

LX2083 - Trusts

Dr Patricia Hobbs

View Online



@article{Austin, R. P._1980, title={Discretionary Trusts: Conceptual Uncertainty and Practical Sense}, volume={9},
url={http://cm7ly9cu9w.search.serialssolutions.com/?ctx_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft_id=info:sid/summon.serialssolutions.com&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.atitle=Discretionary+trusts%3A+conceptual+uncertainty+and+practical+sense&rft.jtitle=Sydney+Law+Review&rft.au=Austin%2C+R.P.&rft.date=1980-01-01&rft.pub=Sydney+Law+School&rft.issn=0082-0512&rft.volume=9&rft.issue=1&rft.spage=58&rft.externalDBID=BSHEE&rft.externalDocID=1472881¶mdict=en-UK}, author={Austin, R. P.}, year={1980} }

@article{Baughen_2000, title={'Equality is equity'; or is it?},
url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&dccguid=IA7493220E72111DA9D198AF4F85CA028&crumb-action=append&context=33},
number={Jan/Feb}, journal={Conveyancer & property lawyer}, author={Baughen, Simon}, year={2000}, pages={58-61} }

@article{Burgess, Robert_1972, title={Juridical Nature of Secret Trusts, The},
volume={23},
url={https://heinonline-org.ezproxy.brunel.ac.uk/HOL/Page?handle=hein.journals/nlq23&div=33&start_page=263&collection=journals&set_as_cursor=7&men_tab=srchresults},
journal={Law Journal Library}, author={Burgess, Robert}, year={1972} }

@article{Burrows, title={We do this at common law but that in equity}, volume={Volume 22}, url={http://www.jstor.org/stable/3600632}, DOI={10.1093/ojls/22.1.1},
number={Issue 1}, journal={Oxford journal of legal studies}, author={Burrows, Andrew}, pages={1-16} }

@book{Davies_Virgo_2016, address={Oxford, United Kingdom}, edition={Second edition}, title={Equity & trusts: text, cases, and materials}, publisher={Oxford University Press}, author={Davies, Paul S. and Virgo, Graham}, editor={Burn, E. H.}, year={2016} }

@article{Dervan_2014, title={Trusts' law reform: do we need a statutory straitjacket?},
volume={20}, url={http://tandt.oxfordjournals.org/content/20/7/673.full.pdf+html},
DOI={10.1093/tandt/ttu099}, number={7}, journal={Trusts & Trustees},
author={Dervan, H.}, year={2014}, month=sept, pages={673-691} }

@article{Dunn, title={Equity is dead. Long live equity!}, volume={Vol. 62},
url={http://www.jstor.org/stable/1097080}, number={No. 1}, journal={The modern law review}, author={Dunn, Alison}, pages={140-150} }

@article{Emery_1982, title={Most hallowed principle - certainty of beneficiaries of trusts and powers of appointment, The}, volume={98}, url={https://contentstore.cla.co.uk/secure/link?id=9c60b223-a14a-e611-80bd-0cc47a6bdd eb}, journal={Law Quarterly Review}, author={Emery, CT}, year={1982} }

@article{1983a, title={Discretionary Trusts & Power: Distinction without a difference}, volume={7}, url={https://heinonline.org/HOL/Page?handle=hein.journals/trntlj7&size=2&collection=journals&id=115}, publisher={Trent Law Journal}, author={F. Spearing}, year={1983} }

@article{2011, title={Secret is out there: searching for the legal justification for the doctrine of secret trusts through analysis of the case law}, volume={40}, url={https://heinonline-org.ezproxy.brunel.ac.uk/HOL/Page?handle=hein.journals/comlwr40&div=22&start_page=311&collection=journals&set_as_cursor=13&men_tab=srchresults}, publisher={Common Law World Review}, author={G. Allan}, year={2011} }

@article{Gardner_1991, title={Fiduciary powers in toytown}, volume={107}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toce&src=toce&ocguid=ICD1E8F40E72111DA9D198AF4F85CA028&crumb-action=append&context=22}, number={Apr}, journal={Law quarterly review}, author={Gardner, Simon}, year={1991}, pages={214-220} }

@article{Gardner_1992, title={New angles on unincorporated associations}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toce&src=toce&ocguid=IA7841840E72111DA9D198AF4F85CA028&crumb-action=append&context=69}, number={Jan/Feb}, journal={Conveyancer & property lawyer}, author={Gardner, Simon}, year={1992}, pages={41-52} }

