

Honorary (Purpose) Trusts

- Traditional approach = invalid
 - Not private as no human beneficiary with standing to enforce.
 - Not charitable as lacking charitable purpose.

Purpose Trusts

Paul R. Beckett



Purpose Trusts:

The Purpose of Purpose Trusts Alexander A. Bove, 2005 The use of non charitable purpose trusts is slowly beginning to surface in the United States A non charitable purpose trust is one which is established for a purpose rather than for specified beneficiaries Such a trust has generally been deemed invalid because there is no beneficiary to enforce the trust thus it was held that there could be no trust The only type of purpose trust that has been recognized in the U S is the charitable trust which although it has no specified beneficiaries is enforceable by the attorney general of the particular jurisdiction in which the trust is being administered Little by little however as offshore jurisdictions began to adopt legislation which allowed for a non charitable purpose trust the idea has been catching on in more jurisdictions since the purpose trust can be useful in situations where it may be that the settlor would not want interference from beneficiaries For instance a purpose trust could be set up for the maintenance of property for business or other use or for the furtherance of the business of a particular corporation or for the management of a corporation or as it is more commonly used for off balance sheet financing for a business For instance a purpose trust would be established for a debt financed acquisition of a piece of equipment to be used in a business The trustee of the purpose trust would then lease the equipment to the business using the lease payments to pay off the debt thus the equipment and the financing would not be on the balance sheet of the company At the end of the lease period the asset would then be distributed as the parties previously determined In the U S the Uniform Probate Code UPC and the Uniform Trust Code UTC both have provisions for purpose trusts although the term of such a trust is generally limited to 21 years unlike offshore purpose trust which may be much longer or even indefinite Furthermore not all states have adopted either the UPC or the UTC but nevertheless both provide a breakthrough in the recognition of such trusts here in the U S In addition it is quite possible now that the concept of such a trust has been accepted to establish a purpose trust in an offshore jurisdiction and import the law to the U S having the trust administered here , [Equity & Trusts: Text, Cases, and Materials](#) Paul S. Davies, Graham Virgo, 2013-05-30 A complete guide to equity and trusts in a single volume with clear author introductions and analyses of the law while the extracts from cases and materials promote the development of essential case reading skills and allow for detailed appreciation of the practical workings of the law and the best of legal scholarship *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 **Todd & Wilson's Textbook on Trusts** Sarah Wilson,2013-04-11 Written in an enthusiastic and student friendly style Todd Wilson s Textbook on Trusts explains the basic principles and rules of trusts law in a clear and

unintimidating way The book delivers focused intellectually stimulating content and gives in depth coverage of the key areas taught on the undergraduate course **Ownership, Financial Accountability and the Law** Paul Beckett,2019-05-08

There is something visceral about ownership This is mine you can t have it This is mine you can share it This is ours Try to find it Contemporary literature and investigative journalism are showing that the scale of the problem of tax evasion money laundering organised crime terrorism bribery corruption and gross human rights abuses is vast Ownership specifically the quest to identify beneficial owners has been chosen by national and international regulators as the touchstone the litmus test in the fight back An owner by definition must possess something for which they are financially accountable But what is meant by ownership This book explains why ownership is pivotal to accountability and what ownership means in common law civil law and Shariah law terms It looks in detail at State regional and international transparency strategies and at an equally powerful global private counter initiative to promote beneficial ownership avoidance through the use of so called orphan structures Where there is no owner there is no accountability The distinction between privacy and legitimate confidentiality on the one hand and concealment on the other is explained with reference to commercial and trade law and practice principles of corporate governance and applicable business human rights This book introduces one further counter initiative the phenomenon of transient ownership made possible through the use of cryptocurrency and the blockchain The study concludes with a blueprint for action with recommendations addressed to states international organisations practitioners and other stakeholders

Living Law Roger Cotterrell,2017-07-05 Living Law presents a comprehensive overview of relationships between legal and social theory and of current approaches to the sociological study of legal ideas It explores the nature of legal theory and sociolegal studies today as teaching and research fields and the work of many of the major sociolegal theorists In addition it sets out the author s distinctive approach to sociological analysis of law applying this in a range of studies in specific legal fields such as the law of contract property and trusts constitutional analysis and comparative law Retaining and Transitioning Businesses in Communities Norman Walzer,Christopher D.

