

THE TRUSTS (AMENDMENT) BILL, 2008

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends section 105 of the Trusts Law (2007 Revision) to extend the definition of the expression “trust corporation” to private trust companies registered as such under the Banks and Trust Companies Law (2007 Revision).

The effect of the amendment would be to enable such private trust companies to act as trustees in accordance with the Special Trusts Alternative Regime, and impose on them, in that context, a duty to keep in their offices documentary records of -

- (i) the terms of the special trust;
- (ii) the identity of the trustee and the enforcers;
- (iii) all settlements of the property upon the special trust and the identity of the settlors;
- (iv) the property subject to the special trust at the end of each of its accounting years; and
- (v) all distributions or applications of the trust property.