



Photo by Mike Davis

### The Contracts (Rights of Third Parties) Act 2016

Louise Charleson

One of the latest notable changes to the Bermuda legislation is the introduction of the Contracts (Rights of Third Parties) Act 2016 (the "Act"). This Act, which is based largely on the UK equivalent, allows parties to a contract in Bermuda to now provide for enforcement of its contractual terms by third parties subject to certain exceptions.

Previously, all contracts were subject to the common law doctrine of "privity of contract". This meant that only parties to a contract were entitled to benefit from or enforce its terms. Now contractual parties can confer similar rights on third parties if: (i) the third party is expressly identified in the contract; and (ii) the contract expressly provides in writing that the third party may enforce the contract's terms. Where the parties choose not to incorporate provisions to benefit third parties, the privity of contract doctrine will continue to apply.

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### Proceeds of Crime Amendment Bill 2015

Andrew A. Martin

Since the publication of the draft 2015 Amendment Bill in late December, the Bill passed into legislation with no changes to the substantive provisions proposed in the Bill: however, in order to remove the confusion that might arise if the provisions requiring the registration of all registers of directors and officers to be filed with the Registrar of Companies, the effective date for the introduction of s 64A of the Companies Act will be 1 April 2016. All other provisions are effective immediately.

[Read more](#)



### Court Of Appeal: Important Security For Costs Decision

Jennifer Haworth

In *The Allied Trust and Allied Development Partners Ltd v Attorney General and Minister for Home Affairs* [2015] SC Civ (Bda) 61, dated 24 August 2015, the Chief Justice of the Supreme Court of Bermuda ruled in favour of our client, the Minister of Home Affairs, and struck out a constitutional claim made by the Allied Trust and Allied Development Partners Limited (the "Applicants") in relation to the voiding of the Waterfront agreements. Following a Notice of Motion for Leave to Appeal filed in September 2015, the Applicants were granted leave to appeal by the Chief Justice on 20 November 2015.

[Read more](#)

### Section 47 Confidentiality Orders

Louise Charleson

The Chief Justice has recently provided helpful guidance to practitioners seeking confidentiality orders in section 47 applications by handing down an ex tempore ruling....

Section 47 of the Bermudian Trustee Act 1975 allows for the restructure of trusts in circumstances where the requisite power to implement the variation is absent from the trust instrument. It gives the Court jurisdiction to authorise transactions which it deems expedient for the trust.

[Read more](#)



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## Financial Abuse of Seniors (a dirty little secret)

Jane Collis

The Seniors Law Reform Committee has made a series of recommendations to the Ministry of Health, Seniors and Environment for amendments to legislation which would better protect seniors from financial abuse. This growing problem is particularly unsettling in the family context, where powers of attorney, joint bank accounts and voluntary conveyances of real estate are used by younger generations to gain control over the assets of their elders. It often remains hidden, because its victims are both ashamed and afraid that, if they resist, they will be placed in residential care and risk abandonment and emotional abuse by the perpetrating family member.

[Read more](#)

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## MJM Limited inspires students at Bermuda College

Kimberley D. Caines

On 31 March 2016, lawyers from MJM Limited attended a Student Networking Event at the Bermuda College, providing students with information and insight into a legal career. Students had the opportunity to hear from lawyers Louise Charleson and Kimberley D. Caines as well as from the firm's pupil, Tristy Smith, about the various areas of law practiced in Bermuda, the process to qualify and the benefits of pursuing a legal career.



MJM Limited is committed to the development of young law students by way of providing work shadowing placements to students, attending networking events and speaking at career days in the local schools or other educational events. [Read more](#)

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## MJM Limited ranked in Chambers Global 2016

Agathe Holowatinic

MJM Limited is pleased to announce that it has been highly ranked by Chambers & Partners in the Chambers Global Rankings 2016 for Bermuda.

Chambers described MJM as being a "well-established independent firm drawing praise for its outstanding knowledge of the Bermudian market." ... [Read more](#)

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MJM is one of Bermuda's leading law firms. Our attorneys are regularly listed in international guides to legal practitioners in Bermuda, including Chambers Global - The World's Leading Lawyers, The Legal 500 and IFLR1000.

Through the Quorum group, MJM provides a full range of corporate management and secretarial services to local and exempted companies and partnerships. Fiduciary Partners Trust Company provides trustee and trust administration services to Bermuda trusts.

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