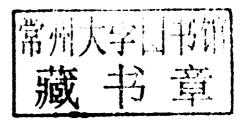


Equity and Trusts

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Equity and Trusts

'Undergraduate law students traditionally find equity and trusts one of the most difficult subjects which they have to study. The straightforward and down-to-earth approach of this book should help to make the subject more accessible and enjoyable. I will certainly recommend it to my students.'

Robert Collinson LL.B, BCL (Oxon), Solicitor, Module Leader for Equity and Trusts, Edge Hill University.'

'Atkins writes in a pleasant, accessible style which involves the reader. There is no other text-book which gives such detailed explanation of the cases.'

Judith Riches, LL.M, Barrister, Senior Lecturer in Law, Brighton University'

Atkins' Equity and Trusts is an ideal choice for all undergraduate and GDL students looking for a comprehensive yet accessible core textbook. The author's clear writing style and focus on modern case law demystify difficult concepts and help to bring this complicated and dry subject to life.

The author provides students with a clear understanding of the law through the use of vital pedagogic methods such as flow-charts, diagrams and highlighted text-boxes, whilst keeping the focus on recent case law. Equity and Trusts is shown to be a live, growing and developing subject, with an important historical underpinning that ensures students gain a sound grasp of key material and understand both its history and current application.

Features include:

- As you read aids deeper understanding by highlighting key points to bear in mind whilst working through each chapter
- **Key learning points** help students clarify complex issues and draw attention to important concepts
- Explaining the law assists in placing principles in a wider context by focussing attention on important individual cases
- Key Glossary terms help readers by providing on the spot definitions of key terms
- Useful things to read signposts the way to further understanding and achieving higher marks by providing an invaluable annotated guide to primary and secondary further reading.

Scott Atkins (LL.B, Dip LP, FHEA, Solicitor (non-practising)) is a Senior Lecturer in Law at the University of Derby and a Visiting Professor at the Institute of Law, Jersey. Scott has enjoyed teaching both Contract Law and Equity and Trusts to students for a number of years and views learning law as a partnership between student and tutor.

Preface

Equity and trusts. Three words which usually conjure up a heady concoction of fear, loathing and, dare I say it, boredom in law students. This book aims to be a tonic to those ills.

How have these aims been achieved? Through the following mechanisms:

- Take a glance through this book. You will see clear diagrams of key information and principles. Each Chapter contains 'As you read' guidance notes at the start which act as sign-posts to point out key themes. Boxes entitled 'Key Learning Points' appear in important places throughout the Chapters to continue that directed reading and to ensure that you really appreciate the absolutely essential legal concepts;
- Glossaries are used to explain essential terminology. I know from personal experience that students often struggle with terminology used in Trusts' courses, so I have tried to ensure that you are not lost in jargon as you progress onto new topics;
- Sections on 'Applying the Law' show you how the law is actually used in real life and in worked examples so you should not feel that principles are being discussed in a vacuum;
- As equity and trusts is often a second, or final year subject, your ability to think about concepts critically will be tested. Boxes in the text headed 'Analyzing the Law' draw your attention to issues which you should consider critically before moving on further; and
- Each Chapter closes with sections entitled 'Points to Review' and 'Useful things to read'. Reflection is an essential skill in your learning and the former heading ensures that you can join the key concepts in the Chapter together. I am not a big fan of undirected further reading, so the 'Useful things to read' sections contain what I believe are relevant primary and secondary sources for you to develop your knowledge and understanding of each area.

This book is different to other textbooks in many ways – and deliberately so. One important area where it is different is in the detail of the cases which I have chosen to incorporate. Too often, in my view, case details are omitted for what are no doubt sensible reasons, but the effect can be to take the emotion out of the subject. It has always been my view that if students can appreciate the facts of cases, they are more likely to understand the principle from the decision in the case and it is, after all, the principle which is important to grasp. So I make no apology for writing a textbook which takes perhaps a smaller number of cases than other textbooks would normally do but looks at them in more detail. Equity and trusts is a subject which can involve, for instance, family disputes, theft, shady corporate transactions and sexual impropriety (see Chapter 11) and to omit case details would be to deny the reader the chance to see the rounded, controversial and everyday nature of the subject material.

In writing this book I have been assisted by a number of individuals and I must take this opportunity to thank them. The team at Routledge have been outstanding. The commissioning editor, Fiona Briden, had faith in my writing from the very start of the project and an enthusiasm for this textbook that surpassed even mine! My editor for the vast majority of the time I have been working on this book, Russell George, was a great help. I greatly valued his calming presence and patience. Seven academics at other UK universities took the trouble to read the

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manuscript in draft form and I am immensely grateful to them for their comments throughout and I have attempted to incorporate as many of their suggestions as possible in this final version.

My former colleague at Derby, Charlotte Woodhead, kindly offered to read the manuscript and her many thoughtful suggestions have improved the text immeasurably. Students in both Derby and Jersey have read the book in draft form and made useful comments; in particular, Rita Salem, who took the time and trouble to critique the text from a student's perspective. Two individuals have offered great help with the companion website. Carla Plater in Jersey has drafted the multiple choice questions and Gregory Allan, Senior Lecturer at the University of Wolverhampton, has written problem-based questions. My thanks are due to them both.

Certain authorities used in this book strained at the limits of my research capabilities and I am grateful to the librarians at Derby for helping me: Jane Robinson (now enjoying a happy retirement), Chris Martindale and Jane's able successor, Caroline Ball. I also troubled Lisa Anderson, librarian at the Harding Law Library at the University of Birmingham, and abused my status as an alumnus of that university on more than one occasion. I am grateful to her for finding authorities as well as pulling the 1935 edition of the Weekly Notes out of storage.

Other people have assisted me too. Bryn Perrins, formerly Senior Lecturer at the University of Birmingham and whose enthusiasm for his subjects will never be forgotten by those of us fortunate enough to be taught by him, introduced me to equity's 'rose-tinted glasses' and my 3-D version in Chapter 1 is perhaps an updated metaphor with him in mind. My colleagues at Derby have been kind, offering me support and encouragement throughout the writing process. Professor Michael Gunn, Vice-Chancellor at Staffordshire University and Professor Andrew Le Sueur, Director of Studies at the Institute of Law, Jersey, both offered wise counsel to me, particularly at the start of this project.

Finally, I owe thanks and love to my wife, Julie, and son, Harry, who have both been tremendously supportive and offered their own particular words of wisdom whilst I have been writing. They have had to endure the worries and stresses associated with this project and I am in their debt.

I hope that this book dispels those three attributes that I mention at the start. The historical development of Equity is interesting and its modern use today fascinating and I hope this comes across when you read this book. The law is as I understand it at 1 August 2012 and, despite all of the assistance offered by others, any errors within the text are mine alone.

Scott Atkins Derby, 1 August 2012

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