

STEP DIPLOMA IN INTERNATIONAL TRUST MANAGEMENT

Exemption Claim Form: Please complete in BLOCK CAPITALS

www.clint.com/stepdiplomaint

1. Personal and Professional Details

Title (e.g. Mr/Mrs): _____
First Name(s): _____
Family Name(s): _____
Date of Birth (optional):
Gender: Male Female
Address: _____

Town: _____ City: _____
Country: _____
Postcode: _____
Telephone Number Daytime: _____
Telephone Number Evening: _____
Email: _____

Employer Details

Employer: _____
Employer Address: _____

Town: _____ City: _____
Country: _____
Postcode: _____
Employer Contact Name: _____
Employer Contact Job Title: _____
Employer Contact Email: _____
Employer Contact Telephone No: _____

For office use only

Delivered in association with



To return this form

By Post:
CLT International
Wrens Court, 52/54 Victoria Road
Sutton Coldfield, Birmingham
B72 1SX, England

By Fax:
+44 (0) 121 362 75 10

By Email:
cltinternational@centlaw.com

2. Exemption Claim Details

Please tick the appropriate box to indicate the subject for which you are claiming exemption (a separate claim form is required for any additional applications)

- Trust Creation: Law and Practice**
 Company Law and Practice
 Trust Administration and Accounts
 Trustee Investment and Financial Appraisal

Qualification(s) upon which your claim is based

1. Awarding Body: _____
Name and date of award: _____

2. Awarding Body: _____
Name and date of award: _____

Please enclose verification that each relevant prior qualification has been obtained and the syllabi for those qualifications

3. Payment Method

The fee for each exemption application is £150 (+ UK VAT if applicable)*

I enclose a cheque/bankers draft made payable to CLT International

I authorise you to debit my Credit Card

Card Type: Master Card Visa Visa Debit

Name of Cardholder: _____

Credit Card Number: _____

Security Code: Card Expiry Date:

Issuing Bank: _____

Payment Amount: £ _____

Signature of Applicant: _____

Date:

Please invoice my employer who has agreed to pay the fee

Signature of Employer: _____

Date:

I have made an electronic bank transfer to:

CLT International Ltd
Barclays Bank Plc, Level 22, 1 Churchill Place, London, E14 5HP
Sort Code: 20-82-94 Account No: 30568392
Ref (your name): _____

*Please note that VAT is payable at 20% in addition to the course fee if the payer is a private individual or if the payer is a business based within the UK.

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GUIDANCE NOTES

EXEMPTION CRITERIA

- Applications for exemption from the Diploma papers will be considered in cases where there is a very close correlation between a previously obtained qualification and the Diploma paper from which exemption is sought, both in content and in level.
- Professional experience is generally not relevant for the purposes of exemption, the criterion being qualification focused. It may be considered though in certain circumstances where the like-for-like coverage of the Diploma syllabus by the applicant's qualification(s) is significant but is not complete.
- There will be a maximum of two possible exemptions from the four Diploma papers.
- Each application will be considered on a case by case basis.

MAKING YOUR APPLICATION

In order to demonstrate that your prior qualifications meet the exemption criteria you will need to:

- Provide details of your qualification(s) on page 3, identifying the name of the qualification, how the course was examined and the date on which you passed.

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- Provide evidence that you have obtained the qualification (i.e. final certificate, transcript) on which you are basing your application. The official syllabus of the qualification will also need to be submitted.
- Complete all boxes in the main body of the form (page 4 onwards), stating the part of the course on which the topic was studied underneath the heading “Relevant Modules”. Please provide as much detail as possible (see example below).
- Submit your exemption form via post, fax or scan and email.

E.g.

STEP Topic	Qualification	Relevant Modules
<ul style="list-style-type: none">• Domestic and the international (Eurobond) bond markets.	<i>Securities and Investment Institute (SII) Diploma</i>	<i>Bond and Fixed Interest Markets module:</i> <ul style="list-style-type: none">• <i>s.6 (Domestic bond markets)</i>• <i>s.7 (International bond markets)</i>

Any decision made by the exemption committee as to eligibility will primarily be based upon the contents of the applicant’s completed exemption form. We strongly recommend that all sections of this form are completed as thoroughly as possible.

