

equity and trusts

Scott Atkins

Equity and Trusts

Scott Atkins,

(LLB, Dip LP, FHEA)

Solicitor (non-practising)

Senior Lecturer in Law

University of Derby

Visiting Professor at the Institute of Law, Jersey



First published 2013
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2013 Scott Atkins

The right of Scott Atkins to be identified as author of this work has been asserted by him in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

A catalog record for this book has been requested

ISBN: 978-0-415-81861-2 (hbk)

ISBN: 978-0-415-60372-0 (pbk)

ISBN: 978-0-203-57627-4 (ebk)

Typeset in Joanna
by RefineCatch Limited, Bungay, Suffolk



Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall

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 textbook 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 signposts 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

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

Table of Cases

A

- Abbott v Abbott [2007] UKPC 53 ... 389
Abu Rahman v Abacha [2007] 1 Lloyd's Rep
115 ... 367, 369
Adams and the Kensington Vestry, *Re* (1884)
LR 27 Ch D 394 ... 117–19, 121, 122
Adekunle v Ritchie [2007] 2 P & CR DG 20 ...
398
Agip (Africa) Ltd v Jackson [1991] Ch 547 ...
351, 352, 355, 356, 363, 364
Agip SpA v Navigazione Alta Italia SpA, *The Nai
Genova* [1984] 1 Lloyd's Rep 353 ... 472
Air Jamaica Ltd v Charlton [1999] 1 WLR
1399 ... 57
American Cyanamid Co v Ethicon Ltd [1975]
AC 396 ... 458, 459, 484
Anton Piller KG v Manufacturing Processes Ltd
[1976] Ch 55 ... 463, 464
Armitage v Nurse [1998] Ch 241 ... 216,
328, 329, 341
Aroso v Coutts & Co [2001] WTLR 797 ... 57
Astor's Settlement Trusts, *Re* [1952] Ch 534 ...
150–2, 154, 172
Attorney-General v Charity Commission for
England and Wales [2012] WTLR 977 ...
412, 415, 430, 436, 437
Attorney-General for Hong Kong v Reid
[1994] 1 AC 324 ... 347, 348, 372
Azaz v Denton and Self-realization Meditation
Healing Centre [2009] EWHC 1759,
QB ... 19

B

- BCCI (Overseas) Ltd v Akindele [2001]
Ch 437 ... 370–2
Baden's Deed Trusts (No 2), *Re* [1973] Ch 9 ...
141, 143–5, 147
Bahin v Hughes (1886) LR 31 Ch D 390 ...
318–20, 334
Ball's Settlement Trusts, *Re* [1968] 1 WLR 899
... 279, 280

- Banfield, *Re* [1968] 1 WLR 846 ... 157
Banque Belge pour L'Etranger v Hambrouck
[1921] 1 KB 321 ... 350, 355, 372
Barclays Bank Ltd v Quistclose Investments Ltd
[1970] AC 567 ... 64, 65, 79, 80, 126,
198–202
Barlow Clowes International Ltd (in
liquidation) v Eurotrust International Ltd
[2006] 1 WLR 1476 ... 366–9, 372
Barlow's Will Trust, *Re* [1979] 1 WLR 278 ...
50, 51, 146
Barnes v Addy (1874) 9 Ch App 244 ... 74,
362, 364
Barlett v Barclays Bank Trustee Co Ltd (Nos 1
and 2) [1980] 2 WLR 430, [1980] Ch 515
... 255–7, 259, 320
Basham, *Re* [1986] 1 WLR 1498 ... 475
Bateman's Will Trusts, *Re* [1970] 1 WLR 1463
... 305, 314
Beaney, *Re* [1978] 1 WLR 770 ... 87–91,
111
Beaumont, *Re* [1902] 1 Ch 889 ... 194, 195
Beloved Wilkes's Charity, *Re* (1851) 3 Mac & G
440 ... 237
Benjamin, *Re* [1902] 1 Ch 723 ... 136, 143,
242, 243
Bennet v Bennet (1878–79) LR 10 Ch D 474
... 59
Berube v Gudsell [2008] WTLR 2008–16 ...
338
Best, *Re* [1904] 2 Ch 354 ... 406, 407
Birmingham v Renfrew (1937) 57 CLR 666
... 311–14
Biscoe v Jackson (1887) LR 35 Ch D 460 ...
444
Blackett v Darcy [2005] NSWSC 65 ... 185,
192, 194
Blackwell v Blackwell [1929] AC 318 ... 295,
302–4, 314
Boardman v Phipps [1967] 2 AC 46 ... 73–5,
79, 221–3, 225, 226, 228, 245

