

5 Stone Buildings

“The best Chancery set bar none”

LEGAL 500

Channel Islands Conference 2022

Wednesday 23 November

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

Thursday 24 November

The Duke of Richmond Hotel
Cambridge Park, St Peter Port
Guernsey, GY1 1UY

Programme

13.30 Registration
13.40 Conference
18.05 Drinks Reception

If you or a colleague are interested in attending this conference please email: marketing@5sblaw.com

The “first choice” for “big tax and trust cases”

CHAMBERS UK

Members of 5 Stone Buildings are highly regarded specialists in a wide variety of areas, including trusts law (both offshore and onshore), wills, estates and family provision, mental capacity law, art and cultural property, taxation, real property, pensions and charities.

5 Stone Buildings is “highly regarded for offshore trust work” (Legal 500)

In the modern, interconnected world, an ever larger number of clients have interests that extend across different legal jurisdictions. Cross-border contentious and advisory work in relation to international trusts and estates, including civil fraud and asset tracing claims, forms an increasingly important part of our expertise.

Members of chambers are experienced in working with lawyers in other jurisdictions on international and cross-border cases, including as part of major multi-national litigation teams. We have built up substantial and long-standing connections in many overseas jurisdictions, particularly in the Channel Islands and further afield. Our members have been involved in and advised on matters from Jersey, Guernsey, Hong Kong, the British Virgin Islands, Cayman, the Bahamas and other Caribbean jurisdictions.

We welcome you to our Channel Islands conference and look forward to sharing our expertise with you.

PROGRAMME

13:30 **REGISTRATION**

13:40 **CHAIR'S OPENING REMARKS** – Penelope Reed KC

13:45 **CHALLENGING AND PROTECTING EXERCISES OF POWERS AND DISCRETIONS**

– Henry Legge KC and Mathew Roper

This session will look at issues connected with the exercises of powers, including payments to charity or for ESG purposes, from the perspective of both trustees and dissatisfied beneficiaries.

14:30 **PROTECTORS AND THEIR REMOVAL** – Harry Martin and Rose Fetherstonhaugh

This session will discuss the role of protectors and the considerations applicable to claims for their removal. The topics to be covered include the recent decision in *Representation of B and C [2022] JRC 086*, the extent to which the protector's role and the breadth of their powers is relevant to a claim for their removal, conflicts of interest, and lessons to be learned from claims for the removal of trustees and personal representatives.

15:15 **"OOPS...! MY TRUSTEE DID IT (AGAIN)" – MISTAKE: WHERE ARE WE NOW?**

– Edward Hewitt and Raj Arumugam

This session will consider recent developments in the law of mistake, both in the Channel Islands and in England & Wales, and some of the practical difficulties trustees and their advisors face after realising something has gone wrong.

16:00 **COFFEE BREAK**

16:30 **UK TAX FOR OFFSHORE TRUSTEES** – Amanda Hardy KC and Oliver Marre

This session will explore a range of UK taxation issues relevant to trustees resident out of the UK, and give an update on recent cases.

17:15 **CLAIMS FOR TRUST AND ESTATE ACCOUNTS** – Led by Francis Ng

This session explores recent case law on the claims for accounts, including the discretion to grant or refuse the remedy, the requirements for accounts on a footing of wilful default, and the relationship between accounts and equitable compensation.

18:00 **CLOSING REMARKS**

18:05 **DRINKS RECEPTION**

SPEAKERS



PENELOPE REED KC

Penelope has a wide Chancery practice with special emphasis on trusts, wills, contentious probate, family provision claims and tax, both in the UK and overseas.

She acted for the successful charities in their appeal to the Supreme Court in *Ilott v Mitson* [2017] UKSC 17 and the corporate Jersey trustees in *Crociani v Crociani* [2017] JRC 146; [2018] JCA136A (Court of Appeal).

Penelope is recommended by all the leading directories, described as “faultless”. “Her advice is delivered succinctly and without hesitation, inspiring the greatest of confidence in both her instructing solicitors and her clients.” She is praised for her mastery of contentious probate, trusts and capital tax matters. She is an accredited mediator, Deputy High Court Judge, a member of STEP, ACTAPS and until recently was the chair of the Chancery Bar Association. She lectures and publishes widely on all areas of her expertise.



