

Appendix E



Format for providing public comments to DIFCA on Consultation Paper No. 4 of 2017 Proposed Trust Law, DIFC Law No. 6 of 2017

Note 1: DIFCA reserves the right to publish, including on its website, any comments you provide. However, if you wish to remain anonymous, you must expressly request at the time of making comments that this should be the case.

Note 2: The column 'comments on proposed policy' relates to the policy explained in the Consultation Paper ("CP"). The column, 'comments on proposed legislation' refers to the draft legislation reflecting the proposed policy.

Note 3: It is possible that you may not have any comments, either on the proposed policy or legislation, or may have comments on one and not the other. You may leave a blank column if you either agree to the proposed position, or you have no concerns relating it.

Note 4: If there are any ambiguities relating to the proposed policy or legislation, you may raise those in your comments.

Name of individual / entity providing comments:

No.	Comments on proposed policy	Comments on proposed legislation
Private International Law Issues		
Q1: Do you have any concerns about the proposed enhancement of the existing exclusions of foreign law? If so, what are they, and how should they be addressed?		

No.	Comments on proposed policy	Comments on proposed legislation
Q2: In particular, do the contemplated provisions in the Proposed Law sufficiently address this issue?		
Q3: Do you have any concerns about the proposed application of the Hague Convention in the DIFC? If so, what are they, and how should they be addressed?		
Representation of the interests of incapacitated and unborn beneficiaries		
Q4: Are there any concerns in relation to the proposed provisions in relation to guardians ad litem? If so, what are they, and how should they be addressed?		
Q5: Are there any other aspects relating to the representation of the interests of incapacitated persons in the context of trust administration and trust disputes which should also be included in the Proposed Law? What are they, and why should they be included?		
Relief from the consequences of mistakes		

No.	Comments on proposed policy	Comments on proposed legislation
<p>Q6: Are there any concerns relating to the proposed provisions relating to the consequences of mistakes? If so, what are they, and how should they be addressed?</p>		
<p>Trust arbitrations</p>		
<p>Q7: Are the provisions of the Proposed Law adequate to ensure effective conduct of an arbitration? If not what are the deficiencies, and how should they be addressed?</p>		
<p>Q8: Given the central role of the Court in the administration of trusts, is the proposed structure of a right to arbitration where the trust instrument so provides, coupled with a discretionary power on the part of the Court to refer other matters appropriate? If not, how should the balance be struck?</p>		
<p>Q9: Do you have any other concerns relating to the arbitration provisions? If so, what are they, and how should they be addressed?</p>		
<p>Enforcement of charitable and purpose trusts</p>		
<p>Q10: Do you have any concerns relating to the proposed additional powers of enforcement of charitable and purpose trusts? If so, what are those concerns, and how should they be addressed?</p>		

No.	Comments on proposed policy	Comments on proposed legislation
<p>Q11: Do you have any concerns relating to any other aspect of the operation of charitable and purpose trusts? What are they and how should they be addressed?</p>		
<p>Authorisation of dealings with trust property</p>		
<p>Q12: Do you have any concerns relating to the proposed additional powers of the Court to authorize particular dealings with trust property? If so, what are those concerns, and how should they be addressed?</p>		
<p>Exclusion of beneficiary for challenging validity of trust or refusing to agree to arbitrate</p>		
<p>Q13: Do you have concerns relating to the proposed provision for exclusion of beneficiaries? If so, what are those concerns, and how should they be addressed?</p>		
<p>Advisory and Custodian Trustees</p>		
<p>Q14: Do you have any concerns relation to the proposed provisions for advisory trustees? If so, what are those concerns, and how should they be addressed?</p>		

No.	Comments on proposed policy	Comments on proposed legislation
<p>Q15: Do you have any concerns relating to the proposed provisions for custodian trustees? If so, what are those concerns, and how should they be addressed?</p>		
<p>Reserved Powers and Protectors</p>		
<p>Q16: Do you have any concerns relating to the proposed alteration to the provisions for restricted and reserved powers? If so, what are those concerns, and how should they be addressed?</p>		
<p>Q17: Do you have any concerns relating to the approach adopted in relation to the provisions intended to enable trusts to be established on the model referred to in CP paragraph 55? What are they and how should they be addressed?</p>		
<p>Miscellaneous enhancements</p>		
<p>Q18: Do you have any other concerns relating to any one or more proposed changes referred to in CP paragraph 56? If so, what are they and how should they be addressed?</p>		

No.	Comments on proposed policy	Comments on proposed legislation
Continuing Provisions		
Q19: Do you have any concerns relating to the operation of the provisions in the Current Law which have been replicated in the Proposed		
Q20: Are there any other concerns that are not addressed relating to the Proposed Law? If so, what are they, and how should they be addressed?		