- Boscawen v Bajwa [1996] 1 WLR 328 ... 343–5, 372
- Bourne v Keane [1919] AC 815 ... 156, 157
- Bowman v Secular Society [1917] AC 406 ... 150, 151, 420, 425
- Boyce v Boyce (1849) 16 Sim 476; 60 ER 959 ... 132, 133
- Boyes, *Re* (1884) LR 26 Ch D 531 ... 295
- Bray v Ford [1896] AC 44 ... 71, 220, 221, 228
- Brazzill v Willoughby [2010] EWCA Civ 561, CA, *Reversing in part* [2009] EWHC 1633 (Ch), [2010] 1 BCLC 673, Ch D ... 135
- Breakspear v Ackland [2009] Ch 32 ... 239, 240, 259, 260
- Bristol & West Building Society v Mothew [1998] Ch 1 ... 70, 213, 214
- British Eagle International Airlines Ltd v Compagnie Nationale Air France [1975] 1 WLR 758, HL ... 285
- Broadway Cottages Trust, *See* Inland Revenue Commissioners v Broadway Cottages Trust—
- Brogden, *Re* (1888) LR 38 Ch D 546 ... 231, 232, 259
- Bucks Constabulary Widows' and Orphans' Fund Friendly Society (No 2), *Re* [1979] 1 WLR 936 ... 169–71
- Burns v Burns [1984] Ch 317 ... 387
- Burroughs-Fowler, *Re* [1916] 2 Ch 251 ... 35
- Butterworth, *Re* (1881–81) LR 19 Ch D 588 ... 284, 285
- C**
- C H Giles & Co Ltd v Morris [1972] 1 WLR 307 ... 468, 469
- Caffrey v Darby (1801) 6 Ves 488; 31 ER 1159 ... 322
- Canson Enterprises Ltd v Boughton & Co (1991) 85 DLR (4th) 129, SC (Canada) ... 324
- Car & Universal Finance Co Ltd v Caldwell [1961] 1 QB 525 ... 469
- Central London Property Trust Ltd v High Trees House Ltd [1947] KB 130 ... 11–13, 18, 473
- Chapman v Chapman [1954] AC 429 ... 266, 267, 269–72, 288
- Charrington v Simons & Co Ltd [1970] 1 WLR 725 ... 461
- Chicester Diocesan Fund & Board of Finance (Incorporated) v Simpson [1944] AC 341 ... 406, 409
- Chillingworth v Chambers [1896] 1 Ch 685 ... 334, 335, 341
- Church of New Faith v Commissioner of Pay-Roll Tax (Victoria) (1986) 154 CLR 120 ... 421
- Church of Scientology v Kaufman [1973] RPC 635 ... 421
- Churchill, *Re* [1909] 2 Ch 431 ... 250
- Clarke v Shee & Johnson (1774) 1 Cowp 197; 98 ER 1041 ... 353
- Clayton's Case (1816) 1 Mer 529; 35 ER 781 ... 356–8, 362
- Cleaver, *Re* [1981] 1 WLR 939 ... 307, 309, 312, 314
- Close Invoice Finance Ltd v Abaowa [2010] EWHC 1920 (QB) ... 59
- Cobbe v Yeoman's Row Management Ltd [2008] 1 WLR 1752 ... 473, 477–9, 484, 485
- Colin Cooper, *Re* [1939] Ch 811 ... 298
- Collins, *Re* (1886) 32 Ch D 229 ... 270
- Combe, *Re* [1925] Ch 210 ... 45
- Combe v Combe [1951] 2 KB 215 ... 473
- Comiskey v Bowring-Hanbury [1905] AC 84 ... 120, 147
- Commission for the New Towns v Cooper (Great Britain Ltd) [1995] Ch 259 ... 472
- Commissioners for Special Purposes of the Income Tax v Pemsel [1891] AC 531 ... 404, 407, 409–12, 431, 436
- Co-operative Insurance Society Ltd v Argyll Stores (Holdings) Ltd [1998] AC 1 ... 466, 467, 484
- Conservative and Unionist Central Office v Burrell [1982] 1 WLR 522 ... 164
- Cooke v Head [1972] 1 WLR 518 ... 379
- Coulthurst, *Re* [1951] Ch 661 ... 413, 414
- Cowan v Scargill [1985] Ch 270 ... 244, 247, 248, 259
- Crabb v Arun District Council [1976] Ch 179 ... 474, 479, 481, 483
- Craig v McIntyre [1976] 1 NSWLR 729 ... 90
- Craven's Estate, *Re*, Lloyd's Bank Ltd v Cockburn (No 2) [1937] Ch 431 ... 282

Crook v Brooking (1688) 2 Vern 50; 23 ER 643 ... 292

Curtis v Pulbrook [2011] EWHC 167 (Ch) ... 188, 189, 202

D

D & C Builders Ltd v Rees [1966] 2 QB 617 ... 17, 18

Dadourian Group International Inc v Simms (Practice Note) [2006] 1 WLR 2499 ... 465, 466

Dale, Re [1994] Ch 31 ... 307, 308, 314

Davies v The Commissioners for Her Majesty's Revenue & Customs [2009] UKFTT 138 (TC) ... 302

de Carteret, Re [1933] Ch 103 ... 413, 414

De Francesco v Barnum [1886–90] All ER Rep 414 ... 468

Dean, Re (1889) LR 41 Ch D 552 ... 158

Denley's Trust Deed, Re [1969] 1 Ch 373 ... 160–3, 172, 173

Derby & Co Ltd v Weldon (Nos 3 and 4) [1990] Ch 65 ... 465

Diggles, Re (1888) LR 39 ChD 253 ... 119

Djordjevic v Djordjevic [1999] NSWSC 1223 ... 185

Downshire Settled Estates, Re [1953] Ch 218 ... 263, 266, 267, 271, 281

Drake v Whipp (1996) 28 HLR 531 ... 392, 395, 400, 401

Dufour v Pereira (1769) 1 Dick 419; 21 ER 332 ... 310, 311

Duncuft v Albrecht (1841) 12 Sim 189; 59 ER 1104 ... 468

Dupree's Deed Trusts, Re [1945] Ch 16 ... 418, 423, 424

Dyer v Dyer (1788) 2 Cox Eq Cas 92; 30 ER 42 ... 58

E

Earl of Strafford, Re, (Dec'd); Royal Bank of Scotland Ltd v Byng [1980] Ch 28, [1979] 1 All ER 513, CA ... 282, 283

