

# WILBERFORCE ANNUAL TRUST LITIGATION DAY 2019

**Wilberforce**  
CHAMBERS

Monday 21st January 2019

8.45am – 5.40pm

CPD points: 5.5

**Registration fee:**

£299 + VAT for conference only

£360 + VAT for conference & dinner at Theo Randall

8.45am Registration and refreshments

9.15am Welcome from the chairmen – Jonathan Hilliard QC and Andrew Mold

9.20am **Shamming it up – there is more to sham trusts than Pugachev**  
**Jonathan Hilliard QC and Tom Roscoe**

- Governing law
- Can shamers assert sham?
- The position of successor trustees
- Need the protector be in on it?
- How far do sham and illusory trust arguments apply in jurisdictions with reserved powers legislation?
- Will *Re Esteem* continue to represent the offshore attitude?

9.50am **The impact of divorce proceedings on third parties**  
**Andrew Mold and Zoë Barton**

- Who are privies?
- How best to prevent trustees being dragged into proceedings
- Difficulties that can be caused to companies
- Other issues for third parties holding property including in relation to land registration

10.20am **An A to Z guide to applications under the Variation of Trusts Act 1958**  
**Brian Green QC and Judith Bryant**

- Tips for claimants and defendants
- Update on recent law and practice
- What does the future hold?

10.50am BREAK

11.20am WORKSHOPS (PLEASE SELECT ONE)

W1 **Challenging wills**  
**Lawrence Cohen QC, Thomas Seymour and Cara Goldthorpe**

- Lack of Testamentary Capacity
- Want of knowledge and understanding of the contents of the will
- Undue influence including Calumny
- The learning objective is to gain an understanding of the rules and practical issues encountered, including the *Lark v Nugus* statement, pleadings, onus of proof and evidence.

W2 **Exercising discretion – decisions and consequences**  
**Gilead Cooper QC, Anna Littler, James McCreath, Michael Ashdown and Joseph Steadman**

- Adding and removing beneficiaries
- Trustees' mistakes
- Remedies – including tracing after *AHAB v Al-Sanea*

W3 **Strategies when beneficiaries consider seeking removal of a trustee**

**Tiffany Scott QC, Andrew Child, Tom Roscoe, Jamie Holmes and Jia Wei Lee**

- Timing of removal applications
- Removal of corporate trustees and directors of corporate trustees
- Remuneration disputes and rights of indemnity
- Is a derivative action available?

12.35pm LUNCH

1.50pm **Ways of quietly protecting trustees and sorting out a mess**

**Edward Sawyer, Michael Ashdown and Jamie Holmes**

- s.48 Administration of Justice Act claims
- Anti-*Bartlett* clauses
- Strong firewall and how much protection do they offer e.g. *Nevis*?
- Undoing a problem offshore through mistake / *Hastings Bass*

2.20pm **WORKSHOPS (PLEASE SELECT ONE)**  
Workshops at 11.20am will be repeated at 2.20pm, therefore alternative choices are recommended.

3.35pm BREAK

4.15pm **Would I lie to you?**  
**Chaired by Andrew Child**  
**James McCreath, Simon Atkinson, Cara Goldthorpe and Jia Wei Lee** will present a selection of weird and wonderful cases – but which ones are true?

4.45pm **Trust, private client and tax litigation – the impact of the criminal law and regulation**  
**Robert Ham QC and Elizabeth Houghton**

- The Wildenstein trials in France
- EBTs
- Private prosecutions?
- Unexplained wealth orders
- The SRA guidance

5.15pm **Guest Speaker:** The Master of the Rolls (Sir Terence Etherton)

5.45pm **Closing from the chairmen** – Jonathan Hilliard QC and Andrew Mold

5.50pm Drinks reception

7.00pm Dinner at Theo Randall (pre-booked guests only)