

# Fiduciary Relationships And Constructive Trusts In A

Equity, Fiduciaries and Trusts, 1993 Mark Bridge 1993

Principles of Equity & Trusts (Aus) 2/e Samantha Hepburn 2013-03-04 First published in 2001. Routledge is an imprint of Taylor & Francis, an informa company.

Constructive Trusts, Fiduciary Relationships and Proprietary Rights 1991

**The Constructive Trust** D. W. M. Waters 1964

*Private Law and Property Claims* Peter Jaffey 2023-10-19 Private Law and Property Claims sets out a distinctive analysis of some general issues in private law, including the nature of categories such as contract, tort and property, duties and liabilities as the basis of claims in private law, and the relationship between primary rights and remedies. In the light of this analysis, it offers a new approach to property in private law, including claims that arise to protect and recover property. It goes on to discuss the law of trusts, fiduciary relationships, and tracing; the remedial role of the trust; the nature of equity as a legal category; and the relationship between property and claims in tort to protect property. It also exposes the misconceptions underlying the modern approach to restitution and unjust enrichment and the problems this is causing in private law.

Equity and Trusts Richard Clements 2015 'Complete Equity & Trusts' provides a blend of explanatory text, cases and materials making it ideal for students new to equity and trusts. In this student-centred and approachable text, complex topics are explained clearly and succinctly.

*Principles of Equity and Trusts 6th Ed* Samantha Hepburn 2020-08-31

*Restitution and Equity Volume 1: Resulting Trusts and Equitable Compensation* Peter Birks 2020-11-25 The first part of this volume collates papers from the Second Mansfield Symposium, which examined the areas of equity, trusts and restitution. The second part addresses the emerging field of equitable compensation and its implications.

*The Law of Trusts* James E. Penner 1998

**Private Law and Property Claims** Peter Jaffey 2007 Private Law and Property Claims sets out a distinctive analysis of some general issues in private law, including the nature of categories such as contract, tort and property, duties and liabilities as the basis of claims in private law, and the relationship between primary rights and remedies. In the light of this analysis, it offers a new approach to property in private law, including claims that arise to protect and recover property. It goes on to discuss the law of trusts, fiduciary relationships, and tracing; the remedial role of the trust; the nature of equity as a legal category; and the relationship between property and claims in tort to protect property. It also exposes the misconceptions underlying the modern approach to restitution and unjust enrichment and the problems this is causing in private law.

**Trusts and Duties of Trustees** George Luther Clark 1912

Key Cases: Equity & Trusts Judith Bray 2013-11-12 The Key Cases series provides a portable and effective way for you to absorb and retain the essential facts needed to pass your exams effortlessly.

**The Law of Trusts and Equitable Obligations** Robert A. Pearce 1998 This work presents the law of trusts with an analytical framework. It includes specific developments such as constructive and resulting trusts, trustees powers and duties, pension funds, investment powers, appointment and removal of trustees and mutual wills.

Equity and Trusts 2009-2010 Mohamed Ramjohn 2009 Routledge-Cavendish Q&As - your path to exam success! Has the thought of facing your law exams left you feeling completely overwhelmed? Are you staring at the mountain of revision in front of you and wondering where to start? Routledge-Cavendish Q&As will help guide you through the revision maze, providing essential exam practice and helping you polish your essay-writing technique. Each Routledge-Cavendish Q&A contains 50 essay and problem-based questions on topics commonly found on exam papers, complete with answer plans and fully worked model answers. The titles are written by lecturers who are also examiners, so you can recognise exactly what examiners are looking for in an answer. Key cases and legislation are highlighted within the text for ease of reference Boxed answer plans after each question outline the major points you should be aiming to convey within your answer The books in this series are supported by a companion web offering you bonus q&as; advice on preparing for your exams; revision checklists; discussion forums and more. But don't just take our word for it! "The book was an answer to my prayers... I've been begging tutors to give us ready-made answers so we get a structure as to what we should be including and revising and the Q&As do exactly that!" Azmina Thanda, 2nd year LLB "The Routledge-Cavendish Q&As are very well designed and helpful, giving a good indication of what comes up in exams." Deaglan McArdle, 3rd year LLB

*Essential Trusts Law* Iwobi, 2001-06 This book is part of the Cavendish Essential series. The books in the series are designed to provide useful revision aids for the hard-pressed student. They are not, of course, intended to be substitutes for more detailed treatises. Other textbooks in the Cavendish portfolio must supply these gaps. The Cavendish Essential Series is now in its third edition and is a well established favourite among students. The team of authors bring a wealth of lecturing and examining experience to the task in hand.