Earl of Winchelsea v Norcliffe (1680–1687) 1 Vern 403 ... 263

Eaves v Hickson (1861) 30 Beav 136 ... 241

Edwards v Carter [1893] AC 360 ... 86, 87

El Ajou v Dollar Land Holdings plc [1994] 2 All ER 685 at 700 ... 370

Endacott, Re [1960] Ch 232 ... 155, 156, 158, 159, 172

English v Willatts (1831) 1 LJ Ch 84 ... 318

Eves v Eves [1975] 1 WLR 1338 ... 69, 77, 79, 379, 380, 382–4, 401

Ex parte Lacey (1802) 6 Ves 625 ... 217

F

Falcke v Gray (1859) 4 Drew 651; 62 ER 250 ... 467

Farker, Re [1912] 2 Ch 488 ... 440, 444, 448

Farepak Food and Gifts Ltd (in Administration), Re [2008] BCC 22 ... 125, 126

Finger's Will Trusts, Re [1972] Ch 286 ... 440, 448

Fisher v Brooker [2009] 1 WLR 1764, HL; Reversing in part [2008] EWCA Civ 287, CA; Reversing in part [2007] FSR 255, Ch D ... 339–41

Foakes v Beer (1884) 9 App Cas 605 ... 12, 13, 18, 193

Foveaux, Re [1895] 2 Ch 501 ... 411

Foskett v McKeown [2001] 1 AC 102 ... 344, 345, 360, 361, 372

Fowler v Barron [2008] EWCA Civ 377 ... 396, 397

Fry, Re [1946] Ch 312 ... 181–4, 202

Fry v Tapson (1885) LR 28 Ch D 268 ... 232, 234, 235

Futter v Futter [2011] 3 WLR 19 ... 330, 332–4, 341

G

Gardner v Rowe (1828) 5 Russ 258; 38 ER 1024 ... 97

Gee v Pritchard (1818) 2 Swanst 404, 414; 36 ER 670 ... 8

George Wimpey UK Ltd v V I Construction Ltd [2005] EWCA Civ 77; 103 ConLR 67 ... 472

Gestetner's Settlement, Re [1953] Ch 672 ... 48, 50, 139–41

Gibbons v Wright (1954) 91 CLR 423 ... 90

Gillett v Holt [2001] Ch 210 ... 474–6, 480, 482, 484

Gillingham Bus Disaster Fund, Re [1959] Ch 62, CA, affirming [1958] Ch 300, Ch D ... 167–70

Gissing v Gissing [1971] AC 886 ... 378–80,
382, 387, 388
Godfrey, *Re* (1883) 23 Ch D 483 ... 255
Golay's Will Trusts, *Re* [1965] 1 WLR 969 ...
132
Goldcorp Exchange Ltd (In Receivership),
Re [1994] 3 WLR 199 ... 130, 131, 147
Gonin, *Re* [1979] Ch 16 ... 194
Goodchild, *Dec'd*, *Re* [1997] 1 WLR 1216 ...
308, 309, 314
Goodman v Mayor of Saltash (1882) 7 App
Cas 633 ... 452
Goulding v James [1997] 2 All ER 239 ... 277,
278, 289
Grant v Edwards [1986] Ch 638 ... 68, 69,
382–4, 386, 392, 394, 395
Grant's Will Trusts, *Re* [1980] 1 WLR 360 ...
166, 172
Gray v Perpetual Trustee Co Ltd [1928] AC 391
... 307
Green's Will Trusts, *Re* [1985] 3 All ER 455 ...
241, 242, 259
Grey v Inland Revenue Commissioners [1960]
AC 1 ... 101–3, 105, 108, 111
Gulbenkian's Settlement, *Re* [1970] AC 508 ...
47, 49–51, 139, 140, 142, 147

H

Hagger, *Re* [1930] 2 Ch 190 ... 311, 314
Hale v Adams (1873) 21 WR 400 ... 318
Hallett's Estate, *Re* (1879–80) LR 13 Ch D 696
... 350, 357–62
Hallows v Lloyd (1888) LR 39 Ch D 686 ...
231, 259
Hammond v Mitchell [1991] 1 WLR 1127 ...
382, 384, 385, 392
Hanchett-Stamford v Attorney-General [2009]
Ch 173 ... 170, 171, 425–8, 436
Harding, *Re* [2008] Ch 235 ... 422, 431
Harries v The Church Commissioners for
England [1992] 1 WLR 1241 ... 248,
249, 259
Harwood, *Re* [1936] Ch 285 ... 446
Hastings-Bass, *Re* [1975] Ch 25 ... 330–4,
341
Hay's Settlement Trusts, *Re* [1982] 1 WLR 202
... 46–8
Helena Partnerships Ltd v Revenue & Customs
Commissioners [2012] EWCA Civ 569 ...
408

Henderson v Merrett Syndicates Ltd [1995] 2
AC 145 ... 71
Hetherington, *Re* [1990] Ch 1 ... 156, 157,
159
Hillier's Trusts, *Re* 1954] 1 WLR 700, CA
[1954] 1 WLR 9 ... 169
Hobley, *Re* (1997) *Times*, 16 June ... 310
Hodgson v Marks [1970] 3 WLR 956 ... 98,
99, 111
Holder v Holder [1968] Ch 353 ... 218,
219, 228
Holt's Settlement, *Re* [1969] 1 Ch 100 ... 104,
105, 111, 276, 279, 281, 288
Hooper, *Re* [1932] 1 Ch 38 ... 154, 155
Hopkins' Will Trusts, *Re* [1965] Ch 669 ...
411, 418, 419, 423
Hopkinson, *Re* [1949] 1 All ER 346 ... 425
Horley Town Football Club, *Re* [2006] EWHC
2386 (Ch) ... 172
Hughes v Metropolitan Railway Company
(1877) 2 App Cas 439 ... 11
Hunter v Moss [1994] 1 WLR 452 ... 129–31,
147, 148
Hussey v Palmer [1972] 1 WLR 1286 ... 65,
66, 77

