



**XIV
2018**

BILLET D'ÉTAT

WEDNESDAY, 16th MAY, 2018

BUSINESS OF THE MEETING

1. Committee *for* Economic Development – Appointment of the Public Trustee,
P.2018/46

BILLET D'ÉTAT

TO
THE MEMBERS OF THE STATES
OF THE ISLAND OF GUERNSEY

I hereby give notice, pursuant to Rule 2(4) of the Rules of Procedure, that at the Meeting of the States of Deliberation to be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **16th May, 2018** at **9.30 a.m.**, the item listed in this Billet d'État is submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

1st May, 2018

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *for* ECONOMIC DEVELOPMENT

APPOINTMENT OF THE PUBLIC TRUSTEE

The States are asked to decide:-

Whether, after consideration the policy letter entitled “Appointment of the Public Trustee”, dated 1st May, 2018, they are of the opinion:-

1. In accordance with paragraph 1(2) of the Public Trustee (Bailiwick of Guernsey) Law, 2002, to agree to appoint Mr Luis Gonzalez as Public Trustee for a period of five years, with immediate effect.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *for* ECONOMIC DEVELOPMENT

APPOINTMENT OF THE PUBLIC TRUSTEE

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

1st May, 2018

Dear Sir

1. Executive Summary

- 1.1 The Public Trustee, Ms Catherine Rowe, resigned from the position on 6th November, 2017. It is the responsibility of the Committee *for* Economic Development (“the Committee”) to recommend to the States an alternative suitable candidate for this role. An explanation of the duties and key criteria for this statutory role is set out in Appendix 1.
- 1.2 The Committee recommends that the States of Deliberation appoint Mr Luis Gonzalez as Public Trustee for a period of five years, with immediate effect.

2. Resignation of the Public Trustee

- 2.1 Catherine Rowe submitted her resignation from the role on 6th November, 2017. The Committee wishes to publicly express its gratitude for all of Ms Rowe’s hard work during her time in office as Public Trustee.
- 2.2 Paragraph 1(5) of the Public Trustee (Bailiwick of Guernsey) Law, 2002, (“the Law”), states “*The Public Trustee may resign [his/her] office at any time by notice in writing addressed to the Committee; but the resignation may not take effect until a successor takes office as Public Trustee*”. Paragraph 1(2) of the Law states that it is the responsibility of the Committee to recommend to the States an alternative suitable candidate.

3. Appointment of the Public Trustee

- 3.1 The Committee has undertaken a recruitment process to find a successor, and is pleased to recommend to the States the appointment of Mr Luis Gonzalez as Public Trustee.

- 3.2 Mr Gonzalez is an experienced lawyer who qualified in 1985 and has worked in a variety of jurisdictions including Guernsey since 1999, as well as in the UK and Jersey. He is currently a director at Investec where he provides senior support in trust and litigation matters. He previously spent nine years as a director and managing director at Rothschild Trust.
- 3.3 Mr Gonzalez is a past committee member of the Guernsey Association of Trustees, joining in 2001. He has been assisting the office of the Public Trustee, in respect of operational matters, pursuant to a delegated authority since December 2017.

4. Term of Office

- 4.1 Under paragraph 1(4) of the Law, *“The Public Trustee shall hold office for a term not exceeding five years and a person may, on the recommendation of the Committee... be appointed to that office by the States for more than one term of office”*.
- 4.2 The Committee recommends that the appointment of Mr Gonzalez should be for a period of five years.
- 4.3 There are no additional finance or resource implications with regard to this successor appointment.

5. Compliance with Rule 4

- 5.1 The Committee has included a Proposition, which requests the States to approve the appointment of Mr Luis Gonzalez as Public Trustee for a period of five years, with immediate effect, in accordance with paragraph 1(2) of the Public Trustee (Bailiwick of Guernsey) Law, 2002.
- 5.2 In accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees, the Proposition above has been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.
- 5.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the Proposition has the unanimous support of the Committee.

Yours faithfully

C N K Parkinson
President

A C Dudley-Owen
Vice President

J I Mooney
D de G De Lisle
D A Tindall

OFFICE OF THE PUBLIC TRUSTEE**PUBLIC TRUSTEE****POST OVERVIEW****JOB SUMMARY:**

In accordance with the Public Trustee (Bailiwick of Guernsey) Law, 2002, (the “**Trustee Law**”) the Public Trustee is required to carry out certain statutory functions under the Trustee Law to protect the trust’s assets or otherwise in the interests of the beneficiaries of the trust, or for the protection or, enhancement of the reputation of the Bailiwick in relation to the formation and management of trusts.

Further information regarding the role and responsibilities of the Public Trustee can be found in the below linked Projet De Loi entitled The Public Trustee (Bailiwick of Guernsey) Law, 2002:

<http://www.guernseylegalresources.gg/article/96912/Public-Trustee-Bailiwick-of-Guernsey-Law-2002>

The Public Trustee is paid an annual retainer fee of £7,458 per annum, based on an expected average time commitment of 1 day per month.

KEY CRITERIA:**ESSENTIAL**

1. A good understanding of the role of the Office of the Public Trustee in the Bailiwick of Guernsey;
2. An ability to administer complex trust structures in accordance with the Public Trustee (Bailiwick of Guernsey) Law, 2002 and other applicable legislation;
3. The ability to handle difficult conversations and issues professionally and in accordance with the Public Trustee (Bailiwick of Guernsey) Law, 2002;
4. An ability to work in accordance with precise legal instructions and to prepare and deliver clear and comprehensive verbal and written reports on complex issues including the exercise of the Public Trustee functions;
5. An ability to maintain personal confidentiality and public trust while carrying out the role.