QUALIFICATIONS

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Please enter below details of all the qualifications on which you are basing your application for exemption:

QUALIFICATION	DATE PASSED	GRADE OBTAINED	ASSESSMENT METHOD

OVERVIEW: The Trust Creation: Law and Practice paper focuses on the concept of a trust, concentrating on the trust instrument, considering the parties to a trust and specific types of trusts. Money laundering is considered in detail and private foundations are also discussed.

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MODULE 1: REVIEW OF THE TRUST CONCEPT

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none"> Basic trust concepts. 		
<ul style="list-style-type: none"> The essential characteristics of a trust, including the definition provided by the Hague Trusts Convention in 1987. 		
<ul style="list-style-type: none"> The nature of legal and equitable interests. 		
<ul style="list-style-type: none"> General duties of a fiduciary and the main fiduciary duties of a trustee. 		
<ul style="list-style-type: none"> Differences between a trust from other legal concepts, especially: <ul style="list-style-type: none"> a company, a contract, a will, and a foundation. 		

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MODULE 2: MARKETING TRUST SERVICES AND ACCEPTING NEW BUSINESS

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none">How trust companies market the provision of its trust services in a competitive environment.		

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<ul style="list-style-type: none"> The virtues of the offshore jurisdiction from which you carry on business. 		
<ul style="list-style-type: none"> Marketing the trust concept in a responsible manner and avoiding the pitfalls of over-selling or making misrepresentations in relation to the trust product. 		
<ul style="list-style-type: none"> Marketing strategies adopted in negotiations with prospective settlors or protectors concerning fees. 		
<ul style="list-style-type: none"> Aspects of a trustee's fiduciary duty that apply to the charging of fees – the so-called remuneration rule – and the drafting or construing of a charging clause. 		
<ul style="list-style-type: none"> The proper procedures to follow prior to accepting the office of trustee – 'know your client' and other preliminary duties. 		
<ul style="list-style-type: none"> Compliance with the appointment process, both: <ul style="list-style-type: none"> in relation to new trusts, and 		

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| <ul style="list-style-type: none">• in relation to taking on existing trusts. | | |
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MODULE 3: ANTI-MONEY LAUNDERING: THE PROCEEDS OF CRIME

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none">• The problems caused by money laundering from a global perspective.		
<ul style="list-style-type: none">• Three theoretical stages of the money laundering process, namely:		

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<ul style="list-style-type: none"> • placement, • layering, and • integration. 		
<ul style="list-style-type: none"> • International initiatives to control money laundering. 		
<ul style="list-style-type: none"> • Common themes running through anti money laundering initiatives in relation to: <ul style="list-style-type: none"> • detection, • investigation, and • prosecution of offenders. 		
<ul style="list-style-type: none"> • Statutory duties in relation to customer due diligence and suspicious transaction reporting. 		
<ul style="list-style-type: none"> • Anti-money laundering provisions in force in the jurisdiction where you work, or have some connection, with internationally accepted standards. 		

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MODULE 4: ANTI-MONEY LAUNDERING: COUNTERING TERRORIST FINANCING, TAX EVASION AND CIVIL LIABILITY

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none">Hallmarks of terrorist financing and the compliance with your CDD and disclosure requirements in relation to such funds.		
<ul style="list-style-type: none">The importance of getting to know your client, his business and the source of his funds in order to avoid the risk of incurring both:<ul style="list-style-type: none">criminal, andcivil liability.		
<ul style="list-style-type: none">How money laundering can not only include the laundering of the		

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<p>proceeds of crime, but also the profits that derive from domestic tax evasion.</p>		
<ul style="list-style-type: none"> • Statutory duties in relation to disclosures when the predicate crime is tax related. 		
<ul style="list-style-type: none"> • Anti-money laundering legislation in the jurisdiction where you work or have some connection compared against international standards. 		
<ul style="list-style-type: none"> • Liability incurred by service providers who assist third parties in laundering the proceeds of a breach of fiduciary duty, and the principles of 'dishonest assistance'. 		

