



Trust Essentials – August 2017

Newsletters – 30/08/2017

Jersey's Royal Court backs trust variation to benefit children from same-sex and unmarried families – the facts, considerations and implications

Variations to two substantial Jersey trusts intended to allow the children of same-sex and unmarried couples to benefit have received the consent of the island's Royal Court in a major judgment.

All of the family members already entitled to benefit from the trusts applied to the court to change the definition of the beneficial class, so that, among other amendments, family members who were the children of same-sex and unmarried couples would also qualify as beneficiaries.

The Royal Court gave consent to the variation application on behalf of minor, unborn and unascertained beneficiaries on the basis that "leaving the present arrangements in place is likely to cause unhappiness and dissention in the family in the future".

The Court's judgment confirmed that the clear direction of Jersey's legislation in favour of equality outweighed the public policy argument that rigidly enforcing the views of settlors would benefit the Island's trusts industry.

In this briefing, Ogier managing partner Edward Mackereth – who appeared for the family in court – and associate Liana Pallot explore the facts, the considerations of the Royal Court, and the implications of the judgment in the Representation of Y Trust and Z Trust [2017] JRC 100.

[Read the full briefing here: Jersey's Royal Court backs trust variation to benefit children from same-sex and unmarried families – the facts, considerations and implications](#)

Reasons to place your confidence (and property) in trusts

The tax and confidentiality benefits for holding high value property assets in trusts are no longer what they were – and yet, they remain almost as popular as ever as a structuring option.

Partner Anthony Partridge and associates Fraser Allister and Oliver Goodwin consider the regulatory changes, the implications today in terms of tax, confidentiality, asset protection and succession planning.

Read the full briefing here: [Reason to place your confidence \(and property\) in trusts](#)

HMRC takes action after the Rangers EBT ruling

We are already beginning to see the repercussions of HMRC's successful appeal against the owners of the now-liquidated Glasgow Rangers FC.

In their latest briefing, counsel Katherine Neal and senior associate Richard Laignel explore this question of liability alongside other crucial issues that trustees of EBTs should consider in light of recent developments.

Read the briefing here: [HMRC is taking action after the Rangers EBT ruling: issues facing trustees](#)

The Guernsey Register of Beneficial Ownership

The Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 finally received Royal Assent on 25 July 2017 and came into force on 15th August 2017.

Senior associate Chris Hards in our Guernsey private client and trusts team discusses what you need to know in this briefing.

Read the briefing here: [The Guernsey Register of Beneficial Ownership](#)

Ogier's Trusts Advisory Group

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 Trusts 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.

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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.

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