



ENFORCER SERVICES

With the enactment of the Cayman Islands trust legislation, The Special Trusts (Alternative Regime) Act (“STAR Act”) in November 1997, an innovative new trust regime was created. Trusts established under the STAR Act are known as Special Trusts and feature a unique protective feature in the form of an Enforcer. An Enforcer is defined as “a person who has standing to enforce a special trust” and one “with the right or duty to bring an action for the enforcement of a special trust.”

As a top tier trust service provider R&H Trust & Corporate (operating as The R&H Trust Co. Ltd.) has the expertise and the capacity to act as independent Enforcer and to ensure that proper safeguards are in place over the duration of the trust life.

As the beneficiaries are unable to enforce against a Trustee, Special Trusts feature a mechanism whereby the appointed Enforcer carries the right to enforce the Trust, ensuring that the Trustee fulfills their fiduciary obligations in accordance with the documented terms. The Settlor of the Special Trust nominates the first Enforcer, which may be a person (or persons), an entity, group or committee. It may be someone that the Settlor knows personally or one of his personal advisors, who would have an understanding as to the background and intended purposes of the trust.

This function may also be allocated to third parties who provide this service as professionals. R&H Trust & Corporate (“RHTC”) offers this service as one of its private client service lines through R&H Enforcer Limited.

In the absence of any contrary bespoke provisions within the Trust instrument, an Enforcer has the right to:

- bring administrative and other actions and make applications to the court
- request and receive information concerning the Trust and its administration
- inspect and take copies of trust documents
- take personal and proprietary remedies against the Trustee and against third parties in the event of a breach. trust are such persons, whether or not beneficiaries, as are appointed to be enforcers by the terms of the trust deed, or in certain circumstances by order of the court.

The appointment is usually a long-term relationship for the individual or entity, therefore, it is important that the Enforcer is one who understands the role, its obligations and responsibilities under the STAR Act, is independent of other interested stakeholders, and has the necessary resources and expertise to properly fulfill their obligations.

Having this role fulfilled by RHTC professionals adds strength, credibility and robustness to the Trust structure that will ensure that the Trust has the best possible opportunity to achieve its intended purposes.

Our Services

A full range of services is provided through RHTC, which is a licensed trust company wholly owned and operated by Rawlinson & Hunter Cayman Islands.

The depth of our professional services and expertise sets us apart from the competition and our clients receive the benefit of our management and advisory expertise that is built on over 40 years of first-hand experience in trust services. Combining this with our independent and objective background, we are ideally placed to provide Enforcer services.

If you would like to find out more about the role of an Enforcer or our services, please email or call us, we would be pleased to answer any questions you may have.



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