



Trust Essentials – September 2020

Insights – 28/09/2020

Changing client expectations around philanthropy and ethical investment have been making a significant impact on the day-to-day work of private wealth advisers for some time.

COVID-19 has only prompted further philanthropic and ethical investment activity from HNWs, ranging from direct interventions into medical and vaccine research to tackling the broader social and economic fallout of the pandemic. Against this backdrop, our lead articles by Alice Bricogne and Henry Wickham consider how trustees can balance their fiduciary duty with the wishes of their clients to invest sustainably.

Read their articles here:

[Sustainable Investment and the role of the fiduciary](#) – Henry Wickham

[Navigating the world of ethical investing as a Guernsey Trustee](#) – Alice Bricogne, Gavin Ferguson

We are pleased to see the continued career progression of our colleagues, with the promotion of Alice Bricogne and Chris Hards to counsel and managing associate respectively in Guernsey.

Enjoy Trust Essentials, and if you would like to discuss any of the topics covered in this edition please don't hesitate to get in touch with any member of our [Trusts Advisory Group](#)

[The importance of governance in family offices](#)

Families come in all shapes and sizes and it follows that there is no one size fits all approach when it comes to establishing an effective governance framework for a single family office (being a private organisation that manages the investments for a single wealthy family) or a multi-family office (being a private organisation which looks after the investments of multiple families). Read the briefing [here](#)

[Firewall and Forum clauses – what protection is available when foreign courts seek to intervene](#)

Trustees can all too easily find themselves caught up in litigation in another jurisdiction given the

increasingly international nature of offshore trusts. The firewall regime and forum for administration clauses within deeds, when robustly applied and upheld by the Courts, are the key to ensuring questions concerning a trust are dealt with by the courts of its home jurisdiction. Read the full article [here](#)

Doctrine of mistake and rule in Hastings-bass

In 2019, Jersey's Royal Court (the Court) had to carefully consider the breadth of its discretion to grant relief under the Trusts (Jersey) Law 1984, as amended (the Law), which enshrines in statute the so-called rule in Hastings-Bass and the doctrine of mistake. Read the full article [here](#)

The intermeddling offence in Jersey: revised guidelines issued

It is a criminal offence in Jersey to take possession of or in any way administer the movable estate of a deceased person prior to a grant of probate being obtained (the **Intermeddling Offence**). Her Majesty's Attorney General (**HMAG**) is responsible for deciding whether to commence criminal proceedings in Jersey, including for the Intermeddling Offence. The need to comply with Jersey's probate requirements was underscored by the recent conviction of two financial services firms for intermeddling. Read the briefing [here](#)

Jersey Lasting Power of Attorney portal

Find out more about our online portal to make your Jersey Lasting Power of Attorney [here](#)

Cayman Islands' probate practice for non-Cayman domiciliaries

When a non-Cayman domiciliary dies owning Cayman Islands assets such as shares in a Cayman Islands company and interests in Cayman Islands funds (Cayman estate), the transmission of such Cayman estate is governed by Cayman Islands law and a grant of representation (Cayman grant) issued by the Grand Court of Cayman (Grand Court) is usually required. Read the briefing [here](#)

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