

# Transcontinental Trusts 2012

*You Hear It First At TransTrusts!*

**The Heavyweight Speakers Include:**



**His Honour Justice David Hayton**  
THE CARIBBEAN COURT OF JUSTICE



**Richard Hay**  
Partner  
STIKEMAN ELLIOTT



**Anthony Travers OBE**  
Founder  
TRAVERS CONSULTING



**Donal Godfrey**  
Head of Harmful Tax  
Practices Unit  
OECD



**Emma Chamberlain**  
Barrister  
PUMP COURT TAX CHAMBERS



**Elspeth Talbot-Rice QC**  
Barrister  
XXIV OLD BUILDINGS



**Gilead Cooper QC**  
Barrister  
3 STONE BUILDINGS



**Alex Cobham**  
Head of Research  
SAVE THE CHILDREN



**Nicholas Shaxon**  
Author  
TREASURE ISLANDS



**Geoff Cook**  
CEO  
Jersey Finance

## 5 Reasons to Attend TransTrusts 2012

**150** Offshore Attendees from 25 jurisdictions ensure class-leading networking

**30** International Speakers bring you the definitive update on trusts: *Including a keynote address from the OECD and event favourite Justice David Hayton*

**27** Years of experience of the offshore world, providing you insight that you can trust

**8** Breakfast Briefings allow you to tailor your event to your specific needs

**2** hotly anticipated debates for you on the offshore world & trust companies

**Special Conference Features:**

**8 BRAND NEW, CUTTING-EDGE BREAKFAST BRIEFINGS:**

- Your chance to tap directly into top level expertise while meeting delegates with matching interests

**UNMISSABLE LAKE GENEVA BOAT CRUISE**



**SUPERB NOTES**

- TransTrusts is famous for its clear, comprehensive notes, providing a valuable reference source

*(See the booking form if you want to purchase the notes separately)*

Scan with Smart Phone QR Reader App:



**Register by 30th March 2012 & SAVE £300**

Hear from & Debate with the Leading Authorities in the Global Trust Industry

Chaired by:  
**Richard Hay**  
STIKEMAN ELLIOTT

International Expert Speakers:

**Elspeth Talbot-Rice QC**  
XXIV OLD BUILDINGS

**Prof. Paul Matthews**  
WITHERS

**Paul Knox**  
JP MORGAN

**Mark Hubbard**  
NEW SQUARE CHAMBERS

**Patrick O'Hagan**  
UBS

**Prof. Xavier Oberson**  
OBERSON ADVOCATS

**Prof. Luc Thévenoz**  
UNIVERSITY OF GENEVA

**Carlo Lombardini**  
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**Werner Meyer**  
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**Sebastian Dovey**  
SCORPIO PARTNERSHIP

**Aliya Allen**  
BAHAMAS FINANCIAL SERVICES BOARD

**Roderick Balfour**  
VIRTUS TRUST

**Christian Jenny**  
KAISER PARTNER

**Jim Edmondson**  
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**Jean Marc Tirard**  
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**William Heuseler**  
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**Anthony Markham**  
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**Malcolm Becker**  
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## Breakfast Briefings with the Experts

Enjoy informal briefings and conversation over coffee and croissants with the experts of your choice.



### Breakfast Briefings Day 1

#### Briefing 1

##### How to Change Your Residence & Domicile

- What constitutes "Residence"?
- Statutory residence test in the UK – will this be repeated in other IFCs?
- Double tax treaties – offshore and asset protection planning

#### Briefing 2

##### You've been Sanctioned! Freezing Orders and Asset Protection for Trusts

- Review of recent cases
- Freezing orders and divorce
- Practical solutions

#### Briefing 3

##### Liechtenstein & the New World Order

- Bilateral agreements (LDF etc.)
- 2 years with the revised foundation law
- The transition period of the new tax law
- Questions

Werner Meyer, KAISER PARTNER

Christian Jenny, KAISER PARTNER

#### Briefing 4

##### How Family Foundations are Developing their Philanthropy

Sebastian Dovey, SCORPIO PARTNERSHIP

### Breakfast Briefings Day 2

#### Briefing 1

##### The Bahamas Advantage: Introducing the Innovative Bahamas Executive Entity, Directed Trusts & Other Key Amendments to our Trust Legislation

