

Equity and Trusts

Fourth Edition

Sukhninder Panesar

LONGMAN LAW SERIES

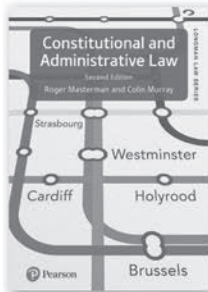


Pearson

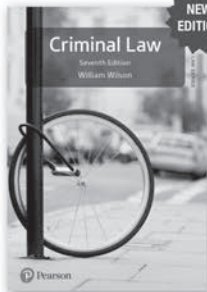
Equity and Trusts



Also in the Longman Law Series



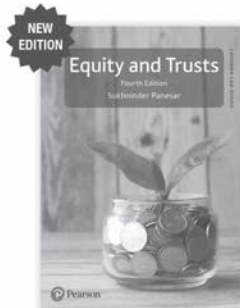
ISBN: 9781292144252



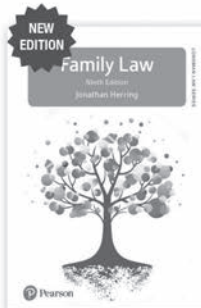
ISBN: 9781292286747



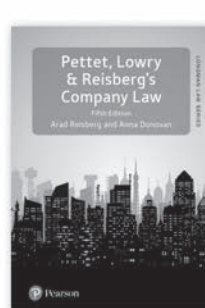
ISBN: 9781408263600



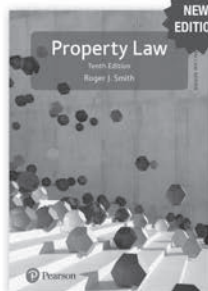
ISBN: 9781292309040



ISBN: 9781292251165



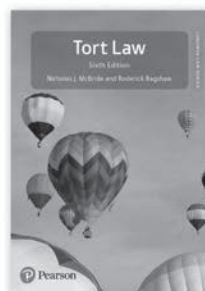
ISBN: 9781292078632



ISBN: 9781292286716



ISBN: 9781292078526



ISBN: 9781292207834

Longman Law Series titles are available to order from all good bookshops or online at: go.pearson.com/uk/hc/resources

Equity and Trusts

Fourth edition

Sukhninder Panesar



Harlow, England • London • New York • Boston • San Francisco • Toronto • Sydney • Dubai • Singapore • Hong Kong
Tokyo • Seoul • Taipei • New Delhi • Cape Town • São Paulo • Mexico City • Madrid • Amsterdam • Munich • Paris • Milan



Pearson

At Pearson, we have a simple mission: to help people make more of their lives through learning.

We combine innovative learning technology with trusted content and educational expertise to provide engaging and effective learning experiences that serve people wherever and whenever they are learning.

From classroom to boardroom, our curriculum materials, digital learning tools and testing programmes help to educate millions of people worldwide – more than any other private enterprise.

Every day our work helps learning flourish, and wherever learning flourishes, so do people.

To learn more, please visit us at **www.pearson.com/uk**

PEARSON EDUCATION LIMITED

KAO Two
KAO Park
Harlow CM17 9SR
United Kingdom
Tel: +44 (0)1279 623623
Web: www.pearson.com/uk

First edition published 2010 (print)
Second edition published 2012 (print)
Third edition published 2017 (print and electronic)
Fourth edition published 2020 (print and electronic)

© Pearson Education Limited 2010, 2012 (print)
© Pearson Education Limited 2017, 2020 (print and electronic)

The right of Sukhninder Panesar to be identified as author of this work has been asserted by him in accordance with the Copyright, Designs and Patents Act 1988.

The print publication is protected by copyright. Prior to any prohibited reproduction, storage in a retrieval system, distribution or transmission in any form or by any means, electronic, mechanical, recording or otherwise, permission should be obtained from the publisher or, where applicable, a licence permitting restricted copying in the United Kingdom should be obtained from the Copyright Licensing Agency Ltd, Barnard's Inn, 86 Fetter Lane, London EC4A 1EN.

The ePublication is protected by copyright and must not be copied, reproduced, transferred, distributed, leased, licensed or publicly performed or used in any way except as specifically permitted in writing by the publishers, as allowed under the terms and conditions under which it was purchased, or as strictly permitted by applicable copyright law. Any unauthorised distribution or use of this text may be a direct infringement of the author's and the publisher's rights and those responsible may be liable in law accordingly.

All trademarks used herein are the property of their respective owners. The use of any trademark in this text does not vest in the author or publisher any trademark ownership rights in such trademarks, nor does the use of such trademarks imply any affiliation with or endorsement of this book by such owners.

Contains public sector information licensed under the Open Government Licence (OGL) v3.0.
<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Contains Parliamentary information licensed under the Open Parliament Licence (OPL) v3.0.
<http://www.parliament.uk/site-information/copyright/open-parliament-licence/>

Pearson Education is not responsible for the content of third-party internet sites.

The Financial Times. With a worldwide network of highly respected journalists, *The Financial Times* provides global business news, insightful opinion and expert analysis of business, finance and politics. With over 500 journalists reporting from 50 countries worldwide, our in-depth coverage of international news is objectively reported and analysed from an independent, global perspective. To find out more, visit www.ft.com/pearsonoffer.

ISBN: 978-1-292-30904-0 (print)
978-1-292-30905-7 (PDF)
978-1-292-30906-4 (EEB)

British Library Cataloguing-in-Publication Data

A catalogue record for the print edition is available from the British Library

Library of Congress Cataloging-in-Publication Data

Names: Panesar, Sukhninder, author.
Title: Equity and trusts / Sukhninder Panesar.
Description: Fourth edition. | Harlow, England ; New York : Pearson Education Limited, 2020. | Series: Longman law series | Includes bibliographical references and index.
Identifiers: LCCN 2019058693 (print) | LCCN 2019058694 (ebook) | ISBN 9781292309040 (paperback) | ISBN 9781292309057 (PDF) | ISBN 9781292309064 (ebook)
Subjects: LCSH: Trusts and trustees—England. | Equity—England. | LCGFT: Textbooks.
Classification: LCC KD1480 .P36 2020 (print) | LCC KD1480 (ebook) | DDC 346.42/004—dc23
LC record available at <https://lcn.loc.gov/2019058693>
LC ebook record available at <https://lcn.loc.gov/2019058694>

10 9 8 7 6 5 4 3 2 1
24 23 22 21 20

Front cover image: Towfiqu Photography/Moment/Getty Images
Print edition typeset in Charter ITC Std 9.5/12 by SPi Global
Printed and bound in Malaysia

NOTE THAT ANY PAGE CROSS REFERENCES REFER TO THE PRINT EDITION

Brief contents

Preface	xviii
Publisher's Acknowledgements	xxi
Table of cases	xxxv
Table of statutes	xlvi
Part I Introduction to equity and trusts	1
1 Introduction to equity	3
2 The trust concept	38
3 The trust distinguished from other legal concepts	69
Part II Creating the trust relationship	99
4 The three certainties	101
5 Formalities	135
6 Constitution of trusts	160
7 Secret trusts and mutual wills	199
8 The beneficiary principle	234
9 Illegality and public policy	262
Part III Trusts implied by law	287
10 Resulting trusts, part I: Nature of resulting trusts	289
11 Resulting trusts, part II: Imposing resulting trusts	307
12 Constructive trusts, part I: Nature of constructive trusts	365
13 Constructive trusts, part II: Imposing constructive trusts	385
14 Constructive trusts, part III: Imposing constructive trusts – intermeddling with trust property	480
Part IV The administration of trusts	525
15 Introduction to trusteeship appointment, removal and retirement	527
16 Investment of trust funds	563
17 Fiduciary nature of trusteeship	597
18 Powers of trustees	632
19 Variation of trusts	657

Part V	Breach of trust and remedies	691
20	Breach of trust and personal remedies	693
21	Tracing and a proprietary claim	733
Part VI	Charities and charitable trusts	755
22	Charities and charitable trusts	757
23	The cy-près doctrine	845
	Index	873

Contents

Preface	xviii
Publisher's Acknowledgements	xxi
Table of cases	xxxv
Table of statutes	xlvii

Part I Introduction to equity and trusts 1

1 Introduction to equity	3
Learning objectives	3
Setting the scene: Equity and role of unconscionability	4
Introduction	5
The common law	6
The origins and development of equity	8
Equity and the role of conscience	11
Unconscionability, fairness and the role of context	14
The Judicature Acts 1873 and 1875 and the relationship between law and equity	21
Fusion fallacy	23
Equitable maxims	25
Nature of proprietary rights in law and in equity	30
Equity and social reform	33
Conclusion	36
Moot points	37
Further reading	37
2 The trust concept	38
Learning objectives	38
Setting the scene: <i>Hambro and Others v The Duke of Marlborough and Others</i> [1994] 3 WLR 341	39
Introduction	41
Definition	43
The key features of the trust	44
Trust as a product of fragmentation of ownership	50
Historical foundations of the trust	50
Trusts and law reform	52
Classification of trusts	54
The operation of section 33(1) Trustee Act 1925: protective trusts	56
The contemporary significance of trusts	63
Some key players and concepts in the trust relationship	65

