

What is a trust?

A trust is a fiduciary relationship where a settlor (person setting up the trust) gives another party, known as the trustee, the right to hold title to property or assets for the benefit of a third party commonly referred to as beneficiaries.

Types of trusts registrable in Kenya

There are three types of trusts that can be incorporated in Kenya, namely;

i. Family Trust

A family trust is a trust, whether living or testamentary, partly charitable or non-charitable, that is registered or incorporated by any person or persons, whether jointly or as an individual, for the purposes of planning or managing their personal estate.

ii. Charitable Trust

A charitable trust is a trust formed for the exclusive purpose of the relief of poverty, the advancement of education, religion or human rights and fundamental freedoms, or the protection of the environment or any other purpose beneficial to the general public.

iii. Non-charitable Trust

A non-charitable is a trust created for a specific purpose, whether partly charitable or not, provided that the purpose/objects of the trust are not illegal.

Process of incorporation of a trust

Incorporation of a trust is done online through **manual.brs.go.ke**.

The following persons can make an application for incorporation of a trust on behalf of the trust;

- i. The Settlor,
- ii. Trustee,
- iii. Enforcer, or
- iv. An Advocate

The following information is required for the incorporation of a trust;

1. Proposed name which must have the word 'Registered Trustees' at the end;
2. Objects or purpose of the trust;

3. A duly completed application for incorporation in the prescribed form (Form TR1) (available on brs.go.ke);
4. A Petition to have the trust incorporated (**the document must be commissioned by a Commissioner for Oaths**);
5. Duly Registered trust deed (registered under RDA with the Ministry of lands) or constitution;
6. Statement of donor funding/commitment;
7. Title deed belonging to the trust or one registered in the name of all trustees on behalf of the trust or other documents of asset or property ownership.
8. Current search indicating ownership position of assets listed;
9. Financial statement of the trust or one in the name of all trustees on behalf of the trust (such as a current bank statement);
10. For a charitable Trust the bank statements of all the trustees
11. Minutes appointing the Trustees;
12. Brief Summary of the Trust (should not exceed 1 Page);
13. Curriculum vitae of the trustees or employees;
14. Diagrammatic representation of the common seal;
15. Certified copies of ID, KRA Pin and passport photos of the Settlor, Trustees, beneficiaries and enforcers if any.

The fee for incorporation of a trust is 10,050/-