



The trusted solution in wealth structuring



## Succession of BVI standalone companies

If an individual owns shares in a BVI company either in their own name or through a nominee agreement a grant of probate (with will) or letters of administration (no will) will be required in the BVI on the death of the beneficial owner.

The grant can take between 6 and 9 months to receive at a cost of between US\$6,000 and US\$10,000. The grant is also a public record in the BVI so confidentiality may be lost. The shares will also have to pass in accordance with the will/laws of domicile of the client which might not be as they wish. There are a number of trust solutions available to avoid the requirement for probate and forced heirship issues. Below we outline two simple options using VISTA.

### Client acts as director

#### The Virgin Island Special Trusts Act 2003 ('VISTA')

Under VISTA a client can transfer the shares in a BVI company into a trust. Subject to tax advice, the client can continue to be a director of the company.

The trustee of a VISTA trust must be a licensed trustee in the BVI. VISTA prohibits the trustee from interfering in the management of the BVI company. VISTA also allows Office of Director Rules, which enable the client to determine who the directors of the BVI company are for the duration of the trust.

Only shares in a BVI company may be held at trustee level under VISTA, but other assets can be held by the BVI company.

#### Life Trust

- Subject to VISTA
- Single generational
- Life interest for client
- Terminates on death of client
- Power to revoke
- Power to change remainder beneficiaries
- Ability to nominate replacement directors

#### Standard VISTA Trust

- Subject to VISTA
- Multi generational
- Discretionary beneficiaries
- Can be revocable or irrevocable
- Power to change beneficiaries
- Office of director rules allow client to control identity of directors for up to 100 years
- Ability to have a protector
- Suitable for minor beneficiaries

Nerine are able to provide corporate directors but on a fiduciary basis, as such there will be additional charges.

A full fee schedule for the above services is available on request.