

Modern common law trusts

- Constructive trusts

- Constructive trusts arise by operation of law when the law creates an obligation to hold particular property for the benefit of another
- *Pettkus v. Becker*, [1980] 2 S.C.R. 834: where one party has been unjustly enriched at the expense of the other, he may hold property on constructive trust
- *Foskett v. McKeown*, [2001] 1 A.C. 102 (H.L.): tracing of trust property into proceeds

Modern Law Of Trusts

John Duddington



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Parker and Mellows A. J. Oakley, David Berkeley Parker, Anthony R. Mellows, 2008 An accessible and current guide to the legal aspects and overall functioning of trusts This new and updated edition incorporates recent case law and major legislative changes and will be of particular interest to teachers and students at undergraduate level vocational students and practitioners

Trends in Contemporary Trust Law A. J. Oakley, 1996 Rev versions of papers originally presented at a conference held on Jan 6 7 1996 in Cambridge U K

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Equity and Trusts Mohamed Ramjohn, 2006 Presenting practical answers to fifty typical exam questions this new edition helps students to penetrate and understand the complexities of equity and trusts Traditionally a difficult subject for those approaching it for the first time special care has been taken to present the subject as a whole in a structured way with basic matters examined first before moving on to more difficult concepts Incorporating new questions and answers this new edition has been fully updated to include recent case law e g *Choithram v Pagarani* 2001 *Pennington v Waine* 2002 *Twinsectra v Yardley* 2002 *Duggan v Governor of Full Sutton Prison* 2004 discussion of the Charities Bill 2004 the implications of the Trustee Act 2000 Clarifying the mysteries surrounding the study of equity and trusts this book contains essential advice and examples which illustrate how to successfully answer examination questions on the subject

Equity and Trusts Alastair Hudson, 2005 Equity and Trusts has quickly established itself as a market leader due to its clarity insight and accessibility in what is perhaps the most complex of legal areas Hudson s scholarly account of the subject makes this text sufficiently authoritative for trust practitioners but also provides a comprehensible introduction for a student audience As in previous editions the traditional doctrines are analysed in the context of current issues and the book s progressive approach intersperses discussion of the core ideas with clear examples This fourth edition has been extensively rewritten and includes new chapters on understanding the trust certainty in the creation of express trusts the rights of beneficiaries and the beneficiary principle formalities in the creation of express trusts constructive trusts breach of trust miscellaneous equitable remedies Individual essays on the nature of express trusts the law on fiduciaries family law human rights law and equity draw together the main principles while examining related questions of restitution and social justice This book is essential reading for all those seeking a modern approach to this

crucial area of law *The Modern Cy-près Doctrine* Rachael Mulheron, 2016-04-08 It is unusual in the precise world of law to find instances of where near enough is good enough This book explores when this is possible referring to property and monetary transfers under the increasingly important and influential cy pr s doctrine The doctrine decrees that when literal compliance is impossible or infeasible the intention of a donor or testator should be carried out as nearly as possible Over the past thirty years this doctrine has marched into other legal territory where as near as possible is also considered sufficient such as in class actions litigation and under non charitable trusts Discussing and analyzing key developments across the Commonwealth jurisdictions and the USA this book considers whether there is a new and overarching definition which can be attributed to the cy pr s doctrine It asks whether there is a doctrinal symmetry of analysis that truly renders it a body of cy pr s law in the modern context and whether the doctrine can be expected to play an even greater role in the future This book is of interest to researchers and practitioners working in trusts and charity law property law contract law and class actions jurisprudence

Principles of Equity and Trusts Alastair Hudson, 2021-11-24 This is the second edition of Principles of Equity and Trusts the concise new textbook from Alastair Hudson the author of the definitive classic Equity and Trusts Through clear and careful analysis the author explains what the law is its foundational principles and its social and economic effect By beginning with the core principles on which this field is based even the most complex academic debates concerning express resulting and constructive trusts the family home charities law and other equitable doctrines become comprehensible and interesting This book offers a fresh lively and often humorous account of Equity and Trusts Through easy to follow worked examples and analysis of the case law Alastair helps you to answer problem questions and to prepare coursework The author shows how the law affects real people in real situations Each chapter begins with a clear and concise introduction to the core principles It contains numbered headings for ease of navigation and advice on studying this subject Students also have access to Professor Hudson s ever popular supporting website which has had hundreds of thousands of hits over the years It has over 50 brief podcasts on key issues which have been specially re recorded to coincide with the publication of this book That website also contains detailed lectures a variety of videos explaining the law and guidance on tackling assessments Characterised by the passion and enthusiasm for his subject matter that make Alastair Hudson s classic textbook so popular Principles of Equity and Trusts is sure to be a winner with both academics and students alike Trusts and Modern Wealth Management Richard C. Nolan, Kelvin F. K. Low, Tang Hang Wu, 2018-05-31 New essays by leading figures from the judiciary practicing lawyers and academics illuminating the worlds of trusts and wealth management

