

SEMINAR PROGRAMME

THURSDAY
7TH OCTOBER 2010
3.15PM - 6.30PM

REGISTRATION & COFFEE
FROM 3PM

THE ROYAL NORTHERN &
UNIVERSITY CLUB
9 ALBYN PLACE
ABERDEEN
AB10 1YE

THIS EVENT HAS BEEN
ACCREDITED FOR THREE HOURS
OF CPD BY THE FACULTY OF
ADVOCATES

THE SEMINAR WILL BE
FOLLOWED AT 6.30PM WITH
CHAMPAGNE & CANAPÉS

THIS EVENT IS PROVIDED
FREE OF CHARGE BY
TERRA FIRMA CHAMBERS

TERRA FIRMA SEMINARS IN ABERDEEN

Trust Law Update: Smörgåsbord or Cold Collation
Nick Holroyd, Advocate, LL.B., BCL (Oxon.), TEP, FSA Scot

- Some recent Scottish cases
- Recent English cases of interest
- Other developments

Testamentary Provision and the Contract to Test
David Parratt, Advocate, Barrister, LL.B., Ph.D., F.C.I. Arb. Dip. I.C. Arb.

- Your clients have made their wills: are they free to change them?
- Express written provision
- *de Lathouwer v. Anderson & Ors.* [2007] CSOH 54, 2007 S.L.T. 437
- Less formal contracts to test: how do you spot them?

Directors' Duties & Conflicts after Commonwealth Oil & Gas
Neil Beynon, Advocate, BA (Oxon.), LL.B.

- Directors with competing interests/ directorships; diversion of opportunities
- The divertee's liability - knowing (dishonest) assistance/simple receipt *El Ajou*
- Constructive Trust - applies to assets: is there property to which it can attach?
- Commonwealth Oil & Gas Co Ltd v Baxter 2009 SLT 1123 & its practical guidance on managing conflict

**Trustees' Mis-exercised Discretion:
Undo the Result - Even the Tax Consequence!**
Derek Francis, Advocate, Barrister (non-practising)
LL.B., TEP, Chairman TrustBar

- The limits on trustees' (and directors') discretion
- Consequences when fiduciary duties are breached/ discretion mis-exercised
- How to spot that it's broke so that the courts can fix it (?)
- Setting aside the results of mis-exercised discretion/ power
 - Error or mistake? Void or voidable? Does it matter - & how much?
 - Dundee General Hospitals etc.; the Rule in *in re Hastings-Bass dcsd.*, *Sieff v Fox* beyond

Specialists in property, planning, commercial and administrative law.

Name _____

Firm / Organisation _____

Address _____

Phone _____

E-mail _____

Seminar Sign-Up Form

Please tear off and return or e-mail details to
seminars@terrafirmachambers.com

Sign up for:	Time	CPD
☐ Trust Law Update	3.15pm	45 minutes
☐ Testamentary Provision	4pm	45 minutes
☐ Tea & Coffee	4.45pm	
☐ Directors' Duties & Conflicts	5pm	45 minutes
☐ Trustees' Mis-exercised Discretion	5.45pm	45 minutes
☐ Champagne Reception	6.30pm	

Number of talks / CPD hours _____