Conclusion	67
Moot points	67
Further reading	68
3 The trust distinguished from other legal concepts	69
Learning objectives	69
Setting the scene: <i>Re Mills</i> [1930] 1 Ch. 654	70
Introduction	70
Contract	71
Agency	73
Bailment	74
Interests under wills and administration	75
Debts	77
Powers: general observations	84
Different types of power of appointment	86
Exercising a power of appointment	89
Excessive or fraudulent exercise of a power	91
Consequences of not exercising a power of appointment	93
Conclusion	96
Case study	96
Moot points	97
Further reading	97
Part II Creating the trust relationship	99
4 The three certainties	101
Learning objectives	101
Setting the scene: <i>McPhail v Doulton</i> [1971] AC 424	102
Introduction	103
The effect of uncertainty	104
The rationale for certainty	105
Certainty of intention	105
Certainty of subject matter	113
Certainty of objects: general observations	119
The constituent elements of certainty of objects	119
The test of certainty of objects for a fixed trust	121
The test of certainty of objects for a discretionary trust	124
Conclusion	132
Case study	132
Moot points	133
Further reading	133
5 Formalities	135
Learning objectives	135
Setting the scene: <i>The Vandervell</i> Saga 1958–1965	136
Introduction	137

Testamentary trusts	137
<i>Inter vivos</i> trusts	137
Declarations of trust	138
Dispositions of equitable interests	143
Conclusion	158
Case studies	158
Moot points	159
Further reading	159
6 Constitution of trusts	160
Learning objectives	160
Setting the scene: <i>Pennington v Waine</i> [2002] 1 WLR 2075	161
Introduction	161
Completely constituted and incompletely constituted trusts	162
The <i>Milroy v Lord</i> principles of conferring a benefit on a donee	163
Declaration of trust	165
Transfer to trustees	168
Equity will not strive officiously to defeat a gift	171
Enforcing an incompletely constituted trust	176
Exceptions to the rule that equity will not assist a volunteer	186
Proprietary estoppel	195
Conclusion	196
Case studies	197
Moot points	197
Further reading	198
7 Secret trusts and mutual wills	199
Learning objectives	199
Setting the scene: <i>Re Boyes</i> (1884) 26 Ch D 531	200
Introduction	200
Succession	201
Definition of a secret trust	204
The theoretical justification of secret trusts	206
Requirements for a fully secret trust	210
Requirements for a half-secret trust	218
Predecease of the secret beneficiary	219
Predecease of the secret trustee	220
Can a secret trustee derive a benefit from the secret trust?	220
How are secret trusts classified?	221
Mutual wills	222
Conclusion	231
Case study	231
Moot points	232
Further reading	233

8 The beneficiary principle	234
Learning objectives	234
Setting the scene: <i>Re Astor's Settlement Trusts</i> [1952] Ch 534	235
Introduction	236
Non-charitable purpose trusts and charitable trusts	236
Is the trust a purpose trust?	237
The beneficiary principle stated	238
Rationale behind the principle	239
The <i>Re Denley</i> principle: a situation outside the beneficiary principle	243
The anomalous cases	247
The construction of gifts to unincorporated associations	251
Reform	258
Conclusion	259
Case study	260
Moot points	260
Further reading	261
 9 Illegality and public policy	 262
Learning objectives	262
Setting the scene: <i>Blathwayt v Baron Cawley</i> [1976] AC 397	263
Introduction	263
Freedom of disposition and public policy	264
Trusts contrary to public policy	265
Illegality	270
Trusts which contravene the perpetuity rules	271
Trusts to safeguard property from creditors	272
Trusts defeating the rights of the family and dependants	278
Trusts defeating the rights of a spouse	281
The Law Commission's consultation paper	283
Conclusion	284
Case study	284
Moot points	285
Further reading	285
 Part III Trusts implied by law	 287
 10 Resulting trusts, part I: Nature of resulting trusts	 289
Learning objectives	289
Setting the scene: When does a resulting trust arise?	290
Introduction	290
Theories explaining the imposition of a resulting trust	291
The 'beneficial vacuum' theory	291
Resulting trusts and a restitutionary justification	292
Resulting trusts and the role of intentions	296
Automatic and presumed resulting trusts	300
<i>Westdeutsche</i> : the prevailing view	301

Conclusion	304
Moot points	305
Further reading	305
11 Resulting trusts, part II: Imposing resulting trusts	307
Learning objectives	307
Setting the scene: Problems requiring a resulting trust solution	308
Introduction	309
Failure of the trust	309
Resulting trusts and Quistclose trusts	313
Unexhausted funds	317
Voluntary conveyance in the name of another	333
Purchase in the name of another	337
Rebutting the presumption of a resulting trust	339
Rebutting the presumptions and evidential matters	343
Resulting trusts and the family home	354
Conclusion	361
Case studies	362
Moot points	363
Further reading	363
12 Constructive trusts, part I: Nature of constructive trusts	365
Learning objectives	365
Setting the scene: Why do we impose constructive trusts?	366
Introduction	366
When will a constructive trust be imposed?	367
Institutional and remedial constructive trusts	369
An institutional constructive trust	369
A remedial constructive trust	370
Does English law recognise a remedial constructive trust?	375
Consequences of the imposition of a constructive trust	379
Conclusion	382
Moot points	383
Further reading	383
13 Constructive trusts, part II: Imposing constructive trusts	385
Learning objectives	385
Setting the scene: Problems requiring a constructive trust solution	386
Introduction	387
Acquisition of property as a result of unlawful conduct	387
Unauthorised profits gained by a fiduciary	411
Constructive trusts and the family home	417
Miscellaneous situations giving rise to a constructive trust	460
Conclusion	476
Case studies	476
Moot points	477
Further reading	478

14	Constructive trusts, part III: Imposing constructive trusts – intermeddling with trust property	480
	Learning objectives	480
	Setting the scene: <i>Royal Brunei v Tan</i> [1995] 2 AC 378	481
	Introduction	481
	Nature of liability for knowing assistance	482
	Requisites for liability for knowing assistance	484
	Receipt of trust property in breach of trust	508
	Significance of knowing receipt liability and requisites for liability	509
	Conclusion	521
	Case study	521
	Moot points	522
	Further reading	523
	 Part IV The administration of trusts	 525
15	Introduction to trusteeship appointment, removal and retirement	527
	Learning objectives	527
	Setting the scene: <i>Klug v Klug</i> [1918] 2 Ch. 67	528
	Introduction	528
	Capacity and numbers	530
	Appointment of initial trustees	530
	Appointment of new trustees	531
	The retirement of trustees	538
	Removal of a trustee	538
	Special types of trustees	539
	Vesting of the trust property in trustees	541
	Conducting the office of trusteeship	541
	Control of trustees' discretions	543
	Do trustees need to give reasons?	555
	Conclusion	560
	Case study	560
	Moot points	561
	Further reading	561
16	Investment of trust funds	563
	Learning objectives	563
	Setting the scene: <i>Nestlé v National Westminster Bank plc</i> [1993] 1 WLR 1260	564
	Introduction	564
	The duty of investment and the power of investment	565
	The objectives of trust investment	565
	Historical note and contemporary trends in trustee investment	567
	Common law and statutory duties when investing	570
	Express powers of investment	578
	Statutory power of investment	580

Purchase of land as an investment	585
Mortgages of land as an investment	586
Charitable trusts and social investments	588
Enlargement of investment powers: the return of the <i>Re Kolb</i> principle	589
The duty to act fairly among the beneficiaries	591
Conclusion	594
Case studies	594
Moot points	595
Further reading	596
17 Fiduciary nature of trusteeship	597
Learning objectives	597
Setting the scene: <i>Keech v Sandford</i> (1726) Sel. Cas. Ch. 61	598
Introduction	599
Defining fiduciary relationships	599
The purchase of trust property	612
Trustee remuneration	615
Incidental profits	619
Remedies for breach of fiduciary duty	621
Conclusion	630
Case study	630
Moot points	630
Further reading	631
18 Powers of trustees	632
Learning objectives	632
Setting the scene: <i>Re Pauling's Settlement Trusts</i> [1964] Ch 303	633
Introduction	633
The power to delegate	634
The power of maintenance	641
The power of advancement	645
Miscellaneous powers of trustees	651
Conclusion	655
Case studies	655
Moot points	656
Further reading	656
19 Variation of trusts	657
Learning objectives	657
Setting the scene: <i>Re Weston's Settlements</i> [1969] 1 Ch. 223	658
Introduction	659
The rule in <i>Saunders v Vautier</i>	659
The court's inherent jurisdiction to order variation	663
Statutory provisions	668
The Variation of Trusts Act 1958	674
Conclusion	687
Moot points	688
Further reading	689

Part V	Breach of trust and remedies	691
20	Breach of trust and personal remedies	693
	Learning objectives	693
	Setting the scene: <i>Target Holdings v Redferns</i> [1996] AC 421	694
	Introduction	695
	The personal liability of the trustee	696
	Liability for co-trustees	705
	Joint liability, contribution and indemnity	706
	Established principles when assessing liability	709
	Defences in a personal claim	715
	Limitation of actions	727
	Conclusion	731
	Case study	731
	Moot points	732
	Further reading	732
21	Tracing and a proprietary claim	733
	Learning objectives	733
	Setting the scene: <i>Re Diplock</i> [1948] Ch 465	734
	Introduction	734
	Proprietary claims and tracing	735
	Tracing and proprietary claims at common law	738
	Tracing and proprietary claims in equity	742
	Conclusion	752
	Case study	753
	Moot points	753
	Further reading	754
Part VI	Charities and charitable trusts	755
22	Charities and charitable trusts	757
	Learning objectives	757
	Setting the scene: <i>IRC v McMullen</i> [1981] AC 1 House of Lords	758
	Introduction	759
	A historical note	759
	The structure of charity	762
	The Charities Act 2006 and the Charities Act 2011	764
	Differences between charitable trusts and private trusts	764
	Regulation and supervision of charities	768
	Requirements for a charitable trust	771
	Definition of charity	772
	Charitable purposes under the Charities Act 2011	778
	Recreational charities	813
	Public benefit	816
	Exclusively charitable	830
	Trusts with political purposes	835
	Conclusion	841

Case studies	842
Moot points	842
Further reading	843
23 The cy-près doctrine	845
Learning objectives	845
Setting the scene: <i>Re Rymer</i> [1895] 1 Ch 19 and <i>Re Slevin</i> [1891] 2 Ch 236	846
Introduction	847
The court's inherent jurisdiction to apply cy-près	847
A general charitable intent	850
Initial failure	852
Subsequent failure	858
The Charities Act 1993	860
The Charities Act 2011	864
Charity donations and unidentifiable donors	867
Cy-près schemes	869
Conclusion	870
Case study	870
Moot points	871
Further reading	872
Index	873

Preface

Ask anyone who has studied law which topic they found particularly tricky during their undergraduate degree and the chances are they'll tell you it was equity and trusts. This area of English law is seen to be notoriously difficult and often students are filled with trepidation before they've even started the module. Why should this be? I think there are two main reasons. The first is that students tend to have little by way of a general inclination or understanding of the subject matter of equity and trusts. For example, if we consider an area such as criminal law, we would expect that the student probably already understands that the subject of enquiry relates to the legal rules governing criminal wrongdoing, along with a working knowledge of what such wrongdoing might entail (murder, manslaughter, theft, and so on). With equity and trusts, however, even if the student already has some broad ideas of the nature and principle of equitable relief, they will generally not relate to the trust concept. As such, they are often approaching entirely uncharted territory, and so face the inevitable challenges that delving into any new area brings.

