

RAS AL KHAIMAH INTERNATIONAL CORPORATE CENTRE (RAKICC) FOUNDATIONS

Ras Al Khaimah International Corporate Centre (RAKICC), Government of Ras Al Khaimah brought into force the RAKICC Foundations Regulations 2019 on 15th December 2019 which enable creation of foundations in RAKICC. These Regulations are made by the board of directors of RAK ICC pursuant to Ras Al Khaimah Decree No. 4 of 2016.

About

A RAK ICC Foundation is a corporate body created with a legal personality separate from that of its Founder(s) registered at RAK ICC. The Foundation acts through its council to administer its assets and carry out its objectives.

A foundation is used for enhanced succession planning and asset protection, providing a robust governance structure, and guardian oversight. They have a distinct legal personality that separates liability, whilst maintaining control of assets, and have perpetual existence after the lifetime of the Founder.

The constitution of a foundation consists of its Charter, a public document, which outlines the object(s) and duration of the foundation and its by-laws, which describe how the foundation will be governed and operated.

Legal Structures:

- Minimum of one Founder
- Minimum of two members of the Council
- A Foundation must at all times have a registered office to which all communications and notices may be addressed, and which shall be in the UAE and which may be the registered office of its Registered Agent.
- A Foundation may not carry out any commercial activities, except those necessary for, and ancillary or incidental to, its objects.
- A Foundation shall include the management of its Property and income and the distribution of such Property and income by the Council in accordance with its Charter or its By-laws.
- A Foundation must have a Registered Agent.

Requirements

A Foundation should have foundation council members and shall carry out the objects of the Foundation and administer its Property.

It should appoint a guardian subject to:

- If a foundation has a charitable object or a specified non-charitable object, the foundation must have a guardian in relation to that object.
- A foundation may, but need not have a guardian in respect of an object to provide some or all of its property to a person or class of persons:
 - whether or not immediately ascertainable or
 - ascertained by reference to a personal relationship.

The Founder of the Foundation has such rights (if any) in respect of the Foundation and its Property.

Compliance

A Foundation is required to keep and maintain adequate accounting records and make them available as required under the Law.

The accounts shall be approved by the Council and signed on their behalf by at least two members of the Council.

Upon the request of the Registrar, the Foundation must deliver within (14) days a copy of all requested Accounting Records and/or accounts and returns.

Audited accounts are not required.

For more information, please email us at info@betaconsultants.ae

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