

Trust essentials: February 2017

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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](#)

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