



## Starting a trust board

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### An overview

You make application to incorporate a trust under the Charitable Trusts Act 1957 by sending a number of documents to the Registrar of Incorporated Societies.

There are different filing requirements depending on whether you are [applying for incorporation of trustees as a board or incorporation of a society as a board](#).

The address you should send your documents to is:

Registrar of Incorporated Societies  
National Processing Centre  
Private Bag 92061  
Victoria Street West  
Auckland 1142

### Getting started - what you need to do before you can register

A charitable trust may be established by individuals or by an unincorporated society to benefit a charitable cause of their choosing. Registration of the board provides for perpetual succession. This means that the board can administer the trust property on a continuous basis over time. It is not subject to the rule against perpetuities which brings an unregistered trust board to an end after 80 years.

Before deciding to register as a charitable trust board you should determine whether a board is the appropriate corporate entity for you or your group to achieve its purposes and objectives.

You should discuss the nature of your proposed activities with your solicitor who will be able to provide you with advice in relation to this.

Depending on the advice of your solicitor, the other usual steps leading up to incorporation include:

- Choosing a name for the board
- Preparing a trust deed or, in the case of society incorporating as a board - a set of rules
- Completing your application.

### What must be included in your application?

There is no online service for applying to register a charitable trust. You will need to complete some paper forms and send them to the Registrar.

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To register as a charitable trust you will need:

- [an application for registration](#)
- [a statutory declaration](#)
- [your trust deed](#).

It is FREE to apply to register as a charitable trust - there is no application fee.

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### Which application form should you use?

There are two possible forms you could use to apply to incorporate as a board (charitable trust). The form you must complete depends on whether you are applying for incorporation of trustees or of a society.

- [Read more about what the differences are between incorporation of trustees as a board or of a society as a board](#).

#### Form 1 - Incorporation of trustees as a board

The application for incorporation must be signed by the majority of the trustees (original signatures only, no photocopies). There must be one or more trustees.

An application can't be made by trustees if they're already incorporated under another Act or if the society for which the trustees hold property is itself incorporated under another Act.

- [Download Form CT1 - Incorporation of trustees as a board \[PDF 132KB\]](#)

## Form 2 - Incorporation of a society as a board

An application for incorporation can only be made by a society if the application is authorised by the majority of that society's members.

The application must be signed by at least five members of the society or by a majority of the trustees of that society, if the property of the society is held by trustees.

An application is deemed to be authorised by a society if:

- it is authorised by a majority of the members of that society at a meeting, and
- reasonable notice was given to members of that society of the intention to hold that meeting and its purpose,
- the application is authorised by the rules of that society.

An application can't be made by a society if it's already incorporated under another Act or if the trustees of the society are already incorporated under another Act.

Each applicant must provide their full name, physical address and signature on the application form.

- [Download Form CT2 - Incorporation of a society as a board \[PDF 70KB\]](#)

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### Registered office

No matter which application form is used a charitable trust must have a registered office. This address should be an actual physical location and include the street number in a town or city. For example, '6 High Street, Wellington'.

If the address is a named building, this name should be provided. If the building has more than one floor, or is made up of a suite of offices, then the floor or suite number should also be shown.

You cannot use a post office box, private bag or DX address as the registered office.

## Other documents must accompany your application

### Trust deed

The trust deed should be drafted specifically to meet the purposes of your particular trust. You may need to seek the help of a solicitor who is familiar with the Charitable Trusts Act 1957 when drafting your trust deed. Your trust deed must be certified as a correct copy by one of the applicants with the following statement:

"I hereby certify that this is a correct copy of the trust deed or rules of the [name of trust board] as per section 10(2) of the Charitable Trusts Act 1957".

[Read more about rules and trust deeds of charitable trusts.](#)

### Statutory declaration

The application and deed of trust must be accompanied by a statutory declaration from one of the trustee applicants.

The declaration must be made under the Oaths and Declarations Act 1957 and must either describe any additional trusts on which applicants hold property or state that there are no other trusts.

This declaration must be dated on either the same day as the application or a date following this.

If a society is applying for incorporation, two additional documents are required:

- A copy of its rules or other constitutional documents certified by one of the applicants or trustees as a true copy of its current rules, or if there are no rules, a statutory declaration by one of the applicants describing the purpose of the society, how it operates, and how persons become members or cease to be members.
- A statutory declaration by one of the applicants that the society has authorised the application and the way in which this authorisation was obtained.

## Choosing a name

Before finalising your trust's name you need to be sure that the name you choose will be allowed to be used by your trust.

Although you do not reserve the name (as you must do for a company) you should conduct some searches to make sure the name is available.

The name you choose for your trust cannot be identical or deceptively similar to that of another charitable trust or other body corporate.

If you do choose a name that is identical to the name used by another body corporate (for example, a company or incorporated society) it can only be used if the other organisation gives its written consent to the Registrar.

## How can you check that the name is available to use?

### Search the register on this website

Using the search options provided on this website you can search for an incorporated society or a charitable trust.



[Conduct a free online search now.](#)

### Search the Companies Register

Using the search options on the Companies Office website you are able to complete a much broader search by checking for possible matches with a wide range of body corporates or entity types, not just for existing incorporated societies or charitable trusts.

[Read more about searching the Companies Register.](#)

[Search the Companies Register now](#)

## Other restrictions on names

### The name can't contain certain words

- The name you choose cannot contain certain words (for example, ANZAC, Royal) the use of which are prohibited by other pieces of legislation.
  - [Learn about names that contravene other legislation on the Companies Office website](#)

- The Registrar may also decline names that are in his opinion undesirable.

## Rules and trust deeds

The terms 'trust deed' and 'rules' are used to describe the 'constitutional document' that lays out how the board is to operate and how the trust property is to be administered.

The Charitable Trusts Act 1957 requires every charitable trust to provide the Registrar of Incorporated Societies with a copy of the documents that show the general purposes of the trustees or society.

In the case of a society applying for incorporation as a charitable trust, they must also provide a copy of the document that sets out the constitution of the society.

- The terms 'trust deed' and 'rules' are used to describe the 'constitutional document' that sets out how the board is to operate and how the trust property is to be administered.
- It is common for trustees as a board to be governed by a trust deed and societies as boards to be governed by a constitution or a set of rules. These documents need to be registered with the Registrar of Incorporated Societies.
- There must be a clear intention to devote property to a charitable purpose. The property must be clearly defined and the purpose must be of a public nature. That is, for the benefit of the community or a section of the community.
- The purpose of the trust must either comply with the meaning of the term 'charitable' as defined in the Charitable Trusts Act 1957 or be religious or educational in character.
- The Charitable Trusts Act 1957 does not prescribe the format or what needs to be included in a trust deed or a set of rules.

## Read more about rules and trust deeds

- [What is contained in a trust deed or set of rules?](#)
- [How to draft a trust deed or set of rules](#)