@article{Gardner_1998, title={A detail in the construction of gifts to unincorporated associations}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toce&src=toce&ocguid=IA7558E30E72111DA9D198AF4F85CA028&crumb-action=append&context=90}, number={Jan/Feb}, journal={Conveyancer & property lawyer}, author={Gardner, Simon}, year={1998}, pages={8-12} }

@book{Gardner_2011, address={New York, NY}, edition={3rd ed}, title={An introduction to the law of trusts}, volume={Clarendon law series}, publisher={Oxford University Press}, author={Gardner, Simon}, year={2011} }

@article{Giacomet, Fausto, title={Capital Markets Law Journal}, url={http://search.proquest.com.ezproxy.brunel.ac.uk/docview/1619565749?pq-origsite=s ummon}, number={2}, author={Giacomet, Fausto} }

@article{Gretton_2000, title={Trusts without equity}, volume={Vol. 49}, url={http://www.jstor.org/stable/761397}, number={No. 3}, journal={International and comparative law quarterly}, author={Gretton, George L.}, year={2000}, pages={599-620} }

@book{Haley_McMurtry_2014, address={London}, edition={Fourth edition}, title={Equity and trusts}, volume={Sweet&Maxwell's textbook series}, publisher={Sweet

& Maxwell}, author={Haley, Michael A. and McMurtry, Lara}, year={2014} }

@article{Halliwell_2003, title={Perfecting imperfect gifts and trusts: have we reached the end of the Chancellor's foot?}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&ocguid=IA73953A0E72111DA9D198AF4F85CA028&crumb-action=append&context=9}, number={May/Jun}, journal={Conveyancer & Property Lawyer}, author={Halliwell, Margaret}, year={2003}, pages={192-202} }

@article{Hayton_1994, title={Uncertainty of subject-matter of trusts}, volume={110}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&ocguid=ICD03DB50E72111DA9D198AF4F85CA028&crumb-action=append&context=46}, number={Jul}, journal={Law Quarterly Review}, author={Hayton, David}, year={1994}, pages={335-340} }

@article{Hayton_2001a, title={Developing the obligation characteristic of the trust}, volume={117}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&ocguid=ICCAEDD80E72111DA9D198AF4F85CA028&crumb-action=append&context=104}, number={Jan}, journal={Law quarterly review}, author={Hayton, David J.}, year={2001}, pages={96-108} }

@article{Hayton_2001b, title={Developing the obligation characteristic of the trust}, volume={117}, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=ICCAEDD80E72111DA9D198AF4F85CA028&entityID=https%3A%2F%2Ffidp.brunel.ac.uk%2Fentity}, number={Jan}, journal={Law Quarterly Review}, author={Hayton, David J.}, year={2001}, pages={96-108} }

@book{Hayton_2003, address={London}, edition={4th ed}, title={The law of trusts}, volume={Fundamental principles of law}, publisher={Sweet & Maxwell}, author={Hayton, David J.}, year={2003} }

@article{Hopkins_1973, title={Continuing Uncertainty as to Certainty of Objects of Trust Powers}, volume={32}, url={https://doi.org/10.1017/S0008197300090164}, DOI={10.1017/S0008197300090164}, number={01}, journal={The Cambridge Law Journal}, author={Hopkins, John}, year={1973}, month=apr }

@book{Hudson_2017, address={New York}, edition={9th edition}, title={Equity and trusts}, publisher={Routledge}, author={Hudson, Alastair}, year={2017} }

@article{2015a, title={Redefining the Quistclose Trust}, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IA25B8AC0B5D411E4AC54BF9A229C706A&entityID=https%3A%2F%2Ffidp.brunel.ac.uk%2Fentity}, journal={Conveyancer & property lawyer}, publisher={Conveyancer and Property Lawyer}, author={Hughes-Davies}, year={2015} }

@article{1983b, title={Enforcement of Secret and Semi-Secret Trusts}, volume={5}, url={https://heinonline-org.ezproxy.brunel.ac.uk/HOL/Page?handle=hein.journals/problj5&div=5&start_page=7&collection=journals&set_as_cursor=9&men_tab=srchresults}, publisher={Probate Law Journal}, author={J. Levine and R. Holton}, year={1983} }

@book{Jaffey_2007, address={Oxford}, title={Private law and property claims}, publisher={Hart Publishing}, author={Jaffey, Peter}, year={2007} }

