

JERSEY CONFERENCE 2019

Wednesday 26th June 2019

4.00pm – 6.30pm

followed by drinks

Location

Grand Jersey Hotel & Spa
Esplanade, St Helier JE2 3QA

Timetable

4.00pm Registration

4.15pm Welcome remarks

4.20pm **Practical points on Beddoe proceedings**
Jonathan Hilliard QC

- What is the Beddoe test? Is it different from ordinary blessing? *Re the F Charitable Trust* (2017)
- What is the test for submission to the jurisdiction and settling proceedings?
- How far does the power to compromise extend? *Earl of Strafford*
- How does without prejudice privilege operate in blessing proceedings?
- Duties of disclosure and rights to be heard – how far do they go?
- Dealing with attacks on the trust property

4.40pm **Collapsing trusts: *Saunders v Vautier* in the Channel Islands**
Michael Ashdown

- Who can terminate a trust after *Rusnano Capital AG v Molard International (PTC) Ltd*?
- Can default beneficiaries subvert powers of appointment?
- Are “massively discretionary” trusts with powers to add beneficiaries different?
- Can settlors or trustees stop their trusts being collapsed?

5.00pm **Submission to the jurisdiction: pitfalls and how to dig your way out of them**
Tiffany Scott QC and Jia Wei Lee

- What amounts to submission to a jurisdiction?
- How should litigants decide when and whether to submit to a given jurisdiction?
- How does a litigant avoid unintentionally submitting?
- Under what circumstances can a litigant extricate itself from the consequences of submitting to an unfavourable jurisdiction?

5.20pm Break

5.45pm ***Quistclose* trusts update**
Clare Stanley QC

- Recap of the basic principles
- Indicia of *Quistclose* trusts
- Why they are useful
- Recent developments

6.05pm **Open injustice**
Gilead Cooper QC

- The principle of open justice
- Why shouldn't private disputes be heard in private?
- Jeremy Bentham.
- *Scott v Scott* (1913)
- *MN v OP* (2019)
- An opportunity for the offshore jurisdictions?
- Is arbitration an alternative?

6.25pm Closing remarks

6.30pm Drinks reception
