



Bahamian Foundations Fact Sheet

- 1) What are the applicable laws and regulations enacted by the Government of The Bahamas that apply specifically to foundations?

The Foundations Act, 2004
The Foundations Regulations, 2004
The Foundations (Amendment) Act, 2005
The Foundations (Amendment) Act, 2007

- 2) What is the legal form of a foundation?

It is a legal entity in its own right. It is able to contract with third parties; it can also sue and be sued in its own name

- 3) Who can be a founder?

The founder can be a natural person or a legal entity. Nominee founders are permitted

- 4) Does a foundation pay taxes in The Bahamas?

Foundations do not pay any taxes in The Bahamas. Instead, each foundation must pay registration and annual fees to the Government

- 5) What are the registration and annual fees payable to the Government Registrar

| Initial registration fees | Annual fee (second year onwards) | \$500 |
|---------------------------------|----------------------------------|-------|
| First quarter of calendar year | \$500 | |
| Second quarter of calendar year | \$375 | |
| Third quarter of calendar year | \$250 | |
| Fourth quarter of calendar year | \$125 | |

- 6) Who can be on the foundation council?

Where the foundation charter provides for a foundation council, it shall comprise a minimum of two natural persons or one natural person and one legal entity or just one legal entity

- 7) Is a foundation secretary mandatory?

The secretary must be resident in The Bahamas and each foundation must have one

- 8) Are the names of the beneficiaries available on public record?

No

- 9) What are the minimum assets a foundation must have when it is registered?

The initial assets must be a minimum of \$10,000 or the equivalent in another currency. When assets are transferred to a foundation, they cease to be the property of the founder

- 10) Before registration, how long can a foundation name be reserved for?

Reservation of a name is made online and is valid for 90 days

- 11) Each foundation must have its own Charter document, but does it require Articles as well?

Articles are not required by the law. In their absence, the provisions of the Act will apply

- 12) Is the foundation Charter filed at the Government registry?

The Charter may but need not be filed at the registry. When it is not filed, a registration statement providing extracts of the Charter in a prescribed form may be filed instead

- 13) Which foundation details are available at the Registry?
Name of the foundation
Date of the Charter (and Articles if any)
Its purpose or objects
Name of the Founder and an address in The Bahamas for the service of documents
Name and address of the foundation council or other governing body or supervisory person if such are appointed
Address of the registered office
Time period for which the foundation is established
Value of the initial assets
- 14) Are certificates of good standing available online?
Yes
- 15) How long does it take to register a new foundation?
One business day
- 16) What are the requirements for accounting records?
Full and proper books and records must be maintained by the foundation. An auditor need not be appointed if this is expressly permitted in the foundation's Charter
- 17) Does a foundation require a seal?
No, although the use of one is permitted in the Law
- 18) Which statutory details must appear on the letterhead of a foundation?
The full name of the foundation in legible characters; the place of registration; the registration number; the address of the registered office
- 19) Can a foundation be transferred to another jurisdiction?
Providing the other jurisdiction supports foundations and their migration, a foundation can be removed from the Bahamian registry and transferred to the new jurisdiction
- 20) Do statutory procedures exist for the liquidation of a foundation?
Yes
- 21) What happens for non-payment of the Government fees?
A foundation will be struck off and automatically dissolved

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www.IPG-Protector.com
enquiries@ipg-protector.com

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