@article{Klinck_1988, title={McPhail v. Doulton and certainty of objects: a 'semantic' criticism}, volume={20}, url={http://cm7ly9cu9w.search.serialssolutions.com/?ctx_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft_id=info:sid/summon.serialssolutions.com&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.atitle=McPhail+v.+Doulton+and+certainty+of+objects%3A+a+%22semantic%22+criticism&rft.jtitle=Ottawa+Law+Review&rft.au=Klinck%2C+Dennis+R&rft.date=1988-03-22&rft.pub=Faculty+of+the+Common+Law+Section%2C+University+of+Ottawa&rft.issn=0048-2331&rft.volume=20&rft.issue=2&rft.spage=377&rft.externalDBID=BSHEE&rft.externalDocID=7289712¶mdict=en-US}, number={2}, journal={Ottawa law review}, author={Klinck, Dennis R}, year={1988}, month=mar, pages={377-402} }

@article{Langbein, title={The contractarian basis of the law of trusts}, volume={Vol. 105}, url={http://www.jstor.org/stable/797196}, DOI={10.2307/797196}, number={No. 3}, journal={The Yale law journal}, author={Langbein, John H.}, pages={625-675} }

@article{2016, title={Charitable status: not a negligible matter}, volume={132}, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I4C93D8F0EB1011E5A168CCCE55E37A72&entityID=https://idp.brunel.ac.uk/entity}, publisher={Law Quarterly Review}, author={Mart Syngé}, year={2016} }

@article{Mason_1994, title={The place of equity and equitable remedies in the contemporary common law world}, volume={110}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&docguid=ICD027BC0E72111DA9D198AF4F85CA028&crumb-action=append&context=110}, number={Apr}, journal={Law quarterly review}, author={Mason, Anthony}, year={1994}, pages={238-259} }

@article{Matthews_1995, title={A problem in the construction of gifts to unincorporated associations}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&docguid=IA76AC3E0E72111DA9D198AF4F85CA028&crumb-action=append&context=79}, number={Jul/Aug}, journal={Conveyancer & property lawyer}, author={Matthews, Paul}, year={1995}, pages={302-308} }

@article{McCormick_2011, title={How difficult is it to gift a share? Shah v Shah [2010] EWCA Civ 1408}, volume={17}, url={https://doi.org/10.1093/tandt/ttr080}, DOI={10.1093/tandt/ttr080}, number={5}, journal={Trusts & Trustees}, author={McCormick, W.}, year={2011}, month=june, pages={438-440} }

@book{McKay, title={Re Baden and the third class of uncertainty}, url={https://contentstore.cla.co.uk/secure/link?id=afd95904-e970-e611-80c6-005056af4099}, author={McKay, L.} }

@article{Mike Macnair_2007, title={Equity and Conscience}, volume={27}, url={http://www.jstor.org.ezproxy.brunel.ac.uk/stable/20185349?pq-origsite=summon}, number={4}, journal={Oxford Journal of Legal Studies}, author={Mike Macnair}, year={2007}, pages={659-681} }

@article{Nobles_1992, title={Charities and ethical investment}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&ocguid=IA781CE50E72111DA9D198AF4F85CA028&crumb-action=append&context=51}, number={Mar/Apr}, journal={Conveyancer & property lawyer}, author={Nobles, Richard L.}, year={1992}, pages={115-118} }

@book{Oakley_International Conference on Trust Law_1996, address={Oxford}, title={Trends in contemporary trust law}, url={https://contentstore.cla.co.uk/secure/link?id=635df98c-a14a-e611-80bd-0cc47a6bdd eb}, publisher={Clarendon Press}, author={Oakley, A.J. and International Conference on Trust Law}, year={1996} }

@article{Oosterhoff, Albert H._2006, title={Secret and Half-Secret Trusts}, volume={26}, url={https://heinonline-org.ezproxy.brunel.ac.uk/HOL/Page?handle=hein.journals/espjrl26 &div=18&start_page=173&collection=journals&set_as_cursor=6&men_tab=srchresults}, journal={Law Journal Library}, author={Oosterhoff, Albert H.}, year={2006} }

@article{Otto, Dianne_1992, title={A Barren Future? Equity's Conscience and Women's Inequality}, volume={18}, url={http://heinonline.org/HOL/Page?handle=hein.journals/mulr18&size=2&collection=journals&id=836}, number={4}, journal={Melbourne University Law Review}, publisher={University of Melbourne Law School}, author={Otto, Dianne}, year={1992}, month=dec }

@article{Panesar_2008, title={Surplus funds and unincorporated associations}, volume={14}, url={https://doi.org/10.1093/tandt/ttn100}, DOI={10.1093/tandt/ttn100}, number={10}, journal={Trusts & Trustees}, author={Panesar, Sukhninder}, year={2008}, pages={698-707} }

