



TRUSTEES DUTIES EXEMPTIONS & EXONERATIONS

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DISTINCTION BETWEEN
EXEMPTIONS
&
EXONERATIONS



Broad short exemptions

Armitage v Nurse [1998] Ch 241

Walker v Stones [2001] QB 902

Ivey v Genting Casinos [2018] AC 391

Sofer v SwissIndependent Trustees [2019] EWHC 2071(Ch),
[2020]EWCA Civ 699



Anti-Bartlett exoneration clauses

Bartlett v Barclays Bank [1980] Ch 241

*IQQEQ (NTC) Trustees Asia (Jersey) Ltd v Arboit and Sutton
[2019] HKFCA 45*



Core obligation to intervene if having actual/ blind eye knowledge of dishonest conduct in trust affairs

Stanford International Bank v HSBC Bank [2021] EWCA Civ 535



*Specific ouster clauses
e.g. conflicts of interest & duty*

Re Beatty's Will Trust [1990] 3 All ER 844



*Cannot oust
Proper purposes doctrine
(fraud on a power)*

Grand View PTC v Wen-Young Wong [2022] UKPC 47



*Cannot oust
Accountability to beneficiaries*

*Armitage v Nurse [1998] Ch 241
Libertarian Investments Ltd v Hall [2013] HKFCA 93*



CONCLUSION

Trustee & prospective settlor good opportunities to minimize Trustee's exposure, so keep Trustee's insurance premiums low and thus it's fees.