I

Imageview Management Ltd v Jack [2009]
Bus LR 1034 ... 224–6, 228
Independent Schools Council v Charity
Commission for England and Wales;
Attorney-General v Charity Commission for
England and Wales [2011] UKUT 421
(TCC), [2012] 1 All ER 127 ... 417,
433, 437
Inland Revenue Commissioners v Baddeley
[1955] AC 572 ... 431–3
Inland Revenue Commissioners v Broadway
Cottages Trust [1955] Ch 20 ... 134, 136,
138–41, 147
Inland Revenue Commissioners v City of
Glasgow Police Athletic Association [1953]
AC 380 ... 427, 434–436
Inland Revenue Commissioners v Educational
Grants Association Ltd [1967] Ch 993 ...
429
Inland Revenue Commissioners v McMullen
[1980] 2 WLR 416 ... 417, 418
Inwards v Baker [1965] 2 QB 29 ... 480,
481

J

- JW Laing Trust, Re [1984] Ch 143 ... 449
 James, Re [1935] Ch 449 ... 194
 James v Thomas [2007] EWCA Civ 1212 ...
 70, 385, 389–91
 Jeffery v Gretton [2011] WTLR 809 ... 246
 Jenkins' Will Trusts, Re [1966] Ch 249 ... 445,
 446, 455
 Jennings v Rice [2003] 1 P & CR 8 ... 476,
 480–2, 484
 Jeune v Queens Cross Properties Ltd [1974]
 Ch 97 ... 467
 Jones v Kernott [2011] UKSC 53 ... 382,
 398–402
 Jones v Lock (1865–66) LR 1 Ch App 25 ...
 33, 122, 178, 198, 202
 Joscelyne v Nissen [1970] 2 QB 86 ... 471
 Joseph Rowntree Memorial Trust Housing
 Association Ltd v Attorney-General [1983]
 Ch 159 ... 415, 416

K

- Kane v Radley-Kane [1999] Ch 274 ... 218,
 228
 Kayford Ltd (In Liquidation), Re [1975] 1 WLR
 279 ... 123–25, 147
 Keech v Sandford (1726) 2 Eq Ab 741; 25 ER
 223 ... 37, 72, 76, 220, 226, 228
 Keen, Re [1937] Ch 236 ... 296, 303, 305,
 314
 Kershaw's Trusts, Re (1868) LR 6 Eq 322 ...
 251
 Khoo Cheng Teow, Re [1933] 2 MLJ 119 ...
 159
 King, Re [1923] 1 Ch 243 ... 443, 444
 Kings v Bultitude [2010] EWHC 1795
 (Ch) ... 455
 Knight v Knight (1840) 3 Beav 148; 49 ER 58
 ... 114–17
 Knocker v Youle [1986] 1 WLR 934 ... 278,
 289
 Korkontzilas v Soulos (1997) 146 DLR (4th)
 214 ... 76

L

- LAC Minerals Ltd v International Corona
 Resources Ltd (1989) 61 DLR (4th)
 ... 76
 Lambe v Eames (1870–71) LR 6 Ch App 597
 ... 118, 126, 147

- Lashmar, Re [1891] 1 Ch 258 ... 109
 Laskar v Laskar [2008] 1 WLR 2695 ... 398,
 400, 401
 Le Foe v Le Foe [2001] 2 FLR 970 ... 387
 Leahy v Attorney-General for New South
 Wales [1959] AC 457 ... 150, 160–3,
 167, 173
 Lemann's Trusts, Re (1883) LR 22 Ch D 633 ...
 207, 208
 Lepton's Charity, Re [1972] Ch 276 ... 450–2
 Letterstedt v Broers (1883–84) LR 9 App Cas
 371 ... 212, 213
 Levi v Levi [2008] 2 P & CR DG 1 ... 385
 Lewis's of Leicester Ltd, Re [1995] BCC 514 ...
 124
 Lindsay Petroleum Co v Hurd (1874) LR 5
 PC 221 ... 340
 Lipkin Gorman v Karpnale Ltd [1991] 2 AC
 548 ... 344, 345, 353–5, 362, 371, 372
 Lipinski's Will Trusts, Re [1976] 3 WLR 522 ...
 162–4
 Lissimore v Downing [2003] EWHC B1
 (Ch); [2003] 2 FLR 308 ... 475, 476,
 480, 481
 Lister v Stubbs (1890) 45 Ch D 1 ... 347, 348
 Lloyd v Cocker (1870) 27 Beav 645 ... 251
 Lloyds Bank plc v Rosset [1991] 1 AC 107. ...
 69, 70, 376, 381–94, 400–2, 481
 Lockhart v Reilly (1857) 1 De G & J 464; 44
 ER 803 ... 335
 London Hospital Medical College v Inland
 Revenue Commissioners [1976] 1 WLR
 613 ... 435
 London Wine Co (Shippers), Re [1986] PCC
 121 ... 130, 131
 Londonderry's Settlement, Re [1965] Ch 918
 ... 236, 237, 239–41, 259
 Long v Lloyd [1958] 1 WLR 753 ... 470
 Lord and Fullerton's Contract, Re [1896] 1 Ch
 228 ... 209
 Lucking's Will Trusts, Re [1968] 1 WLR 866 ...
 232, 235
 Lucas, Re [1948] Ch 424 ... 445
 Lysaght, Re [1966] Ch 191 ... 441, 447, 455