Merrett,2025-06-27 This edited collection presents successful business succession planning in smaller rural communities where profit margins are low markets are shrinking and there are few potential buyers Finding innovative ways to successfully transition these businesses to new owners is at the heart of community and economic development efforts if many of these communities are to thrive in the future Chapters outline options for successfully transitioning businesses that

have worked in Canada England and the U S The book explores a variety of alternative approaches to transitioning small businesses to new owners using a different ownership model A common theme running through these approaches is that employees and or members of the community are engaged in working with or possibly owning the business in some cases The book s discussions are not prescriptive recommending specific models or strategies Instead they provide valuable insights into viable alternatives and suggest additional resource materials This book is essential for academics policymakers and practitioners working on community and economic development issues especially in areas with aging populations

Extending the Boudaries of Trust and Similar Ring-Fenced Funds David Hayton,2002-07-19 Virtually every jurisdiction today is busy developing private international law rules to deal with trusts and similar ring fenced structures With the increasing impact of globalisation business interests throughout the world are intent on maximising the potential of such structures for raising funds lowering risks and cutting costs As a result numerous complex issues involving the traditional categories of settlor beneficiary and fiduciary are being radically transformed Extending the Boundaries of Trusts and Similar Ring Fenced Funds offers valuable analyses by sixteen well known authorities in the field of a broad range of trust related issues The many important insights in this book reveal the workings of such issues as the following the disappearing divergence between common law and civil law jurisdictions in the matter of trusts using the segregated fund concept to manage the risk of insolvency the demise of the amateur trustee in the charitable trust sector why loss to the fund supersedes particular losses of beneficiaries the legal dimensions of hiding ownership by giving property to trustees the intervention of public policy in questions of perpetuity the selective imposition of OECD and FTF transparency initiatives on offshore jurisdictions and policing of trustee behaviour by beneficiaries Lawyers bankers and others dealing with investment and business finance will find much information as well as food for thought in this fascinating book as will those involved in the traditional trust industry whether as trustees or lawyers or fund managers Most of the essays in this outstanding thematic collection were originally prepared for presentation at a conference held in 2001 at King s College London

Employment Law, 2014 and 2015 Richard Benny,Michael Jefferson,Malcolm Sargeant,2014 Q A Employment Law gives students the opportunity to practise and hone their exam technique with clear guidance and tips from experienced examiners Beneficial Ownership and Legal Responsibility Paul Beckett,2024-03-12 This book explores the connection between ownership on one hand and immunity from legal responsibility on the other It presents a definition of the concept of beneficial ownership the reasons for its concealment and failures in international legal structures and arrangements Globally states confront complex crimes such as corruption tax evasion doctrinal fanaticism slave trafficking terrorism and war At the personal level men and women may seek to escape their creditors to disinherit unwanted heirs to cheat divorced partners and to appear straightforward when this is not the case The response of politicians and regulators has been a global state initiative to identify beneficial owners via public registers to promote transparency and accountability Yet at the same time

there is an equally powerful global and personal counter initiative to promote beneficial ownership avoidance Where there is no owner there is no accountability This book examines what ownership means in legal terms across multiple legal systems and explains why singling out ownership as being pivotal to state and personal accountability is a strategy both flawed and disingenuous It is argued that an apparent lack of political will coupled with shape shifting definitions of ownership have resulted in tokenism Particular attention is paid to those orphan structures which have evolved from standard models or which have been designed for the purpose in each case of facilitating ownership concealment and avoidance The author explains how the virtual world of the blockchain crypto assets and cryptocurrency and virtual entities such as the Decentralised Autonomous Organisations DAOs all of which elude legal classification have opened a new world of possibilities Applicable across all jurisdictions and legal systems the book will be a valuable resource for academics researchers and policy makers working in the areas of financial crime regulation compliance business and accountancy