Secondly, the subject matter is, by its nature, broad and complex. We can see this when we consider the diverse contexts in which the trust has operated. In the social context, the trust has historically operated to deal with the rights of various groups, for example, the rights of women or the rights of illegitimate children. More recently, the trust has had an important role to play in protecting the rights of individuals in the family home (particularly in the context of increased non-marital cohabitation). The trust has also been a key factor in the world of commerce, dealing with the rights, for example, of pension fund beneficiaries or the rights of beneficiaries against commercial agents who have intermeddled with trust property. It might initially appear a little daunting, but neither the student learning the law, nor the lecturer teaching it should shy away from the elaborate nature of trusts – to do so will not only short-change the student, but will also hamper the effective understanding of the law. Indeed, if we embrace this fact now then I believe we can make studying equity and trusts a rich and deeply rewarding experience. This is where, I hope, this book comes in.

This book has two primary objectives. Firstly, it seeks to convey the principles of equity and trusts in a manner which the reader will find engaging and easy to understand. To achieve this, the book is divided into six parts. This fragmentation will allow the reader to understand the relevant chapters under a common theme first and then, much like a jigsaw, put all the pieces together to reveal the bigger picture. Part I of the book explores the nature of equity and the grounds for invoking equitable relief. It then examines the nature of the trust concept and the reasons for creating trusts in the contemporary world. Part II explores the substantive and formal requirements needed for the creation of express trusts. Part III looks to those trusts which are implied by law rather than created by a deliberate act on the part of an individual. Part IV looks at the law relating to the administration of trusts, in particular, the powers and duties of trustees. Part V examines the remedies available to a beneficiary for breaches of trust by a trustee. The final part of the book looks

at trusts which are created in favour of the public at large, otherwise known as charitable trusts. The law relating to charitable trusts has recently undergone changes as a result of the enactment of the Charities Act 2011. Part VI explores some of the fundamental changes introduced by the Charities Act 2011 and the future direction of charitable trusts. The book also uses a number of features to help cement knowledge of the concepts and apply it at regular intervals, such as the 'Applying the law' boxes throughout each chapter, occasional end-of-chapter 'Case studies', and 'Moot points' which are at the end of each chapter. These features encourage the reader to apply the law to factual questions and think further about some of the nuances that exist within the law.

The second objective is to give the reader as much context as possible. I have tried to illustrate the significance of the trust in its modern context and some of the older rules within the framework in which they were decided. This approach seeks to show the law 'in action,' and to help the reader understand not just what the law is, but also some of the reasons as to *why* it is so. To this end, each chapter opens with a 'Setting the scene' section which will introduce the reader to interesting cases that bring to light the subject matter of each chapter and offer a frame of reference for what is to follow. Each chapter also examines the relevant cases and rulings pertinent to that area of trusts law, further reinforcing the reader's understanding of how the law has evolved.

The fourth edition of this book contains key case law and statutory developments since the third edition. The book covers a number of decisions of the Supreme Court and the Court of Appeal that are significant in reshaping and reconfirming important principles of equity and trusts. For example: in the context of *donatio mortis causa*, the decision in *Keeling v Keeling* (2017); in the context of the Inheritance (Provision for Family and Dependents) Act 1975, the decision of the Supreme Court in *Ilott v Motson* (2017) considering the correct approach to determine the award for financial provision under the 1975 Act; in the context of the Forfeiture Act 1982, the decision in *Ninian v Findlay* (2019) on the application of the forfeiture rule; in the context of breach of fiduciary duty and unauthorised profits, the decision in *Parr v Keystone Health Ltd* (2019); in the context of the common intention constructive trust, the decision of the Privy Council in *Marr v Collie* (2018) in looking at whether a common intention constructive trust can arise in a commercial setting as opposed to a family domestic setting; in the context of constructive trusts, the decision in *Generator Developments Ltd v Lidl UK GmbH* (2018) as to the operation of the *Pallant v Morgan* equity; in the context of dishonest assistance, the decision of the Court of Appeal in *Group Seven Limited & Ors v Notable Services LLP* (2019) examining the definition of dishonesty; in the context of a beneficiary's right to inspect trust documents, the decision in *Lewis v Tamplin* (2018); in the context of remedies for breach of trust and equitable compensation, the decision of the Court of Appeal in *Ahmed v Ingram* (2018); in the context of defences for breach of trust, the decision in *Santander UK v RA Legal Services* (2014) and the decision in *Dreamvar (UK) Ltd v Mischon de Reya* (2018). The new edition also looks at the Charities (Protection and Social Investment Act) 2016, which confers upon Charity Commissioners greater powers to disqualify charity trustees for mismanagement of charity funds, as well as allowing charities to make social investments.

I would like to thank Pearson Education for publishing this book. In particular, Victoria Tubb and Archana Makhija for their invaluable support and patience during the writing process. I have been very fortunate to have worked with such a dedicated and professional editorial team and a lot of credit for this book belongs to them.

Most importantly, I would like to thank my wife, Sandeep, and my son, Lakhdeep, for their incredible support without which the book would not have been possible. I would

also like to thank two close colleagues and friends, Margaret Walsh and Rebecca Mincher, for their incredible support during the writing of this fourth edition.

I have attempted to state the law up to and as at October 2019.

Finally, this book is dedicated to the memory of my father who sadly passed away on 16 November 2015.

Sukhninder Panesar
Head of Law
University of Wolverhampton Law School

Publisher's Acknowledgements

4 Incorporated Council of Law Reporting for England and Wales (ICLR): *House of Lords in Westdeutsche v Islington London Borough Council* [1996] AC 699 (HL); **12 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Campbell Discount Co Ltd v Bridge* [1961] 1 QB 445 at 459; **12 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Hallett's Estate* (1880) 13 Ch D 696 at 710; **13 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Eves v Eves* [1975] 1 WLR 1338 at 1341; **13 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hussey v Palmer* [1972] 1 WLR 1286; **13 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Cowcher v Cowcher* [1972] 1 WLR 425 13, 352; **13 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 699, 705; **14 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 699, 716; **14 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei Airlines Sdn Bhd v Tan Kok Ming* [1995] 2 AC 378 at 392; **15 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Thorner v Major* [2009] 1 WLR 776 at 805; **19–20 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Thorner v Major* [2009] 1 WLR 776 at 803; **24 Incorporated Council of Law Reporting for England and Wales (ICLR):** *United Scientific Holdings Ltd v Burnley Borough Council* [1978] AC 904 at 924; **39–40 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hambro and Others v The Duke of Marlborough and Others* [1994] 3 WLR 341: The Blenheim Estates, the Duke of Marlborough and his irresponsible son; **49 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 669 (HL); **58 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche v Islington London Borough Council* [1996] AC 699 at 708; **58 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche v Islington London Borough Council* [1996] AC 699; **59, 298 and 332–333 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Air Jamaica v Charlton* [1999] 1 WLR 1399 at 1412; **60 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche v Islington London Borough Council* [1996] AC 669 at 705; **60 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche v Islington London Borough Council* [1996] AC 669 at 714; **63 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hussey v Palmer* [1972] 1 WLR at 1289; **78 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Carreras Rothmans Ltd v Freeman Mathews Treasure Ltd*, [1985] Ch 207 at 222; **79 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Barclays Bank Ltd v Quistclose Investments Ltd* [1970] AC 567 at 581; **80 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Twinsectra Ltd v Yardley* [2002] 2 AC 164 (Judicial assessment of Quistclose trusts per Lord Millett);

