

## Trust essentials: February 2017

Newsletters - 10/02/2017

### **The Jersey court's high bar to rectification of trust documents**

The line between rectification and improvement is a significant one in terms of trust documents. The Jersey Royal Court's judgment In The Matter of the H and J Trusts further clarifies the distinction.

In the judgment, relevant to practitioners who work with Jersey and Guernsey trusts, the Royal Court approved the rectification of a mistake, but declined to go so far as to improve upon the provisions as originally prepared.

Ogier's Jersey Head of Dispute Resolution Nigel Sanders explains where the Royal Court found the line, the implications for practitioners, and what it means for those drafting complex trust documents.

Read the full article [Rectification and variation - full evidence still required: In the matter of the H and J Trusts \[2016\] JRC237](#)

### **A butterfly beats its wings in Panama - but what does it all mean for Guernsey?**

Ogier's Guernsey practice partner Marcus Leese argues that Guernsey's response to last year's Panama Papers scandal has been to do nothing – or more accurately, to do nothing **differently** from what it was doing. In this piece, he reviews the steps taken over many years to strengthen and improve regulatory standards, legislation, and policing to differentiate and stand-out from less proactive offshore centres.

Read the full article here [Panama Papers – how has Guernsey responded?](#)

### **Trust disclosure to beneficiaries – the cases continue**

Can legal advice to trustees be withheld from disclosure to beneficiaries under privilege? The answer is that it's largely down to who paid for it – the case of *Blades v Isaac and Alexander* (an

English case likely to hold weight in Jersey and Guernsey) sets out an interesting guide, as Ogier's Global Head of Private Client and Trusts Sally Edwards explains...

Read the full article here [Trust disclosure to beneficiaries – the cases continue](#)

### **Strong foundations lay sturdy base**

Around 300 foundations have been incorporated in Jersey since a new law introduced them in 2009. They are not expected to overtake the Island's trusts as a vehicle any time soon, but there is increasing appetite in Europe especially, mostly due to the clarity and brevity of the law, compared to more long-standing foundation jurisdictions. Ogier's private client and trusts managing associate Josephine Howe reviews the developments...

Read the full article [Foundations - a recent review of offshore developments](#)

Ogier's Trusts Advisory Group draws together experts from different disciplines and locations to provide a seamless contentious and non-contentious advisory service which also includes relevant corporate support.

### **Meet Ogier's Trust Advisory Group**

## **About Ogier**

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

## **Disclaimer**

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

## **Meet the Author**



Josephine Howe

Partner

Jersey

E: [josephine.howe@ogier.com](mailto:josephine.howe@ogier.com)

T: [+44 1534 514201](tel:+441534514201)

## Key Contacts



James Campbell

Partner

Jersey

E: [james.campbell@ogier.com](mailto:james.campbell@ogier.com)

T: [+44 1534 514230](tel:+441534514230)

## Related Services

Private Wealth

Legal

## Related Sectors

Trusts Advisory Group