



KINGDOM OF CAMBODIA

NATION RELIGION KING

Non-Bank Financial Services Authority

No. 010 FSA/BRK

PRAKAS

ON

FEES FOR TRUST REGISTRATION

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Deputy Prime Minister

Minister of Economy and Finance

And Chairman of Non-Bank Financial Services Authority

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Preah Reach Kret No. NS/RKT/0918/925, dated 6 September 2018, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Preah Reach Kret No. NS/RKT/0320/421, dated 30 March 2020, on the Appointment and Adjustment to the Composition of the Royal Government of the Kingdom of Cambodia;
- Having seen Preah Reach Kram No. NS/RKM/0618/012, dated 28 June 2018, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Preah Reach Kram No. NS/RKM/0196/18, dated 24 January 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- Having seen Preah Reach Kram No. NS/RKM/0121/003/, dated 16 January 2021, promulgating the Law on the Organization and Functioning of the Non-Bank Financial Services Authorities;
- Having seen Preah Reach Kram No. NS/RKM/0119/002, dated 2 January 2019, promulgating the Law on Trusts;

- Having seen Anukret No. 476 ANKR.BK, Dated 26 August 2013 Financial Trust
- Having seen Anukret No. 114 ANKR.BK, Dated 2 August 2019 Listed Financial Trust
- Having seen Anukret No. 113 ANKR.BK, Dated 14 July 2021 on the organization and functioning of entities under the supervision of the Non-Bank Financial Services Authority
- Having seen Anukret No. 003 F.S.A/BRK, Dated 26 January 2022 on the rules for supervision, organization and Functioning of Trust
- According to the necessity of the Trust Regulator

HEREBY DECIDES
CHAPTER 1
GENERAL PROVISIONS

Article 1 .-

The purpose of this Prakas is to determine the fees and procedures for the payment of trust registration in order to increase the efficiency and accountability regarding the service provided and the collection of the fees for the trust registration.

Article 2 .-

The scope of this Prakas is for the implementation of the established and registered trust in the Kingdom of Cambodia.

CHAPTER 2
PAYMENT OF THE TRUST REGISTRATION FEE

Article 3 .-

Applicant shall pay for the trust establishment or trust registration application for 20,000 (twenty thousand) Riels.

Article 4 .-

For registration application and service fee for commercial trust, trustee shall pay the administration fee and the annual fee based on the balance of the trust amount as following:

(‘000 Riels)

No.	Trust Fund	Administration Fee	Annual Fee
1	Under 400,000	40	300
2	From 400,000 to 2,000,000	200	500
3	More than 2,000,000 to 4,000,000	400	600
4	More than 4,000,000 to 20,000,000	800	800
5	More than 20,000,000 to 40,000,000	2,000	1,600
6	More than 40,000,000 to 80,000,000	4,000	2,400
7	More than 80,000,000 up	8,000	3,000

Article 5 .-

For registration application and service fee for public trust, trustee shall pay the administration fee and the annual fee based on the balance of the trust amount as following:

(‘000 Riels)

No.	Trust Fund	Administration Fee	Annual Fee
1	Under 400,000	40	200
2	From 400,000 to 2,000,000	120	300
3	More than 2,000,000 to 4,000,000	200	400
4	More than 4,000,000 to 20,000,000	600	600
5	More than 20,000,000 to 40,000,000	1,000	1,000
6	More than 40,000,000 to 80,000,000	1,500	2,000
7	More than 80,000,000 up	2,000	3,000

Article 6 .-

For registration application and service fee for individual trust or social trust, trustee shall pay the administration fee and the annual fee based on the balance of the trust amount as following:

(‘000 Riels)

No.	Trust Fund	Administration Fee	Annual Fee
1	Under 400,000	40	200
2	From 400,000 to 2,000,000	120	300
3	More than 2,000,000 to 4,000,000	200	400
4	More than 4,000,000 to 20,000,000	400	600
5	More than 20,000,000 to 40,000,000	1,000	1,200
6	More than 40,000,000 to 80,000,000	1,600	1,600
7	More than 80,000,000 up	2,000	2,000

Article 7 .-

Any request for the change of trustee or trust deed or any change related to trust deed or other documents of the trust registration shall pay 1,000,000 (One million) Riels.

