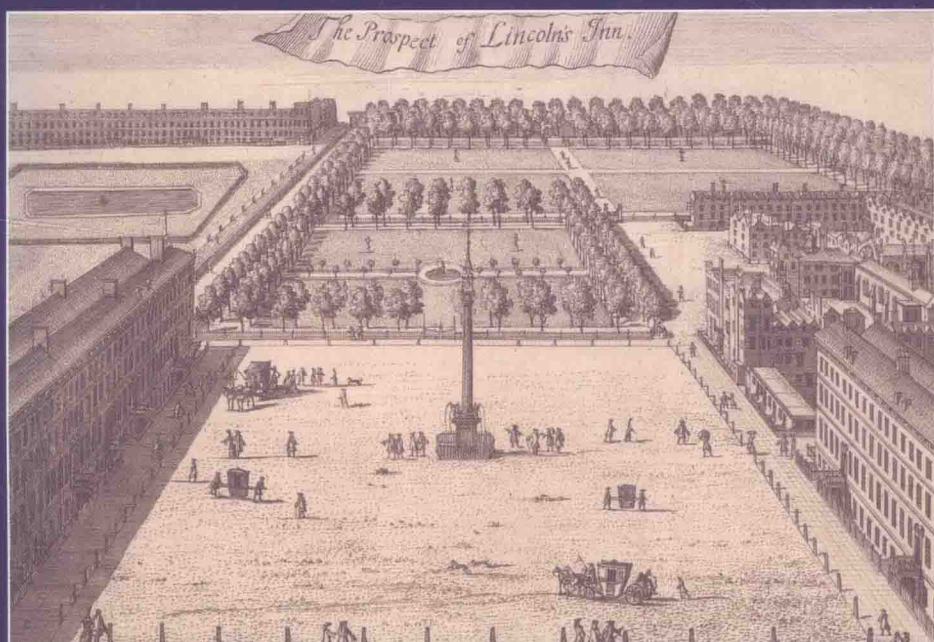


Maudsley & Burn's

TRUSTS & TRUSTEES CASES & MATERIALS

Sixth edition

E.H. Burn
G.J. Virgo



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Maudsley and Burn's

Trusts and Trustees

Cases and Materials

Sixth edition

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Maudsley and Burn's Trusts and Trustees:
Cases and Materials

Preface

It is thirty years since Ronald Maudsley and I wrote this book as a companion to our *Land Law: Cases and Materials*. The object of the two books remains the same.

‘The object of the book is to provide for students of the law of Trusts and Trustees a collection of the most significant readings on the subject which do not appear in the textbooks. This branch of the law contains many situations in which the development of doctrine needs to be expounded by the judges; and the extent to which the modern law is dependent upon statute makes it important for the precise words of the statutes to be read. And we have also included many other sources to round off the presentation. In fact, the book follows closely the pattern of our earlier casebook on Land Law and, like it, this one is intended as a companion to the textbook rather than a substitute for it.’

The time has now come for me to hand on *Trusts and Trustees*. Fortunately, I have been able to persuade Graham Virgo, an old pupil and friend of mine from Christ Church days, to edit the new edition. He is a Fellow of Downing College, Cambridge and a distinguished authority on the law of restitution and the law of trusts. I remain as the consultant editor.

E.H.B.
London
14 May 2002

In preparing this new edition I have sought to maintain the structure and style developed by Maudsley and Burn in earlier editions. Rapid and fundamental developments in the law of trusts and trustees, since the last edition appeared in 1996, have required some substantial changes to be made. Chief among these has been the need to restructure completely the chapters on resulting trusts, constructive trusts and breach of trust, partly because of the ever-growing influence of the Law of Restitution in these areas. Too often trust lawyers appear concerned about the infiltration of restitutionary analyses into well-established areas of law. But these concerns are unwarranted; analysis in terms of restitution simply provides a different, and generally more coherent, way of considering what the law of trusts has done for many years.