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MODULES 5 AND 6: THE TRUST INSTRUMENT

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none">Issues involved in obtaining instructions to establish an offshore trust for an onshore settlor (in particular, the importance of obtaining specialist onshore legal and tax advice).		
<ul style="list-style-type: none">Drafting techniques and the use of precedents in the drafting process.		
<ul style="list-style-type: none">The pros and cons of:<ul style="list-style-type: none">long form and short form precedent trust instruments, anddrafting a tailor-made trust instrument from scratch.		

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| <ul style="list-style-type: none">• Standard dispositive provisions found in a typical offshore:<ul style="list-style-type: none">• discretionary trust,• settlor-directed trust, and• life interest trust. | | |
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| <ul style="list-style-type: none">• The use and purpose of typical administrative provisions in order that you may:<ul style="list-style-type: none">• decide whether a particular provision should be included in a draft trust instrument,• explain the meaning of particular provisions to the prospective settlor or third party, and• construe the typical provisions and some of the powers that you may wish to exercise during the administration of a trust. | | |
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MODULE 7: CHOICE OF LAW TO GOVERN THE TRUST

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none"> • Basic common law conflict of laws principles and how to determine which system of law to apply to a multi-jurisdictional transaction, including broad knowledge of the meaning of: <ul style="list-style-type: none"> • forum, • characterisation, • conflict of laws, and • <i>renvoi</i>. 		
<ul style="list-style-type: none"> • The significance of conflict of laws rules in relation to issues affecting a multi-jurisdictional trust. 		
<ul style="list-style-type: none"> • How, at common law, a trust is governed by its proper law and how to establish the proper law of a trust. 		
<ul style="list-style-type: none"> • Identification of those areas of the common law that are uncertain and unsatisfactory. 		

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<ul style="list-style-type: none"> • Modern offshore statutory provision whereby the validity of a trust, its interpretation and administration, etc. are determined by the governing law. 		
<ul style="list-style-type: none"> • Simple conflict of laws problems affecting an offshore trust, and how to identify its governing law and appreciate the broad exceptions to the general rule whereby the governing law will not apply to certain issues and controversies. 		
<ul style="list-style-type: none"> • The circumstances in which the governing law of a trust may be changed to a new law. 		
<ul style="list-style-type: none"> • Terms of a typical trust instrument that makes an express choice of law and forum selection, and contains a flee clause. 		

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MODULE 8: THE ROLE AND STATUS OF A PROTECTOR

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none"> Why a settlor may wish to appoint a protector. 		
<ul style="list-style-type: none"> Various types of protector and the types which are most suitable in given circumstances. 		
<ul style="list-style-type: none"> Be familiar with the typical powers given to a protector: <ul style="list-style-type: none"> dispositive and administrative, and positive and negative powers. 		
<ul style="list-style-type: none"> The duties owed by a protector to comply with the terms of the trust, and the exercise of his powers in a fiduciary manner with reasonable care and skill. 		
<ul style="list-style-type: none"> Management of a trust which confers extensive dispositive and/or administrative powers upon a protector. 		

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| <ul style="list-style-type: none">• The broad rights and remedies of the beneficiaries against the trust protector. | | |
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MODULE 9: ESTATE PLANNING AND FORCED HEIRSHIP ISSUES