@article{Parkinson_2002, title={Reconceptualising the express trust}, volume={61}, url={https://doi.org/10.1017/S0008197302001769}, DOI={10.1017/S0008197302001769}, number={03}, journal={The Cambridge Law Journal}, author={Parkinson, Patrick}, year={2002}, month=dec }

@article{2015b, title={Section 61 of the Trustee Act 1925: Deus Ex Machina?}, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I424A9C706E1611E5ADEBEC044153D0B4&entityID=https://idp.brunel.ac.uk/entity}, journal={Conveyancer & property lawyer}, publisher={Conveyancer & Property Lawyer}, author={Paul S. Davies}, year={2015} }

@article{Pawlowski_2001, title={Unconscionability as a unifying concept in equity}, volume={16}, url={http://cm7ly9cu9w.search.serialssolutions.com/?ctx_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft_id=info:sid/summon.serialssolutions.com&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.atitle=Unconscionability+as+a+Unifying+Concept+in+Equity&rft.jtitle=Denning+Law+Journal&rft.au=Pawlowski%2C+Mark&rft.date=2001&rft.pub=University+of+Buckingham+Press&rft.issn=0269-1922&rft.volume=16&rft.issue=1&rft.spage=79&rft.epage=96&rft.externalDBID=n%2Fa&rft.externalDocID=n%2Fa&aramdict=en-US}, number={1}, journal={Denning law journal}, author={Pawlowski, Mark}, year={2001}, pages={79-96} }

@book{Pearce_Stevens_Barr_2010, address={Oxford}, edition={5th ed}, title={The law of trusts and equitable obligations: Robert Pearce, John Stevens, Warren Barr}, publisher={Oxford University Press}, author={Pearce, Robert A. and Stevens, John and Barr, Warren}, year={2010} }

@book{Pettit_2012, address={Oxford}, edition={12th ed}, title={Equity and the law of trusts}, url={http://lib.myilibrary.com/browse/open.asp?id=557723&entityid=https://idp.brunel.ac.uk/entity}, publisher={Oxford University Press}, author={Pettit, Philip Henry}, year={2012} }

@article{Rahmatian, Andreas_2009, title={The continued relevance of the 'poor relations' and the 'poor employees' cases under the Charities Act 2006}, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IEABDDFB0FA5111DDAFC3E136547FBB8B&entityID=https%3A%2F%2Fidp.brunel.ac.uk%2Fentity}, number={1}, journal={Conveyancer and Property Lawyer}, publisher={Sweet & Maxwell Ltd. (UK)}, author={Rahmatian, Andreas}, year={2009}, month=jan }

@article{Richardson_2011, title={Lehman brothers: traditional trusts principles and 21st century international bank failures}, volume={17}, url={https://doi.org/10.1093/tandt/ttr020}, DOI={10.1093/tandt/ttr020}, number={3}, journal={Trusts & Trustees}, author={Richardson, G.}, year={2011}, month=apr, pages={226-232} }

@book{Scott-Hunt_Lim_2001, address={London}, title={Feminist perspectives on equity and trusts}, url={http://lib.myilibrary.com/browse/open.asp?id=16703&entityid=https://idp.brunel.ac.uk/entity}, publisher={Cavendish}, author={Scott-Hunt, Susan and Lim, Hilary}, year={2001} }

@article{Sharon K. Dobbins_1991, title={Equity: The Court of Conscience or the King's Command, the Dialogues of St. German and Hobbes Compared}, volume={9}, url={http://www.jstor.org.ezproxy.brunel.ac.uk/stable/1051110?pq-origsite=summon&seq=1#page_scan_tab_contents}, number={1}, journal={Journal of Law and Religion}, author={Sharon K. Dobbins}, year={1991}, pages={113-149} }

@article{Siu, Ho_2015, title={Keeping Secrets: A Critical Analysis of the Justifications for the Doctrine of Secret Trusts}, volume={3}, url={https://heinonline-org.ezproxy.brunel.ac.uk/HOL/Page?handle=hein.journals/nearest3&div=17&start_page=75&collection=journals&set_as_cursor=10&men_tab=srchresults}, journal={Law Journal Library}, author={Siu, Ho}, year={2015} }

@article{Smart_1987, title={Holding property for non-charitable purposes: mandates, conditions and estoppels}, url={http://login.westlaw.co.uk/maf/wluk/app/document?access-method=toc&src=toce&ocguid=IA7BF7390E72111DA9D198AF4F85CA028&crumb-action=append&context=63}, number={Nov-Dec}, journal={Conveyancer & property lawyer}, author={Smart, Philip St. J.}, year={1987}, pages={415-522} }

