

Registering a Trust on the Trust Registration Service (TRS)

A step by step guide



Background

Following the introduction of the 5th EU Directive into UK law on 10 January 2020, new rules were implemented by HMRC with effect from 6 October 2020 to extend the scope of the trust register to the majority of UK and some non-UK trusts, with some specific exclusions, regardless of whether or not the trust is liable to pay any tax in the UK.

More information on the Trusts that are required to register and those that are excluded from the requirement can be found on our dedicated webpage on the link below:

Trust Registration Service | Canada Life UK

Agents registering on Trustees behalf

To register a Trust on behalf of trustees as their agent, it is necessary to create an Agent Services Account (ASA).

However, only certain types of adviser are eligible to set up an ASA and act as an agent. It is only possible to set up an ASA if your business operates as an accountancy service provider. You must also be registered with a supervisory authority such as the ICAEW, CIOT or SRA or with HMRC for anti-money laundering https://www.gov.uk/anti-money-laundering-registration or have applied to HMRC for supervision.

A financial advisory practice is not therefore able to create an ASA or act as an agent on the current form of TRS.

Obtaining Authority from the Trustees to act

For clients who find technology a challenge or those with connection issues the process of TRS registration may be daunting. This step by step guide can assist trustees in the process.

Whilst a financial adviser cannot act as an agent, it is possible for the adviser to complete the process on the trustees behalf, provided the adviser has an adequate signed letter of authority from the lead trustee in place, confirming that he/she is authorised to set up the appropriate HMRC gateway account and complete the TRS registration on the trustees behalf.

A suggested form of words for the authorisation could be as follows:

I, John Smith, acting as lead trustee of the Smith Discretionary Settlement, authorise Joseph Bloggs (the name of the financial adviser) to create an HMRC organisation Gateway account and register the Smith Discretionary Trust with HMRC for the purposes of the Trust Registration Service (TRS) on behalf of the Trustees.

Time limits for Registration

All UK resident Trusts in existence on or after 6th October 2020 (other than those which are specifically excluded) will need to be registered on the TRS by the trustees, or their agent by **1 September 2022.**

Any new trusts created after 1 September 2022 will need to register on the TRS within 90 days.

Trustees will also need to update the trust register, with any changes, within 90 days from when they become aware of any change. Such changes could be a change of trustee, addition of a beneficiary or appointment of policies to bare trust on a Wealth Preservation Account.

Where trusts were in existence on 6 October 2020 but have subsequently closed, the trustees will still need to register the trust, but can close the trust record immediately.

TRS Fact find proforma

Since 2017 and the implementation of the 4th EU directive, Trustees should have been collating and updating a schedule of beneficial ownership information in respect of settlors, trustees and beneficiaries, even if there was no reporting requirement under TRS.

Attached to this guide is a suggested form of TRS fact find which can be used to compile the information required for the TRS registration process.

We recommend that it is reviewed and updated annually, with the lead trustee approving and signing the declaration and kept on the permanent trust record with the annual suitability review.

Download TRS Fact Find Proforma



Set up the Gateway Account for the Trust

Trustees of multiple Trusts will need to create a separate gateway account for each Trust they act for.

These gateways are entirely separate from any personal or company tax account set up by the Trustee and need to be created as an **organisation** account, not an individual account.

The Trustee can use the same email address for each account but will be given a separate user ID and access code for each Trust.

Start the process by using the link below:

Register a trust as a trustee - GOV.UK (www.gov.uk)

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As there is no gateway account set up for the Trust, select the link Create sign in details on the screen.

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The entry on this screen should be for the lead trustee i.e., the person who will be responsible for liaising with HMRC and who deals with the day-to-day correspondence in respect of the administration of the trust.

The Lead Trustee should enter their email address and click Continue

Remember – The Trustee can use the same email address where they are the Trustee of multiple Trusts.

If the adviser is completing the registration on the trustees behalf this should be an email address that he can access as verification codes with be sent to this email by HMRC as part of the set-up process.

If necessary, once registration is complete, the TRS record can be amended to show the lead trustees email address.

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HMRC will send a verification code to the email address provided.



The email from HMRC may take a while to arrive. Please also check spam folders.

The email will be titled 'Confirm your email address -Government Gateway'.

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Enter the full name of the lead trustee – as per the completed TRS Fact find.

The lead trustee is the person who HMRC will correspond with, when and if necessary. This should be the person the adviser writes to normally.

Click Continue

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Create a password which is unique to the respective Trust. It should be something that is easy to remember but difficult to hack.

Make sure to make a note of the password

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The recovery word enables the Trustee to access the Trust record in the event that they forget or lose the password for the Trust.

The recovery word should be easily remembered and can be the same for each Trust even though the password will be different.