Essays in Conveyancing and Property Law in Honour of Professor Robert Rennie Frankie McCarthy 2015-05-11 Professor Robert Rennie has been one of the most influential voices in Scots private law over the past thirty years. Highly respected as both an academic and a practitioner, his contribution to the development of property law and practice has been substantial and unique. This volume celebrates his retirement from the Chair of Conveyancing at the University of Glasgow in 2014 with a selection of essays written by his peers and colleagues from the judiciary, academia and legal practice. Each chapter covers a topic of particular interest to Professor Rennie during his career, from the historical development of property law rules through to the latest developments in conveyancing practice and the evolution of the rules of professional negligence. Although primarily Scottish in focus, the contributions will have much of interest to lawyers in any jurisdiction struggling with similar practical problems, particularly those with similar legal roots including the Netherlands and South Africa. As a whole, the collection is highly recommended to students, practitioners and academics.

The Constructive Trust D. W. M. Waters 1996-12-01

Constructive Trusts Malcolm Cope 1992

Equity and Trusts Paul S. Davies 2019-05-30 Equity & Trusts: Text, Cases, and Materials provides a comprehensive guide to trusts and equity in a single volume. Drawing on a judiciously balanced selection of case extracts, journal articles, and academic writing, Davies and Virgo present their authoritative commentary on the law with clarity and rigour. The text guides students through the key legal principles of each case, utilizing supporting learning features to highlight important aspects and help develop students' independent research skills. Central Issues boxes introduce each chapter to identify the key themes examined and scenario-based questions frame the law in a practical context, encouraging students to think creatively around the subject and assess their own understanding. This text offers a holistic approach to the study of equity and trusts. Using their unrivalled teaching experience, the authors bring together an expertly selected collection of cases and legal scholarship to present a text that is firmly student-focused, enabling students to fully grasp the key concepts and achieve the best possible results. Online Resources Supporting answer guidance to the end of chapter questions is offered online.

**Constructive and Resulting Trusts** C Mitchell 2010-03-03 Constructive and resulting trusts have a long history in English law, and the law which governs them continues to develop as they are pressed into service to perform a wide variety of different functions, for example, to support the working of express trusts and other fiduciary relationships, to allocate family property rights, and to undo the consequences of commercial fraud. However, while their conceptual flexibility makes them enormously useful, it also makes them hard to understand. In the twelve essays collected in this volume, the authors shed new light on various aspects of the law governing constructive and resulting trusts, revisiting current controversies, bringing new historical material to the fore, and offering new theoretical perspectives.

Concentrate Questions and Answers Equity and Trusts Margaret Wilkie 2016 This essential Q&A study and revision guide contains a variety of model answers and plans to give you the confidence to tackle any essay or problem question, and give you the skills you need to excel in law exams and coursework assignments.

The Principles of Equity & Trusts Graham Virgo 2018 'The Principles of Equity and Trusts' brings an engaging contextual approach to the subject. Graham Virgo overcomes the complex issues in the study of trusts and equity with unparalleled clarity, offering a rigorous and insightful commentary on the law and its contemporary contexts.

The Constructive Trust David Watkin Waters 1964

**Equity and Trusts in Australia** Michael Bryan 2017-09-01 Incorporating recent case law developments, the second edition of Equity and Trusts in Australia provides undergraduate and Juris Doctor students with a current and accessible introduction to Australian equitable and trust law. Expanding upon first edition content, the text includes greater depth of topic discussion, explanation of key theories and terminology, while demonstrating how these are applied in practice. Chapters including Fiduciary Obligations, Resulting Trusts and Constructive Trusts have been reworked to strengthen the text's coverage of all facets of equity and trusts law. Equity and Trusts in Australia, second edition links key doctrines to their wider relationship with the law, making it a fundamental text for students embarking on this area of study for the first time.