81 Incorporated Council of Law Reporting for England and Wales (ICLR): *Twinsectra Ltd v Yardley* [2002] 2 AC 164 (the All England Law Reports are published by LexisNexis); **85 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Freme v Clement* (1881) 18 Ch D 499 at 504; **89 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Mills* [1930] 1 Ch 654 at 661; **89 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Weekes' Settlement* [1897] 1 Ch 289 at 292; **90 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Hay's Settlement Trusts* [1982] 1 WLR at 209–10; **91 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Vatcher v Paull* [1915] AC 372 at 378; **102 Incorporated Council of Law Reporting for England and Wales (ICLR):** *McPhail v Doultton* [1971] AC 424; **105 Incorporated Council of Law Reporting for England and Wales (ICLR):** *IRC v Broadway Cottages Trusts* [1955] Ch 20 at 30; **106 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Kayford Ltd* [1975] 1 WLR 279 at 282; **107–108 Court of Appeal (England and Wales):** *Staden v Jones* [2008] 2 FLR 1931 105, 160; **110 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Adams and the Kensington Vestry* (1884) 27 Ch D 394; **110 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Adams and the Kensington Vestry* (1884) 27 Ch D 394 at 410; **111 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Steele's Will Trusts* [1948] Ch 603; **115 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Golay's Will Trusts* [1965] 1 WLR 969; **116 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Golay's Will Trusts* [1965] 1 WLR 969 at 972; **118 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hunter v Moss* [1994] 1 WLR 452 at 449; **120 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Gulbenkian's Settlement Trusts* [1970] AC 508 at 528; **121 and 129 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Baden's Deed Trusts (No. 1)* [1971] AC 424 at 457; **126 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Baden's Deed Trusts (No. 2)*, *Re* [1972] 3 WLR 250 at 257; **127 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Baden's Deed Trusts (No. 2)* [1972] 3 WLR 250 at 255; **127 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Baden's Deed Trusts (No. 2)* [1972] 3 WLR 250 at 265; **128 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Baden's Deed Trusts (No. 2)* [1972] 3 WLR 250 at 268; **129 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Hay's Settlement Trusts* [1982] 1 WLR 202 at 209–10; **130 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Allen* [1953] Ch 810; **131 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Coxen* [1948] Ch 747; **131 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Coxen* [1948] Ch 747 at 761; **140 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Rochefoucauld v Boustead* [1897] 1 Ch 196 at 206; **144 and 310 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Vandervell v IRC* [1967] 2 AC 291 at 329; **149 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Vandervell v IRC* [1967] 2 AC 291 and 311; **155–156 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Oughtred v IRC* [1960] AC 206 at 233; **156 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Oughtred v IRC* [1960] AC 206 at 240; **156 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Oughtred v IRC* [1960] AC 206 at 227; **157 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Chinn v Collins* (Inspector of Taxes), [1981] AC 533 at 548; **163 Chancery Division of the High Court:** *Milroy v Lord* (1862) 4 De GF & J 264; **163**

Chancery Division of the High Court: *Milroy v Lord* (1862) 4 De GF & J 264 at 274; **163–164 Cambridge University Press:** F.W. Maitland, *Equity: A Course of Lectures* (J. Brunyate (ed.), 1936) at pp. 71–2; **165 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Pennington v Waine* [2002] 1 WLR 2075 at 2090; **172 Incorporated Council of Law Reporting for England and Wales (ICLR):** *T. Choithram International S.A. v Pagarani* [2001] 1 WLR 1; **174 Incorporated Council of Law Reporting for England and Wales (ICLR):** *T. Choithram International S.A. v Pagarani* [2001] 1 WLR 1 at 11; **174 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Pennington v Waine* [2002] 1 WLR 2075 at 2089; **185 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Cook's Settlement Trusts*, Re [1965] Ch 902 at 913; **186–187 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Stewart* [1908] 2 Ch 252 at 254; **188 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Gonin* [1979] Ch 16 at 35; **190 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Craven's Estate* [1937] Ch 423 at 426; **195–196 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Taylor Fashions v Liverpool Victoria Trustees Co Ltd* [1982] QB 133 at 151; **207–208 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blackwell v Blackwell* [1929] AC 318 at 334; **208 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blackwell v Blackwell* [1929] AC 318; **208–209 and 218 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blackwell v Blackwell* [1929] AC 318 at 339; **209 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Young* [1951] Ch 344 at 350; **211 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Ottaway v Norman* [1972] 2 WLR 50 at 62; **214 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Keen* [1937] Ch 236 at 242; **218 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Keen* [1937] Ch 236 at 246; **218 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Smart's Goods* [1902] P 238; **223–224 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Olins v Walters* [2009] Ch 212; **225 and 475 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Cleaver (deceased)* [1981] 1 WLR 939 at 947; **225 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Goodchild* [1997] 1 WLR 1216; **227–228 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Oldham* [1925] Ch 75 at 88; **229 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Hagger* [1930] 2 Ch 190 at 195; **230 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Goodchild (deceased)* [1996] 1 WLR 694 at 700; **232 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blackwell v Blackwell* [1929] 2 AC 318 at 339; **235 Financial Times Limited:** *Philanthropy goes to the dogs* By Christopher Caldwell: *Financial Times* 4 July 2008; **236 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Leahy v A-G for New South Wales* [1959] AC 457 at 478; **236 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Astor's Settlement Trust* [1952] Ch 534; **236 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Astor's Settlement Trust* [1952] Ch 534 at 541; **238–239 and 247 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Astor's Settlement Trusts* [1952] Ch 534 at 547; **239 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Endacott* [1960] Ch 232 at 250; **239 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Endacott* [1960] Ch 232; **243 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Per Viscount Simonds in Leahy v A-G for New South Wales* [1959] AC 457 at 484;

244 Incorporated Council of Law Reporting for England and Wales (ICLR): *Re Denley's Trust Deed* [1969] 1 Ch 373 at 382; **245 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lipinski's Will Trusts, Re* [1976] Ch 235 at 248; **246 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lipinski's Will Trusts, Re* [1976] Ch 235 at 249; **246 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Grant's Will Trusts* [1980] 1 WLR 360 at 370; **247 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Endacott, Re* [1960] Ch 232 at 250; **249 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Hooper* [1932] 1 Ch 38; **252 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Conservative and Unionist Central Office v Burrell* [1982] 1 WLR 522 at 525; **252 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Neville Estates Ltd v Madden* [1962] Ch 832 at 849; **254 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Leahy v Attorney-General for New South Wales* [1959] AC 457; **255–256 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Neville Estates v Madden* [1962] Ch 832 at 849; **257 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hanchett-Stamford v Attorney General* [2009] Ch 173 at 183; **258 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hanchett-Stamford v Attorney General* [2009] Ch 173 at 188; **264 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blathwayt v Baron Cawley* [1976] AC 397 at 404; **268 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blathwayt v Baron Cawley* [1976] AC 397 at 426; **268 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Blathwayt v Baron Cawley* [1976] AC 397 at 438; **273 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Butterworth* (1882) 19 Ch D 588 at 598; **278 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hill v Haines* [2008] Ch 412 at 429; **278 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hill v Haines* [2008] Ch 412 at 417; **280 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lilleyman v Lilleyman* [2013] Ch 225 at para. 60; **282 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Kemmis v Kemmis* [1988] 1 WLR 1307 at 1315; **290 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington London Borough Council* [1996] AC 669 (HL); **290 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Air Jamaica v Charlton* [1999] 1 WLR 1399 Lord Justice Millett explained that (at p. 1412); **292 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Vandervell v IRC* [1967] 2 AC 291 at 308; **295 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 669 (HL) at 708; **302 and 303 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington London Borough Council* [1996] AC 669 (HL) at 705, 708; **312 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Astor's Settlement Trusts* [1952] Ch 534; **314 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Carreras Rothmans Ltd v Freeman Mathews Treasure Ltd* [1985] Ch 207; **315 Incorporated Council of Law Reporting for England and Wales (ICLR):** The absence of intention approach was advocated by Millett LJ in the Privy Council in *Air Jamaica v Charlton* [1999] 1 WLR 1399; **319 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Osoba* [1978] 1 WLR 791 at 796; **321 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Gillingham Bus Disaster Fund* [1958] Ch 300; **322 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Welsh Hospital (Netley) Fund, Re* [1921] 1 Ch 655 at 659; **323 Incorporated Council of Law Reporting for England and Wales (ICLR):**

