 2015/848, including:

- The date of the opening of insolvency proceedings;
 - The court opening insolvency proceedings and the case reference number, if any;
 - The type of insolvency proceedings that were opened and, where applicable, any relevant subtype of such proceedings opened in accordance with national law;
 - whether jurisdiction for opening proceedings is based on Article 3(1), 3(2) or 3(4) of EU Regulation 2015/848;
 - The debtor's name, registration number, and postal address;
 - The name, postal address or e-mail address of the insolvency practitioner, if any, appointed in the proceedings;
 - The time limit for lodging claims, if any, or a reference to the criteria for calculating that time limit;
 - The date of closing main insolvency proceedings, if any;
 - The court before which and, where applicable, the time limit within which a challenge of the decision opening insolvency proceedings is to be lodged, or a reference to the criteria for calculating that time limit.
- Contact details of the national register:

The Office of the Official Receiver,

AM Business Centre,

Labour Road,

Zejtun ZTN2401,

Malta;

Phone: 00356 22582300;

Email:

ingrid.fenech@officialreceiver.com

- Are there regional registers?

There is only one national register.

- Are the regional registers interconnected?

N/A

- Can the regional registers be contacted by authorities from another Member State?

N/A

- Is the information held in the register publicly available or are there restrictions to access?

All information within the register is freely available to the public. Anyone wishing to access the information would only need to create a user account, free of charge, in order to be granted unrestricted access to all data.

- If there are restrictions to access, who is entitled to request information?

N/A

- Is the authority keeping the register authorised under national law to provide information to another national authority?

No

If yes, which information can the register authority provide to another national authority under national law?

N/A

On which grounds can the register authority refuse to provide information to another national authority?

N/A

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

The Insolvency Register does not hold any information concerning wills.

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

N/A

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

N/A

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

N/A

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

Any further request for information may be made by contacting the office of the Official Receiver either by conventional mail, electronic mail or telephone using the above stated contact information.

- In which language can the information be requested?

The information may be requested in the Maltese or English language.

- In which form will the information be provided? For example, certified or non-certified copy, certified or non-certified excerpt, hard copy, electronic copy.

The insolvency Register does not include online documents and therefore does not provide copies or excerpts. Any registered documentation concerning the insolvent companies can be found within the Malta Business Register and the Registrar of Courts.

- In which language can the information be provided?

N/A

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

N/A

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

N/A

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immoveable property: exact address, land parcel or cadastral number, description of the property

N/A

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

N/A

Register of Insurance and Pension Funds

- What information is held in the register?

ID Card number, income received by the applicant and the number of contributions paid.

- Contact details of the national register:

Department of Social Security

38, Ordnance Street Valletta VLT 1021

Tel - Freephone 153 International Customers +356 21255153 (This is not a freephone number)

E-mail - social.security@gov.mt

Website - <http://www.socialsecurity.gov.mt/>

International Relations Unit

38, Ordnance Street Valletta VLT 1021

Tel - +356 25903420

E-mail - iru.admit@gov.mt

Website - <http://www.socialsecurity.gov.mt/>

- Are there regional registers?

No.

- Are the regional registers interconnected?

N/A

- Can the regional registers be contacted by authorities from another Member State?

N/A

- Is the information held in the register publicly available or are there restrictions to access?

Information is only accessible by the data subject upon request.

- If there are restrictions to access, who is entitled to request information?

Data subject and court authorities may request information.

- Is the authority keeping the register authorised under national law to provide information to another national authority?

No.

If yes, which information can the register authority provide to another national authority under national law?

N/A

On which grounds can the register authority refuse to provide information to another national authority?

N/A

- In particular, regarding registered wills, can the authorities holding information on wills in your Member State disclose the content of a will to authorities in another Member State? If not, explain if there is an alternative mechanism or a specific procedure to obtain the information, including whether an heir can obtain a copy of the will, and how.

N/A

- What information must the requesting authority of another Member State provide to allow the requested register authority to search the register? For example, name of the deceased, ID number of the deceased, date of birth of the deceased, residence of the deceased, other.

ID card number of the deceased, as well as name and surname.

- Must the requesting authority provide any supporting evidence of the information provided on the deceased?

Yes.

- Must the requesting authority provide evidence that it is requesting information pursuant to Article 66(5)? For example, a copy of the application for an ECS.

N/A

- Which means can be used to request and provide information? For example e-mail, other means of electronic transmission.

Email or a letter addressed to the Department.

- In which language can the information be requested?

Maltese or English.

- In which form will the information be provided? For example, certified or non-certified copy, certified or

non-certified excerpt, hard copy, electronic copy.

Electronic Copy.

- In which language can the information be provided?

Maltese or English.

