

## **FOUNDATIONS ACT 2012**

### **FIRST SCHEDULE**

(Regulation)

#### **LIST OF FORMS**

<b>Number of Form</b>	<b>Description</b>	<b>Section of the Act or Regulations</b>	<b>FEE (In USD)</b>
FA/1	Application for the Establishment of a Foundation	4	300.00
FA/2	General Form of Application to the Registrar	4(3)	
FA/3	Application for Renewal of Certificate of Establishment	4(7)	300.00
FA/4	Renewed Certificate of Establishment	4(7)	
FA/5	The Foundation Instrument	5	
FA/6	Notice of Resignation of Registered Agent	12(3) (a)	25.00
FA/7	Application for Revocation of a Foundation	15(4)	25.00
FA/8	Notice of Revocation of a Foundation	15(5)	
FA/9	First Certificate of Establishment	33(2)	
FA/10	Annual Return	44	
FA/11	Notice of Amendment of the Foundation Instrument	45	25.00
FA/12	Request to search the Register of Foundations	48(3)	15.00
FA/13	Request form for a Certificate of Current Status	48(4)	25.00
FA/14	Certificate of Current Status	48(4)	
FA/15	Application for Continuance of a Foreign Foundation	54	300.00
FA/16	Continuing Certificate of Establishment	56(1)(c)	
FA/17	Application for the Discontinuation and Transfer of a Foundation	62	300.00
FA/18	Declaration of Compliance of a Foundation	66	
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FA/20	Return of Final Winding Up	72(10)(a)	

FORM No. FA/1

**COOK ISLANDS**  
**FOUNDATIONS ACT 2012**  
**(Section 4)**

**APPLICATION FOR THE ESTABLISHMENT OF A FOUNDATION**

NOTE: Must be completed by the Trustee Company that has made the declaration referred to in subsection 4(5) of the Foundations Act 2012.

1. Details of the name of the Foundation:

Name Reservation Number:	
Proposed Foundation Name:	FOUNDATION

2. Name and Address of the Registered Agent:  
.....

3. Pursuant to Section 4(5) of the Foundations Act 2012, the undersigned confirms and declares that:

- (i) We will provide the registered office of the Foundation on its establishment;
- (ii) We are in possession of the Foundation rules for the proposed Foundation that have been approved by both the founder of the foundation and by the trustee company;
- (iii) The address of the foundation, specified in the declaration, is the business address in the Cook Islands of the Trustee Company; and
- (iv) We hereby certify, that to the best of our knowledge and belief, these comply with the terms of the Foundations Act 2012, and the customer verification requirements of the Financial Transactions Reporting Act 2004.

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Declared/Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

No. of Foundation:  
Lodged by:

Lodged on.....20  
Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 4 (3))**

**GENERAL FORM OF APPLICATION TO THE REGISTRAR**

.....  
(Name of Foundation)

1. Application is made by .....  
Pursuant to section ..... of the Foundations Act 2012 for (insert the  
order, directions, approval or the like sought)  
.....  
.....

2. The grounds upon which this application is made are briefly as follows: -  
.....  
.....  
.....  
.....  
.....

3. This application is lodged by (insert name of registered agent)  
..... to  
whom any requisitions or requirements for further information may be directed.

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

FORM No. FA/3

No. of Foundation:

Lodged on.....20

Lodged by:

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 4 (7))**

**APPLICATION FOR RENEWAL OF CERTIFICATE OF ESTABLISHMENT**

.....hereby applies for a Renewed

(Name of Foundation)

Certificate of Establishment for a period until the .....

day of .....20 .

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

**COOK ISLANDS  
FOUNDATIONS ACT 2012  
(Section 4 (7))**

No. FA/.....20.....

**RENEWED CERTIFICATE OF ESTABLISHMENT**

Valid until 20      only

THIS IS TO CERTIFY THAT THE CERTIFICATE OF ESTABLISHMENT  
where..... was on the  
.....day of .....20    established under the Foundations  
Act 2012 has been renewed and that this of Renewed Certificate of Establishment expires on  
the ..... day of .....20    .