Conservative and Unionist Central Office v Burrell [1982] 1 WLR 522; **325 Incorporated Council of Law Reporting for England and Wales (ICLR): *Bucks Constabulary Fund*** (No. 2), Re [1979] 1 WLR 936 320–322; **325 Incorporated Council of Law Reporting for England and Wales (ICLR): *Hanchett-Stamford v Attorney General*** [2009] Ch 173; **326 Incorporated Council of Law Reporting for England and Wales (ICLR): *Hanchett-Stamford v Attorney General*** [2009] Ch 173 at para. 31; **326–327 Incorporated Council of Law Reporting for England and Wales (ICLR): *Hanchett-Stamford v Attorney General*** [2009] Ch 173 at para. 47; **329 Incorporated Council of Law Reporting for England and Wales (ICLR): *Davis v Richards & Wallington Industries Ltd*** [1990] 1 WLR 1511 324, 325, 328; **330 Taylor & Francis Group: A. Hudson, *Equity and Trusts*** (5th edn, 2006) at p. 1001; **333 Incorporated Council of Law Reporting for England and Wales (ICLR): *Vandervell v IRC*** (No. 2) [1974] Ch 269; **339 Incorporated Council of Law Reporting for England and Wales (ICLR): *Pettitt v Pettitt*** [1970] AC 777 at 814; **339 Incorporated Council of Law Reporting for England and Wales (ICLR): *Pettitt v Pettitt*** [1970] AC 777 at 823; **341 Incorporated Council of Law Reporting for England and Wales (ICLR): *Pettitt v Pettitt*** [1970] AC 777 at 824; **341 Incorporated Council of Law Reporting for England and Wales (ICLR): In *Re Eykyn's Trusts*** 15 Jun 1877 6 ChD 115, ChD; **344 Incorporated Council of Law Reporting for England and Wales (ICLR): *Tinker v Tinker*** [1970] P 136 at 141; **345 Incorporated Council of Law Reporting for England and Wales (ICLR): *Lowson v Coombes*** [1999] Ch 373 at 386; **347 Incorporated Council of Law Reporting for England and Wales (ICLR): *Tinsley v Milligan*** [1994] 1 AC 340 at 362; **347 Incorporated Council of Law Reporting for England and Wales (ICLR): *Tinsley v Milligan*** [1992] Ch 310 at 319; **349 Incorporated Council of Law Reporting for England and Wales (ICLR): *Tribe v Tribe*** [1996] Ch 107 (A statement of the current law on illegality and presumptions of resulting trust and advancement, per Millett LJ at 134); **349–350 Incorporated Council of Law Reporting for England and Wales (ICLR): *Patel v Mirza***. [2015] Ch 271 at para. 95; **352 Incorporated Council of Law Reporting for England and Wales (ICLR): *Gray v Thames Trains Ltd*** [2009] AC 1339; **356 Incorporated Council of Law Reporting for England and Wales (ICLR): *Gissing v Gissing*** [1971] AC 886 at 907; **366 Incorporated Council of Law Reporting for England and Wales (ICLR): *Yeoman's Row Management Ltd v Cobbe*** [2008] 1 WLR 1752 (at 1769). (at 1769); **367 Incorporated Council of Law Reporting for England and Wales (ICLR): *Westdeutsche Landesbank Girozentrale v Islington LBC*** [1996] AC 669 (HL) (Constructive trusts and role of conscience per Lord Browne-Wilkinson at 705); **368, 467 and 468 Incorporated Council of Law Reporting for England and Wales (ICLR): *Cobbe v Yeoman's Row Management Ltd*** [2008] 1 WLR 1752 at 1769; **368 Incorporated Council of Law Reporting for England and Wales (ICLR): *Carl Zeiss Stiftung v Herbert Smith*** (No. 2) [1969] 2 Ch 276 at 300; **369 Incorporated Council of Law Reporting for England and Wales (ICLR): *Westdeutsche Landesbank Girozentrale v Islington LBC*** [1996] AC 669 (HL) at 717; **369 Incorporated Council of Law Reporting for England and Wales (ICLR): *Westdeutsche Landesbank Girozentrale v Islington LBC*** [1996] AC 669 (HL) at 714; **370 Incorporated Council of Law Reporting for England and Wales (ICLR): *Metall and Rohstoff AG v Donaldson Lufkin & Jenerette Inc*** [1990] 1 QB 391 at 478; **376 Incorporated Council of Law Reporting for England and Wales (ICLR): *Hussey v Palmer*** [1972] 1 WLR 1286 at 1290; **376 Incorporated Council of Law Reporting for England and Wales (ICLR): *Metall and Rohstoff AG v Donaldson Lufkin & Jenerette Inc*** [1990] 1 QB 391 at 479; **376–377 and 397 Incorporated Council of Law Reporting for England and Wales (ICLR): *Westdeutsche Landesbank Girozentrale v Islington LBC*** [1996] AC 669 (HL) at 716; **377 and 408 Incorporated Council of Law Reporting for England and Wales (ICLR): *Halifax Building Society v Thomas*** [1996] Ch 217 at 229; **381 and 483**

Incorporated Council of Law Reporting for England and Wales (ICLR): *Dubai Aluminium Co Ltd v Salaam* [2002] 3 WLR 1913 at 1946; **387 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Yeoman's Row Management Ltd v Cobbe* [2008] 1 WLR 1752 at 1769; **388 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Cleaver v Mutual Reserve Fund Life Association* [1892] 1 QB 147 at 156; **389 Incorporated Council of Law Reporting for England and Wales (ICLR):** *K, Re* [1985] Ch 85 at 100; **390 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Gray v Barr* [1971] 2 QB 554 at 581; **390–391 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Dunbar v Plant* [1998] Ch 412 at 425; **392 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Dunbar v Plant* [1998] Ch 412 at 427; **393 and 394 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Henderson v Wilcox & Ors.* [2016] 4 WLR 14; **397 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Shalson v Russo* [2005] Ch 281 at 317; **399 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Attorney-General for Hong Kong v Reid* [1994] 1 AC 324; **399 and 400 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Attorney-General for Hong Kong v Reid* [1994] 1 AC 324 at 331; **400 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Daraydan Holding Ltd v Solland International Ltd* [2005] Ch 119 at 139; **402–403 and 626 Trust Law International:** D. Hayton, 'No Proprietary Liability for Bribes and other Secret Profits?' (2011) Trust Law International 3; **405 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bray v Ford* [1896] AC 44 at 51; **406 and 408 Incorporated Council of Law Reporting for England and Wales (ICLR):** *McCormick v Grogan* (1869) LR 4 HL 82 at 92; **406 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 669 (HL) at 705; **406 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 669 (HL) at 715; **408 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Halifax Building Society v Thomas* [1996] Ch 217 at 228; **411 and 412 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bristol and West Building Society v Mothew* [1998] Ch 1 at 18; **411 and 628 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Herschell Bray v Ford* [1896] AC 44 at 51; **412 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Protheroe v Protheroe* [1968] 1 WLR 519 405, 599; **418–419 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Gissing v Gissing* [1971] AC 886 at 905; **419 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Gissing v Gissing* [1971] AC 881 at 908; **420 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lloyds Bank v Rosset* [1991] 1 AC 107; **421 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Capehorn v Harris* [2015] EWCA Civ 955 at para. 16; **422 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Grant v Edwards* [1986] Ch 638 at 649; **422 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Eves v Eves* [1975] 1 WLR 1338 at 1342; **424 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at 454; **425–426 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lloyds Bank plc v Rosset* [1991] 1 AC 107 at 132; **428–429 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Grant v Edwards* [1986] Ch 638 at 657; **429 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lloyds Bank plc v Rosset* [1991] 1 AC 107; **434 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at 455; **435 and 454 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at para. 54; **435 and 454 Incorporated**

Council of Law Reporting for England and Wales (ICLR): *Stack v Dowden* [2007] 2 AC 432 at para. 56; 436 and 442 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432; 437 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at para. 92; 437 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at para. 125; 437–438 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at para. 132; 441 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at para. 61; 448 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 1 AC 432 at para. 126; 450 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Marr v Collie* AC 631 at para. 40; 451 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Marr v Collie* [2017] UKHL 17 at para. 32; 451 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Taylor Fashions Ltd v Liverpool Victoria Trustees Co Ltd* [1982] QB 133 at 151; 456 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Tribe v Tribe* [1996] Ch 107; 458 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Stack v Dowden* [2007] 2 AC 432 at para. 26; 461 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lsyaght v Edwards* (1876) 2 Ch. D 499; 462 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Jerome v Kelly (Inspector of Taxes)* [2004] 1 WLR 1409 (Vendor and purchaser under a specifically enforceable contract for sale of land, per Lord Walker at 32); 463 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lyus v Prowsa Developments* [1982] 1 WLR 1044 at 1054; 466 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Yaxley v Gotts* [2000] Ch 162 at 180; 468 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Cobbe v Yeoman's Row Management Ltd* [2008] 1 WLR 1752 at 1767; 469 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lonhro plc v Fayed (No. 2)* [1992] 1 WLR 1 at 9–10; 469 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Yeoman's Row Management Ltd v Cobbe* [2008] 1 WLR 1752 at 1773; 470–471 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Banner Homes Holdings Ltd v Luff Developments Ltd* [2000] Ch 371; 481 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei v Tan* [1995] 2 AC 378; 484 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei Airlines Sdn Bhd v Tan Kok Ming* [1995] 2 AC 378 at 387; 486 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei Airlines Sdn Bhd v Tan Kok Ming* [1995] 2 AC 378 at 382; 487–488 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Barlow Clowes International v Eurotrust International* [2006] 1 WLR 1476 at 1484; 489 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Agip Africa (Ltd) v Jackson* [1990] Ch 265 at 293; 490 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei v Tan* [1995] 3 WLR 64 at 70; 490 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei v Tan* [1995] 3 WLR 64 at 69; 490 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei v Tan* [1995] 3 WLR 64 at 73; 493 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei v Tan* [1995] 3 WLR 64 at 75; 493 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei Airlines v Tan* [1995] 1 WLR 64 at 73; 495 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Barlow Clowes International v Eurotrust International* [2006] 1 WLR 1476 at 1481; 495 **Incorporated Council of Law Reporting for England and Wales (ICLR):** *Barlow Clowes International v Eurotrust International* [2006] 1 WLR 1476 at 1479; 497 **Incorporated Council of Law**

