

Trust Services

Keeping influence or control – offshore holding structures

Rathbones offers specialist services to individuals and their families in establishing and administering offshore trusts, companies and foundations through our offices in Jersey, the BVI, Geneva and New Zealand. We can offer civil law solutions as well as common law solutions.

We believe that our clients are best served by a personal and responsive service from specialist practitioners. We therefore do not work through client relationship officers. Our objective and our reputation is to provide a high quality personal service and to add value.

We bring these qualities to bear in advising wealthy individuals on the setting up of trusts and companies to save tax, or to protect families from the effects of divorce or commercial failures or simply to provide a means for passing on family wealth in an orderly and flexible manner, and possibly without the constraints of fixed succession rules.

These arrangements involve the client transferring legal ownership of assets to be held for the benefit of themselves and/or their families but in many cases the transferor will wish to retain a degree of influence going forward, beyond merely giving guidance on key policy areas. The transferor may also have special wishes as to confidentiality and the non-disclosure of information.

In all cases we take care to ensure that we have understood and accurately recorded a transferor's wishes as guidance in key areas such as investment strategy and the allocation of capital and income benefit.

Where appropriate we can arrange for certain important decisions to be made only with the consent of the transferor or the transferor's representative so as to ensure that the transferor's interest is always protected.

In some cases a transferor may wish to retain certain key powers, leaving the trustees with legal ownership but only limited discretion. In some cases a transferor may wish to retain a degree of actual control.

If you would like to receive further information or a general consultation please contact:

Julian Hayden

Tel +44 (0)1534 740140
julian.hayden@rathbones.je

Mark Biddlecombe

Tel +44 (0)1534 740175
mark.biddlecombe@rathbones.je

Nigel Bentley

Tel +44 (0)1534 740220
nigel.bentley@rathbones.je

Rathbone Trust International

Rathbone House, 15 The Esplanade,
St Helier, Jersey JE1 1RB

Range of options

We can offer a wide range of structures with varying levels of influence, retained powers or even control to accommodate all of these situations without prejudicing the legal effectiveness of the structure so as to avoid the taxation and other problems that can arise where appropriate care is not taken in this area. A key part of our advisory role is in identifying the most appropriate type of structure from the wide range of solutions available and then fine-tuning it in light of the needs and objectives of the individual client.

We can also offer structures where the client or the client's advisers can act in a formal capacity so as to retain an influence, such as through being directors of a trustee company formed for the purpose. In the offshore context care is again needed in this area to ensure that management and control of the trustee company remains offshore.

Our ability to assist in these areas

We can advise directly but more usually we work with the client's own professional advisers in structuring the client's affairs to give effect to their tax or succession planning.

We work well with other advisers since our client teams contain a significant number of UK lawyers, many of whom have considerable experience in private practice, advising international clients, their families and their family offices on tax, estate and succession planning – both in respect of their personally held assets and through setting up and administering trust and company structures. Our administrative teams also reflect years of experience in the operation of offshore structures for the maximum benefit of their beneficiaries.

This briefing is intended as a general introduction to relevant tax rules and principles as at October 2005 giving a broad indication of steps that can be taken to take advantage of planning opportunities. It should not be taken as detailed advice. You should not act or refrain from acting on the basis of this general outline without taking professional advice on the specific facts of your case.

Rathbone Trust International is the Registered Business Name of Rathbone Trust Company Jersey Limited which is regulated by the Jersey Financial Services Commission in the conduct of Trust Company Business.