TRUSTEE DECISION MAKING THE RULE IN RE HASTINGS BASS

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Trustee Decision Making The Rule In Re Hastings Bass

"Trustee Decision Making: The Rule in Re Hastings-Bass" analyses and explains the ways in which the courts control the exercise of trustees' powers and discretions, in the light of the momentous decision of the Supreme Court in Pitt v Holt. It sets out to explain both the duty of trustees to take into account all relevant and no irrelevant considerations, and the consequences, for both trustees and beneficiaries, of a breach of that duty.

The rule in Hastings-Bass after Pitt v Holt and Futter v ... Whilst considering Pitt and the Rule in Re Hastings-Bass alongside mistake and fraud on a power, the book also

explains how these doctrines interact, and how the law regulates trustee decision-making as a whole. It sets out examples and considers extensive practical problems, allowing the reader to understand not only the core trust law rules, but also the broader consequences of those rules which arise in real cases. This aspect of trust law is of great practical importance for ... CONTROL OF TRUSTEE DISCRETION: THE RULE IN RE

The rule in Hastings-Bass2 allows a court to set aside a trustees' decision where unintended consequences have

did if the proper issues had been regarded. The courts are reluctant to interfere with discretionary decisions as it is the responsibility of the trustee ... Unwinding trustee decisions—the rule in Hastings-Bass ...

The "Rule" in Hastings-Bass (more properly the rule in Mettoy) invites a court to "wave the judicial magic wand" and void decisions made by trustees, together with the attendant consequences, when trustees have made decisions with consequences from which they now with to resile. The logic of "the "Rule" was to protect

arisen. In this case the court refused to interfere because the trustee would still have been justified in acting as they

and professional indemnity insurers (to name ...

The Trustee (Amendment) Act 2016 and the Hastings-Bass ... Notwithstanding this, the Court set aside the relevant transaction under the rule in Re Hastings-Bass. In so doing Lloyd LJ adumbrated his formulation of the rule as follows: Where trustees act under a discretion given to them by the terms of the trust, in circumstances in which they are free to decide whether or not to exercise their discretion,

beneficiaries. However, where it has application the parties who can benefit include the trustees and their advisers

Mistakes? I've made a few... An Update on Hastings Bass

but the effect of the exercise is different ...

The rule in Re Hastings-Bass A&L Goodbody Ireland, United Kingdom April 5 2011 The Court of Appeal in the UK has determined that the rule in Hastings-Bass has been misinterpreted and is much ...

In brief, the Supreme Court declared the principle inherent in Hastings-Basscentres on the failure of trustees to perform their decision-making function and whether this failure is sufficiently serious to amount to a breach of

Trustee Decision Making: The Rule in Re: Hastings-Bass ...

fiduciary duty. It is the trustees' breach of fiduciary duty to deliberate adequately, while acting within the scope of their powers, which entitles the court to intervene. Simply showing the trustees' deliberations fell short of the highest possible standards, is not ... Pitt v Holt and Futter v Futter – The Case for Amending ...

The Hastings-Bass principle was first applied in Jersey in the case of In re Green GLG Trust.3 In that case, the

Court said this: '...the principle in Hastings-Bass... is but a manifestation of the general principle that a trustee must

act in good faith, responsibly and reasonably...'; and '...the Hastings-Bass decision merely elaborated the position by making it clear that a decision of a trustee was... liable to be quashed where the trustee has taken account of irrelevant factors or ... Re Hastings-Bass; Hastings v Inland Revenue: CA 14 Mar ...

of Pitt v Holt and the deconstruction of the jurisprudence that has built up around the case of Re Hastings-Bass.. It

is fascinating to see how Lord Justice Lloyd has obviously been worrying about the whole principle since he gave the High Court judgment in the case of Sieff v Fox. Reports of the death of the rule in In re Hastings-Bass ...

I am sure that the columns of this journal and every other Trust Law journal will rock with the fallout from the case

the rule has not yet been properly explored. This article seeks to demonstrate that whilst the application of the rule

in the courts What is the rule in Hastings-Bass? - Sackers

On re-examining the Hastings-Bass principle in these cases, the Court of Appeal had to consider in what

The so-called rule in Re Hastings-Bass has developed rapidly in the courts in recent years, but the true basis for

circumstances the court can set aside a discretionary decision made by a trustee. It concluded that the decision in

Hastings-Bass had been misunderstood and misapplied. Instead, 2 rules arose from what has previously been known as the Hastings-Bass principle. An exercise of the trustees' power will be void and ineffective where there is a fraud or the exercise of the power is not within ... Hastings-Bass rule enshrined in law - Lexology

Hastings Bass evolved from the case of Re Hastings-Bass (dec'd). 5 It allows a court to set aside an action by a

trustee, in particular the exercise of a trustee's discretion, where the trustee can show that he failed to take into account matters that were relevant to the decision or that he had taken into account irrelevant considerations in making that decision.

