



*Managed
Trust
Services*



Highly Personalised Expertise



Managed Trust Services

Professional firms and financial intermediaries are generally the most important sources of new business for trust companies operating in the Channel Islands.

There are many professional firms that are well known specialists in advising private and corporate clients on establishing and using offshore trusts and companies, whether for tax deferral or mitigation, for estate planning or for corporate finance activities along with other purposes. It is often the case that after introducing their client to the trust company of their choice, the firm making the introduction has little or no further involvement in the continuing management and administration of the trust, company or other structure which their client has established.

Many firms would like to be involved with the ongoing business, not only because of the fees that are generated but also to create stronger links with their clients; however, often these firms do not want to establish their own office in Jersey.

A so-called 'managed trust company' might be the best way for a firm to achieve its objective of having its own trust company in the Channel Islands, without the need to have an office and staff.

Managed trust companies may be established in Jersey by professional firms, by banks and by other financial intermediaries, provided that they are of good repute and that the managed trust company is managed by an established Jersey trust company, such as Whitmill Trust Company Limited.

How Whitmill can help

Whitmill Trust is licensed to provide managed trust company services and has experience acting in this capacity.

We provide incubator-style support, through to full standalone capabilities and are pleased to look after the managed trust companies for a global bank.

Whitmill Trust prides itself in offering a personal and professional service to all our clients. We endeavour to support managed businesses with our experience and local infrastructure, providing the regulatory framework required for their ongoing success, helping them grow and expand. Services are tailored to each of our client's individual requirements and may include the following:

Regulatory

- Provision of directors
- Provision of MLRO, MLCO and supporting functions
- Provision of Compliance Officer
- Design and preparation of all risk and compliance related reporting and testing programmes
- Drafting bespoke procedures manuals
- Drafting outsourcing agreements where applicable
- Provision of local anti-money laundering training

- Provision of regulatory and legislative updates
- Monitoring of continuing professional development
- Assistance with drafting business plans in respect of regulatory applications
- Liaison with regulatory bodies to ensure compliance with applicable laws and regulatory requirements

Accounting and reporting

- Provision of bookkeeping and accounting services
- Provision of financial statements to UK GAAP, IFRS or US GAAP standards
- Completion of ANLA calculations

Administration and secretarial

- Provision of directors
- Provision of full or tailored administration services
- Registered office and company secretarial services
- Establishment of managed entity and any associated vehicles
- Establishment and operation of bank accounts
- Preparation of board packs, convening and attending board meetings
- Preparation of minutes and action lists
- Independent non-executive directors
- Assistance in obtaining PI and D&O insurance
- Timely submission of applicable tax / statutory returns

Office support

- Provision of designated office space
- Dedicated telephone and fax lines, teleconference and greeting facilities
- Safekeeping services
- Provision of meeting room facilities
- Provision of staffing resources
- Assistance with HR obligations
- Assistance with payroll process
- Business Continuity Plan drafting and ongoing monitoring

IT support

- IT support and consultancy
- Installation assistance and support
- Web hosting
- Virtual office space
- Web portal
- Cloud / Servers / Email

- Backup support
- Business Continuity Planning

The Jersey Financial Services Commission regulates the establishment and management of trust companies in Jersey and any proposal to incorporate a managed trust company requires the Commission's prior consent.

The Commission's primary concern is to safeguard both the good reputation of the Island and the assets of clients. As a consequence it will want to know:

1. Who are to be the shareholders of the managed trust company;
2. They will want (in the case of companies) audited financial statements covering a period of several years and information on the directors or controlling shareholders of that company; or (in the case of individuals or partnerships) details of their professional qualifications and experience;
3. Who are to be the directors of the managed trust company;
4. They will generally require that at least two Jersey resident directors, usually representatives of the manager, join the board in an executive capacity with particular responsibility for the management of the business of the trust company;
5. The type of client in which the managed trust company is likely to specialise, and the procedures which are to be adopted in vetting proposed new business;
6. Which Jersey trust company is to manage the business of the managed trust company, to ensure that it is appropriately licensed to fulfil the role.

The Jersey Financial Services Commission will be keen to ensure that it is a local company of substance and good reputation and that all appropriate records of the client trusts and companies will be properly maintained within Jersey by the managing company.

An independent firm of auditors will be appointed to audit the annual accounts of the managed trust company and also to audit its procedures.

Why establish a managed trust company?

There are several reasons why professional firms and other financial advisers might prefer to establish their own managed trust company in Jersey, rather than giving the business to an established local trust company to operate independently.

Amongst them:

1. Their clients may feel reassured in the knowledge that the firm's own trust company is responsible for the administration of the trust or company concerned;
2. The firm is able to strengthen its relationship with its client;
3. The firm is able to share in the continuing fee income from the administration of the trust or company concerned;
4. The firm does not need to cover the expenses of establishing and equipping its own offices within Jersey;
5. The firm is able to rely upon the existing professional expertise and training of the staff employed with the managing trust company.

The directors of Whitmill Trust would be pleased to discuss with any suitable professional firm or financial intermediary the possibility of establishing and managing on their behalf a managed trust company.

Please note that the information and any commentary on the law or tax related matters contained in this document is only intended as a general statement and is provided for information purposes only and no action should be taken in reliance on it without specific legal or tax advice. Every reasonable effort is made to make the information and commentary accurate and up to date, but no responsibility for its accuracy and correctness, or for any consequence of relying on it, is assumed by the author. Further this factsheet is not intended to amount to legal advice.

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