The World Trust Survey Charles Gothard,2010 The use of international trusts continues to expand and practitioners increasingly need to be aware of cross border considerations This title provides a concise and practical overview of the key aspects of law and practice in all the key jurisdictions offering trusts Private and commercial trusts are established under the law of an increasing number of jurisdictions which are competing to attract trust business and these laws are often dissimilar As international trusts mature established trust jurisdictions are changing their laws to comply with the legal demands and standards imposed by international agencies as well as to meet the legitimate expectations of the institutional investor The courts of international centers are also developing their own jurisprudence In addition jurisdictions new to trusts are introducing trusts in the vehicles which they offer investors and legislation from these new trust centers is opening up new routes for international investment and tax mitigation This book provides a comprehensive treatment of the subject covering all the key on shore and off shore jurisdictions that practitioners typically encounter It offers a very practical overview of the subject using a questionnaire format for each country avoiding academic material and giving concise answers to the sorts of frequently asked questions that arise in trust law and practice The questionnaire covers a full range of subjects such as the mechanics of trusts issues such as anti money laundering laws and conflicts of laws shams protectors and forced heirship as well as the different types of trusts used in a jurisdiction Formerly an annual special issue in the journal *Trusts Trustees* this title has been improved and extended with a reworked questionnaire new countries and contributors and a new editor

Charles Gothard *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 **An Anatomy of Tax Havens** Paul R. Beckett,2023-10-24 Tax havens in offshore lands like Switzerland the Cayman Islands and the Bahamas were once considered a rarity the preserve of the super rich Today they are big business available to the masses Their goal To avoid any form of accountability Own nothing Possess everything Be answerable to no one Where are these tax havens What forms can they take What future lies in store

for them and why should we care **An Anatomy of Tax Havens** Europe the Caribbean and the United States of America answers these questions and more in the first comparative study in one volume of European Caribbean and United States tax havens It examines their simple origin to the extreme forms some take today delving into the murky subculture that has deliberately made them impenetrably obscure Uniquely it combines detailed technical expertise regulatory regimes financial crime legal and equitable structuring with an analysis of their impact on domestic and global political economic environmental and social concerns **An Anatomy of Tax Havens** is a fascinating informative read for a broad readership from legal accountancy and tax practitioners to compliance regulators law enforcement agencies and students and researchers interested in business studies taxation and crime

The Law of Loyalty Lionel Smith, 2023 The Law of Loyalty is a study of the principles governing the use of legal powers that are held for other regarding ends It addresses both public law and private law and examines both the common law and the civil law It aims to provide a theory of how Western law regulates the situations in which we hold legal powers not for ourselves but for and on behalf of others It does this by elucidating the justificatory principles that are attracted in those situations These principles include that other regarding powers can only properly be used for the purposes for which they were granted that they should not be used when the holder is in a conflict of self interest and duty or a conflict of duty and duty and that the holder is presumptively accountable for any profits extracted from the other regarding role These principles stand behind the detailed legal rules that govern these relationships in multiple legal systems and in multiple public and private settings In private law this includes the powers of trustees corporate directors agents and mandataries in public law it includes all powers held for public purposes whether they be held by the Prime Minister by a police officer or by a judge

Principles of International Insolvency Philip R. Wood, 2007 This title covers the essentials of international insolvency with a very practical slant providing the reader with a comparative overview of insolvency law and practice in the key jurisdictions of the world The intention is to illustrate how the concepts and analyses raised throughout The Law and Practice of International Finance series may be applied in a real world setting