- Must the requesting authority pay a fee to obtain the information requested? How can the fee be paid?

N/A

- Which are the formal and substantial requirements to register a change of ownership of registered property resulting from succession? For example, tax documents, list of rights in rem, evidence on rights in rem, proof of acceptance, other.

N/A

- What information is required in order for the register authority to identify the registered asset and be able to register a change of ownership further to a succession?

For example, in the case of immovable property: exact address, land parcel or cadastral number, description of the property

N/A

- What is the legal value in your Member State of the information kept in the register? Please indicate in particular if, under your national law, registration provides evidence of legal title.

N/A

3 The availability of information on bank accounts

- Is there an authority in your Member State which keeps a list of bank accounts? (for example, the central bank)

No.

4 The availability of a register of intellectual property rights

(such as copyrights, patents, supplementary protection certificates, utility models, topographies of semiconductor products, trademarks, indications of geographical origin, designs, plant varieties)

- In your Member State, is information on IP rights kept by an authority or entity?

Information related to Trademarks, Patents and Designs are kept within the Commerce Department as part of the registration process and may be easily accessible to the general public on our online databases.

Data related to copyright is not kept at the Commerce Department and there is currently no database which gathers the information related to copyright in Malta.

With respect to the data on supplementary protection certificates, utility models, topographies of semiconductor products and plant varieties, the Commerce Department does not keep such information.

- If the answer is yes, please provide the contact details (including a weblink if available) of the competent national authority or entity (for example, the national office for intellectual property) which can inform

about the requirements to have access to records on intellectual property rights.

Commerce Department

Industrial Property Registrations Directorate,

Lascaris Bastions,

Daħlet Ġnien is-Sultan,

Valletta

Tel: +356 2122 6688 or +356 2569 0100

Email: ipoffice@gov.mt

Weblink:

<https://commerce.gov.mt/en/Pages/Home.aspx>

5 Other registers with information relevant to successions

Please list any other registers or authorities which keep information relevant for successions - for example, on enforcement proceedings, fiscal debts.

None.

6 The availability of information on closed wills and wills not subject to registration

- Which authorities or persons are allowed to keep the will?

According to Article 528 of Chapter 12 of the Laws of Malta, the Registrar (Civil Courts and Civil Tribunals) shall, in the presence of the Judge of the Civil Court (Voluntary Jurisdiction Section), receive any secret will presented to him by any testator or notary in the Registry of the Civil Court, Voluntary Jurisdiction Section. The Registrar notes down the particulars established by law. Note of such particulars shall be signed by the Registrar, and countersigned by the testator or notary who shall have presented the will and by the Judge. The Registrar shall, within twenty-four hours, register such particulars in a book to be kept by him for the purpose.

- Are these authorities or persons legally obliged to disclose the content of the will after the death of the testator?

According to Article 533 of Chapter 12 of the Laws of Malta, where a will is to be opened (after the death of the testator) the Court of Voluntary Jurisdiction shall by a decree, upon the application of any party interested filed in the Registry of the said court, appoint the day, time and place for the opening and publication of the will, and order that all interested parties be summoned. The will shall be opened by the Registrar in the presence of the judge at the time and place appointed by the decree of the Court of Voluntary Jurisdiction.

- Before whom should these authorities or persons disclose the content of the will?

According to Article 534 of Chapter 12 of the Laws of Malta, after the will is opened, it shall be published in the presence of the Judge and the Registrar, by the notary who had presented it or, if such notary is dead or absent, or is prevented from attending on account of sickness or for any other reason, or if the will had been presented by the testator himself, by a notary to be selected by the party who made the application for the opening of the will.

- Who can ask for the disclosure of the will?

According to Article 533 of Chapter 12 of the Laws of Malta, any party interested may make an application in the Civil Court, Voluntary Jurisdiction Section for the opening and publication of the secret will.

- Under which conditions and procedures will the content of the will be disclosed?

According to Article 534 of Chapter 12 of the Laws of Malta, after the will is opened, it shall be published in the presence of the said Judge and the Registrar, by the notary who had presented it or, if such notary is dead or absent, or is prevented from attending on account of sickness or for any other reason, or if the will had been presented by the testator himself, by a notary to be selected by the party who made the application for the opening of the will.

According to Article 535 of Chapter 12 of the Laws of Malta, when the will is published, it shall be delivered to the notary by whom the publication of the will shall have been made. The notary shall, in the presence of the Judge, sign a receipt in the book kept by the Registrar and such receipt shall be countersigned by the Judge.

According to Article 32 of Chapter 55 of the Laws of Malta, the notary who publishes a secret will shall keep a record of such publication and shall preserve and register such record as in the case of an *inter vivos* act.

■ Last update: 08/08/2024

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