Reporting for England and Wales (ICLR): *Barlow Clowes International v Eurotrust International* [2007] 1 Lloyd's Rep. 115 at 127; **503 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Royal Brunei Airlines Sdn Bhd v Tan* [1995] 3 WLR 64; **509 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Loftus, Re* [2005] 1 WLR 1890 493; **512 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bank of Credit and Commerce International (Overseas Ltd) (in Liquidation) v Akindele* [2001] Ch 437 at 450; **512 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Baden v Société Générale* [1983] 1 WLR 509 at 575; **513 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Manchester Trust v Furness* [1895] 2 QB 539; **514 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Montagu's Settlement Trusts, Re* [1987] Ch 264 at 285; **515 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Montagu's Settlement Trusts, Re* [1987] Ch 264; **516–517 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bank of Credit and Commerce International (Overseas Ltd) (in Liquidation) v Akindele* [2001] Ch 437 at 455; **517 and 521 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bank of Credit and Commerce International (Overseas Ltd) (in Liquidation) v Akindele* [2001] Ch 437 at 456; **517 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Charter plc v City Index Ltd (Gawler and others, Part 20 defendants)* [2008] Ch 313 at 321; **529 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Ridsdel, Re* [1947] Ch 597 at 605; **532 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Skeats' Settlement, Re* (1889) 42 Ch D 522 513; **535 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Tempest, Re* (1866) 1 Ch App. 485 at 488; **536 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Tempest, Re* (1866) 1 Ch App. 485 at 490; **536 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Henderson v Henderson* [1940] Ch 764 at 767; **544 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hay's Settlement Trusts, Re* [1982] 1 WLR 202 at 209–10; **546 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Edge v Pensions Ombudsman* [1998] Ch 512 at 534; **547 Thomson Reuters Corporation:** D. Hayton and C. Mitchell, *Commentary and Cases on the Law of Trusts and Equitable Remedies*, (12th edn, 2005, Sweet & Maxwell, London) at p. 657; **548 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hastings-Bass, Re* [1975] Ch 25 at 41; **548 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Mettoy Pension Trustees Ltd v Evans* [1990] 1 WLR 1621; **552 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Gibbon v Mitchell* [1990] 1 WLR 1304; **555 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Schmidt v Rosewood Trust Ltd* [2003] 2 AC 709; **556 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Schmidt v Rosewood Trust Ltd* [2003] 2 AC 709, para. 66; **559 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Breakspear v Ackland* [2008] EWHC 220 (Ch); **564 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Nestlé v National Westminster Bank plc* [1993] 1 WLR 1260; **575 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Cowan v Scargill* [1985] Ch 270 at 287; **580 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Harries v Church Commissioners for England* [1992] 1 WLR 1241. at 1246; **592 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Chesterfield's (Earl) Trusts, Re* (1883) 24 Ch D 643 at 648; **601–602 Incorporated Council of Law Reporting for England and Wales (ICLR):** *White v Jones* Lord Browne-Wilkinson [1995] 2 AC 207; **602 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bristol and West Building Society v Mothew* Millett LJ [1998] Ch 1 at 18; **602 Incorporated Council of Law Reporting for**

England and Wales (ICLR): *Millett LJ in Bristol and West Building Society v Mothew* [1998] Ch 1 at 16; **602 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Millett LJ in Bristol and West Building Society v Mothew*; **604–605 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Millett LJ's in Bristol and West Building Society v Mothew* [1998] Ch 1 at 18; **605–606 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Herschell in *Bray v Ford* [1896] AC 44 at 51; **606 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Millett LJ Bristol and West Building Society v Mothew* [1998] Ch 1 at 18; **606 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Millett LJ Bristol and West Building Society v Mothew* [1998] Ch 1 at 16; **608 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Regal (Hastings) Ltd v Gulliver Lord Russell of Killowen* [1967] 2 AC 134 at 150; **610 Incorporated Council of Law Reporting for England and Wales (ICLR):** House of Lords, *Lord Browne-Wilkinson Target Holdings v Redferns* [1996] 1 AC 421; **613 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Megarry VC Tito v Waddell (No. 2)* [1977] Ch 106 at 241; **614 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Thompson's Settlement, Re* [1986] Ch 99 at 115; **616 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Dale v Inland Revenue Commissioners* [1954] AC 11 at 27; **617 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Norfolk's (Duke of) Settlement Trusts, Re* [1982] Ch 61 at 79; **620 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Keech v Sandford* [1968] 1 WLR 519 at 521; **636 Incorporated Council of Law Reporting for England and Wales (ICLR):** Maugham J in *Re Vickery* [1931] 1 Ch 572 at 581; **642 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Peel* [1936] Ch 161; **644 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Cotton LJ Lofthouse, Re* (1885) 29 Ch D 921 at 932; **648 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Pauling's Settlement Trust, Re* [1964] Ch 303 at 333; **648 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Upjohn J Wills' Will Trust, Re* [1959] Ch 1 at 14; **651 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Pauling's ST* [1964] Ch 303, 333 by Willmer LJ; **658 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Weston's Settlements* [1969] 1 Ch. 233: Can you change the terms of a trust if it makes the beneficiary richer? at p. 245; **662–663 Incorporated Council of Law Reporting for England and Wales (ICLR):** Romer J in *Re Smith* [1928] Ch 915 at 918; **663 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Saunders v Vautier* [1948] Ch 206 at 208; **665 Incorporated Council of Law Reporting for England and Wales (ICLR):** Romer J [1910] 2 Ch 534 at 544; **665–666 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Collins, Re* (1886) 32 Ch D 229 at 232; **666 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Morton in *Chapman v Chapman* [1954] AC 429 at 457; **666–667 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Evershed MR Downshire Settled Estates, Re* [1953] Ch 218 at 233; **667 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Downshire Settled Estates, Re* [1953] Ch 218 at 274; **668–669 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Upjohn J Heyworth's Contingent Reversionary Interest, Re* [1956] Ch 364 at 370; **669 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Heyworth's Contingent Reversionary Interest, Re* [1956] Ch 364 at 371; **670 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Downshire Settled Estates Evershed MR* [1953] Ch 218 at 248; **670–671 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Farwell J Craven's Estate, Re* (No. 2) [1937] Ch 431 at 436; **675 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Simonds,

Chapman v Chapman [1954] AC 429 at 444; **676 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Evershed MR in Re Steed's W.T* [1960] Ch 407 at 420; **677 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Eveleigh J Allen v Distillers Co (Biochemicals)* [1974] QB 384 at 394; **678 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Danckwerts J Clitheroe's Settlement Trusts, Re* [1959] 1 WLR 1159 at 1162; **679 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Warner J Knocker v Youle* [1986] 1 WLR 934 at 937; **679–680 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Buckley J Moncrieff's Settlement Trusts, Re* [1962] 1 WLR 1344 at 1346; **680 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Pennycuik J Pettifor's Will Trust, Re* [1966] Ch 257 at 260; **680 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Ungoed-Thomas J Baker's Settlement Trust, Re* [1964] 1 WLR 336 at 337; **681 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Ungoed-Thomas J Baker's Settlement Trust, Re* [1964] 1 WLR 449 at 450; **681 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Pennycuik J Remnant's Settlement Trusts, Re* [1970] Ch 560 at 566; **682–683 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Weston's Settlements* [1969] 1 Ch. 223 (per Lord Denning MR at 445–6); **684 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Dankwerts J Cohen's Will Trusts, Re* [1959] 1 WLR 865 at 868; **684 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Evershed MR Steed's Will Trusts, Re* [1960] Ch 407 at 421; **685 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Megarry J in Re Ball's Settlement Megarry J* [1968] 1 WLR 899 at 905; **686 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re T's Settlement Trusts* [1964] Ch. 158 at 162; **687 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Reid Holmden's Settlement Trusts, Re* [1968] AC 685 at 701; **687 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Holt's Settlement Trusts, Re* [1969] 1 Ch 100 at 115; **687 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Megarry J Holt's Settlement Trusts, Re* [1969] 1 Ch at 116; **695 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Target Holdings Ltd v Redferns* [1996] 1 AC 421 at 434; **695 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Armitage v Nurse Millett LJ* [1998] Ch 241 at 250; **697 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Court of Appeal in Target Holdings v Redferns Peter Gibson LJ* [1994] 1 WLR 1089; **698 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Target Holdings Ltd v Redferns* [1996] 1 AC 421 at 435; **698 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Target Holdings Ltd v Redferns* [1996] 1 AC 421 at 435; **699 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Target Holdings v Redferns* [1996] AC 421 (The nature of equitable compensation per Lord Browne-Wilkinson at 423 and 435); **700 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Millett LJ, Bristol & West Building Society v Mothew* [1998] Ch 1 at 16; **713 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Buckley LJ in Wallersteiner v Moir (No. 2)* [1975] QB 373 at 397; **714 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Brightman J in Bartlett v Barclays Bank Trust Co (No. 2)* [1980] Ch 515 at 538; **715 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bartlett v Barclays Bank Trust Co (No. 2)* [1980] Ch 515 at 538; **719 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Wilberforce Re Pauling's Settlement Trust* [1964] Ch 303 at 339; **736 Thomson Reuters Corporation:** *Snell's Principles of Equity*, J.A. McGhee (ed.) 31st edn (2005) at p. 683; **736 Incorporated Council of Law**

Reporting for England and Wales (ICLR): *Foskett v McKeown Millett LJ* [2001] 1 AC 102 at 127; **738 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Foskett v McKeown Millett LJ* [2001] 1 AC 102 at 113; **741 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Agip Africa (Ltd) v Jackson* [1990] Ch 265 at 399; **742 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Diplock, Re* [1948] Ch 465 at 530; **743 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Agip (Africa) v Jackson Millet J* [1990] Ch 265 at 270; **743 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Westdeutsche Landesbank Girozentrale v Islington LBC* [1996] AC 669 at 716; **743 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Goulding J Chase Manhattan Bank v Israeli-British Bank (London)* [1981] Ch 105 at 119; **745 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Tilley's Will Trusts Thomas J* [1967] 1 Ch 1179 at 1183; **748 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Roscoe v Winder* [1915] 1 Ch 62 at 69; **752 and 753 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Bishopsgate Investment Management Ltd v Homan Leggatt LJ* [1995] Ch 211 at 221; **758 and 800–801 Incorporated Council of Law Reporting for England and Wales (ICLR):** *IRC v McMullen* [1981] AC 1 House of Lords; **765 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Mummery LJ in Gaudiya Mission Brahmachary* [1998] Ch 341 at 350; **766 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsell* [1891] AC 531 at 580; **766 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Tyler, Re* [1891] 3 Ch 252 740. The principle was confirmed by the House of Lords in *Royal College of Surgeons v National Provincial Bank* [1952] AC 631; **773 Incorporated Council of Law Reporting for England and Wales (ICLR):** *William's Trustees v IRC* [1947] AC 447 at 455; **773 and 803 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Strakosch, Re* [1949] Ch 529; **773 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Greene *Strakosch, Re* [1949] Ch 529 at 538; **774 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Upjohn *Scottish Burial Reform and Cremation Society v Glasgow City Corporation* [1968] AC 138 at 153; **774 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Wilberforce *Scottish Burial Reform and Cremation Society v Glasgow City Corporation* [1968] AC 138; **775 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Simmonds [1948] 1 WLR 288 at 73; **775 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Pemsell's case*, Lord Russell LJ *Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73 at 88; **775 and 812 Incorporated Council of Law Reporting for England and Wales (ICLR):** Russell LJ *Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73 at 88; **775 and 812 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Browne-Wilkinson *A-G of the Cayman Islands v Wahr-Hansen* [2001] 1 AC 75 at 82; **776 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73; **779 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Evershed MRCoulthurst, Re* [1951] Ch 661 at 666; **779 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Channell J Mary Clark Homes Trustees v Anderson* [1904] 2 KB 645 at 654; **780–781 Incorporated Council of Law Reporting for England and Wales (ICLR):** *De Carteret, Re* [1933] Ch 103; **781 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Maugham J De Carteret, Re* [1933] Ch 103 at 114; **781 Incorporated Council of Law Reporting for England and Wales**