Article 8 .-

Trustee shall pay the annual fee based on the annual balance of trust amount of the fiscal year no later than the end of May of each year or as determined by the Director General of the **TR**.

Administration and registration fees shall be paid to TR’s account determined by the Director General of the **TR**.

Fees for the trust establishment or trust registration application and the administration fees shall be to the **TR**, and cannot be withdrawn even if the trust registration has been rejected.

Article 9 .-

The Minister of Economy and Finance and the Chairman of the Board of the Non-Banking Financial Services Authority has the right to waive the payment of administration fee and/or annual fee as stated in Article 5 of this Prakas through the Director General’s request of the **TR** for public and social trust established by the relevant regulations.

Article 10 .-

The validity of the trust registration certificate is 5 (five) years from the date of the first trust registration.

For renewal the validity of trust registration certificate, trustee shall pay a fee of 20,000 (twenty thousand) Riels for application, administration fee, and trust registration fee based on the annual balance of trust amount in the fiscal year as stated in Article 4, Article 5 and Article 6 of this Prakas.

Article 11 .-

Trust funds that are movable or immovable property shall be valued into cash by professional valuer who has the professional certificate from Regulator of Real Estate and Pawnshop and accredited by the TR.

**CHAPTER 3
PENALTIES**

Article 12 .-

Trustee who breaches his duties and responsibilities for trust establishment and trust registration as stipulated in this Prakas shall be penalized the administrative sanctions as following:

- A warning.
- A correction order.
- A restriction on license/authorization/registration.
- Suspension of license/authorization/registration.
- Withdrawal of license/authorization/registration
- A restriction on management and administration of trust fund or registered trust property.

Article 13 .-

Excluding other penalties, trustee pay the annual fee late as set forth in the first paragraph of Article 8 of this Prakas shall be fined by trust inspection official from 1,000,000 (One million) Riels to 60,000,000 (Sixty million) Riels for such late payment.

Trustees shall be responsible for the penalty payment without using trust fund for the payment.

In case of further violation, the trust inspection official shall impose a double penalty in cash compared to the previous penalty.

In case the violation causes damage or lose the benefits of trustor, beneficiary or related parties, the offender shall be fined three times compared to the amount of the damage by trust inspection official.

The regulations of unitary Chapter (General Provision) of the title 1 (General Provision), unitary chapter (Imprisonment in Lieu of Payment) of the title 3 (Imprisonment in Lieu of Payment) of the Book 8 of the Code of Criminal Procedures shall be implemented in case the decision of penalty is effective.

Article 14 .-

Person, who directly affected by the decisions issued by the trust inspection official as stated in this Chapter, may file a complaint and follow the procedure as mentioned in the Trust Law.

Article 15 .-

Administrative sanctions and penalties as stipulated in this chapter is not prohibited to the implementation of the Criminal Law and exclude other compensatory damages.

CHAPTER 4

TRANSITIONAL PROVISION

Article 16 .-

Individuals who had applied for trust registration but have not yet paid the fees related to the registration prior to this Prakas in force shall pay the fee based on this Prakas.

CHAPTER 5

FINAL PROVISIONS

Article 17 .-

This Prakas shall replace Prakas No. 854 SHV.BRK dated 30 September 2019 on Fee of Trust Registration.

Article 18 .-

This Prakas shall be effective from the date of signing.

Article 19 .-

The Director General of the **TR**, the Director of Department of Trust Registration, the Director of Department of Legal Affair and Inspection, all Directors of Departments and unit of the TR and all related persons shall affectively implement this Prakas after the date of signing.

Phnom Penh 18th February 2022
Deputy Prime Minister
Minister of Economy and Finance
and Chairman of Non-Bank Financial Services Authority

Signed and Sealed

Akkak Bandit Sakpheachar AUN PORNMONIROTH

Recipients:

- Council of Ministers
- Ministry of Economy and Finance
- Cabinet of Samdech Akak Moha Sena Padei Techo **Hun Sen**
Prime Minister of the Kingdom of Cambodia
- National Bank of Cambodia
- Ministry of Commerce
- Ministry of Justice
- Cabinet of Samdech His/Hers Excellencies Deputy Prime Ministers
- Vice-Chairman and member of the Non-Bank Financial Services Authority
- “To be informed”
- As prescribe in Article 75
- “For implementation”
- Royal Gazette
- Archives-records