Loring and Rounds: A Trustee's Handbook, 2017 Edition (IL) Rounds, 2016-12-19 Loring and Rounds A Trustee's Handbook well over 1 550 pages is regarded not only as authoritative but also as the most convenient reliable and complete single volume source for trust doctrine Get in depth information on how to stay on top of the developments in this complex field of practice The Handbook carries on the tradition of concise practical and up to date guidance for trustees a tradition that began in 1898 with the First Edition This classic trust reference distills the essence of trust law illuminating the fundamental principles and answering the basic questions Loring and Rounds A Trustee's Handbook 2017 Edition is up to date and includes eleven chapters of important information such as chapters on The Property Requirement The Trustee's Office Interests Remaining with the Settlor The Beneficiary The Trustee's Duties The Trustee's Liabilities Miscellaneous Topics of General Interest to the Trustee Special Types of Trusts The Income Taxation of Trusts Tax Basis Cost of Trust

Property Tax Havens and International Human Rights Paul Beckett, 2017-10-02 This book sails in uncharted waters It takes a human rights based approach to tax havens and is a detailed analysis of structures and the laws that generate and support these It makes plain the unscrupulous or merely indifferent ways in which using tax havens businesses and individuals systematically undermine and for all practical purposes eliminate access to remedies under international human rights law It exposes as abusive of human rights a complex structural web of trusts companies partnerships foundations nominees and fiduciaries secrecy immunity and smoke screens It also lays bare the cynical manipulation by tax havens of traditional legal forms and conventions and the creation of entities so bizarre and chimeric that they defy classification Yet from the perspective of the tax havens themselves these are entirely legitimate the product of duly enacted domestic laws This book is not a work of investigative journalism in the style of the Pulitzer Prize winning authors of The Panama Papers exposing political or financial corruption money laundering or the financing of terrorism All those elements are present of course but the focus is on international human rights and how tax havens do not merely facilitate but actively connive at their breach The tax havens are compromising the international human rights legal continuum **Modern Studies in Property Law, Volume 11** Sue Farran, Russell Hewitson, Adam Ramshaw, 2021-07-29 What are the contemporary challenges faced by property law as we enter the 2nd decade of the 21st century This collection brings together the research and perspectives of an international body of academics and practitioners to consider these challenges and how even familiar topics must develop to meet new demands and developments As with previous books in the Modern Studies in Property Law series this volume adopts a broad approach to topics encompassed by property law in the firm belief that the boundaries that divide are shadowy at best and constantly moving in the endeavour to keep up with what is modern This collection looks at 5 themes Comparative perspectives including a chapter on grazing and cropping rights in Northern Ireland and analysis of the anomalies of the English trust law as seen from a civil law perspective Taking and alienating property including a chapter on bankruptcy and the family home Modern dilemmas including chapters on trusts in virtual currency and on smart homes Old chestnuts new challenges including analysis of the mortgage law reform in Scotland and a chapter on the ouster principle in common law jurisdictions and Wills death and other morbid topics with chapters on English succession law and the role of knowledge and approval in retrospective assessments of capacity Unfortunately the COVID 19 pandemic prevented the 13th biennial conference being held in 2020 as planned but despite this the authors and co editors persevered to produce this interesting and diverse collection *Maxims of Equity* Michael Levenstein, 2014-03-01 Equity is a world unto itself Originally conceived and administered by the ancient Court of Chancery in England this arcane body of rules and principles has matured into a distinct branch of modern jurisprudence influencing almost every field of private law from contract and tort to company and real property Specifically equity seeks to fashion practical justice by alleviating the inflexibility of the common law when liable to produce unfair outcomes in addition to providing a more robust set of remedies such as

injunctions or specific performance to aggrieved claimants Chancery law is governed by a set of principles referred to as Maxims of Equity nearly twenty moral guidelines aimed at providing jurists a wide scope in overriding the rigors of private agreements and facilitating complex financial and proprietary transactions such as the creation and management of trusts of land Recognizing these maxims as key insights not only into our own legal order but into the moral values that society at large prioritizes requires both philosophical dissection and the practical assessment of their efficacy Such scrutiny ultimately permits a keen understanding of the nexus between ethics and law their inevitable divergences and which areas of the latter are most in need of reform

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