Aliya Allen, BAHAMAS FINANCIAL SERVICES BOARD

#### Briefing 2

##### From Russia with Wealth – Which Structures and Why?

- Double tax treaty structuring
- Permanent establishment and central management and control
- Alternative structures: limited partnerships and special trusts
- Structuring for personal assets

#### Briefing 3

##### How to setup a Private Trust Company?

- Why are PTCs popular in Asia?
- Private trust company regulations explained
- Typical private trust company structures
- PTC combined with a VISTA purpose trust
- Litigation of PTC structures – what do I need to know

#### Briefing 4

##### FATF and Anti Money Laundering. A Success or an Ever-Increasing Burden on Wealth Management?

- Have AML regimes had the desired effect?
- Are they applied symmetrically across all jurisdictions?
- Has box-ticking KYC taken over from judgment?
- Is the cost of KYC procedures including FATCA becoming prohibitive?
- Where is the black money these days?

Moderated by:

Roderick Balfour, VIRTUS TRUST

Panel Members: Regulatory and Industry Bodies to be announced

08:00 - 08:30 Registration [See box left for more details](#)

08:30 - 09:20 **Breakfast Briefings** (choose 1 of 4)

**Briefing 1 - How to Change Your Residence & Domicile**

**Briefing 2 - You've been Sanctioned! Freezing Orders and Asset Protection for Trusts**

**Briefing 3 - Liechtenstein & the New World Order**

**Briefing 4 - How Family Foundations are Developing their Philanthropy**

09:30 Chair's Opening Remarks

Richard Hay, STIKEMAN ELLIOTT

### Key Issues Facing Trusts & Trustees

09:40 **Increasing Transparency and Information Exchange: What does this mean for Private Banking?**

Donal Godfrey, OECD

10:10 **The Hayton Trust Law Overview**

- Setting aside gifts for mistake as to tax consequences: England v Jersey
- Personal liability for "knowing receipt" as equivalent of "dishonest dealing of beneficial recipient"
- Trust assets as available resources on divorce
- Dangers of power of revocation or to appoint to self

The Honourable Mr Justice David Hayton, THE CARIBBEAN COURT OF JUSTICE

10:50 Coffee

11:00 **Structuring Real Estate Investments**

- Watch status of clients – are they really non-UK resident?
- Check client's domicile and deemed domicile
- Optimum structures for foreign investors buying UK investment property –tips to take and traps to avoid
- Buying the London pied a terre – how should it be held by the non-resident?
- Pros and cons of trusts/companies/foundations/partnerships/ outright ownership
- Buying property for the UK resident foreign domiciliary
- Funding for property purchases and taking interest deductions

Emma Chamberlain, PUMP COURT TAX CHAMBERS

11:40

#### **If Trusts are such a good idea – Why are there so many Trust Litigators?**

- Extended and second families
- Divorce
- Limitation periods
- A victim of their own success - longevity of trusts outliving memory or understanding of settlor and his wishes
- Settlers who don't believe that trusts mean what they say

Moderated by:

Gilead Cooper QC, 3 STONE BUILDINGS

Panel Members:

Elsbeth Talbot-Rice QC, XXIV OLD BUILDINGS

Professor Paul Matthews, WITHERS

12:30 Lunch Sponsored by: [kaiser.partner](http://kaiser.partner)

## Focus On Trust Companies

- 13:45 **Global Challenges in Managing Investments Tax Efficiently – Some Thoughts for Trustees**
- Challenges for trustees in ensuring tax compliance
  - Tax pitfalls in the investment process
  - Conflicts between tax and investment advice: which should take precedence?
  - Practical advice for trustees
- Paul Knox, JP MORGAN**

- 14:30 **House Believes that Bank Owned Trust Companies are Mere Asset Collectors**



- Are banks interested in fiduciary services or do they use trusts to gather in assets?
- Does it matter?