Concentrate Questions and Answers Equity and Trusts Rosalind Malcolm 2018-07-26 The Concentrate Q&As are a result of a collaboration involving hundreds of law students and lecturers from universities across the UK. The series offers you better support and a greater chance to succeed on your law course than any of the competitors. 'A sure-fire way to get a 1st class result' (Naomi M, Coventry University) 'My grades have dramatically improved since I started using the OUP Q&A guides' (Glen Sylvester, Bournemouth University) 'These first class answers will transform you into a first class student' (Ali Mohamed, University of Hertfordshire) 'I can't think of better revision support for my study' (Quynh Anh Thi Le, University of Warwick) 'I would strongly recommend Q&A guides. They have vastly improved my structuring of exam answers and helped me identify key components of a high quality answer' (Hayden Roach, Bournemouth University) '100% would recommend. Makes you feel like you will pass with flying colours' (Elysia Marie Vaughan, University of Hertfordshire) 'My fellow students rave about this book' (Octavia Knapper, Lancaster University) 'The best Q&A books that I've read; the content is exceptional' (Wendy Chinenye Akaigwe, London Metropolitan University) 'I would not hesitate to recommend this book to a friend' (Blessing Denhere, Coventry University)

**Rationalising Constructive Trusts** Ying Khai Liew 2017-09-21 Constructive trusts significantly interfere with the rights of an apparent legal owner of property. This makes it necessary for their imposition to be properly explained and justified. Unfortunately, attempts to rationalise constructive trusts as a whole-as opposed to specific doctrines or particular aspects of constructive trusts-have been few and far between.

Rationalising Constructive Trusts proposes a new structure for a coherent understanding of constructive trusts. By using a combination of conceptual tools, it provides answers to a number of crucial questions, for example: What are the ingredients of a constructive trust claim? What are the limits of constructive trusts? How can we rationalise the imposition of constructive trusts in particular situations? Why do judges exercise varying degrees of remedial discretion in different doctrines? From a wider perspective, the structured understanding helps us to appreciate the precise ambit and role of express, constructive, and resulting trusts.

Fault Lines in Equity James Glister 2012-05-18 Equity, the body of law developed in the English Court of Chancery, has a long and distinguished history. In the twenty-first century it continues to be an important regulator of both commercial and personal dealings, as well as informing statutory regulation. Although much equitable doctrine is settled, there remain some intractable problems that bedevil lawyers across jurisdictions. The essays in this collection employ new historical, comparative and theoretical perspectives to cast light on these fault lines in equitable doctrine and methodology. Leading scholars and practitioners from England, Australia and New Zealand examine such contentious topics as personal and proprietary liability for breaches of equitable duties (including fiduciary duties), the creation of non-express trusts, equitable rights in insolvency, the fiduciary 'self dealing' rule, clogs on the equity of redemption, the distribution of assets on family breakdown, and the suitability of unjust enrichment analysis. The authors address specific doctrinal questions as well as the 'meta' issues of organisation and methodology, and their findings will be of value to academics and practitioners alike.

Equity and Trusts Scott Atkins 2015-12-22 Equity and Trusts is an ideal choice for all undergraduate and GDL students looking for a comprehensive yet accessible textbook on this complex area of law. The author's clear writing style, plentiful explanations and focus on modern case law demystify difficult concepts and help to bring the subject to life. 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. Clearly written and easy to use, Equity and Trusts enables students to fully engage with the topic and gain a profound understanding of this fundamental area. The Routledge Spotlights series brings a modern, contemporary approach to the core curriculum for the LLB and GDL which will help students Move beyond an understanding of the law Refine and develop the key skills of problem-solving, evaluation and critical reasoning which are essential to exam success Discover sources and suggestions for taking your study further By focusing on recent case law and real-world examples, Routledge Spotlights will help you shed light on the law, understand how it operates in practice and gain a unique appreciation of the contemporary context of the subject. Companion Website [www.routledge.com/cw/spotlights](http://www.routledge.com/cw/spotlights) This book is supported by a range of online resources developed to support your learning, keep you up-to-date and to help you prepare for assessments.