(ICLR): *Eve J Gwyon, Re* [1930] 1 Ch 255 at 260; **781–782 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Harman J Sanders' Will Trusts, Re* [1954] Ch 265 at 270; **782 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Niyazi's Will Trust* [1978] 1 WLR 910; **782 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Megarry VC Niyazi's Will Trust, Re* [1978] 1 WLR 910 at 915; **785 Incorporated Council of Law Reporting for England and Wales (ICLR):** *House of Lords in IRC v McMullen* [1981] AC 1; **785 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Hailsham, IRC v McMullen* [1981] AC 1 at 18; **785 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Buckley LJ Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73 at 103; **786 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Farewell J Lopes, Re* [1931] 2 Ch 130 at 135; **786 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Harman J British School of Egyptian Archaeology, Re* [1954] 1 WLR 546 at 551; **787 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Russell LJ Pinion, Re* [1965] Ch 85 at 100; **788 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Wilberforce J Hopkins Will Trusts, Re* [1965] Ch 669 at 679; **788 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Wilberforce J Hopkins Will Trusts, Re* [1965] Ch 669 at 680; **788 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Harman J Shaw, Re* [1957] 3 K & J 497; [1957] 1 WLR 729; **789 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Harman J Shaw, Re* [1957] 3 K & J 497; [1957] 1 WLR 729 at 738; **790 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Dillon J Re South Place Ethical Society* [1980] 1 WLR 1565; **790 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Donovan United Grand Lodge of Ancient Free and Accepted Masons of England v Holborn Borough Council* [1957] 1 WLR 1080 at 1090; **790 Incorporated Council of Law Reporting for England and Wales (ICLR):** *R v Registrar General ex p Segerdal Buckley LJ* [1970] 2 QB 697; **792 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Hetherington, Re* [1990] Ch 1; **792 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Denning National Deposit Friendly Society Trustees v Skegness UDC* [1959] AC 293 at 322; **793 Incorporated Council of Law Reporting for England and Wales (ICLR):** *United Grand Lodge of Ancient Free and Accepted Masons of England v Holborn Borough Council* [1957] 1 WLR 1080 at 1090; **793 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Neville Estates Ltd v Madden Lord Cross* [1962] Ch 832 at 853; **798 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Harman LJ Pinion, Re* [1965] Ch 85; **799 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Endacott, Re* [1960] Ch 232; **800 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Kekewich J Nottage, Re* [1885] 2 Ch 649 at 653; **801 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Hailsham IRC v McMullen* [1981] AC 1 at 18; **801 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Gray, Re* [1925] Ch 362; **801 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Gray, Re* [1925] Ch 362 at 365; **803 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Greene MR, Strakosch, Re* [1949] Ch 529 at 538; **806 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Peter Gibson Joseph Rowntree Memorial Trust Housing Association Ltd v A-G* [1983] Ch 159 at 171; **806 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Romer LJ Cole, Re* [1958] Ch 877; **806–807 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Evershed MR Cole, Re* [1958] Ch 877 at 892; **807 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Swinfen Eady*

LJ Wedgwood, *Re* [1915] 1 Ch 113 at 122; **807 Incorporated Council of Law Reporting for England and Wales (ICLR):** Court of Appeal in *Re Grove-Grady* [1929] 1 Ch 557; **807–808 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Hanworth MR *Grove-Grady, Re* [1929] 1 Ch 557 at 573; **808 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Chitty J Foveaux, Re* [1895] 2 Ch 501 at 507; **809 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Wright National Anti-Vivisection Society v IRC* [1948] AC 31 at 48; **812 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Russell LJ *Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73 at 88; **813 Incorporated Council of Law Reporting for England and Wales (ICLR):** House of Lords in *IRC v Baddeley* [1955] AC 572; **813 Incorporated Council of Law Reporting for England and Wales (ICLR):** Viscount Simonds, *IRC v Baddeley* [1955] AC 572 at 589; **814 Incorporated Council of Law Reporting for England and Wales (ICLR):** *IRC v Baddeley* [1955] AC 572 at 592; **815 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Guild v IRC* [1992] 2 AC 310; **815 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Guild v IRC* [1992] 2 AC 310 at 322; **818 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Russell LJ Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73 at 86; **819–820 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Verge v Sommerville*, Lord Wrenbury [1924] AC 496 at 499; **820 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Lord Simonds Gilmour v Coates* [1949] AC 426 at 449; **821 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Viscount Simonds IRC v Baddeley* [1955] AC 572 at 592; **822 Incorporated Council of Law Reporting for England and Wales (ICLR):** Viscount Simonds in *IRC v Baddeley* [1955] AC 572; **825 Incorporated Council of Law Reporting for England and Wales (ICLR):** *House of Lords in Oppenheim v Tobacco Securities Trust Co Ltd* [1951] AC 297; **825 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Simonds *Oppenheim v Tobacco Securities Trust Co Ltd* [1951] AC 297 at 306; **826 Incorporated Council of Law Reporting for England and Wales (ICLR):** *IRC v Educational Grants Association Ltd*; **826 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Koettgen's Wills Trusts* [1954] Ch 252; **826–827 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Oppenheim v Tobacco Securities Trust Co Ltd*, Lord MacDermott [1951] AC 297; **827 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Scarisbrick, Re* [1951] Ch 622 at 639; **828 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Simonds *Oppenheim v Tobacco Securities Trust Co Ltd* [1951] AC 297 at 309; **828 Incorporated Council of Law Reporting for England and Wales (ICLR):** House of Lords in *Dingle v Turner* [1972] AC 601; **828 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Cross, *Dingle v Turner* [1972] AC 601 at 623; **828 Incorporated Council of Law Reporting for England and Wales (ICLR):** *IRC v Educational Grants Harman J* [1967] Ch 993; **828–829 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Cross, *Dingle v Turner* [1972] AC 601 at 625; **831 Incorporated Council of Law Reporting for England and Wales (ICLR):** Lord Atkin, *Farley v Westminster Bank* [1939] AC 430 at 435; **831 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Romer J, Simson, Re* [1946] Ch 299 at 305; **834 Incorporated Council of Law Reporting for England and Wales (ICLR):** *Re Gillingham Bus Disaster Fund Harman J* [1958] Ch 300; **836 Incorporated Council of Law Reporting for England and Wales (ICLR):** *McGovern v. Attorney General* [1982] Ch 321, All E.R. 493 (Ch.D.) MAURICE C. CULLITY Member, The Ontario Bar; **836 Incorporated Council of Law Reporting for England and Wales (ICLR):** Slade J,

McGovern v A-G [1982] Ch 321 at 354; **837 Incorporated Council of Law Reporting for England and Wales (ICLR): *Re Bushnell***, [1975] 1 WLR 1596; **837 Incorporated Council of Law Reporting for England and Wales (ICLR): *Re Bushnell***, [1975] 1 WLR 1596 at 1603; **837 Incorporated Council of Law Reporting for England and Wales (ICLR): *Slade LJ, Koeppler's Will Trusts, Re*** [1986] Ch 423 at 437; **843 Incorporated Council of Law Reporting for England and Wales (ICLR): *Lord MacDermott, Oppenheim v Tobacco Securities Trust Co Ltd*** [1951] AC 297 at 317; **848–849 Incorporated Council of Law Reporting for England and Wales (ICLR): *Dominion's Student's Hall Trust, Re*** [1947] Ch 183 822 at 186; **849 Incorporated Council of Law Reporting for England and Wales (ICLR): *Laing (JW) Trust, Re*** [1984] Ch 143 823 at 154; **850 Incorporated Council of Law Reporting for England and Wales (ICLR): *Wilson, Re*** [1913] 1 Ch 314 824 at 320; **851 Incorporated Council of Law Reporting for England and Wales (ICLR): *Woodhams, Re*** [1981] 1 WLR 493 825, 832 at 505; **854 Incorporated Council of Law Reporting for England and Wales (ICLR): *Faraker, Re*** [1912] 2 Ch 488 827 at 494; **860 Incorporated Council of Law Reporting for England and Wales (ICLR): *Stanford, Re*** [1924] 1 Ch 73 834 at 77; **864 Incorporated Council of Law Reporting for England and Wales (ICLR): *Peggs v Lamb*** [1994] Ch 172 838, 839 at 197; **867 Incorporated Council of Law Reporting for England and Wales (ICLR): *Hanbey's Will Trusts, Re*** [1956] Ch 264 840, 841 at 274.