Moderated by:

**Rupert Ticehurst, BERWIN LEIGHTON PAISNER**

**Panel Members:**

**Daniel Martineau, SUMMIT TRUST INTERNATIONAL SA**  
**Joe Donohoe, RBC**

- 15:15 **Protectors: Monsters in Disguise**
- What to do about incapable or unhelpful protectors
  - What to do about greedy or self-interested protectors
  - What to do when protectors and beneficiaries fall out
- Mark Hubbard, NEW SQUARE CHAMBERS**  
**Rupert Ticehurst, BERWIN LEIGHTON PAISNER**  
**Robin Vos, MACFARLANES**

- 15:50 Coffee

## Focus On Switzerland

- 16:10 **Trusts in Switzerland**
- This session will discuss the issues of trusts in Switzerland and how trusts can be used as will substitutes.*
- Topics include:
- Recognition of asset protection legislation
  - Forced heirship/divorce (i.e. firewall statutes)
  - Standards of care (e.g. Bahamas v Swiss consumer protection standard)
- Patrick O'Hagan, UBS**

- 16:40 **What is the Future for the Swiss Private Banking Model?**

- Attacks from the US: are US clients still welcome in Switzerland?
- Impact of the UK and German agreements
- Opportunities for the future
- Tax as a predicate crime for AML purposes

Moderated by:

**Richard Hay, STIKEMAN ELLIOTT**

**Panel Members:**

**Prof. Xavier Oberson, OBERSON ADVOCATS**

**Prof. Luc Thévenoz, UNIVERSITY OF GENEVA**

**Carlo Lombardini, PONCET TURRETTINI AMAUDRUZ NEYROUD & PARTNERS**

- 17:30 End of Day One

- 19:30 **LAKE GENEVA EVENING NETWORKING CRUISE**
- Enjoy a relaxing cruise and drinks reception around Lake Geneva, including a two course dinner and a chance to make new contacts and catch up with old friends.*



- 08:00 - 08:30 Registration See box left for more details

- 08:30 - 09:20 **Breakfast Briefings** (choose 1 of 4)



**Briefing 1 - The Bahamas Advantage: Introducing the Innovative Bahamas Executive Entity**

**Briefing 2 - From Russia with Wealth – Which Structures & Why?**

**Briefing 3 - How to Setup a Private Trust Company**

**Briefing 4 - FATF and Anti Money Laundering. A Success or an Ever-Increasing Burden on Wealth Management?**

- 09:30 Chair's Welcome

**Richard Hay, STIKEMAN ELLIOTT**

## Jurisdictional Overview

- 09:40 **The Offshore World: What's Really Going on?**



- The politics of mischaracterization
- Why is Cayman a lightning rod for political attention?
- Transparency: what has been the upside for early adapters?
- Prospective European programmes: What is their likely effect?

**Anthony Travers OBE, TRAVERS CONSULTING**

- 10:10 **UK: Understanding the New Rules & Reforms**

- The common law approach to succession
- The UK intestacy rules - a case for reform
- Freedom of disposition and the rights of the family
- Law Commission Reports on Intestacy and Family Provision claims
- Trustees' powers relating to income and capital
- Forfeiture and the law of the succession
- Crossborder succession issues and EU regulation
- Matrimonial property regimes and EU proposals

**Jim Edmondson, FARRER & CO**

- 10:40 Coffee

- 11:00 **Does France want to Kill Trusts?**

- The new French tax law on trusts
- The new trustee's reporting requirements

**Jean Marc Tirard, TIRARD NAUDIN**

- 11:30 **Brazil / LatAm: Growing markets for Trustees**

- Planning tools for UHNW families in Brazil
  - Advantages of offshore fund structures
  - Trust/Foundations vs. control issues
- Brazil - dealing with forced heirship and divorce aspects
- Gift and transfer taxes when dealing with international planning

**William Heuseler, TAU PRIVATE BANK**

st June 2012

- 12:00 **Wealth Structures for South Africans**
- How can South Africans establish and fund international structures, taking exchange control and settlor charges into account?
  - How can South Africans benefit from offshore structures efficiently, and what must they report?
  - What accounts must international trustees maintain for their South African beneficiaries?
  - Practical examples of efficient planning.
  - Where do international pensions fit in?
- Anthony Markham, MAITLAND**

12:30 Lunch

### Small Ifcs In The Spotlight

- 13:45 **PANEL: IFCs & the EU: Inside or Outside Europe**
- Is it better to be inside or outside the tent?
  - Can an IFC survive (and thrive) inside Europe?
  - Will European efforts at tax harmonisation snare the British offshore centres?
  - Attacks from Europe: where does it end?



