

FOUNDATION

The Mauritius Foundations Act 2012 added Foundations to the list of attractive wealth management structures offered by the jurisdiction, well known for its stable economic and political environment and flexible business regime.

A Mauritius Foundation can be used for the benefit of specific persons and/or to carry out a specific purpose, which can be charitable and/or commercial. A distinguishing feature is that a Mauritius Foundation can apply for a Global Business licence, entitling it to the benefits of Global Business status, including access to Mauritius' extensive network of Double Tax Treaties. Mauritius has also signed numerous Investment Promotion and Protection Agreements which apply to various entities incorporated in Mauritius.

Uses of Foundation

Foundations generally combine features of both a Trust and a Company. A foundation has legal personality from the date of Certificate of Registration is issued and as such can sue or be sued and enter into contracts in its own name. Foundations may be used for wealth management, succession and inheritance planning and general asset-holding purposes. They are also used for owning private trust companies (often in the case of families whose members and business interests are located in both civil and common law jurisdictions).

General Overview	
Regulatory Bodies	The Registrar of Companies
Objective of Foundation	1. Charitable or commercial, or both (many jurisdictions do not permit foundations with commercial objectives) 2. For the benefit of a person or a class of persons, or to carry out a specific purpose, or both
Name	Must end with the word "Foundation" or an equivalent translation in a language other than English
Access to Double Taxation Avoidance Agreements	Yes, if registered as a Global Business Corporation Foundations are exempt from income tax in Mauritius when: <ol style="list-style-type: none"> 1. the Founder is a non-resident or holds a GBC Licence; and 2. the Beneficiary/Beneficiaries is non-resident or holds a GBC Licence
Founder	The identity of the Founder need not be disclosed in the Charter. Reservation of rights and powers of the Founder may be provided for in the Charter
Migration In and Out of Mauritius	Allowed

Formation and Requirements	
Set up	<p>A Mauritius Foundation may be established by an individual, an entity, or by will (in which case it is established by the testator)</p> <p>The Founder endows the Foundation with its initial assets. Once transferred to it, the Foundation holds title over these assets</p>
Due Diligence/KYC requirements	Founder, Council, Beneficiary, bank signatories
The application for registration, accompanied by the relevant registration fee, must contain	<ul style="list-style-type: none"> • The name of the Foundation • Date of the Charter and Articles and any amendments made to them prior to their submission to the Registrar • The purpose(s) and objectives of the Foundation • The name and address, in Mauritius, of the Founder for the purpose of service documents • Details of the beneficiary or the manner in which the Beneficiary may appointed and removed • Name and address of the Secretary • Name and address of the first members of the Council • The address of the Registered Office • The details of any initial endowment • The period, if any, for which the Foundation is established • A list of the names and addresses of the first officers of the Foundation • A written declaration by a legal practitioner, consultant or law firm regarding compliance with all the relevant requirements of the Foundations Act
Documents to be retained at Registered Office	Constitutive documents, Registers, due diligence, accounting records and agreements

Council
<p>Every Foundation must have a Council, which administrates the assets of the Foundation and carries out its objectives</p> <p>The Council can delegate functions to officers it appoints in accordance with the Charter</p> <p>The Council must have at least one member who is ordinarily resident in Mauritius. Anex can provide this Council member</p>

Beneficiary
A Foundation requires at least one Beneficiary, whose appointment and removal is governed by the Charter

Secretary and Registered Office
A Foundation is required to have a Secretary, which can be either a Management Company or individual in Mauritius. It also requires a Registered Office in Mauritius at which its statutory and financial records must be maintained. Anex provides Registered Office and Secretary services