

Protectors, power-holders and practical issues

WEBINAR / Zurich Centre

SPEAKERS

Robert Avis, Charles Russell Speechlys SA
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Rupert Morris, Walkers Private Capital and Trusts Team
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DATE

Wednesday, 9 February 2022

TIME

	12.00 – 13.30 hrs.
Registration	12.00 – 12.05 hrs.
Talk and Questions	12.05 – 13.30 hrs.

WEBINAR

Link and presentation will be sent in advance.

SUPPORTED BY



REGISTRATION

By 8 February 2022
to events@step-ch-fl.com

CPD

1 ½ hours towards CPD obligation

WEBINAR - FEE

	CHF
Members	40.00
Non-Members	50.00
STEP Students	30.00

CONDITIONS

Reserved places will be charged,
unless cancelled 24 hours before the
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WEBINAR / Zurich Centre

On-line / Wednesday, 9 February 2022 / 12.00 hrs.

TOPIC

Protectors, power-holders and practical issues

Powers held by protectors and other non-trustees are found in many modern trusts. However, two contrasting recent decisions of the Bermuda and Jersey courts have highlighted the potential for uncertainty as to how such powers are to be exercised, particularly protector powers to consent (or withhold consent) to trustee decisions. We will discuss these cases as well as the steps advisers can take to pre-empt problems that might arise given the current uncertainty in the law in this area.

- Why are powers conferred on non-trustees?
This deceptively simple question has divided the Bermuda court (In the matter of the X Trusts [2021] SC (Bda) 72 Civ) and the Jersey court (In The Matter Of The Piedmont Trust & Riviera Trust [2021] JRC 248 respectively) – is a consent power conferred on a protector simply to police the trustee’s exercise of its powers and thus to be supplied so long as the trustee is making a decision a proper trustee could take (the so-called narrower view), or does a consent power give a protector a power to veto a trustee decision simply because the protector does not agree with it (the so-called wider view)?
- How should protectors and other power-holders exercise such powers? What impacts do these decisions have for efficient trust administration?
- What risks should trustees and settlors be aware of, and how can they mitigate them?
- What advice should we give in establishing trusts and delineating non-trustee powers, and what can be done to minimise disagreements between trustees and power-holders?

SPEAKERS

Robert Avis, Counsel, Charles Russell Speechlys SA, Geneva

Robert is an English barrister who advises and represents clients worldwide in relation to private wealth and commercial matters and disputes. Based in Geneva, he works closely with colleagues across the firm’s teams and locations, often on cases involving contentious trusts and estates issues with cross-border and foreign law elements. Robert also advises individuals and trustees in relation to trust planning and administration.

He appears as an advocate before the English courts and arbitral tribunals and provides expert advice on English law issues to the Swiss courts and those of other jurisdictions.

Prior to joining Charles Russell Speechlys, Robert was a self-employed barrister at a leading London chambers, specialising in trust, estate and business disputes.

Robert is admitted to practise as a barrister in England and Wales and is a registered foreign lawyer in the canton of Geneva. He is a member of the Chancery Bar Association, the Commercial Bar Association, the Association of Contentious Trust and Probate Specialists (ACTAPS) and the Ordre des avocats de Genève.

[Rupert Morris, Partner, Walkers Private Capital and Trusts Team](#)

Rupert Morris is a partner and head of Walkers' Private Capital and Trusts Team in the Channel Islands. Based in Guernsey he has almost 15 years' practice as a private wealth specialist focusing on private client advisory and structuring work.

Rupert also has significant experience since qualifying as a Guernsey Advocate in 2010 as a contentious practitioner, appearing before the Guernsey courts at all levels, particularly in respect of *Beddoe*, *Public Trustee v Cooper* and *Saunders v Vautier* applications as well as applications to vary the terms of trusts.

He is recognised as one of the leading lawyers in his field in Guernsey, sits on the STEP Worldwide Council and is the Chair of STEP's Guernsey branch.

Rupert is instructed by many leading fiduciaries, financial institutions, government departments and UHNW individuals in respect of all aspects of local and cross-border advisory and structuring work, impact investment, charitable structures, and regulatory matters including investigations and dawn raids.

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