*The Impact of Equity and Restitution in Commerce* Peter Devonshire 2018-11-29 Commercial relationships give rise to diverse forms of legal obligation in private law, including contract, tort, agency, company law and partnership. More controversially, equity and the law of restitution have a less defined and somewhat ambulatory role in regulating the affairs of commercial parties. Nevertheless, their impact is manifest in the commercial arena through the distinct types of liability they engender and the remedies that are imposed. This collection draws together the views of leading international scholars and judges to explore the nature and extent of this impact from two perspectives. Five chapters primarily address this impact at a macro-level, focusing on the roles of equity and the law of restitution in terms of legal taxonomy, doctrine and policy. In contrast, five further chapters primarily address this impact at a micro-level, focusing on selected liabilities and remedies within equity and the law of restitution. This bifocal approach enables a holistic appreciation of some important ways in which equity and the law of restitution affect or may affect commerce, with a view to fostering further debate over the fundamental issues at stake.

*Breach of Trust* Peter Birks 2002-07-05 Recent leading cases have demonstrated the urgent need to modernize the learning on breach of trust, which has lagged behind the flourishing scholarship on the creation of trusts. Since breach of trust or fiduciary duty occupies the centre of the legal stage, it comes as a surprise that, although one or two novelists have chosen 'Breach of Trust' as the title to their book, no lawyer has so far thought it necessary to produce a specialized work on the subject. To fill the gap, this book, written by a team of leading trust lawyers from a number of common law jurisdictions, investigates all the principal aspects of the subject. The nature of the trustee's duties and of the liability for breach is closely examined, and all available defences and excuses are reviewed. Two substantial chapters consider the consequences of assisting a breach or receiving trust property from a trustee acting in breach. The book closes with a critical overview of the entire topic. CONTENTS: 1 Robert Chambers 'Liability for Breach'; 2 Joshua Getzler 'The Duty of Care'; 3 Edwin Simpson 'The Conflict of Interest'; 4 David Fox 'Overreaching'; 5 Lionel Smith 'Property Transferred in Breach'; 6 Charles Mitchell 'Assistance'; 7 Peter Birks 'Receipt'; 8 James Penner 'Exemption clauses'; 9

John Lowry and Rod Edmunds 'Honest and Reasonable Breach' ; 10 Jennifer Payne 'Consent'; 11 William Swadling 'Limitation'; 12 Gary Watt 'Laches, Estoppel and Election'; 13 David Hayton 'An Overview'.

**Complete Equity and Trusts** Richard Clements 2018 'Complete Equity and Trusts' provides a blend of explanatory text, cases and materials making it ideal for students new to equity and trusts. In this student-centred and approachable text, complex topics are explained clearly and succinctly.

**Equity and Trusts** Mohamed Ramjohn 2006 Presenting practical answers to fifty typical exam questions, this new edition helps students to penetrate and understand the complexities of equity and trusts. Traditionally a difficult subject for those approaching it for the first time, special care has been taken to present the subject as a whole in a structured way, with basic matters examined first before moving on to more difficult concepts. Incorporating new questions and answers, this new edition has been fully updated to include: recent case law e.g. Choithram v Pagarani 2001, Pennington v Waine 2002, Twinsectra v Yardley 2002, Duggan v Governor of Full Sutton Prison 2004 discussion of the Charities Bill 2004 the implications of the Trustee Act 2000. Clarifying the mysteries surrounding the study of equity and trusts, this book contains essential advice and examples which illustrate how to successfully answer examination questions on the subject.

A Student's Guide to Equity and Trusts Judith Bray 2020-08-27 Brings Equity and Trusts to life for students of all abilities with clearly explained principles and simple, practical examples.

