

Recent court decisions significantly advance jurisprudence in Guernsey trust law

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With a number of significant recent court decisions, the past year has significantly advanced jurisprudence in Guernsey trust law.

That's the view of Ogier partner Mathew Newman – head of the firm's Guernsey Dispute Resolution team - who will provide an audience of Guernsey trust professionals with an overview of several of the most important decisions at STEP Guernsey's flagship event this week.

At the STEP Guernsey Conference, contentious trusts specialist Advocate Newman will outline the impact of four notable Guernsey trust cases, covering issues of trustee liability, 'turning back the clock', trusts and divorce and proceeds of crime and trusts.

"It has been a year of change," said Mathew, adding that with trust professionals currently awaiting a Court of Appeal decision in *M v St Anne's Trustees Limited*, the change could be even further reaching as local trust professionals wait to see whether the approach to *Hastings-Bass* will be reversed following the Royal Court's decision to follow the limiting scope of English law in this area earlier this year.

"We are seeing many more written and publicly available decisions than we've been used to, and that is certainly advancing jurisprudence in Guernsey trust law.

"As a result, trustees are getting more clarity on position on a number of different areas of their practice and I am very pleased to be able to discuss both the outcome and the implications of recent case law developments with such a broad audience of trust specialists at the STEP Conference.

"Lessons for trustees in Guernsey are numerous. For example *Investec Trust (Guernsey) Limited v Glenalla Properties Limited* – arguably the main trust case of the year so far for both Jersey and Guernsey – confirms the law on the liability of a trustee when transacting as trustee with third parties.

"I'll look at Re T Limited (2017) and Re P Limited (2018), cases involving trusts and divorce, in particular what a trustee should do when confronted with beneficiaries divorcing in a foreign matrimonial court.

"And I'll discuss lessons from the Liang v RBC Trust Company case of May 2018, the result of which means that beneficiaries must prove the provenance of funds settled into trust, and that trustees should report any suspicions that they have about those funds to the relevant authorities."

The STEP Guernsey Conference takes place at Beau Sejour on 21 June.

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