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Select the recovery word

Click Continue

The next screen is important as it contains the unique user ID for the gateway for the Trust. The trustee will need this to

a) create the trust record on TRS and

b) update the record in the future.

This should be kept in a safe place, ideally print the screen and save to a permanent folder.

HMRC will also send confirmation of the User ID to the email address provided.

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The email from HMRC confirming the user ID may take a while to arrive. Please also check spam folders.

The email will be titled 'Your Government Gateway user ID'

Click Continue

The next screen is where we determine the type of record required on the Gateway – it's essential that the trustee selects an **Organisation** account.

If the wrong type of account is selected at this stage it will be necessary to start the process again with a new Gateway account and user ID.

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The next stage is a further level of verification.

If the adviser is setting up the TRS account on behalf of the trustees then the mobile number used needs to be one which the adviser has access to as verification codes with be sent to this number by HMRC as part of the set-up process.

If necessary, once registration is complete, the TRS record can be amended to show the lead trustees mobile number.

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The access code will be sent as a text message to the mobile number selected – it may take a little while to arrive.

The text message will be from 60551 and contain a 6-digit code. The code expires after 15 minutes.

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The process to set up the Gateway is now complete

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STEP 2

Complete the TRS registration for the Trust

To successfully complete the TRS registration, you will need the information listed on the TRS fact find.

Sign into the Gateway Account using the unique User ID sent to you by HMRC and the password you created.

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As a further verification step, a new access code will be sent as a text message to the mobile phone number used to create the Gateway Account.

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For reportable/non taxable trusts, there was no requirement previously to register for TRS, so the answer on this screen will be No



As a non-taxable Trust registering for the first time on TRS, the Trust will not have a UTR so the answer on this screen is No

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An express trust is a trust created deliberately by a settlor, usually in the form of a document such as a written deed or declaration of trust.

All of CL, CLI and CLIAI trusts are express trusts so the answer on this screen is Yes



On the assumption that the trust is a non-taxable trust as it only contains an investment bond (and the settlor is still alive), the answer on this screen will be **No**

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Again, assuming that the trust is non-taxable, the answer on screen will be No



The lead trustee should be the person who deals with the trust's affairs on a day to day basis and who is responsible for correspondence etc.

Click Continue to register the trust

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Once the trustee has got to this stage of the registration process, the information already entered will be saved, should they need to exit and return with additional information to complete the registration at a later date.

However, progress to date will only be saved for 28 calendar days (or four weeks) after which it will be necessary to start the registration process again (although not the gateway set up).

Click on Trust details

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	When was the trust created?				
	This is the date the trust deed was signed. For will trusts use the settlor's date of death.				
	For example, 31 3 2015				
	01 03 2020				
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Enter the date on the trust deed or the date of inception of the investment bond

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	Has the trust acqui in the UK since 6 O	ired land or property ctober 2020?						
	The current rules for registering a new 2020.	w trust came into effect on 6 October						
	Land or property refers to plots of land UK.	nd or bricks and mortar buildings in the						
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If the trustees have not acquired an interest in UK land or property then answer on this screen will be No

Click Save and Continue

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	Is the trust register register of any othe the European Econo	ed on the trust r countries within omic Area (EEA)?					
	The EEA includes:						
	all countries within the European Un Iceland Lichtenstein Norway Yes Yes No	lion (EU)					
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For onshore and IOM based investments, the Trust will not be registered outside of the UK and the answer on this screen should be **No**.

For CLI Ireland issued investment bonds it is suggested that the trustees register on CRBOT first, as no further registration in the UK under TRS may then be required. For more information on this please refer to the guidance on our dedicated webpage using the link below:

Trust Registration Service | Canada Life UK



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	Check trust detail	s								
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	When was the trust created?	1 March 2020	Change							
	Has the trust acquired land or property in the UK since 6 October 2020?	No	Change							
	Is the trust registered on the trust register of any other countries within the European Economic Area (EEA)?	No	Change							
	How many of the trustees are based in the UK?	All of the trustees are based in the UK	Change							
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	Saved until						- 1		
	7 April 2022						- 1		
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	Trustees	NOT STARTED					- 1		
	Beneficiaries	NOT STARTED					- 1		
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Click on Settlors

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	Setters ^ Information you need to register a settlor control of the
	Settiors that are an Individual
	If the trust was created after the settlor died, tell us their name. If you know more details, tell us their:
	data of classifi data
	If the trust was created by a living settlor, tell us their name. If you know more details, tell us their:
	data of birth country of instantity country of instantity country of instantics
	You also need to tell us if any of the settlors lack mental capacity at time of registration.
	An individual does not have mental capacity if they cannot understand information and make decisions about the trust due to any of the following:
	- mental fibress - sensing disability - admentaria or availability - admentaria or availability - admentaria - admentaria - admentaria - admentaria
	Settiors that are a business
	For settions that are a business, you need to tell us the name of the business. If you know more details, tell us their country of residence.
	What we mean by country of residence
	Set up of the trust
	If the settlise created the trust during their lifetime to gift or transfer assets. you need to tell us if holdover relief has been claimed.
	For trusts set up for employees of a company, tell us:
	If it is an engloyer hanced enterment scheme, and it is what date it itative itative itative the balances type (indering or investment) if the scheme's settlor is a balances
	If the business has existed for at least 2 years when any asset was added to the trust
	Continue
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The settlor is usually the person(s) who created the trust and made the gift into it.

