

# A Guide to The Cayman Islands Foundation Company

The Cayman Islands Foundation Company is a unique structuring option in the Cayman Islands used for wealth planning, as well as holding vehicles and special purpose vehicles for commercial transactions and cryptocurrency offerings.

## 1. The Cayman Islands Foundation Company

Though the Foundation Company may be used as an alternative to a Cayman trust, a number of features specific to Cayman's trust law have also been wrapped up into the Foundation Company vehicle, which should prove beneficial to investors and private clients.

Foundation companies may be an attractive alternative to trusts, particularly for those in civil-law jurisdictions, where there are concerns about the tax treatment of trusts. Clients from common-law jurisdictions may also be attracted to a Foundation Company for holding higher-risk assets, such as shares in family businesses.

The combination of traditional and innovative features of a Foundation Company means that the Cayman Islands has introduced a flexible vehicle that is a valuable addition to all sectors of the financial services industry.

### Innovative

We are committed to using technology to improve efficiency, consistency and client service.

### Responsive

97% of surveyed clients would reinstruct us, and 98% would recommend us to others.

### Supported

Our Cayman team is supported by our eight offices in Europe, Asia and the Caribbean.

## 2. 5 things you need to know about Foundation Companies...

1. A Foundation Company has a separate legal personality and will transact with third parties in its own right, rather than through its trustee were it a trust
2. Foundation Companies benefit from the Cayman Islands' substantial company case-law history and the 'firewall' feature of the Cayman Islands' trust legislation, providing certainty as to how the courts will treat disputes
3. In contrast to a trust, duties are owed only to the Foundation Company itself as opposed to beneficiaries, and rights can be enforced against only the company and not the directors
4. A Foundation Company is not required to have any members at all, if permitted by its memorandum and provided that the company has a supervisor with the right to attend and vote at general meetings
5. A Foundation Company whose objects are to be carried out mainly outside the Cayman Islands may be incorporated as an exempted company, and not subject to any income, withholding or capital gains taxes in the Cayman Islands

## 3. 5 things you need to know about Ogier's team and services...

1. Ogier's Private Client & Trusts team works seamlessly with our Local Legal Services and Property team. They are recognised as an industry leader by STEP (International Legal Team of the Year 2017) and Law Firm of the Year in Jersey and the Caribbean (Citywealth IFC Awards 2018)
2. The Cayman team is led by partners Giorgio Subiotto – one of Cayman's most experienced private client and trusts specialists, and Anthony Partridge – one of Cayman's foremost authorities on probate and estate matters
3. The team is supported by market-leading teams in Guernsey, Hong Kong, Jersey and Luxembourg; Ogier is the only offshore law firm with a presence in Luxembourg

4. Our client base includes trustees, fiduciaries, settlors, beneficiaries and family offices and their advisers

5. With our contentious team we offer a seamless contentious and non-contentious advisory service which also includes relevant corporate support to structures underlying trusts, and resolving disputes where they arise

## 4. Our at-a-glance- Foundation Companies Guide

Read and download the infographic version of our guide [here](#).

*The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.*

# Contact Us

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