The Commercial Uses of Trusts Ruiqiao Zhang, 2024-10-31 This book provides a systematic and critical analysis of the role trusts play in modern commercial markets Commercial trusts are complex and ever evolving and a reassessment of the traditional legal norms relating to them is much needed in order to provide new doctrinal insights The book does just that focusing on trusts in the UK while drawing on developments in European jurisdictions and in China It presents a thought

provoking assessment and a unified understanding of commercial trusts **Equity** F. W. Maitland, Frederic William Maitland, A. H. Chaytor, W. J. Whittaker, 2011-03-03 The lectures given in Cambridge between 1888 and 1906 by the Downing Professor of the Laws of England F W Maitland **Trusts** Maurizio Lupoi, 2000 Comparative study covering three models of trust the English the international and the civilian More than forty countries are examined and a unified theory of trusts is submitted The effects of the Hague Convention of 1985 are discussed as well as its implementation in ratifying civil law countries where it is now possible to form trusts under a foreign law Equity and Trusts John Duddington, 2019 **Legal Certainty in a Contemporary Context** Mark Fenwick, Stefan Wrba, 2016-04-02 This book addresses issues concerning the shifting contemporary meaning of legal certainty The book focuses on exploring the emerging tensions that exist between the demand for legal certainty and the challenges of regulating complex late modern societies The book is divided into two parts the first part focusing on debates around legal certainty at the national level with a primary emphasis on criminal law and the second part focusing on debates at the transnational level with a primary emphasis on the regulation of transnational commercial transactions In the context of legal modernity the principle of legal certainty the idea that the law must be sufficiently clear to provide those subject to legal norms with the means to regulate their own conduct and to protect against the arbitrary use of public power has operated as a foundational rule of law value Even though it has not always been fully realized legal certainty has functioned as a core value and aspiration that has structured normative debates throughout political modernity both at a national and international level In recent decades however legal certainty has come under increasing pressure from a number of competing demands that are made of contemporary law in particular the demand that the law be more flexible and responsive to a social environment characterized by rapid social and technological change The expectation that the law operates in new transnational contexts and regulates every widening sphere of social life has created a new degree of uncertainty and this change raises difficult questions regarding both the possibility and desirability of legal certainty This book compiles in one edited volume research from a range of substantive areas of civil and criminal law that shares a common interest in understanding the multi layered challenges of defining legal certainty in a late modern society The book will be of interest both to lawyers interested in understanding the transformation of core rule of law values in the context of contemporary social change and to political scientists and social theorists Todd & Watt's Cases and Materials on Equity and Trusts Gary Watt, 2013-06-13 This revised and updated text contains a range of relevant interesting case law statutory material academic extracts and official proposals for law reform A companion web site featuring web links and case updates ensures students have access to the latest materials The Worlds of the Trust Lionel Smith, 2013-08-22 Despite the common belief that they are found only in the common law tradition trusts have long been known in mixed jurisdictions even where they have a civilian law of property Trusts have now been introduced by legislation in a number of civilian jurisdictions such as France and China Other recent developments include the reception of foreign trusts through

private international law in Italy and Switzerland and the inclusion of a chapter on trusts in Europe's Draft Common Frame of Reference. As a result, there is a growing interest in the ways in which the trust can be accommodated in civil law systems. This collection explores this question as well as general issues such as the juridical nature of the trust, the role and qualifications of the trustee, and particular developments in specific jurisdictions.

Commonwealth Caribbean Law of Trusts Gilbert Kodilinye, Trevor Carmichael, 2014-04-08. The law of trusts is a subject of considerable importance in the Commonwealth Caribbean. Traditional areas such as testamentary trusts, resulting and constructive trusts, and charitable trusts are now fully incorporated into the mainstream substantive law of the region, while the principles associated with offshore trust regimes are constantly expanding and developing. This book has been updated to reflect new case law and legislation and to highlight recent trends relating to both traditional and offshore trusts.

B. K. Mukherjea on the Hindu Law of Religious and Charitable Trusts Bijan Kumar Mukherjea, Prasanta Bihari Mukharji, 1970. **The Hague Trusts Convention** Jonathan Harris, 2002-05-04. Trusts cross borders. When they do, real difficulties may arise. Will the understanding of what a trust is be different in a foreign state? Will the rights, powers, and duties of the trustee and settlor be the same? What rights will the beneficiary be able to assert? To what extent will the trust assets be safe from the claims of creditors, forced heirs, or third parties? Which legal system will be applied to the trust? Within what limits? What if the trust needs to be recognised in a state which does not have the institution of the trust in its domestic law? The Hague Trusts Convention, enacted into English law by the Recognition of Trusts Act 1987, seeks to ameliorate the situation by providing harmonised choice of law rules for trusts created voluntarily and evidenced in writing. It also provides for the recognition of trusts in Contracting States. Those Contracting States should recognise the trust even if they do not have the institution in their domestic law. This book is the first published in England to devote itself to a detailed analysis of the Convention. It is aimed at academics and practitioners, at private international lawyers and at trust lawyers. Frequent reference is made to the position in civil law states, especially in the Contracting States of Italy and the Netherlands, and in other trust states, both offshore and onshore. The Hague Trusts Convention deals with the operation of the trust itself. It does not deal with the preliminary steps needed to create a trust. These preliminary matters raise highly complex and uncharted choice of law issues. Detailed discussion of these matters is also provided, and appropriate solutions suggested.

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