Moderated by:  
**Richard Hay, STIKEMAN ELLIOTT**  
Panel Members:  
**Geoff Cook, JERSEY FINANCE**  
**Dr. Max Ganado, GANADO & ASSOCIATES**  
**Malcolm Becker, BENTLEY TRUST (Malta)**

14:45 Coffee

- 15:05 **The Offshore World Plays an Essential Role in Global Prosperity**
- IFCs: oiling the wheels of the global economy or robbing the developing world?
  - The convention on mutual assistance with tax collection: end of the road, a level playing field or just not far enough?
  - The Financial Secrecy Index: unfair and impolitic, or a tool to reach a level playing field?
  - Corruption – no longer seen as a development disease but the poison of ‘treasure islands’?



Moderator:  
**Richard Hay, STIKEMAN ELLIOTT**  
For:  
**Anthony Travers OBE, TRAVERS CONSULTING**  
**Geoff Cook, JERSEY FINANCE**  
Against:  
**Alex Cobham, SAVE THE CHILDREN**  
**Nicholas Shaxon, Author, TREASURE ISLANDS**

16:20 Farewell from Chairman

16:30 End of Conference



### Private Client Series

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## Testimonials from TransTrusts 2011

*“All speakers of highest quality and level of presentations spot-on and good topics. An excellent conference and one of the best I have attended recently.”*

(Stone, Collas Crill)

*“Very good. Excellent staff support and knowledgeable speakers”*

(Watterson, Isle of Man Government)

*“Very interesting and top people”*

(Cremona, Ganado & Ass.)

*“Very good speakers with global perspective”*

(Wijetuye, Credit Suisse)

### Truly International Audience

With over 25 key jurisdictions being represented by speakers and attendees over recent years – the conference itself provides a unique opportunity for you to network with colleagues and experts of the highest level and on a truly international scale. These included in 2011:

**Gibraltar, Singapore, Latvia, Switzerland, Isle of Man, Jersey, Norway, Hong Kong, Malta, Liechtenstein, Canada, Guernsey, Germany, Monaco, New Zealand, India, British Virgin Islands, Cayman Islands and United Kingdom**

### Get your Questions Answered @ TransTrusts

Email in questions in advance and we will seek to integrate them into the conference.

These questions will be given to the speakers chairing each of the 4 themes and can be sent to:

**Jonathan.Olver@informa.com**

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The Bahamas has cultivated its vibrant financial sector for more than 80 years. Our maturity is testament to the financial professionals who have built our industry and remain committed to providing experience, wisdom and expertise to clients around the globe. The strength and longevity of our financial sector -- built within a smart, welcoming and cosmopolitan community -- combined with location, and lifestyle are all integral parts of The Bahamas Advantage, and what makes The Bahamas the wealth and asset Management gateway to the Americas. **The Bahamas Financial Services Board (BFSB)**, an innovative partnership between the financial services industry and The Government of the Bahamas for nearly 15 years, focuses on acting as a catalyst for maintaining and enhancing key elements that are at the core of The Bahamas Advantage: an environment conducive to business and an effective risk based regulatory framework while promoting a greater awareness of The Bahamas' strengths as an international financial and business centre.

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Kaiser Partner is a privately-owned wealth management group with over 80 years' experience. The organisation is founded on the principle of 'responsibility in wealth' and prides itself on solutions which enable clients to preserve and use their wealth wisely. Kaiser Partner offers wealth and asset management, banking and trust solutions, as well as Family office services. It operates from offices in Zollikon (Zurich, Switzerland) and Vaduz (Liechtenstein), serving a client-base which spans five continents.

### Sponsorship Opportunities:

**For international financial centres, private banks and legal advisers, this event is a must!**

**Give your organisation the competitive edge with a presence at the most recognised and established international trusts event.** There is really no better environment to target the most influential decision-makers in the offshore world.

Transcontinental Trusts will present service providers to this industry with a **unique opportunity to meet existing and potential clients from key jurisdictions.** For international financial centres, private banks and legal advisers, this event is a must! If you are interested in discussing sponsorship, an exhibition space, display space or advertising in the delegate pack, please call **David Gold** on Tel: **+44 (0)20 7017 7243** or email **david.gold@informa.com**

# Transcontinental Trusts 2012

20th - 21st June 2012, Grand Hotel Kempinski Geneva (FKW52332)

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FKW52332  
20th - 21st June 2012

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<b>Two-Day Conference Transcontinental Trusts (FKW52332)</b>	<input type="checkbox"/> £1199 <b>SAVE £300</b>	<input type="checkbox"/> £1299 <b>SAVE £200</b>	<input type="checkbox"/> £1399 <b>SAVE £100</b>	<input type="checkbox"/> £1499

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