M

- McCormick v Grogan (1869–70) LR 4 HL 82
 ... 297, 299–301, 314
 MacDonald v Frost [2009] EWHC 2276
 (Ch) ... 475

- McGovern v Attorney-General [1982] Ch 321 ... 422, 424–7, 436
- Mackenzie v Coulson (1869) LR 8 Eq 368 ... 471
- McPhail v Doulton [1971] AC 424 ... 141, 142, 144, 145, 147, 148
- Mareva Compania Naviera SA v International Bulkcarriers SA, *The Mareva* [1980] 1 All ER 213 ... 458, 464, 465
- Mariette, *Re* [1915] 2 Ch 284 ... 417, 418
- Marshal v Crutwell (1875) LR 20 Eq 328 ... 60
- May's Will Trusts, *Re* [1941] Ch 109 ... 208
- Medlock, *Re* (1886) 55 LJ Ch 738 ... 250
- Mellody, *Re* [1918] 1 Ch 228 ... 422
- Metropolitan Bank v Heiron (1880) 5 Ex D 319 ... 347
- Mettoy Pension Trustees Ltd v Evans [1990] 1 WLR 1587 ... 332–4
- Midland Bank plc v Cooke (1995) 27 HLR 733 ... 387, 393, 394
- Milroy v Lord (1862) 4 De G F & J 264; 45 ER 1185 ... 32, 179–84, 187, 189, 190, 201, 202
- Moate v Moate [1948] 2 All ER 486 ... 59
- Morice v Bishop of Durham (1805) 10 Ves 522; 32 ER 947, LC, *Affirming* (1804) 9 Ves 399; 32 ER 656, Rolls Ct ... 138, 151
- Morris v Morris [2008] EWCA Civ 257 ... 70, 386, 390, 391
- Munro's Settlement Trusts, *Re* [1963] 1 WLR 145 ... 34
- Murad v Al-Saraj [2005] EWCA Civ 959 ... 76, 226
- Murdoch v Murdoch (1973) 41 DLR (3d) 367 ... 76
- N**
- NBPF Pension Trustees Ltd v Warnock-Smith [2008] EWHC 455 (Ch) ... 281–3
- National Anti-Vivisection Society v Inland Revenue Commissioners [1948] AC 31 ... 425
- Nestle v National Westminster Bank [1993] 1 WLR 1260 ... 231, 317, 320, 321
- Neville v Wilson [1997] Ch 144 ... 106, 107, 109, 111
- Neville Estates v Madden [1962] Ch 832 ... 164, 166, 432
- New, *Re* [1901] 2 Ch 534 ... 266, 268, 269
- Niyazi's Will Trusts, *Re* [1978] 1 WLR 910 ... 414, 415
- Nocton v Lord Ashburton [1914] AC 932 ... 322
- Norfolk's Will Trusts, *Re*; *Norfolk v Howard* (1966) TLR 22 March ... 263
- North Devon and West Somerset Relief Fund Trusts, *Re* [1953] 1 WLR 1260 ... 422
- Northall (Dec'd), *Re* [2010] EWHC 1448 (Ch) ... 36
- Nottage, *Re* [1895] 2 Ch 649 ... 418, 423
- O**
- OT Computers Ltd v First National Tricity Finance Ltd [2003] EWHC 1010 (Ch) ... 134–6
- Oatway, *Re* [1903] 2 Ch 356 ... 359, 360, 362
- Olins v Walters [2009] Ch 212 ... 312–14
- Oppenheim v Tobacco Securities Trust Ltd [1951] AC 297 ... 429–31, 436
- O'Rourke v Darbishire [1920] AC 581 ... 236–8, 259
- O'Sullivan v Management Agency and Music Ltd [1985] QB 428 ... 223, 226
- Ottaway v Norman [1972] Ch 698 ... 292–4, 299–301, 303, 314
- Oughtred v Inland Revenue Commissioners [1960] AC 206 ... 103, 105, 106, 111
- Oxley v Hiscock [2005] Fam 211 ... 394–7, 399, 401, 402
- P**
- Page One Records Ltd v Britton [1968] 1 WLR 157 ... 461, 462
- Palmer v Simmonds (1854) 2 Drew 221; 61 ER 704 ... 128, 129
- Paragon Finance plc v D B Thakerar & Co (a firm) [1999] 1 All ER 400 ... 67, 70
- Pascoe v Turner [1979] 1 WLR 431 ... 480, 482
- Paul v Constance [1977] 1 WLR 527 ... 32, 96, 122, 197, 198, 202
- Pauling's Settlement Trusts, *Re* [1962] 1 WLR 86 ... 336–8
- Peggs v Lamb [1994] Ch 172 ... 451
- Penn v Lord Baltimore (1750) 1 Ves Sen 444; 27 ER 1132 ... 467

