

Key Facts Trusts

Guernsey Trusts are established under the Trusts (Guernsey) Law, 2007 which in particular codifies the duties and obligations of the Trustees and gives the Court certain powers which it will exercise on application from a Settlor, Trustee, Beneficiary or Protector.

The law and its subsequent amendments contain the following provisions:

- Trusts are not registrable on any public or private register in Guernsey and are not subject to any stamp or other duty in Guernsey.
- There is no requirement for details of trusts or accounts to be made available to any authority, other than the courts of Guernsey.
- Neither the Settlor nor the Beneficiaries under a Guernsey trust need be residents of Guernsey.
- The creation of the trust and the transfer of disposition of assets to that trust are not invalidated by any foreign rule of forced heirship or by reason of the fact that the concept of trusts is unknown to or not admitted by the law of a jurisdiction other than Guernsey.
- A Guernsey trust does not need to have a fixed termination date.
- The new trust law permits the establishment of trusts for non-charitable purposes, as such trusts to hold property or exercise functions without conferring a benefit on any person are valid.
- A trust can provide for asset protection and estate planning.

Disclosure of Identity

We may be required to release information concerning the identity of clients, to service providers (e.g., banks, solicitors or investment managers). These institutions have obligations under anti-money laundering legislation to request information prior to providing services on your behalf.

Regulation of Trustees and Company Administrators

In addition to anti-money laundering legislation, which places a responsibility on the fiduciary services provider to undertake checks on new clients and to review all financial transactions, Guernsey's Trustee and Business Administrators Law, requires all providers to be licensed by the Guernsey Financial Services Commission and governs:

- The number of qualified directors required by the provider;
- Minimum capitalisation of the provider;
- Annual compliance audit of provider to ensure high standards are adhered to;
- Annual registration fee for the provider; and
- Compliance with published Codes of Conduct.

All queries/complaints under such codes should be addressed to our compliance officer.

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Structuring

Through an introduction to a network of highly reputable international legal and tax advisors, Trident Trust will ensure that clients are able to obtain credible and effective legal and tax advice when structuring their affairs.

Formation of Trusts

By having ready access to a mixture of internal and external legal expertise, clients are assisted by receiving a responsive service in the drafting of trust documentation. International anti-money laundering standards require offshore service providers to obtain an accepted level of due diligence on new and existing clients, their activity and source of funds, but having worked with this framework and accepted its overall benefits for the industry, we can provide assistance with the process of document collection.

Administration Services

As an international and independent provider of private client wealth structuring, we focus on the client needs and desires, employing experienced professional staff, and drawing on the depth of resource available. Good relationships are maintained with a variety of banks, investment managers, lawyers and property agents, to ensure the delivery of quality of service, in a responsive manner.

A variety of investment/asset reporting is available, including the preparation of financial statements in accordance with United Kingdom or International accounting standards.

Taxation

If all beneficiaries and settlors are resident outside of Guernsey and there is no Guernsey sourced income, the trust will not be subject to taxation in

Guernsey. There is no capital gains, inheritance, stamp duty or value added tax payable by a trust in Guernsey.

Types of Trusts

Trusts are formed for a variety of purposes and can hold many different types of assets. We can assist with the creation and administration of the most suitable vehicle for you, including:

- Discretionary trusts (revocable and irrevocable)
- Purpose trusts
- Charitable trusts
- Fixed/interest in possession trusts
- Accumulation and maintenance trusts
- Employee benefit trusts
- Shareholder trusts
- Reserved Powers trusts

We can also assist with the creation of trusts in other jurisdictions in which Trident Trust has a presence and are able to act as trustee where a Guernsey-based trustee is desirable. This includes BVI VISTA trusts and Cayman STAR trusts.

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