**Text, Cases and Materials on Equity and Trusts** Mohamed Ramjohn 2008-06-30 Text, Cases and Materials on Equity and Trusts has been considerably revised to broaden the focus of the text in line with most LLB core courses to encompass equity, remedies and injunctions and to take account of recent major statutory and case law developments. The new edition features increased pedagogical support to outline key points and principles and improve navigation; 'notes' to encourage students to reflect on areas of complexity or controversy; and self-test questions to consolidate learning at the end of each chapter. New to this edition: is a detailed examination of The Civil Partnership Act 2004 and the Charities Act 2006 important case law developments such as Stack v Dowden (constructive trusts and family assets), Oxley v Hiscock (quantification of family assets), Barlow Clowes v Eurotrust (review of the test for dishonesty), Abou-Ramah v Abacha (dishonest assistance and change of position defence), AG for Zambia v Meer Care & Desai (review of the test for dishonesty), Horley Town Football Club (gifts to unincorporated association), Re Loftus (defences of limitation, estoppel and laches), Templeton Insurance v Penningtons Solicitors (Quistclose trust and damages) and many more are new chapters on the equitable remedies of specific performance, injunctions, rectification, rescission and account are extracts from the Law Commission's Reports and consultation papers on 'Sharing Homes' and 'Trustee Exemption Clauses' as well as key academic literature and debates. The structure and style of previous editions have been retained, with an emphasis on introductory text and case extracts of sufficient length to allow students to develop analytical and critical skills in reading legal judgments. Substantial author commentary helps the text give the flow, coherence and direction of a textbook whilst providing the reader with a wide range of primary and secondary material from a variety of sources. A supporting Companion Website provides twice-annual updates to the cases and legislation discussed within the text; answers to the questions contained within the text, and sample essay questions. <http://www.routledgecavendish.com/textbooks/9780415442947>

Constructive Trusts Over Benefits Taken in Breach of a Fiduciary Duty John Peterson 1995

Equity & Trusts Richard Clements 2013-06-13 "Complete: law solution"--Page 4 of cover.

*Proprietary Claims and Remedies* Malcolm Cope 1997 Professor Cope, author of Australia's leading work on constructive trusts, turns his attention to a major problem area for practitioners working in fields of bankruptcy and insolvency - the nature of equitable proprietary claims, the range of such remedies and the rules and presumptions developed for tracing. The first half of his new book is devoted to analysis of these issues, highlighting the effect of claims and the prerequisites for their successful establishment, particularly as regards pre-existing interests and a fiduciary relationship. The second half of the book is devoted to tracing and tracing problems at both common law and equity, particularly the equitable rules and presumptions developed to identify the subject matter of a remedy and to identify value in unmixing and mixed property.

Constructive Trusts A. J. Oakley 1997 This edition of a book previously in the Modern Legal Studies series, has been greatly expanded for use by practitioners dealing with cases involving constructive trusts. Case law since the last edition has made the subject an important one. The first practitioner text on this fast developing aspect of trusts law. Previous edition regularly judicially cited in Australia and New Zealand, and recently in England. Includes a discussion of Commonwealth authorities.

*Fiduciary Obligations and the Remedial Constructive Trust* Beth Nosworthy 2011 One reason that plaintiffs desire to prove a breach of fiduciary obligation is that remedies following such a breach are more extensive than the remedies following a breach of contract or a tort. One of the most important of these remedies following a breach of fiduciary duty is the constructive trust. But the courts have been aware of this and so have been cautious about finding a breach of fiduciary duty. This paper will explain how the courts find a breach of a fiduciary duty and, particularly, their approach to imposing the constructive trust to remedy this breach.

**Equity and Trusts in Australia** Michael Bryan 2022-11-30 Equity and Trusts in Australia offers an accessible introduction to the principles of Australian equity and trusts law for students, linking key doctrines to their wider relationship with the law. The text covers foundational topics of equity and trusts law, including the nature of equity, fiduciary relationships and trust structures. This edition has been revised to include recent landmark decisions and a new chapter on termination and variation of trusts. Each chapter concludes with a guide to the online resources, which encourage students to extend their knowledge of the content through further reading, practice problems and discussion topics. Written by a team of experienced authors, Equity and Trusts in Australia is an ideal text for students undertaking this area of study for the first time. A Sourcebook on Equity and Trusts in Australia is also available and provides cases and primary legal materials to accompany Equity and Trusts in Australia.

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