Click Continue

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	Is the settlor an individual or a business?	
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	What is the settlor'	s name?							
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Do you know Jane Doe's country of nationality?		
The country of nationality is usually where the settlor was born and where their passport is registered.		
Yes No		
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	Does Jane Doe	have UK nationality?						
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	Do you know Jan residence?	e Doe's country of					
	The country of residence is usually the time during the tax year.	where the settlor lives and works most of					
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This screen asks questions in respect of the Settlor's mental capacity – if the settlor lacks capacity at the time of registration, his/her data will not be shared by HMRC.

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Check settlor det	tails					
Was the trust set up after the settlor died?	No	Change				
is the settlor an individual or a business?	Individual	Change				
What is the settlor's name?	Jane Katherine Doe	Change				
Do you know Jane Doe's date of birth?	Yes	Change				
What is Jane Doe's date of birth?	15 March 1974	Change				
Do you know Jane Doe's country of nationality?	Yes	Change				
Does Jane Doe have UK nationality?	Yes	Change				
Do you know Jane Doe's country of residence?	Yes	Change				
Is Jane Doe a UK resident?	Yes	Change				
Does Jane Doe have mental capacity at the time of registration?	Yes	Change				
Save and continue						
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This screen is a summary of the details recorded for the settlor

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If the Trust has joint settlors, the second settlor should be added via this screen.

If you do not have the information to hand, you can add the second settlor's details later.

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Click on Trustees

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	Are you entering of trustee or a trustee	details for the lead ee?									
	The lead trustee is the main point or details unless they are legally the le	f contact for the trust. Do not enter agent ad trustee or a trustee.									
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The lead trustee should be the person who deals with the trust's affairs on a day to day basis and who is responsible for correspondence etc.

Click Save and continue

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This section is optional - not all trustees will have an email address.

There is no legal requirement to provide this to HMRC

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A mobile or land line number can be provided here for the trustee. This is currently a requirement of HMRC

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Check lead truste	e details						
Is the lead trustee an individual or a business?	Individual	VERIFIED					
What is the lead trustee's name?	Jane Katherine Doe	VERIFIED					
What is Jane Doe's date of birth?	15 March 1974	VERIFIED					
Does Jane Doe have UK nationality?	Yes	Chaose					
Does Jane Doe have a National Insurance number?	Yes	VERIFIED					
What is Jane Doe's National Insurance number?	AB 12 34 56 C	VERIFIED					
Is Jane Doe a UK resident?	Yes	Change					
What is Jane Doe's address?	The Cottage 123 Some Avenue Potters Bar Hertfordshire EN6 STW	Change					
Do you know Jane Doe's email address?	Yes	Change					
What is Jane Doe's email address?	Jane Doe@abc.co.uk	Chaoge					
What is Jane Doe's telephone number?	07890123456	Change					
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This screen is a summary of the details recorded for the lead trustee

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Add a trustee		
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Jane Doe Lead Trustee Change	Remove	
Do you need to add another trustee?		
Yes, I want to add them now		
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You use this screen to add additional trustees. If the information required is not to hand you can add them later.

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Does Harriet Bloggs capacity at the time of	have mental of registration?				
A trustee does not have mental capacity if the understanding information about the trust.	ey are legally incapable of				
For example, this can be due to:					
mental illness learning disability dementia or a related condition being unable to communicate					
HMRC will assume that the trustee does have HMRC that they do not have mental capacity	mental capacity, unless you tell				
If you are not certain whether the trustee has know'.	mental capacity, select 'I don't				
Why HMRC are asking this question	n				
Under certain limited circumstances, HMRC the Money Laundering and Terrorist Financin 2020.	can share personal data under g (Amendment) Regulations				
Where a person does not have mental capaci personal data.	ty, HMRC will not share their				
Ves No					
Or I don't know					
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This screen asks questions in respect of the additional trustee's mental capacity – if the trustee lacks capacity at the time of registration, his/her data will not be shared by HMRC.