@article{Stauch_Watt_1998, title={Is there liability for imprudent trustee investment?}, url={http://brunel.summon.serialssolutions.com/#!/search?bookMark=ePnHCXMwNZ0xD8l

gEIUZHNTGn9CEuDc5CxQ6ORiN7t2bo1xNFwft4r_3jtadMJHv3jvwuV4dUGazX3POcKVNjqHElQG2KylZm6HZKfv4aFE5pNnR51HQr2alpie20_ldR51zB0R6ym9OSLvsXKjudu0u92r9K6B62raultaBJFWJwUD0mBy6EUeKgQtuw2VvYFlvXWLHwQbe100AQ2PERIOHU0JTqOOy7R_l_dqzZ23M7hFaudEsVLksEnj3cgLmNw490995D635AYVJSeQ}, number={Sep/Oct}, journal={Conveyancer & property lawyer}, author={Stauch, Marc and Watt, Gary}, year={1998}, pages={352-361} }

@book{Swadling_2004, address={Oxford}, title={The Quistclose trust: critical essays}, url={http://lib.myilibrary.com/browse/open.asp?id=80856&entityid=https://idp.brunel.ac.uk/entity}, publisher={Hart}, author={Swadling, William}, year={2004} }

@book{Synge_2015, address={Oxford, OX}, title={The 'new' public benefit requirement: making sense of charity law?}, url={http://lib.myilibrary.com/browse/open.asp?id=813499&entityid=https://idp.brunel.ac.uk/entity}, publisher={Hart Publishing}, author={Synge, Mary}, year={2015} }

@article{Thornton, title={Ethical investments: a case of disjointed thinking}, volume={Volume 67}, url={https://doi.org/10.1017/S000819730800038X}, DOI={10.1017/S000819730800038X}, number={Issue 02}, journal={The Cambridge law journal}, author={Thornton, Rosy}, pages={396-422} }

@book{Virgo_2016, address={Oxford, United Kingdom}, edition={Second edition}, title={The principles of equity & trusts}, publisher={Oxford University Press}, author={Virgo, Graham}, year={2016} }

@book{Watt_2016, address={Oxford}, edition={Seventh edition}, title={Trusts & equity}, publisher={Oxford University Press}, author={Watt, Gary}, year={2016} }

@book{Wilson_Todd_Wilson_2015, address={Oxford, United Kingdom}, edition={12th edition}, title={Todd & Wilson's textbook on trusts & equity}, volume={Concentrate}, publisher={Oxford University Press}, author={Wilson, Sarah and Todd, Paul and Wilson, Sarah}, year={2015} }

@article{Administrative Unworkability - A Reassessment of an Abiding Problem_1 AD, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IA7909B60E72111DA9D198AF4F85CA028&entityID=https%3A%2F%2Fidp.brunel.ac.uk%2Fentity}, journal={Conveyancer & property lawyer}, year={1 AD} }

@article{Certainty of subject matter: a defence of Hunter v. Moss_1 AD, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IA764A961E72111DA9D198AF4F85CA028&entityID=https%3A%2F%2Fidp.brunel.ac.uk%2Fentity}, journal={Conveyancer & property lawyer}, year={1 AD} }

@article{Debunking the myth of secret trusts?_1 AD, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I78ED3BD0E45411DA92358E85EE602D8A&entityID=https%3A%2F%2Fidp.brunel.ac.uk%2Fentity}, journal={Conveyancer & property lawyer}, year={1 AD} }

@article{Private purpose trusts - a reform proposal_1 AD, url={http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I04BE36F075FE11DCBE5DC90C8219B168&entityID=https%3A%2F%2Fidp.brunel.ac.uk%2Fentity}, journal={Conveyancer & property lawyer}, year={1 AD} }

@article{Trustees' personal liability and the role of liability insurance_1 AD,
url={ <http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IA76A0090E72111DA9D198AF4F85CA028&entityID=https%3A%2F%2Fidp.brunel.ac.uk%2Fentity>}, journal={Conveyancer & property lawyer}, year={1 AD} }

@article{Instruments of Fraud, Testamentary Dispositions, and the Doctrine of Secret Trusts_1999, volume={115},
url={ <http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I78ED62E0E45411DA92358E85EE602D8A&entityID=https://idp.brunel.ac.uk/entity>}, journal={Law quarterly review}, year={1999} }