- Pennington v Waine [2002] 1 WLR 2075 ...
33, 176, 179, 186–90, 197, 201, 202
- Permanent Building Society v Wheeler (1994)
14 ACSR 109 ... 214
- Pettitt v Pettitt [1970] AC 777 ... 59, 60, 376,
378–80, 382, 387, 388, 393
- Pilkington v IRC; Pilkington's Will Trusts,
Re, Pilkington v Pilkington [1964] AC 612,
[1962] 3 All ER 622, HL, on appeal from
[1961] Ch 466, [1961] 2 All ER 330,
CA, on appeal from [1959] Ch 699, [1959]
2 All ER 623, Ch D ... 232, 251–3,
259, 331
- Pinnel's Case (1602) 5 Co Rep 117a; 77 ER
237 ... 13
- Pirbright v Salwey [1896] WN 86 ... 155
- Polly Peck International plc (in administration)
(No 2), Re [1998] 3 All ER 812 ... 77–9,
483
- Q**
- Queensland Mines Ltd v Hudson (1978) 18
ALR 1 ... 75, 225, 226, 228
- Quistclose, See Barclays Bank Ltd v Quistclose
Investments Ltd—
- R**
- R (on the application of Independent Schools
Council) v Charity Commission for England
and Wales, See Independent Schools Council
v Charity Commission for England and
Wales—
- R v District Auditor ex parte West Yorkshire
Metropolitan County Council [1986]
RVR 24 ... 143
- R v Ghosh [1982] QB 1053 ... 365
- Ralli's Will Trusts, Re [1964] Ch 288 ... 191,
192, 194
- Ramsden v Dyson (1866) LR 1 HL 129 ...
473
- Recher's Will Trusts, Re [1972] Ch 526 ... 164,
165, 169, 173
- Regal (Hastings) Ltd v Gulliver [1967] 2
AC 134 ... 71, 72, 74, 75, 219, 221, 226,
228
- Roberts, Re [1963] 1 WLR 406 ... 444
- Robinson v Harman (1848) 1 Exch 850; 154
ER 363 ... 457
- Rochefoucauld v Boustead [1897] 1 Ch 196
... 54, 97–100, 111, 300
- Rose, Re [1952] Ch 499 ... 182–4, 186–8,
190, 198, 202
- Rose, Re; Midland Bank Executor and Trustee
Co Ltd v Rose [1949] Ch 78 ... 183, 184
- Royal Brunei Airlines v Tan [1995] 2 AC 378
... 362, 364–9, 372
- Royal Choral Society v Commissioners of
Inland Revenue [1943] 2 All ER 101 ...
420, 423
- S**
- Sanders' Will Trusts, Re [1954] Ch 265 ... 414,
415
- Satterthwaite's Will Trusts, Re [1966] 1 WLR
277 ... 445, 446, 455
- Saunders v Vautier (1841) 4 Beav 115; 49 ER
282, (1841) Cr & Ph 240 ... 35, 107, 161,
162, 178, 207, 211, 264–267, 273, 289
- Saxone Shoe Co Ltd's Trust Deed, Re [1962]
1 WLR 943 ... 45–7
- Sayer, Re [1957] Ch 423 ... 45–7
- Scarbrick, Re [1951] Ch 622 ... 415
- Schmidt v Rosewood Trust Ltd [2003] 2 AC
709 ... 237, 238, 240, 241, 259, 260
- Seale's Marriage Settlement, Re [1961] Ch 574
... 275
- Secretary of State for the Environment, Food &
Rural Affairs v Drury [2004] 1 WLR 1906
... 463
- Secretary of State for the Environment, Food &
Rural Affairs v Meier [2009] 1 WLR 2780
... 462
- Seiff v Fox [2005] 1 WLR 3811 ... 332
- Sen v Headley [1991] Ch 425 ... 194–6, 202
- Shaw, Re [1957] 1 WLR 729 ... 418, 419
- Shelley v Shelley (1868) LR 6 Eq 540 ... 121,
122
- Shepherd Homes Ltd v Sandham [1971]
Ch 340 ... 460, 462, 484
- Simmons v White Brothers [1899] 1 QB 1005
... 144
- Sinclair Investments (UK) Ltd v Versailles Trade
Finance Ltd (in administrative receivership)
[2011] Bus LR 1126 ... 346, 348, 358,
359, 372
- Sledmore v Delby [1996] 72 P & CR 196 ...
481
- Slevin, Re [1891] 2 Ch 236 ... 443, 444
- Snowden, Re [1979] Ch 528 ... 294, 300,
301, 303, 314