HENRY LEGGE KC

Henry’s practice includes a broad range of Chancery work, but with particular emphasis on cases involving trusts, estates, pension schemes and art.

He has appeared in many high-profile trust disputes both onshore and offshore (e.g. the litigation relating to the estate of Boris Berezovsky, Trilogy, Crociani, and the Longleat litigation). He has extensive experience of acting for claimants and defendants in professional negligence claims in all of these areas. He has an additional area of expertise in disputes involving works of art and chattels.

In addition to his forensic practice, Henry has acted as an expert witness in foreign courts in all of his areas of expertise. “He is super experienced and super bright, a safe pair of hands. He is a considered silk and there is huge respect for him in the industry. He is very easy to work with and very approachable.” “He’s a highly tactical and subtle KC who is incredibly clever, but in a way that’s so subtle you don’t always notice it.” Chambers and Partners Trusts 2020. “Quick to absorb matters, very bright and good tactically on contentious matters.” Legal 500 Private Clients- Trusts and Probate.



AMANDA HARDY KC

Amanda has appeared in the Supreme Court, the Court of Appeal, the High Court and the First-Tier Tax Tribunal and has been involved in litigation in many areas of direct and indirect tax, including trusts and offshore trusts, appearing in the High Court in five separate applications to vary extremely substantial trusts and in relation to the effect of Double Tax Treaty provisions on trust arrangements. She recently successfully represented the taxpayer hedge fund (with Oliver Marre) in the first case on the salaried members rules.

Her advisory private client work focuses on offshore trusts, hedge funds, residence and domicile issues, divorce and pensions tax. She has written the second edition of Tolley's Statutory Residence Text (published December 2017). She is described as "a standout silk" who "has the ability to command the room" and was Chair of the Chancery Bar Association (2020-2022), is a Liveryman of the Worshipful Company of Tax Advisors and a Bencher of Middle Temple. She sits on the STEP Main Technical Committee and was appointed a Deputy High Court Judge in 2021.



EDWARD HEWITT

Edward has a busy traditional Chancery practice, with a particular emphasis on trust and succession disputes.

He is regularly instructed in relation to all manner of trust disputes, both on and offshore, where he has advised on Jersey and Guernsey trust disputes and has appeared unled in the Grand Court of the Cayman Islands. He is described in Chambers & Partners as "a dream to work with; commercial, responsive, totally unflappable and great with clients." He is the author of 'A Practical Guide to the Construction and Rectification of Wills and Trust Instruments' and has experience advising and acting in applications for the construction and the rectification of wills and trust instruments, mistake applications, applications for the removal and substitution of trustees and personal representatives and claims brought pursuant to the Variation of Trusts Act 1958. Edward also has experience of litigating professional negligence claims in the private client arena.

On the non-contentious side, Edward has experience drafting and advising in relation to wills, trusts and estates and ancillary tax issues. Edward is a native Italian speaker and is often instructed in cases involving an Italian element.

SPEAKERS



RAJ ARUMUGAM

Raj has a broad Commercial Chancery practice with a particular emphasis on Trusts and Offshore, Insolvency, Company and Commercial litigation.

Raj has been involved in major offshore disputes such as the *Investec Trust v Glenalla* litigation, *Carlyle Capital Corporation v Conway* and other substantial contentious trusts disputes, as well as leading insolvency and company law cases, such as recently representing the successful liquidator in the landmark decision in *System Buildings Services Group Ltd v Michie* [2020] EWHC 54 (Ch).

Before joining the Bar, Raj was a solicitor in the City, qualifying at Herbert Smith in 2002 and then practising for 6 years as a commercial litigator at a leading US law firm. Raj has also spent 6 months seconded to a leading offshore law firm. As a result, Raj is a team player who understands the needs of solicitors and overseas lawyers when instructing counsel. Raj has been appointed to the Attorney General's B Panel of Junior Counsel. He regularly represents and advises Government departments and public bodies including HMRC, HM Treasury, BEIS, and the Official Receiver. In 2008, Raj served as a Judicial Assistant in the Court of Appeal (working principally for the then Lady Justice Arden). This gave Raj an invaluable insight into appellate work.



MATHEW ROPER

Mathew has a broad contentious and non-contentious Chancery practice, with an emphasis on trusts and estates, capital taxation, the property and affairs jurisdiction of the Court of Protection and related professional negligence.

