

# Isle of Man Conference

## Sefton Hotel

Douglas, Isle of Man

Thursday, 8th November 2018

Registration from 1.45pm –

Canape Reception from 6pm

This conference is free for Isle of Man practitioners but **booking is essential**.

**Please click here to book**

2.00 pm **Registration & Coffee**

2.25 pm **Welcome from Conference Chair:**

Penelope Reed QC,  
5 Stone Buildings

2.30 - 3.15 pm **Panel Session: [Directors on the brink and in the shadows](#)**

**Recent English and offshore authorities considering:**

- *When and to what extent directors owe their duties to creditors in times of financial difficulties*
- *The fiduciary duties owed by shadow directors*
- *The evidential considerations to be borne in mind when seeking to establish de facto and shadow directorship.*

Lesley Anderson QC,  
Kings & Hardwicke  
&  
Matthew Morrison,  
Serle Court

3.15 - 4.00 pm **Panel Session: [Capacity & Undue Influence](#)**

**An introduction to the English Court of Protection and the Mental Capacity Act 2005**

- *Capacity and decision making within the context of the Mental Capacity Act 2005.*
- *Cross-Border incapacity issues; recognising offshore powers of attorney and court orders in the Court of Protection.*

David Rees QC,  
5 Stone Buildings

**What knowledge and approval of a Will really means**

- *Burden of proof: one stage or two?*
- *Approval: words and their effect.*

Alexander Learmonth,  
New Square Chambers

**Undue Influence and Inter Vivos Transactions**

- *What do we mean by "presumed" undue influence?*
- *The potential role of third party advisers in relation to impugned transactions.*

Elis Gomer,  
St John's Buildings

4.00 - 4.30 pm **Afternoon tea**

4.30 - 5.00 pm

## Panel Session: **Sham Trusts**

### **Too controlling or just overprotective? The problem of broad protector powers**

- *When may the assets of a company be treated as the assets of its shareholder?*
- *Can the veil of a trust ever be pierced or lifted to enable recovery against a settlor?*
- *Some thoughts about sham.*
- *The potential role of receivers.*

Robert Ham QC,  
Wilberforce Chambers  
&  
Mark Hubbard,  
New Square Chambers

5.00 - 5.30pm

## Panel Session: **Trustee Liability**

### **Trustee Liability and Insolvent Trusts following Investec v Glenalla [2018] UKPC 7**

- *Trustee's liabilities for the debts of the trust*
- *Limitations on liability when a trust is insolvent*
- *The Trustee's right to an indemnity where there has been a breach of trust*
- *The Creditor's rights of subrogation where a trustee is in breach of trust*
- *Jurisdictional issues where one jurisdiction recognises a limitation on liability and another does not*

Richard Dew,  
Ten Old Square  
&  
James Poole,  
Ten Old Square

5.30 - 6.00pm

## **Lecture**

### **Ivey v Genting and dishonesty – new dawn or false horizon?**

- *Misunderstanding in the criminal law*
- *Uncertainty in the civil law*
- *Dishonesty and disciplinary proceedings*
- *Resolution of the issues*
- *What about the future?*

Richard Spearman QC,  
39 Essex Court

6.00pm

## **Drinks and Canapé Reception**