- Somerset, *Re* [1894] 1 Ch 231 ... 338
- South Place Ethical Society, *Re* [1980] 1 WLR 1565 ... 420, 421, 428
- Southgate v Sutton [2011] EWCA Civ 637 ... 283, 288
- Speight v Gaunt (1883) LR 22 ChD 727 ... 253, 254, 257, 259
- Spence, *Re* [1979] Ch 483 ... 441, 445, 446
- Sprange v Barnard (1789) 2 Bro CC 585; 29 ER 320 ... 127–9, 133
- Springette v Defoe (1993) 65 P & CR 1 ... 385, 387, 393, 394
- Stack v Dowden [2007] UKHL 17, [2007] 2 AC 432 ... 19, 20, 69, 70, 387–91, 395, 397–402
- Starglade Properties Ltd v Nash [2010] EWCA Civ 1314 ... 367–9, 372
- Stead, *Re* [1900] 1 Ch 237 ... 297
- Steed's Will Trusts, *Re* [1960] Ch 407 ... 272, 276–8, 288
- Steele's Will Trusts, *Re* [1948] Ch 603 ... 121, 122
- Stenning, *Re* [1895] 2 Ch 433 ... 357
- Stokes v Anderson [1991] 1 FLR 391 ... 386
- Strong v Bird (1874) LR 18 Eq 315 ... 22, 191–4, 197, 202
- Styles v Guy (1849) 1 Mac & G 422; 41 ER 1328 ... 318
- Sutton, *Re* [2009] EWHC 2576 (Ch) ... 89, 91, 111
- T**
- T Choithram International SA v Pagarani [2001] 1 WLR 1, [2001] 2 All ER 492, PC ... 184–9, 202
- Tang Man Sit v Capacious Investments Ltd [1996] AC 514 ... 326, 327, 341
- Target Holdings Ltd v Redferns (A Firm) [1996] AC 421 ... 322, 324, 325, 341
- Tatham v Drummond (1864) 4 D J & S 484 ... 427
- Taylor v Plumer (1815) 3 M & S 562; 105 ER 721 ... 349, 350, 373
- Taylor's Fashions Ltd v Liverpool Victoria Trustees Co Ltd [1982] QB 133 ... 473
- Thomas Bates Ltd v Wyndham's (Lingerie) Ltd [1981] 1 WLR 505 ... 471, 472
- Thompson, *Re* [1934] Ch 342 ... 159
- Thorner v Major [2009] 1 WLR 776, HL, Reversing; [2008] EWCA Civ 732, CA ... 473–9, 482–4
- Tito v Waddell (No 2) [1977] Ch 106 ... 217, 226–8
- Tollemache, *Re* [1903] 1 Ch 955 ... 269
- Trustee of the Property of F C Jones & Sons (A Firm) v Jones [1997] Ch 159 ... 349, 351, 353
- T's Settlement Trusts, *Re* [1964] Ch 158 ... 279, 280
- Twinssectra Ltd v Yardley [2002] UKHL 12, [2002] 2 AC 164 ... 65, 79, 199–202, 365–72
- U**
- United Scientific Holdings Ltd v Burnley Borough Council [1978] AC 904 ... 11
- Universe Tankships Inc of Monrovia v International Transport Workers' Federation, *The Universe Sentinel* [1983] 1 AC 366 ... 165
- University of London v Yarrow 1 De G & J 72; 44 Eng Rep 649 1557–1865 ... 410, 427
- V**
- Vandervell v IRC [1967] 2 AC 291, HL ... 37, 44, 56, 61–3, 79, 107, 108, 111, 113, 184
- Vandervell's Trusts (No. 2), *Re* [1974] Ch 269 ... 56, 61, 63, 79, 108–11
- Vernon's Will Trusts, *Re* [1972] Ch 300 ... 440
- Varsani v Jesani [1999] Ch 219; [1998] 3 All ER 273; [1999] 2 WLR 255 ... 452, 453, 455
- Vestey v IRC (No 2) [1979] Ch 198 ... 34, 46
- Vinogradoff, *Re* [1935] WN 68 ... 57, 92
- W**
- Walker, *Re*, Summers v Barrow [1901] 1 Ch 259, 70 LJ Ch 229 ... 206
- Walker, *Re*, Walker v Duncombe [1901] 1 Ch 879, 70 LJ Ch 417 ... 269, 270
- Walker v Hall [1984] FLR 126 ... 393
- Wallgrave v Tebbs (1855) 2 K & J 313; 69 ER 800 ... 297
- Walsh v Lonsdale (1882) LR 21 ChD 9 ... 21
- Walton v Walton [1994] CA Transcript No 479 ... 477
- Waterman's Will Trusts, *Re* [1952] 2 All ER 1054 ... 255, 256
- Webber, *Re* [1954] 1 WLR 1500 ... 417

- Wedgwood, *Re* [1915] 1 Ch 113 ... 158, 427
Weir Hospital, *Re* [1910] 2 Ch 124 ... 448,
452
Westdeutsche Landesbank Girozentrale v
Islington LBC [1996] AC 669 ... 55, 56,
60, 77, 79
West v Shuttleworth 2 My & K 684; 39 ER
1106 ... 156
West Sussex Constabulary's Widows, Children
and Benevolent (1930) Fund Trusts, *Re*
[1971] Ch 1 ... 57, 168–70
Weston's Settlements, *Re*, *Weston v Weston*
[1969] 1 Ch 223, [1968] 3 All ER 338, CA
... 252, 274–6, 288
White, *Re* [1893] 2 Ch 41 ... 157
White v Williams (No 2) [2011] EWHC 494
(Ch) ... 455
Whiteley, Re (1886) LR 33 Ch D 347 ... 254,
255, 257, 259, 320
Williams v Barton [1927] 2 Ch 9 ... 216, 228
Wilson v Northampton & Banbury Junction
Railway Company (1874) LR 9 Ch App 279
... 457
Windeatt's Will Trusts, Re [1969] 1 WLR 692
... 275, 288
Wrightson, Re [1908] 1 Ch 789 ... 212, 213
- Y**
Young v Bristol Aeroplane Company Ltd
[1946] AC 163 ... 347

Table of UK Legislation

A

- Administration of Estates Act 1925 ... 20
 - ss 1–3 ... 210
 - s 46 ... 144, 218