Given under my hand and seal at Avarua, Rarotonga this .....day of  
.....20    .

\_\_\_\_\_  
**Registrar of Foundations**

No. of Foundation:  
Lodged by:

Lodged on.....20  
Registrar

**COOK ISLANDS**  
**FOUNDATIONS ACT 2012**  
**(Section 5)**  
**THE FOUNDATION INSTRUMENT**

- 1. Name of Foundation: ..... (Section 6)
- 2. Is the Foundation prohibited from changing its name? (Section 6(4)) YES or NO\*
- 3. Are the objects of the Foundation: (Section 7 (3))
  - I. Charitable\*
  - II. Non-Charitable\*
  - III. Both\*

(\*please circle as appropriate)

4. State the objects for which the Foundation is established: (Section 7)  
.....  
.....  
.....

5. Details of the Registered Agent: (Section 12)  
  
Name of Registered Agent: .....  
As from the.....day of..... 20 the registered office of the above-named  
Foundation is at the office of .....,  
Avarua, Rarotonga, Cook Islands.

6. Further details of Foundation:  
.....  
.....  
.....

Dated at Avarua, Rarotonga the.....day of .....20 .

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**Authorised Signatory**

FORM No. FA/6

No. of Foundation:

Lodged on.....20

Lodged by:

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 12(3) (a))**

**NOTICE OF RESIGNATION OF REGISTERED AGENT**

.....

(Name of Foundation)

We, ..... Registered Agent hereby resign as resident agent  
for the abovenamed foundation, effective as this .....day of  
.....20.....

Signed on behalf of the Registered Agent by:

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**Authorised Signatory**

FORM No. FA/7

No. of Foundation:

Lodged on.....20

Lodged by:

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 15(4))**

**APPLICATION FOR REVOCATION OF A FOUNDATION**

.....  
(Name of Foundation)

.....(Name of Registered Agent) .....hereby apply for the Revocation of the above Foundation pursuant to Section 15(4) and confirm:-

- a) That the Foundation rules permit the foundation to be so revoked; and
- b) That the 28 days' notice to the founder, the default beneficiary, the council members and any enforcer and any creditors of the foundation have been served.

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**



FORM No. FA/8

No. of Foundation:  
Lodged by:

Lodged on.....20  
Registrar



**COOK ISLANDS**  
**FOUNDATIONS ACT 2012**  
**(Section 15(5))**

**NOTICE OF REVOCATION OF A FOUNDATION**

.....  
(Name of Foundation)

As Registrar of Foundations, I hereby give notice that the Application of Revocation of ..... has been approved pursuant to Section 15(5) of the Foundations Act 2012 and that:-

- a) The Foundation’s name has been removed from the Register by the revocation of the foundation; and
- b) The Foundation shall cease to be a legal person.

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

\_\_\_\_\_  
**Registrar of Foundations**

**COOK ISLANDS  
FOUNDATIONS ACT 2012  
(Section 33(2))**

No. FA/.....20.....

**FIRST CERTIFICATE OF ESTABLISHMENT**

Valid until 20      only

THIS IS TO CERTIFY that.....is on and from the  
.....day of .....20    established under the Foundations Act  
2012 and that this First Certificate of Establishment expires on the .....  
day of .....20    .

Given under my hand and seal at Avarua, Rarotonga this .....day of .....20

	<hr/> <b>Registrar of Foundations</b>
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FORM No. FA/10

No. of Foundation:  
Lodged by:

Lodged on.....20  
Registrar

**COOK ISLANDS**  
**FOUNDATIONS ACT 2012**  
**(Section 4(7))**  
**ANNUAL RETURN**

.....  
(Name of Foundation)

1. The Foundation continues in existence
2. This return is made up from the .....day of .....to the .....day of .....20 .
3. The address of the registered office is .....  
.....
4. The register of members is kept at .....
5. The Registrar has been notified of all changes to the foundation instrument as required by section 45 of the Foundations Act 2012.
6. The information contained on this form is accurate and complete to the best of my knowledge and belief.

