

be, as the court considers to be consistent with the original intention of the settlor.

- (2) The circumstances are that –
 - (a) the purpose has, as far as is reasonably possible, been fulfilled, has ceased to exist or is no longer applicable;
 - (b) the purpose cannot be carried out having regard to the directions given by the settlor or the spirit of the gift;
 - (c) the purpose provides a use for only part of the trust property;
 - (d) the property, and any other property applicable for a similar purpose, can more effectively be applied to a common purpose, regard being had to the spirit of the gift;
 - (e) the purpose was laid down by reference to an area that is no longer a unit for that purpose, or by reference to a class of persons or to an area that is no longer appropriate, regard being had to the spirit of the gift or the practicality of administering the gift;
 - (f) the purpose has been adequately provided for by other means;
 - (g) in the case of a trust for charitable purposes, the purpose has ceased for what ever reason to be charitable; or
 - (h) the purpose has ceased in any other way to provide a suitable and effective method of using the property, regard being had to the spirit of the gift.
- (3) Where trust property is held for a charitable or non-charitable purpose the court may, on the application of a trustee or the Attorney General, approve any arrangement that varies or revokes the purposes of the trust or enlarges or modifies the powers of management or administration of the trustees, if it is satisfied that the arrangement –
 - (a) is suitable and expedient; and
 - (b) is consistent with the original intention of the settlor and the spirit of the gift.
- (4) The court shall not approve an arrangement under paragraph (3) unless it is satisfied that any person with a material interest in the trust has had an opportunity to be heard.

PART 3

PROVISIONS APPLICABLE TO A FOREIGN TRUST

48 Application of Part 3

This Part of this Law shall apply only to a foreign trust.

49 Enforceability of a foreign trust

- (1) Subject to paragraph (2), a foreign trust shall be regarded as being governed by, and shall be interpreted in accordance with its proper law.

- (2) A foreign trust shall be unenforceable in Jersey –
 - (a) to the extent that it purports –
 - (i) to do anything the doing of which is contrary to the law of Jersey,
 - (ii) to confer any right or power or impose any obligation the exercise or carrying out of which is contrary to the law of Jersey, or
 - (iii) to apply directly to immovable property situated in Jersey;
 - (b) to the extent that the court declares that the trust is immoral or contrary to public policy.
- (3) Where paragraph (2)(a)(iii) applies, any person in whom the title to such immovable property is vested shall not be, and shall not be deemed to be, a trustee of such immovable property.

PART 4

PROVISIONS OF GENERAL APPLICATION

50 Application of Part 4

This Part of this Law shall apply to a Jersey trust and, to the extent that the context admits, shall apply to a foreign trust.

51 Applications to and certain powers of the court

- (1) A trustee may apply to the court for direction concerning the manner in which the trustee may or should act in connection with any matter concerning the trust and the court may make such order, if any, as it thinks fit.
- (2) The court may, if it thinks fit –
 - (a) make an order concerning –
 - (i) the execution or the administration of any trust,
 - (ii) the trustee of any trust, including an order relating to the exercise of any power, discretion or duty of the trustee, the appointment or removal of a trustee, the remuneration of a trustee, the submission of accounts, the conduct of the trustee and payments, whether payments into court or otherwise,
 - (iii) a beneficiary or any person having a connection with the trust, or
 - (iv) the appointment or removal of an enforcer in relation to any non-charitable purposes of the trust;
 - (b) make a declaration as to the validity or the enforceability of a trust;