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	Check trustee det	ails								
	Is the trustee an individual or a business?	Individual	Chanse							
	What is the trustee's name?	Harriet Jane Bloggs	Change							
	Do you know Harriet Bloggs's date of birth?	Yes	Chapge							
	What is Harriet Bloggs's date of birth?	28th March 1995	Change							
	Do you know Harriet Bloggs's country of nationality?	Yes	Change							
	Does Harriet Bloggs have UK nationality?	Yes	Change							
	Do you know Harriet Bloggs's country of residence?	Yes	Change							
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If there are more trustees to be added, add them here.

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	Additional sections to be completed								
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	Other individuals	NOT STARTED							
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Click on **Beneficiaries**

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Suggest you add named beneficiaries first, followed by the class of beneficiaries.

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This screen asks questions in respect of the beneficiary's mental capacity – if the beneficiary lacks capacity at the time of registration, his/her data will not be shared by HMRC.

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	Do you know Jane Doe's date of birth?	Yes	Change							
	What is Jane Doe's date of birth?	15th March 1974	Change							
	Do you know Jane Doe's country of nationality?	Yes	Change							
	Does Jane Doe have UK nationality?	Yes	Change							
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Additional named beneficiaries or a class of beneficiaries can be added at this screen

Click Save and continue 🗖 🛛 🕐 Web Part Page 🛛 🗙 🗮 Registration ; 9 Presenting. o × → C A bttps://www.tax.se ୍ ରେ 🎓 🕀 🙎 \leftarrow **Registration progress** You can save your registration and come back later. You have 28 days from the first time you save to complete this registration or your information will be Saved until 7 April 2022 Sections to be completed Trust details Settlors Trustees COMPLETED Additional sections to be completed Company ownership or controlling interest NOT STARTED NOT STARTED Other individuals NOT STARTED rly? (opens in new tab) sability statement <u>Privacy policy</u> <u>Terms and</u> ethau Cympany nt is available under the <u>Open Government Lin</u> ans Helpusing GOV.UK Contact Cookies Acce Rhestrio Wasani OGL Alliconte

Additional Sections to be completed

Click on Company ownership or controlling interest

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Click on Protectors

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None of the CL trusts have Protectors so the answer on this screen will be No

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Click on Other Individuals

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	- MARK							
	Are there any other individuals							
	associated with the trust?							
	This can be anyone who can affect the way the trust is managed, but does not fit any of the specific trust roles, such as the parent of a young beneficiary.							
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For all CL trusts, only the trustees can affect the way the trust is managed, so the answer on this screen will be **No**

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	Saved until
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	Trust details COMPLETED
	Settions COMPLETED
	Additional sections to be completed
	Company ownership or controlling interest COMPLETED
	Protectors COMPLETED
	Other Individuals COMPLETED
	Print a copy
	You can <u>print or save a draft copy of your saved answers</u> . You can also print a declared copy after you have made a declaration.
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If the adviser is completing the registration on the authority of the trustees then he/she will need to the person who completes the declaration.

Click Confirm and send



This is not the URN for the Trust – it is only confirmation reference for submission of the registration.

NOTE – it confirms in the section **Managing the Trust** that the trust does not need to make an annual declaration or submit an annual tax return, but the details do need to be kept up to date and let HMRC know if the trust becomes taxable.

Click on the sign out link in the top right-hand corner of the page

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	< <u>Bark</u>						
	This trust's URN: XCTRUST80013493 Maintain this trust						
	The trust with the Unique Reference Number (URN) XCTRUST80013493 has been linked with this account.						
	You can add, remove and update settlors, trustees, beneficiaries, protectors and other individuals in this trust. Your changes will not be saved until you have declared.						
	If you need to register or maintain another trust, you will need to use another Government Gateway account.						
	If you need help using this service <u>contact the trust helpline (opens in a new</u> window or tab).						
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This page gives you the URN for the trust. HMRC will also send this to the trustee.

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In the case of most CL trusts, we assume that no tax agent will be appointed.

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	Your answers must match t registered or most recently	he details provided to HMRC when the trust was updated online.							
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It's important that the **last name** entered here is the same as the last name of the lead trustee provided in the registration

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This service will allow you to make changes to the tru	ist details.						
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		What do you want to do next?						
		Make changes to the trust and declare Add or remove beneficialities, protectore, settlons, trustees and any declares to HMRC.						
		Close the trust and declare Tell us the end date for the trust, and make any changes to the trust details before declaring the changes to HMRC.						
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The Trust registration is now complete.

You can obtain a digital copy of the trust registration by selecting the last option.

You can also use this screen to make additions/amendments to the trust record, close the trust record or advise HMRC that the trust has a tax liability.

If no further action required, Click on the sign out link in the top right-hand corner of the page to close the record and exit TRS.



To contact the ican Technical Services team please speak to your account manager or email us at <u>ican@canadalife.co.uk</u>.



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