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Declared/Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

FORM No. FA/11

No. of Foundation:

Lodged on.....20

Lodged by:

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 45)**

**NOTICE OF AMENDMENT OF THE FOUNDATION INSTRUMENT**

.....

(Name of Foundation)

1. Details of the amendment(s) made:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

Note: This form must be accompanied by a copy of the foundation instrument as amended.

FORM No. FA/12



**FINANCIAL SUPERVISORY COMMISSION**  
**COOK ISLANDS**

**Request to Search the Register of Foundations**

Searcher: \_\_\_\_\_

Date: \_\_\_\_\_

Foundation Number: \_\_\_\_\_

Foundation Name: \_\_\_\_\_

This request serves as authorisation for: \_\_\_\_\_

to search the registry files for the above foundation. This search should be carried out and completed within 7 days of the date above. This authority shall terminate on which ever shall occur first of the completion of the search or expiration of the 7 days.

This request also serves as authorisation to deduct the USD15.00 search fee from our Imprest Account.

Name of Authorised Requestee: \_\_\_\_\_

Signature of Authorised Requestee: \_\_\_\_\_

Search Completed: \_\_\_\_\_

Registry Officer

Search Fee Posted:

\_\_\_\_\_

Finance Officer

FORM No. FA/13



**FINANCIAL SUPERVISORY COMMISSION**  
**COOK ISLANDS**

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Request Form for a Certificate of Current Status

Requesting Agent: \_\_\_\_\_

Date: \_\_\_\_\_

Foundation No: \_\_\_\_\_

Foundation Name: \_\_\_\_\_

Purpose: \_\_\_\_\_

---

This request also serves as authorisation to deduct USD\$25.00 fee from our Imprest Account.

Name of Authorised Requestee: \_\_\_\_\_

Signature of Authorised Requestee: \_\_\_\_\_

**COOK ISLANDS**  
**FOUNDATIONS ACT 2012**  
**(Section 48(4))**

**CERTIFICATE OF CURRENT STATUS**

.....

(Name of Foundation)

As Registrar of Foundations, I HEREBY CERTIFY:

1. THAT ..... (“the Foundation”) No..... was duly established as a Foundation pursuant to the Foundations Act 2012 on the ..... day of .....20 .
2. THAT the Foundation’s registration is current and expires on the ..... day of .....20 .
3. THAT according to our records at the date of this certificate:
  - a) The name and business address of the registered agent is [NAME TRUSTEE]
  - b) The business address for service is [BUSINESS ADDRESS OF THE FOUNDATION]
  - c) No notices of revocation or winding up have been filed with this office.

CERTIFIED under my hand and seal at Avarua, Rarotonga, this ..... day of  
 ..... 20 .  
 \_\_\_\_\_  
**Registrar of Foundations**

FORM No. FA/15

No. of Foundation:

Lodged on.....20

Lodged by:

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 54)**

**APPLICATION FOR CONTINUANCE OF A FOREIGN FOUNDATION**

1. Details of the name of the Foundation:

Name Number:	
Proposed Foundation Name:	FOUNDATION

2. Details of the Registered Agent:

Name: .....

Address: .....

**The undersigned confirms and declares that:**

- a). We will become the registered agent of the foundation on continuance in the Cook Islands as a foundation under the Foundations Act 2012.
- b). To the best of our knowledge and belief:
  - (i) The Foundation is not precluded from making the application by reason of a matter specified in the Foundations Act 2012;
  - (ii) Pursuant to Section 4(5) of the Foundations Act 2012, we are in possession of a copy of the Foundation Rules and that these have been approved by both us and the founder of the foundation;
  - (iii) The address of the foundation in the Cook Islands; will be the above given business address of the Registered Agent;
  - (iv) All necessary authorisations required under the laws of the jurisdiction in which the foundation is established have been obtained.
- c). Evidence has been provided to the Registrar that:-



- (i) The foundation is not prohibited from being registered in the Cook Islands pursuant to Section 53 of this Act;
- (ii) On the date of registration, the foundation will cease to be established and registered under the law of any jurisdiction outside the Cook Islands, and
- (iii) The foundation has legal personality in the jurisdiction in which it is established or registered