STEP Topic	Covered (✓)	Details of prior coverage
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<ul style="list-style-type: none"> • Basic estate planning methods. 		
<ul style="list-style-type: none"> • Basic forced heirship provisions and the differences between the concept and freedom of testamentary disposition. 		
<ul style="list-style-type: none"> • Opportunities to market <i>inter vivos</i> offshore trusts to persons from civil law jurisdictions who wish to take advantage of estate planning. 		
<ul style="list-style-type: none"> • The effect of forced heirship provisions on testamentary gifts on death, and how claw back provisions have an impact upon the recipients of certain gifts made during the lifetime of the deceased (including the creation of an <i>inter vivos</i> trust). 		
<ul style="list-style-type: none"> • The interrelationships between forced heirship provisions of a foreign state and the validity of a trust created offshore by a settlor domiciled in and a national of that foreign state. In particular: <ul style="list-style-type: none"> • the type of claim that the trustees may face in the forum of the foreign state, 		

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| <ul style="list-style-type: none"> the type of claim that the trustees may face in the forum of the offshore jurisdiction, and the terms of typical offshore statutory conflict of laws rules that confirm that all questions concerning the validity of the offshore trust and disposition of property thereto should be governed by the laws of the offshore jurisdiction. | | |
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MODULE 10: ASSET PROTECTION TRUSTS

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none"> Ethical tensions between the common law principle that an individual's assets ought to be available to meet his unpaid debts, and the asset protection objective to safeguard and preserve assets transferred into trust. 		

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<ul style="list-style-type: none"> • Safeguarding trust assets from claims brought against the settlor by third parties. 		
<ul style="list-style-type: none"> • How the Statute of Elizabeth sought to protect the interests of honest creditors. 		
<ul style="list-style-type: none"> • How offshore asset protection legislation has repealed the Statute of Elizabeth in key areas. 		
<ul style="list-style-type: none"> • The structure of an asset protection trust. 		
<ul style="list-style-type: none"> • How bankruptcy legislation empowers the trustee in bankruptcy so they may set aside transfers (including trusts) made by a bankrupt within [x] years prior to being declared bankrupt. 		

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| <ul style="list-style-type: none">The application of asset protection principles to a typical divorce scenario. | | |
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MODULE 11: PURPOSE TRUSTS

STEP Topic	Covered (✓)	Details of prior coverage
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<ul style="list-style-type: none"> Reasons why trusts that have purportedly been established for the benefit of purposes rather than persons are invalid under common law principles, with focus on: <ul style="list-style-type: none"> the beneficiary principle, the rule requiring certainty of objects, and the rule against perpetuities. 		
<ul style="list-style-type: none"> Common law exceptions to the general rule prohibiting purpose trusts, namely, those trusts: <ul style="list-style-type: none"> of imperfect obligation, in favour of unincorporated associations, and that are wholly and exclusively charitable in nature. 		
<ul style="list-style-type: none"> Basic terms of the first generation of purpose trust legislation, and the model form found in The Trusts (Special Provisions) Act 1989 of Bermuda. 		
<ul style="list-style-type: none"> Basic terms of the second generation of purpose trust legislation, and a comparison of the approaches taken by: <ul style="list-style-type: none"> the Trusts (Special Provisions) Amendment Act 1998 of Bermuda, and the Special Trusts (Alternative Regime) Law 1997 of the 		

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Cayman Islands.		
<ul style="list-style-type: none"> Practical uses of purpose trusts, including their use in commercial transactions. 		

MODULE 12: PRIVATE FOUNDATIONS

STEP Topic	Covered (✓)	Details of prior coverage
<ul style="list-style-type: none"> Origins and characteristics of a private foundation, as well as a working definition. 		

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<ul style="list-style-type: none"> • How to establish a foundation. 		
<ul style="list-style-type: none"> • Conflict of laws issues that could affect the validity of the endowment of assets to a foundation. 		
<ul style="list-style-type: none"> • The constitutive documents of a foundation and their provisions. 		
<ul style="list-style-type: none"> • Governance issues, the management of a foundation and, in particular, the division of power between founder, foundation council and guardian/protector. 		
<ul style="list-style-type: none"> • The legal position of the beneficiaries and typical dispositive provisions usually found in the regulations. 		
<ul style="list-style-type: none"> • The pros and cons of the foundation when compared with a trust when advising to a high net worth individual client. 		

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