

Mistake and contingent liabilities - Jersey's Royal Court rules that trust transfers can be set aside

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Trust Essentials October 2016: Mistake and contingent liabilities - Jersey's Royal Court rules that trust transfers can be set aside

Transfers of assets into Jersey trusts have been set aside by Jersey's Royal Court on the grounds that the transfers were based on a mistake, notwithstanding that the transfers were governed by foreign law and that the mistake was in respect of contingent rather than actual tax liabilities.

In the lead article in this month's Trust Essentials, Ogier's Head of Jersey Dispute Resolution Nigel Sanders explains the implications of the ruling in the Matter of the D, M and B Trusts, in which Ogier represented the applicant settlor of the trusts.

The case is the first occasion on which Jersey's Trusts Law mistake provisions introduced in 2013 appear to have been used to set aside later settlements of substantial assets onto trusts already in existence for some years prior to those transfers. Nigel looks at the Court's reasons for granting the application. The article also includes insight into whether the same decision would have been reached in Guernsey...

Find out more in our article [Setting aside subsequent transfers into a Jersey trust due to mistake as to potential tax consequences](#)

Why the refusal of charitable relief on homes for the elderly in Jersey should prompt reconsideration of keeping UK assets in Jersey trusts

A case that started with trust assets left to fund homes for the elderly being hit with a tax bill should end with anyone with UK assets in Jersey trusts having a rethink.

That's the view of trusts and private client specialist Steve Meiklejohn, who says that the UK Court of Appeal ruling over the estate of a Jersey woman has implications that professionals need to consider...

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Five reasons for placing one's trust in - well, trusts

Trust planning isn't the same thing as tax planning - in fact, changes to legislation around the world have introduced taxes on trusts and their beneficiaries.

David Cooney, who specialises in Private Client and Trust work in Ogier's Cayman office, gives five reasons why trusts are still popular despite tax changes, and why people should still be using them. Spoiler alert: none of them are about tax.

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