



## rural development & land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

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### REGISTRARS CIRCULAR 19 OF 2016 TRUST NAMES

#### 1. PURPOSE:

To clarify the uncertainty regarding the use of the word "The..." in the name of a Trust.

#### 2. BACKGROUND:

When a trust is created the document in terms of which the trust is established is called the Trust deed. The name of such a trust will be contained in the Trust Deed and that name will always be regarded as the correct name of the trust.

If the word "The" forms part of the name of the trust, as per the Trust Deed, (eg. **The ABC Trust**) then it must be reflected in deeds and documents as part of the name, especially in the vesting clauses thereof. If it is only used in the grammatical sense (eg. The trustees of the **ABC Trust**), then it must not be reflected in the vesting clauses and thereby create the impression that it forms part of the name of the trust.

#### 3. EXAMINATION PROCEDURE:

In terms of Regulation 44A (d)(i)(aa) of the Deeds Registries Act 47 of 1937 and Regulation 16C (d)(i) of the Sectional Titles Act 95 of 1986, the correctness of the name of a trust remains the responsibility of the preparer of the deed/document, but if examiners establish during examination that there is different versions of the name of the trust reflected in the new deed/document and/or already registered deeds, they need to question it and if necessary call for proof to establish which version is the correct one.

#### 4. REGISTRATION:

Any deed or document drafted for registration must reflect the name of the Trust as it appears in the Trust deed and the conveyancer who prepare the said deed or document remain responsible for the correctness thereof, and should ensure that they follow the Trust deed in that regard.

REGISTRAR OF DEEDS:  
PRETORIA  
DATE: 17.08.2016

