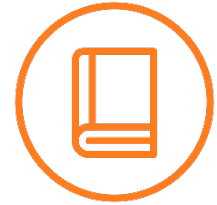


# Trust Property Control Act, No. 11 of 2018



14 December 2018

Please note that the Trust Property Control Act, No. 11 of 2018 which is designed to regulate the control of Trusts and to provide for matters related thereto, commenced on 29 June 2018. The Master's Office based at the Francistown and Gaborone Division of the High Court is tasked with the responsibility of administering the Trust Property Control Act, No. 11 of 2018 and the registration of the Trust Instruments.

The original Trust Deed or Trust Deed certified by Deeds Registry together with completed forms required for the registration of Trust Instruments should be submitted to Master of High Court on or before **28 December 2018**.

Trust refers to an arrangement for the bequeathment of ownership in property, be it movable, immovable, money, corporeal or incorporeal within or outside Botswana through a Trust Instrument. Documents deemed to be Trust Instruments are written agreement, testamentary writing, court order or notarial deed. These documents are not confined to only those prepared by Legal Practitioners but even self actors.

In terms of the Trust Property Control Act, No. 11 of 2018, Section 26 thereof requires that a person appointed as a Trustee pursuant to a Trust Instrument executed prior to the commencement of the Act shall lodge the same with the Master for registration on the register before 28 December 2018.

The Master's fee payable prior to registration is P250.00 and is payable at the Accounts Unit at the Master's Office at the Francistown and Gaborone Division of the High Court. Please note that failure to register the Trust Instrument renders it of no force and effect and that there are also other consequences in the form of offences and penalties (According to the act penalty of P20,000 is payable for late registration), for purporting to act as a Trustee without authority and in contravention of the provisions of the Act.

For further information and insight regarding how to ensure that your Trust is compliant with the Trust Property Control Act, please contact our **Corporate Services team**: [ludo.dinotshe@bw.gt.com](mailto:ludo.dinotshe@bw.gt.com), [anjana.suresh@bw.gt.com](mailto:anjana.suresh@bw.gt.com), or [aparna.vijay@bw.gt.com](mailto:aparna.vijay@bw.gt.com).

Best regards,  
**Grant Thornton**

