

REGISTRATION
TRUSTEES - CHALLENGES OF INCAPACITY

LIVE WEBINAR – Thur 24 Sept: 11am-12.30pm, Your Computer

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DATE & LOCATION			
LIVE WEBINAR	24 Sept	11am-12.30pm	Your Computer
WEBINAR REGISTRATIONS CLOSE 3pm Wed 23 September			
PLEASE NOTE: To ensure you receive your hard copy book in advance of the webinar you must register at least 10 working days before the webinar date.			



To participate in the webinar you will need:

- A broadband connection
- Headphones to plug into your computer or external speakers
- Up to date operating system and web browser - see: <https://bit.ly/2BMEaeF> for more information
- For help, contact cle@lawyerseducation.co.nz or 0800 333 111

REGISTER

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Books are available in Hard Copy, PDF or Both. Please indicate your choice on the registration form overleaf.

- **Hard Copy**
Your book will be posted to you prior to the webinar.
- **PDF**
You will be emailed a PDF copy of the book 3 working days before the event.
- **Both Hard Copy & PDF**
You will be emailed a PDF copy of the book 3 working days before the event and the hard copy will be posted to you prior to the webinar (see above).

CANCELLATION AND REFUND POLICY

Since the webinar is available to registrants as an archive after the live presentation, there is no cancellation - we just transfer your user status as a registrant from the live presentation to a purchaser of the webinar package of recorded webinar, PowerPoints and booklet.



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1.5
CPD hours

WEBINAR
TRUSTEES - CHALLENGES OF INCAPACITY

September 2020

IN THIS WEBINAR

Practical advice on a range of issues that may arise when a trustee or appointor lacks capacity.

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TRUSTEES – CHALLENGES OF INCAPACITY

As practitioners we are all likely to be faced with situations where our clients' capacity is questionable, and they have left it too late to either retire as trustees or transfer their power of appointment of trustees.

OUTLINE

This webinar will consider the relevant tests for capacity, practical steps that you can take to mitigate the complications when capacity is lost, how to remove a trustee in that situation, the transfer of assets to new trustees, and other issues that arise.

Topics covered will include:

- An overview of the definition of capacity for trustees
- Relevant provisions of the Trusts Act 2019 and what they will mean in practice
- A discussion of what to do and what not to do when a trustee lacks capacity and the risks of ignoring this
- The non-court power of removal; including the nature of the power, test of capacity in relation to that power, s 43 of the Trustee Act 1956, non-use of EPAs and passing on power
- The court powers under s 51 of the Trustee Act and vesting orders
- A discussion of difficulties with medical assessments, ethical issues and how evidence played out in the case *Green v Green*
- A practical guide for correctly drafting trust deeds to avoid these issues.

LEARNING OBJECTIVES

By attending this webinar you will gain:

- Practical guidance on how to best mitigate trustee capacity issues and how to handle these issues if they arise.
- Up-to-date knowledge of reforms within the Trusts Act 2019.

WHO SHOULD ATTEND

Intermediate/advanced civil litigators, family lawyers, property lawyers, trusts and estates lawyers.

MATERIALS

A background book written by the presenters is available in hard copy, PDF, or both. Please indicate your choice upon registration.

FEE (Incl GST)

\$149 NZLS members/associates; \$179 non-members.

FORMAT

Via the internet, you will see and hear the presenters, see the PowerPoint slides and be able to type in questions.

- You will be emailed a link to the webinar one week in advance, and receive a reminder the day before.
- You will be able to submit questions in advance.

On the day

- 10 minutes before the start time, click your link to join the webinar – ensure your sound is turned on.
- Phone 0800 333 111 for help.

CPD – Attendance at the live webinar

- You will be emailed a certificate of attendance after the webinar for CPD verification.
- You can watch the presentation again, as many times as you wish for no additional cost.

Registration but non-attendance on the day

- Under the CPD Scheme only those who attend a live webinar are eligible to claim CPD hours. You can still however watch the archived recording.

PRESENTERS



Juliet Moses, Partner, TGT Legal, Auckland

Juliet is a partner at TGT Legal, a boutique trust and private client law firm based in Auckland. She specialises in trusts, personal asset planning and superannuation and is a regular presenter of seminars and author of articles on issues arising in those areas. Juliet has spoken at several NZLS CLE conferences and short seminars, ADLS conferences, and at STEP (Society of Trust and Estate Practitioners) and NZICA events. She is the chair of the STEP education committee and also published a chapter in the CCH 2011 edition of the *New Zealand Master Trusts Guide* on the “Termination and Insolvency of Trusts”.



Rebecca Rose, Barrister, Bankside Chambers, Auckland

Rebecca specialises in general civil and commercial litigation and dispute resolution. Her work for individual and corporate clients in the public and private sectors spans a broad range of areas and industries. Rebecca has litigated trust cases in all of New Zealand's higher courts. She is of Dutch and Te Atiawa (Ngāti Te Whiti and Ngāti Tawhirikura) descent. Rebecca is a full (TEP) member of STEP, the international Society of Trust Estate Practitioners as well as a permanent member of the Cook Islands bar. She has written numerous articles in her areas of interest, and regularly speaks at seminars and conferences in New Zealand and abroad. Rebecca is also a contributing author of *Gault on Commercial Law*.