The developing Rule in Hastings-Bass | SpringerLink The Supreme Court has confirmed that this is the rule in Hastings Bass as properly understood. Clearly, there is potentially plenty of scope for a beneficiary to argue that the trustees have not given proper consideration to

relevant matters. Again, some guidance can be obtained from Lord Walker's judgement; he confirmed that trustees

Pitt v Holt English Supreme Court narrows Hastings Bass-rule

must inform themselves of relevant matters before taking a ...

decision making function. A decision taken by trustees in the exercise and within the scope of their powers was voidable under the rule only if they were in breach of their duty to take into account all relevant matters, including fiscal considerations. <u>Doctrine Of Mistake And Rule In Hastings-Bass - Corporate ...</u>

Under the rule in Hastings-Bass the court had jurisdiction to intervene where the trustees had failed to perform their

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Kingdom estate duty, which was leviable on estates of deceased persons prior to capital transfer tax and

The Principle in Re Hastings-Bass - NSW Court of Appeal Re Hastings-Bass deceased is reported at [1975] Ch 25." The case was concerned with the avoidance of United

inheritance tax. Captain Hastings-Bass held the life interest under a settlement made in 1947. Without any further planning, funds in the 1947 settlement would have been included in ... Peter Hastings-Bass - Wikipedia

The Courts continue to consider applications by trustees seeking to have actions taken by them declared to be void, under the rule in Re Hastings-Bass (1975) Ch 25. This principle applies where trustees exercise a power or

discretion having taken into account something that they should not have taken into account, or having failed to take into something that they should have taken into account ...

Royal Court of Jersey applies Hastings-Bass provisions in ...

1 MAKING CORRECTIONS TO TRUSTS: COMPARING VARIATIONS, RECTIFICATIONS AND HASTINGS BASS J. Andre Rachert1 PART I -- INTRODUCTION The idea of amending a trust deed might, to the uninitiated, conjure an image of a process akin to

Somewhat surprisingly, the Guernsey Royal Court has never previously ruled on whether the Rule in Hastings Bass forms part of Guernsey law. Gresh [2009-10] GLR 216 was the first time a Hastings Bass application is

known to have come before the Royal Court of Guernsey. However, following the determination of the preliminary issue regarding HMRC's joinder to that application,

Two islands, two courts, two laws - and two different ...

In the matter of the L Trust: a textbook December 2017 ...

Hastings-Bass rule. Under the so-called 'Hastings-Bass rule', (2) as it was understood and applied in England and Wales before 2011, a trustee could petition to the court to have an exercise of a fiduciary power which resulted in unforeseen or unintended consequences set aside and declared void. In rendering his decision in Hastings-Bass, Lord ...

The doctrine of mistake and the rule in Hastings-Bass ...

• Firstly, the so-called rule in Re Hastings Bass, which had been the remedy most successfully relied upon by trustees and other fiduciaries in the United Kingdom (UK) and its Overseas Territories and Crown Dependencies until the UK Court of Appeal decision and, subsequently, the UK Supreme Court's decision in Pitt v Holt and Futter v Futter1; and • Secondly, the doctrine of mistake ...

Hastings-Bass: HMRC succeeds in Pitt and Futter appeals (Court of Appeal) by PLC Private ClientRelated ContentThe Court of Appeal has allowed the appeals of HMRC against two first-instance decisions in which the

Trusts - Mistake (including Hastings-Bass) in Jersey ...

rule in Re Hastings-Bass [1974] EWCA Civ 13 was applied to set aside the actions of trustees or a fiduciary (Pitt and another v Holt and another; Futter and another v Futter and others ... In The Supreme Court of Bermuda - Government of Bermuda

This paper examines the case of Gallaher v Gallaher, looking at the components of the case and its impact of construction, rectification, Gibbon v Mitchell mistake, the rule in Re Hastings-Bass and subsequent decisions.

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