

# Wilberforce Guernsey Conference 2026

Wilberforce  
CHAMBERS

Wednesday 13<sup>th</sup> May 2026

2.0 CPD

Old Government House Hotel & Spa, St Peter Port



## Timetable

3pm	<b>Registration</b>	4.50pm	<b>Break</b>
3.25pm	<b>Opening remarks</b>	5.20pm	<b>Insolvent trusts – liabilities of office holders and ability to recoup out of a trust fund</b> <b>Philippe Kuhn and Benjamin Slingo</b> <ul style="list-style-type: none"><li>• What is an ‘insolvent trust’?</li><li>• Status of other creditors</li><li>• Priorities</li><li>• Possessory lien – current and former trustees</li></ul>
3.30pm	<b>The Court’s inherent jurisdiction and getting information out of trustees</b> <b>Elizabeth Houghton and Jamie Holmes</b> <ul style="list-style-type: none"><li>• The starting point for requests for information: <i>Schmidt v Rosewood</i></li><li>• Seeking information in the Court’s inherent jurisdiction vs statutory provisions (<i>BX v T</i>)</li><li>• Beneficiaries vs. third parties seeking trust documents</li><li>• Other uses of the Court’s inherent jurisdiction</li></ul>	5.45pm	<b>Case management stays in cross-border trust disputes</b> <b>Jennifer Seaman and Andreas Giannakopoulos</b> <ul style="list-style-type: none"><li>• Forum (non) conveniens stays vs Case management stays – When to deploy certain arguments?</li><li>• Relevant legal principles for case management stays pending resolution of foreign proceedings</li><li>• Some issues on recognition and enforcement of foreign judgments – Firewalls and Hague 2019</li><li>• Procedural considerations across jurisdictions</li></ul>
3.55pm	<b>Fiduciary duties, conflicts, commissions and profits</b> <b>Tiffany Scott KC and Edward Sawyer</b> <ul style="list-style-type: none"><li>• Protectors, banks, directors, financial services providers</li><li>• Recent appellate decisions on fiduciary duties and equitable remedies</li><li>• Unauthorised profits and diverting opportunities</li></ul>	6.10pm	<b>Anti-Bartlett clauses</b> <b>Nikki Singla KC and Lemuel Lucan-Wilson</b> <ul style="list-style-type: none"><li>• Interference, monitoring or supervision – which obligation (s) do you need to exclude for your clause to be effective?</li><li>• Notice v knowledge – the sliding scale of awareness requirements</li><li>• Complex structures and professional trustee providers – how do the clauses operate where the underlying companies include trustee personnel?</li></ul>
4.20pm	<b>Trustee decision-making after <i>Dawson-Damer</i></b> <b>Simon Atkinson, Michael Ashdown and Roxane Reiser</b> <ul style="list-style-type: none"><li>• Settlor’s wishes – how can trustees ascertain what they are, and what should they do with them?</li><li>• Relevant and irrelevant considerations – should decisions be set aside for any error of deliberation?</li><li>• Would or might – does the Privy Council’s judgment vindicate the statutory test in Jersey, Cayman and elsewhere?</li><li>• Setting aside trustees’ decisions – when will the court refashion a previous transaction, or refuse relief entirely?</li></ul>	6.35pm	<b>Closing remarks</b>
		6.40pm	<b>Drinks reception</b>