

June 2022

# Requirements for bare trusts to register with the TRS

Non-taxable trusts in existence on 6 October 2020 must register with HMRC's Trust Registration Service (TRS) by 1 September 2022. This includes bare trusts, unless otherwise excluded. Non-taxable trusts created after 6 October 2020 must register within 90 days of being created or otherwise becoming registerable, or by 1 September 2022 (whichever is later).

## What is a bare trust?

Bare trusts occur when an asset is held by one person or entity for another. An investment portfolio held in the name of a parent for their minor child, for example, is a bare trust. Other common examples of bare trusts include partnerships where partnership assets are held by some of the partners for the benefit of the partnership as a whole.

## Trust Registration Service

The Trust Registration Service (TRS) was introduced in 2017 following the implementation of the Fourth Money Laundering Directive and was subsequently updated by the Fifth Money Laundering Directive. The TRS is managed by HMRC and a TRS registration contains information about a trust, including the settlor, the trustees, the beneficiaries, and potentially the assets. It is not a public record, but interested parties can access the information in limited circumstances.

HMRC's guidance specifically states that bare trusts are required to register on the TRS, unless they are otherwise included in HMRC's list of exclusions. In particular, please note that whilst a bank account held by a parent for their minor child is a form of bare

trust, this is specifically exempt from registration, as are Child Trust Funds and Junior ISAs (JISAs).

The information required for bare trusts is more limited than for many other types of trusts, as a bare trust will always be treated as non-taxable.

Please note that any trusts that were in existence on or after 6 October 2020 will need to be registered with the TRS, even if they have subsequently been terminated.

The information required to be reported for a bare trust is as follows:

Trust itself	<ul style="list-style-type: none"> <li>• Name of trust</li> <li>• Date the trust was created</li> <li>• Confirmation that it is an express trust (ie one deliberately set up)</li> <li>• Unique Taxpayer Reference (UTR)</li> <li>• Confirmation as to whether the trust has been registered with any other EEA countries</li> <li>• Confirmation there is no protector</li> </ul>
Assets	<ul style="list-style-type: none"> <li>• Confirmation as to whether the trust has acquired any land or property in the UK since 6 October 2020 (this is a simple 'yes' or 'no')</li> <li>• Confirmation as to whether the trust owns or has a controlling interest in a non-EEA company (this will be a simple 'no')</li> </ul>

The personal information required to be reported:

	Name	Date of birth	Nationality	Country of residence	Confirm mental capacity	Date of death	National Insurance number	Unique Taxpayer Reference	Address	Email address	Phone number
Settlor	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
Lead trustee (individual)	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes
Lead trustee (organisation)	Yes	No	No	Yes	No	No	No	Yes	Yes	Yes	Yes
Other associated organisation	Yes	No	No	Yes	No	No	No	No	Yes	No	No
Trustee	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Beneficiary	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Protector	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Individual associated with the trust not already reported, such as the parent of a minor beneficiary	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No

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