This edition includes, for the first time, a new chapter on Pension Trusts. The impact of the law of human rights is also considered, particularly in the chapters on charitable trusts; and recommendations for reform of the law from various bodies, most notably the Law Commission and the Trust Law Committee, have been incorporated. The important publications of the Charity Commissioners, which are having a dramatic influence in changing the law and practice relating to the identification and administration of charitable trusts, has required extensive rewriting and restructuring of the chapters relating to those trusts.

Many important changes have taken place in the law of trusts and trustees since the last edition. There has been widespread judicial activity with some fifty new cases being added to the text.

The House of Lords has considered the nature of resulting and constructive trusts; determined when compound interest can be awarded; considered the meaning of tax avoidance; clarified the notion of dishonesty for the purpose of liability for dishonest assistance in a breach of trust; and examined in detail proprietary restitutionary claims following a breach of trust.

Important decisions of the Privy Council include those on the constitution of trusts; the nature of occupational pension fund trusts and resulting trusts; and the extent to which the award of the remedies of account of profits and compensation are compatible.

Important decisions of the Court of Appeal include those on the recognition of trusts despite illegal purposes; the doctrine of mutual wills; the operation of the forfeiture rule; the liability of an executor de son tort as a constructive trustee; the application of common intention constructive trusts in a commercial context; the rejection of the notion of a remedial constructive trust; the fault requirement in the action for knowing receipt of trust property in breach of trust; the liability of a partner as a constructive trustee; whether political charities can be recognised; the rejection of the jurisdiction of the English court in respect of charities overseas; the application of the *cy-près* doctrine; the validity of trustee exemption clauses; the variation of trusts; the application of the Limitation Act 1980 to claims relating to constructive trusts and breach of fiduciary duty; and subrogation.

Significant decisions at first instance include those on the distinction between trusts and powers; certainty of subject matter; protection of creditors; rebuttal of the presumption of resulting trusts; legal proceedings relating to charities; whether trusts for the relief of unemployment and faith-healing are charitable; and the duty to disclose information to beneficiaries.

Pre-eminent among the new statutes included in this edition are the Trusts of Land and Appointment of Trustees Act 1996, the Trustee Delegation Act 1999 and the Trustee Act 2000. The latter is the most important piece of legislation relating to trustees since the enactment of the Trustee Act 1925. It has at a stroke reformed some of the most complex areas the law, particularly as regards trustees' duty to invest, the powers of trustees to delegate to others and the remuneration of trustees. The enactment of the Contracts (Rights of Third Parties) Act 1999 is also relevant in a trusts context as regards the enforcement of covenants to settle.

The tradition of including chapters on the Taxation of Trusts has been continued in this edition. These chapters were originally written by Professor Geraint Thomas, Barrister of Lincoln's Inn and Head of Department at Queen Mary, University of London. He did not update these chapters for this edition, this being done by Edwin Simpson, Barrister of Lincoln's Inn and Student of Christ Church, Oxford. We are grateful to Geraint Thomas for allowing us to continue to use his chapters and to Edwin Simpson for updating them.

It has been a privilege to work with Edward Burn in the preparation of this new edition of his casebook and I am grateful for his advice and support throughout. We would both like to thank Marilyn Kennedy-McGregor, Barrister of Gray's Inn and of Lincoln's Inn, for her assistance. I would also like to thank David Fox, John Hopkins and Richard Nolan, all lecturers in the Faculty of Law at the University of Cambridge, for additional advice and support; Felicity Eves and Sarah Ross, for administrative assistance; and Daniel Bates, for research assistance. I am especially grateful to the members of the Faculty Office for their good humour and interest throughout the preparation of this new edition and

finally to Cally, Elizabeth and Jonathan without whom none of this would have been possible.

We would both like to thank the publishers, who have done so much in the preparation of this edition, including the compilation of the Table of Cases, Statutes and Statutory Instruments.

This edition purports to state the law as it was on 31 January 2002, but it has been possible to incorporate more recent developments where space has permitted.