B

- British Museum Act 1963 ... 408

C

- Chantries Act 1547 ... 156
 - Preamble ... 156
- Charitable Trusts Act 1860—
 - s 2 ... 439
- Charities Act 1960 ... 404, 450
 - s 13 ... 447, 449, 450
- Charities Act 1993 ... 411
 - s 1 ... 407
 - s 13 ... 452, 453
- Charities Act 2006 ... 152, 407–9, 411,
412, 421–6, 430, 436
 - s 1(3) ... 404
 - s 2(1)(b) ... 152
 - s 2(2) ... 152
 - s 2(2)(k) ... 158, 426
 - s 3(2)(a) ... 421
 - s 4 ... 432
 - s 6 ... 407
 - s 6(3) ... 407
 - s 6(4) ... 407
 - s 14(2) ... 432
 - s 15 ... 450
- Charities Act 2011 ... 43, 404, 407, 412,
417, 421, 422, 424, 426–8, 430, 435,
436, 439, 450
 - s 1 ... 407, 409
 - s 2 ... 409
 - s 2(1) ... 404, 409
 - s 2(1)(b) ... 404, 428
 - s 3 ... 406
 - s 3(1) ... 43, 404, 409–12, 424, 427, 430
 - s 3(1)(a)–(l) ... 428

- s 3(1)(a) ... 420
- s 3(1)(b) ... 442
- s 3(1)(c) ... 420
- s 3(1)(e) ... 422
- s 3(1)(f) ... 417, 419
- s 3(1)(g) ... 418, 424
- s 3(1)(h) ... 426
- s 3(1)(k) ... 426, 427
- s 3(1)(m) ... 43, 428
- s 3(1)(m)(i) ... 427, 428
- s 3(1)(m)(ii) ... 411, 428
- s 3(1)(m)(iii) ... 428
- s 3(2)(b) ... 421
- s 3(2)(c)(i) ... 422
- s 3(2)(c)(ii) ... 422
- s 3(2)(d) ... 424
- s 3(2)(e) ... 426
- s 4(1) ... 430, 431
- s 4(2) ... 430
- s 4(3) ... 428
- s 13 ... 407
- s 15 ... 407
- s 17(1) ... 432
- s 26 ... 408
- s 30 ... 408
- s 62 ... 438, 442, 447, 449, 450, 452,
454, 455
- s 62(1) ... 449
- s 62(1)(a)–(e) ... 449
- s 62(1)(a)(ii) ... 450–2
- s 62(1)(e)(iii) ... 449–53
- s 62(2) ... 450
- s 62(2)(c) ... 450
- s 62(2)(d)(ii) ... 450
- s 62(2)(e)(iii) ... 450
- s 63 ... 438, 453, 455
- s 63(1)(a) ... 454
- s 63(1)(b) ... 454
- s 64 ... 455
- s 64(1) ... 454
- s 64(2) ... 454

s 65 ... 454, 455
 s 65(1) ... 454
 s 65(6) ... 454
 s 66(4) ... 454
 s 66(6) ... 454
 s 268 ... 232
 Civil Jurisdiction and Judgments Act 1982 ...
 465
 Civil Liability (Contribution) Act 1978 ... 319,
 320
 s 1 ... 319, 334
 s 2(1) ... 319
 s 2(2) ... 319
 Civil Partnership Act 2004—
 s 66(2) ... 376
 Civil Procedure Act 1997—
 s 7 ... 464
 s 7(4) ... 464
 Companies Act 1948—
 s 354 ... 106
 Constitutional Reform Act 2005 ... 4, 10
 s 23(1) ... 4
 Contracts (Rights of Third Parties) Act 1999 ...
 14
 s 1 ... 14
 Conveyancing Act 1919–1954 (New South
 Wales, Australia)—
 s 37D ... 160
 Copyright, Designs and Patents Act 1988 ...
 340

E

Edward III's Order 1349 ... 7
 Equality Act 2010 ... 60
 s 199 ... 58, 60
 s 199(1) ... 60
 s 199(2) ... 58, 60

F

Family Law Reform Act 1969—
 s 1 ... 265
 Finance Act 1914—
 s 5(2) ... 302
 s 14 ... 302
 s 22(1)(c) ... 302
 Financial Services and Markets Act 2000 ... 136

G

Gaming Act 1845—
 s 18 ... 354

H

Hunting Act 2004—
 s 1 ... 159

I

Income Tax Act 1842 ... 409
 Inheritance (Provision for Family and
 Dependents) Act 1975 ... 284
 s 1 ... 284
 s 2(1)(f) ... 284
 Inheritance Tax Act 1984—
 Sch 6, para 2 ... 302
 Insolvency Act 1986 ... 78, 285, 288
 s 328 ... 16
 s 339 ... 285–8
 s 339(2) ... 286
 s 339(3) ... 285
 s 342(1)(a) ... 286
 s 423 ... 35, 285–8
 s 423(3) ... 286
 s 424 ... 286
 s 424(1)(c) ... 287
 Interpretation Act 1978—
 Sch 1 ... 245

L

Land Registration Act 1925—
 s 70(1)(g) ... 99
 Land Registration Act 2002 ... 196
 s 116 ... 482
 Law of Property Act 1925 ... 96
 s 1(6) ... 94
 s 2 ... 91, 205, 206
 s 20 ... 92
 s 27 ... 91
 s 27(2) ... 205, 206
 s 34 ... 20, 41
 s 36(2) ... 41
 s 52 ... 16, 21
 s 53 ... 99, 196
 s 53(1) ... 103
 s 53(1)(b) ... 32, 39, 54, 55, 83,
 96–100, 108–10, 114, 175, 190,
 196, 206, 262, 300–2, 306, 312,
 314, 376, 401
 s 53(1)(c) ... 100, 102–11, 166
 s 53(2) ... 55, 96, 99–101, 103–6, 301,
 306, 376, 401
 s 54 ... 21
 s 175(1) ... 250