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

FORM No. FA/16

**COOK ISLANDS  
 FOUNDATIONS ACT 2012  
 (Section 56(1) (c))**

**No. FA/.....20.....**

**CONTINUING CERTIFICATE OF ESTABLISHMENT  
 PURSUANT TO SECTION 56**

**Valid until 20      only**

THIS IS TO CERTIFY that..... a Foundation originally established on.....  
 (date).....in.....(country)..... is on and from the .....day of  
 .....20 , registered as continued in the Cook Islands as a foundation deemed  
 established under the Foundations Act 2012 and that this certificate of Continuance expires  
 on the .....day of .....20 .

Given under my hand and seal at Avarua, Rarotonga this.....day of .....20 .

\_\_\_\_\_  
**Registrar of Foundations**

FORM No. FA/17

No. of Foundation:  
lodged by:

Lodged on.....20  
Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 62)**

**APPLICATION FOR THE DISCONTINUATION AND TRANSFER OF A FOUNDATION**

.....  
(Name of Foundation)

1. We, the undersigned Registered Agent, hereby apply for the above Foundation to be discontinued in the Cook Islands and declare as follows:-
  - a) The name of the jurisdiction outside the Cook Islands under the laws of which the Foundation will be continued is:  
.....
  - b) The business address of the Foundation in the jurisdiction outside the Cook Islands will be:  
.....  
.....
  - c) All necessary authorisations required under the laws of the jurisdiction outside the Cook Islands have been obtained; and
  - d) All necessary requirements under Part 5 of the Foundation Act 2012 have been complied with.

2. Details of the Registered Agent:

Name: .....

Address: .....

.....

.....

Dated at Avarua, Rarotonga the ..... day of ..... 20 ..

Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

FORM No. FA/18

No. of Foundation:

Lodged on.....20

Lodged by:

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 66)**

**DECLARATION OF COMPLIANCE OF A FOUNDATION**

.....

(Name of Foundation)

I, ..... do solemnly and sincerely declare as follows:-

- a) The Foundation is solvent and can meet all of its liabilities and obligations; and
  
- b) That the discontinuance will not adversely affect the interests or rights or creditors or any persons with sufficient interest (within the meaning of the Act) in respect of the Foundation.

c) I hereby declare, that to the best of our knowledge and belief, that all requirements of Part 5 of the Foundation Act 2012 in respect of registration as a Cook Islands foundation, or the removal of a foundation from the Register (as the case may be), have been complied with.

Dated at Avarua, Rarotonga the ..... day of ..... 20 .

Declared/Signed on behalf of the Registered Agent by:

\_\_\_\_\_  
**Authorised Signatory**

No. of Foundation:

Lodged by:

FORM No. FA/19

Lodged on.....20

Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 71)**

**Note: If the Foundation is being wound up by order of the High Court, a copy of the order must be submitted to the Registrar with this form**

**NOTICE OF COMMENCEMENT OF WINDING UP OF A FOUNDATION**

.....  
(Name of Foundation)

1. The undersigned hereby gives notice of the commencement of the winding up of the above named Foundation on .....day of .....20 .

2. I/We confirm that:

- a. Liquidator(s) have not been appointed.
- b. Liquidator(s) have been appointed by the Council.
- c. Liquidator(s) have been appointed by an Order dated the  
..... day of .....20

3. Name and address of Liquidator(s) appointed, if appropriate:

.....  
.....  
.....

4. Presented by:

Signature .....

Dated the .....day of .....20

Full Name of Signatory:

.....

(Print Name)

Position/Status: .....

No. of Foundation:  
Lodged by:

Lodged on.....20  
Registrar

**COOK ISLANDS**

**FOUNDATIONS ACT 2012**

**(Section 72(10) (a))**

**RETURN OF FINAL WINDING UP**

.....  
(Name of Foundation)

The undersigned confirms that the winding-up of the above Foundation was concluded on .....day of .....20 and that all assets of the Foundation have been distributed.

Signature: .....

Dated the .....day of .....20 .

Full Name of Signatory:

.....

(Print Name)

Position/Status .....

