

Wilberforce Guernsey Conference 2023

Wilberforce
CHAMBERS

2.0 CPD

Thursday 19th October 2023

The Old Government House Hotel, St Ann's Place, St Peter Port, Guernsey, GY1 2NU



Timetable

3.30pm **Registration and refreshments**

3.45pm **Opening remarks**

3.50pm **Trustee removal and its alternatives**
Jonathan Hilliard KC and Simon Atkinson

- The *Erinvale* litigation and lessons to learn from it
- Suspension of powers by Court order and how far it goes
- Surrender of discretion and the *Womble Bond Dickinson* [2022] EWHC 43 (Ch) case
- Other ways of dealing with the problem

4.15pm **Representation in trusts proceedings**
Tom Roscoe and Benjamin Slingo

- The need to represent all interests: to assist the Court or protect the trustee?
- Scope of representation orders
- Identifying and managing conflicts
- Representative parties seeking guidance from the Court

4.40pm **Fiduciary duties in a commercial context**
Elizabeth Houghton

- The basics - who is a fiduciary? In what circumstances? What duties do they owe?
- Recent case law on fiduciary duties
- Expansion of the law relating to fiduciaries - cryptocurrency? ESG? AI?
- Update on remedies for breach of fiduciary duty

5pm **Break**

5.25pm **Shareholder agreements and joint venture agreements: giving effect to the “vibe” of relational contracts**
Thomas Robinson

- Meaning of “relational” contracts
- Sources of obligations between the counterparties?
- Can you use Further Assurance and Purpose clauses in the contract?

5.45pm **Powers, purposes and propriety: does *Grand View v Wong* change anything?**
Gilead Cooper KC, Michael Ashdown and Samuel Cathro

- What does the “proper purpose” rule require - and how do we ascertain what a “proper purpose” is?
- Adding and removing beneficiaries - can it be in the interests of the beneficiaries to be removed?
- The demise of the ‘substratum’ rule (if it ever existed) - does it matter?

6.15pm **Closing remarks**

6.20pm **Drinks reception**

Free to attend
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For further information, please email
seminars@wilberforce.co.uk