G.J.V.
Downing College
Cambridge
14 May 2002

Acknowledgements

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New Zealand Law Reports
Property, Planning and Compensation Reports
Rating and Valuation Reporter
Simon's Tax Cases
Taxation Reports
Times Law Reports
Trust Law International
Wills and Trusts Law Reports

Textbooks and Treatises:

Birks: ed. *Privacy and Loyalty* (1997, Clarendon Press, Oxford)
Birks and Rose: ed. *Restitution and Equity* (2000, LLP Professional Publishing)
Chapman: *Inheritance Tax* (8th edn 1989, TLPC)
Encyclopaedia of Forms and Precedents (5th edn) Vol 40(1) (Butterworths)
Goff & Jones: *Law of Restitution* (5th edn 1998, Sweet & Maxwell)
Hackney: *Understanding Equity and Trusts* (1987, Fontana Press)
Hallett's *Conveyancing Precedents* (1965, Sweet & Maxwell)
Hanbury and Martin: *Modern Equity* (16th edn 2001, Sweet & Maxwell)
Jarman on Wills (8th edn 1951, Sweet & Maxwell)
Josling: *Apportionments for Executors and Trustees* (4th edn 1976, Oyez)
Key & Elphinstone: *Conveyancing Precedents* (15th edn 1953, Sweet & Maxwell)
Lewin on Trusts (17th edn 2000, Sweet & Maxwell)
Luxton, *The Law of Charities* (2001, Oxford University Press)
Maitland: *Lectures on Equity* (1969, Cambridge University Press)
McKendrick: ed. *Commercial Aspects of Trusts and Fiduciary Obligations* (1992, Clarendon Press, Oxford)
Miller: *The Machinery of Succession* (2nd edn 1996, Ashgate publishing Ltd)
Morris and Leach: *Rule Against Perpetuities* (2nd edn 1962, Sweet & Maxwell)
Oakley: ed. *Trends in Contemporary Trust Law* (1996, Clarendon Press, Oxford)
Parker & Mellows: *Modern Law of Trusts* (7th edn 1998, Sweet & Maxwell)

Perspectives of Law: *Essays for Austin Wakeman Scott* (1964, Little, Brown & Co)
Pettit: *Equity and the Law of Trusts* (9th edn 2000, Butterworths)
Scott: *Trusts* (4th edn 1989, Little, Brown and Co)
Snell's Equity (30th edn 2000, Sweet & Maxwell)
Thomas: *Taxation and Trusts* (1981, Sweet & Maxwell)
Tudor on Charities (8th edn 1995, Sweet & Maxwell)
Underhill and Hayton: *Law Relating to Trusts and Trustees* (15th edn 1995, Butterworths)
Virgo, *The Principles of the Law of Restitution* (1999, Clarendon Press, Oxford)
Whitehouse and Hassall, *Trusts of Land, Trustee Delegation and the Trustee Act 2000* (2nd edn 2001, Butterworths)

Restatement of Law:
Trusts (2nd edn 1959, American Law Institute)

Journals:

Cambridge Law Journal
Conveyancer and Property Lawyer
Current Legal Problems (M. D. A. Freeman (ed.))
Law Quarterly Review
Legal Studies
Lloyd's Maritime and Commercial Law Quarterly
Modern Law Review
New Law Journal
Public Law
Restitution Law Review
University of Western Australia Law Review

Reports:

Charity Commissioners for England and Wales
Goode Report on Pensions Law Reform
House of Commons Standing Committee
Law Commission Reports (Crown copyright)
Law Reform Committee: 24th Report on Powers and Duties of Trustees
The Official Solicitor
Trust Law Committee

Cross-References

The following books have been cross-referenced, and abbreviated as follows:

| | |
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| H&M | Hanbury and Martin, <i>Modern Equity</i> (16th edn 2001) |
| Lewin | <i>Lewin on Trusts</i> (17th edn 2000) |
| Luxton | <i>The Law of Charities</i> (2000) |
| P&M | Parker and Mellows: <i>Modern Law of Trusts</i> (7th edn 1998) |
| Pettit | <i>Equity and the Law of Trusts</i> (9th edn 2000) |
| Riddall | <i>Law of Trusts</i> (5th edn 1996) |
| Snell | <i>Snell's Equity</i> (30th edn 2000) |
| Tudor | <i>Tudor on Charities</i> (8th edn 1995) |
| Underhill and Hayton | <i>Law Relating to Trusts and Trustees</i> (15th edn 1995) |

Table of Statutes

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