Mathew's contentious cases include *Cotton v Earl of Cardigan* (blessing of a momentous decision); *Barton v Willey* (undue influence and unconscionable bargain (led by David Rees KC)); *Fielden v Christie-Miller* (rectification of a deed of appointment and proprietary estoppel (led by Penelope Reed KC)); *RNLI v Headley* (extent of a trustee's duty to account); *Bullard v Bullard* (rectification of a settlement); *ADS v DSM* (application for a statutory will (led by Christopher Tidmarsh KC)); *Re AR* (authority and remuneration of deputies); *Re KP* (expenses of deputies); *Brown v New Quadrant Trust Corporation* (injunction to restrain sale of shares in breach of trust and cross-application for a blessing); and *Almond v Goff* (will construction (led by Tracy Angus KC)).



OLIVER MARRE

Oliver has a practice encompassing all areas of tax law, both contentious and non-contentious. This year's Legal 500 directory listed him as a leading practitioner with the comment: "The best service and most thorough, practical advice for us and our clients."

Much of Oliver's work has an overseas element, as recognised by his rankings not just in Chambers UK but also Chambers Global and Chambers HNW which says: "He cuts through the jargon and gives you a simple answer. It's built upon his extensive knowledge but in the heat of negotiations he's happy to cut through the chat and get to the point."

Oliver has a significant number of clients with Channel Islands connections ranging from individuals to trust companies and from corporates to family charities. He has also advised and represented the governments of other British overseas territories and crown dependencies; including, in the case of Gibraltar, in CJEU litigation.



HARRY MARTIN

Harry is ranked as a leading barrister for Chancery and art work. In 2019 he received the "star junior" award at the Chambers High Net Worth Awards. Harry acts on both contentious and non-contentious matters, often involving an international element.

Harry's recent Chancery work includes acting for Kenny Goss in his claim for financial provision from the estate of the pop star George Michael and acting for Viscount Savernake in his long-running dispute with his sister, Lady Brudenell-Bruce, concerning the Savernake estate in Wiltshire.

Harry's recent work in the art sector includes a £40m negligence claim against a London auction house relating to the sale of sculpture, advising a country as to its title to a painting situated in England, and defending a claim brought by a member of the Qatari royal family against a New York art dealer.

SPEAKERS



FRANCIS NG

Francis is a traditional chancery barrister focusing on trusts and estates. He is recommended for private client work in both the Legal 500 and Chambers & Partners High Net Worth. The directories describe him as having ‘a keen tactical brain’, ‘excellent in court’, ‘technically excellent’, and as ‘highly intelligent’ whilst maintaining ‘a sympathetic and relaxed manner with clients’.

Recent highlights from Francis’ practice include *re Clarke [2019] EWHC 1193 (Ch)* on rescission for equitable mistake and claims under the Inheritance Act, and *re Cadogan [2021] WTLR 411* on accounting on a footing of wilful default. He has a wide range of experience in both contentious and non contentious private client matters as a former consultant to the private client department of McDermott Will & Emery UK LLP and having taught trusts law to undergraduates for over half a decade (including as a college lecturer at St Catherine’s College, Oxford). He is a full member of STEP.

In 2020, Francis was appointed to the Attorney General’s C Panel of Junior Counsel to the Crown. His government clients have included HMRC, the Insolvency Service, and the bona vacantia department.



ROSE FETHERSTONHAUGH

Rose has a busy contentious Chancery practice with particular experience in onshore and offshore trust disputes (including those with a matrimonial element), trustee removals, probate claims, family provision, and cases involving art and cultural property.

Rose is listed as a Rising Star in Legal 500 2023 and Chambers and Partners High Net Worth 2022 described her as a “star in the making”, who has “the ability and judgment of somebody far more senior than herself”.



PAUL JENNINGS

Senior Clerk

Paul is as well-known as the members of chambers and is 'practical, approachable and keen to get the job done – a pleasure to work with': he heads a team of clerks who are 'a really good bunch – it's a very well-organised crew, everything is done quickly and professionally' (Chambers and Partners High Net Worth 2022).



KAREN MACFARLANE

Operations and HR Manager

Karen provides key support to our barristers and staff across a wide range of matters including seminar and events management.