Table of cases

- Abacus Trust Company v Barr [2003] 2 WLR 1362 [548](#), [550](#)
- Abbey Malvern Wells Ltd v Ministry of Local Government [1951] Ch 728 [784](#)
- Abbott Fund Trusts, *Re* [1900] 2 Ch 326 [238](#), [318–319](#)
- Abbot v Abbot [2008] 1 FLR 1451 [458](#)
- Aberdeen Railway Co v Blaikie Bros (1854) 1 Macq 461 [613](#)
- Abergavenny's (Marquess) Estate Act Trusts, *Re* [1981] 2 All ER 643 [649](#)
- Abou-Rahmah v Abacha [2006] EWCA Civ 1492 [496](#), [499](#), [500](#)
- Abraham's Will Trusts, *Re* [1969] 1 Ch 463 [550](#)
- Achom v Lalic [2014] EWHC 1888 (Ch) [471](#)
- Adams and the Kensington Vestry, *Re* (1884) 27 Ch. D 394 [110](#)
- Adekunle v Ritchie [2007] 2 P&CR DG 20 [438](#), [439](#)
- Agarwala v Agarwala [2013] EWCA Civ 1763 [429](#)
- Agip Africa (Ltd) v Jackson [1990] Ch 265 [489](#), [514–516](#), [741](#), [743](#), [746](#)
- Agricultural Mortgage Corporation plc v Woodward [1994] BCC 688 [275–276](#)
- Ahmed v Ingram [2018] EWCA Civ 519 [704](#)
- AIB Group (UK) Plc v Mark Redler & Co Solicitors [2014] UKSC 58 [427](#), [702–705](#), [724–725](#)
- Air Jamaica v Charlton [1999] 1 WLR 1399 [59](#), [81](#), [290](#), [297–300](#), [303–305](#), [309](#), [311](#), [315](#), [332–333](#)
- AITC Foundation's Application for Registration as a Charity [2005] WTLR 1265 [779](#)
- Akers v Samba Financial Group [2017] UKSC 6 [48–49](#)
- Alder v Blackman [1952] 2 All ER 41 [23](#)
- Alexander v Alexander [2011] EWHC 2721 (Ch) 569 [590](#), [671](#)
- Ali v Khan [2002] EWCA Civ 974 [334](#)
- Alkin v Raymond [2010] WTLR 1117 [536](#)
- Allen, *Re* [1953] Ch 810 [130](#), [131](#)
- Allen v Distillers Co (Biochemicals) [1974] QB 384 [677](#)
- Allen v Jackson (1875) 1 Ch D 399 [268](#)
- Allfrey v Allfrey [2015] EWHC 1717 (Ch) [686](#)
- Allhusen v Whitell LR 4 Eq 295 [593](#)
- Allsop, *Re* [1914] 1 Ch 1 [721](#)
- Ames' Settlement, *Re* [1946] Ch 217 [311](#)
- AMP (UK) v Barker [2001] 1 WTLR 1237 [548](#)
- Andrew's Trust, *Re* [1905] 2 Ch 48 [238](#), [318](#), [319](#)
- Anker-Petersen v Anker-Petersen [2000] WTLR 581 [670](#)
- Anthony v Donges [1998] 2 FLR 775 [114](#)
- Aquila Advisory Ltd v Faichney [2018] EWHC 565 (Ch) [406](#)
- Argyll (Duchess) v Argyll [1967] Ch 302 [27](#)
- Arif v Anwar [2015] EWHC 124 (Fam) [452](#)
- Armitage v Nurse [1998] Ch 241; [1997] 2 All ER 705 [695](#), [716](#), [728](#)
- ARMS (Multiple Sclerosis Research) Ltd, *Re* [1997] 2 All ER 679 [857](#)
- Armstrong, *Re* (1886) 17 QBD 521 [85](#)
- Armstrong DLW GmbH v Winnington Networks Ltd [2012] EWHC 10 (Ch) [740](#)
- Arogundade v Arogundade [2005] EWHC 1766 (Ch) [356](#)
- Aroso v Coutts & Co [2002] 1 All ER (Comm) [340](#)
- Ashburn Anstalt v Arnold [1989] Ch 1 [463–464](#)
- Associated Provincial Picture Houses v Wednesbury Corporation [1948] 1 KB 223 [546](#), [547](#)
- Astor's Settlement Trusts, *Re* [1952] Ch 534 [235](#), [238–239](#), [247](#), [312](#)
- Atkinson, *Re* (1904) 2 Ch 160 [594](#)
- Attenborough v Solomon [1913] AC 76 [76](#)
- Attorney-General for Hong Kong v Reid [1994] 1 AC 324, [1994] 1 All ER 1 [65](#), [293](#), [380](#), [398](#), [400](#), [403](#), [404](#), [414–416](#), [623](#), [624](#)
- Attorney General of the Bahamas v Royal Trust Co [1986] 1 WLR 1001 [833](#)
- Attorney-General of the Cayman Islands v Wahr-Hansen [2001] 1 AC 75 [775](#)
- Attorney-General Reference (No. 1 of 1985) [1986] QB 491 [404](#)
- Attorney General v Alford (1855) 4 De GM & G 843 [713](#)
- Attorney-General v Blake [1998] 1 All ER 833 [607](#)
- Attorney-General v Margaret and Regius Professors in Cambridge (1682) 1 Vern. 55 [784](#)
- Attorney-General v Power (1809) 1 Ball & B 145 [779](#)
- Australian Securities and Investments Commission v Australian Property Custodian Holdings Limited (No.3) [576–577](#)
- Aviva Insurance Ltd v Brown [2011] EWHC 362 (Ch) [82](#)
- Baden, Delvaux and Lecuit v Société Générale pour Favoriser le Développement du Commerce [1983] BCLC 325, [1993] 1 WLR 509 [490](#), [509](#), [512–515](#)
- Baden, Delvaux v Société Générale pour Favoriser le Développement du Commerce et de l'Industrie en France [1992] 4 All ER 161 [488](#)

- Baden's Deed Trusts (No. 1), *Re* [1971] AC 424 118 [121](#), [129](#)
- Baden's Deed Trusts (No. 2), *Re* [1972] 3 WLR 250 [126–128](#)
- Bahin v Hughes (1886) 31 Ch D 390 [707](#), [708](#)
- Baillie, *Re* (1886) 2 TLR 660 [221](#)
- Baird v Baird [1990] 2 AC 548 at 560 [71](#)
- Baker's Settlement Trust, *Re* [1964] 1 WLR 336 [680](#)
- Ball's Settlement, *Re* [1968] 1 WLR 899 [685](#)
- Bank of Credit and Commerce International (Overseas Ltd) (in Liquidation) v Akindele [2001] Ch 437 [512](#), [513](#), [516–520](#)
- Bank of Ireland v Jaffery [2012] EWHC 1377 [502](#)
- Bank Tejarat v Hong Kong and Shanghai Banking Corp'n [1995] 1 Lloyd's Rep. 239 [741](#)
- Banner Homes Group plc v Luff Developments Ltd [2000] Ch 372 [469–472](#)
- Bannister v Bannister [1948] 2 All ER 133 [141](#), [407](#), [465](#)
- Banque Belge pour L'Etranger v Hambrouck [1921] 1 KB 321 [739](#)
- Banque Financière de la Cité v Parc (Battersea) Ltd [1999] 1 AC 221 [63](#)
- Barclay, *Re* [1899] 1 Ch 674 [713](#)
- Barclays Bank Ltd v Quistclose Investments Ltd [1970] AC 567 [78–82](#), [313–315](#)
- Barclays Bank plc v Eustice [1995] 4 All ER 511 [273](#)
- Barlow Clowes International Ltd v Vaughan [1992] 2 All ER 22, 4 All ER 225 [748–750](#)
- Barlow Clowes International v Eurotrust International [2006] 1 WLR 1476 [487](#), [494–501](#), [503–506](#)
- Barlow's Will Trusts, *Re* [1979] 1 All ER 296 [130](#), [131](#)
- Barnes v Addy (1874) 9 Ch. App. 244 61 [62](#), [482](#), [490](#)
- Barnes v Phillips [2015] EWCA Civ 1056 [446–449](#)
- Barrett v Hartley [1866] LR 2 Eq. 789 [615](#)
- Bartlett v Barclays Bank Trust Co Ltd [1980] 1 All ER 139 [572](#), [582](#)
- Bartlett v Barclays Bank Trust Co Ltd (No. 2) [1980] Ch 515 [713–715](#)
- Bateman's Will Trusts, *Re* [1970] 1 WLR 1463 [214](#), [215](#)
- Bathurst City Council v PWC Properties (1998) 195 CLR 566 [375](#)
- Baumgartner v Baumgartner (1987) 164 CLR 137 [374–375](#)
- Beard, *Re* [1908] 1 Ch 383 [266](#)
- Beatty v Guggenheim Exploration Co 225 NY 380 (1919) [366](#), [368](#)
- Beaumont, *Re* [1902] 1 Ch 889 [189](#)
- Belmont Finance Corporation Ltd v Williams Furniture Ltd (No. 2) [1980] 1 All ER 393 [510](#), [513](#)
- Beloved Wilkes' Charity, *Re* (1851) 3 Mac. & G 440 [544–545](#)
- Bendall v McWhirter [1952] 2 QB 466 [12](#)
- Benett v Wyndham (1862) 4 De GF & J 259 [615](#)
- Ben Hashem v Ali Shayif [2009] 1 FLR 115 [674](#)
- Benjamin, *Re* [1902] 1 Ch 723 [124](#)
- Best, *Re* [1904] 2 Ch 354 [832](#)
- Besterman's Will Trust, *Re* (1980) Times, 21 January, per Slade J [787](#), [788](#)
- Beswick v Beswick [1968] AC 58 [185–186](#)
- Bethell v Abraham [1873] LR 17 Eq. 24 [579](#)
- Bhullar Brothers Ltd, *Re* [2003] 2 BCLC 241 [413](#)
- Bieber v Teathers Ltd [2012] EWCA 1466 [83](#), [316](#)
- Binions v Evans [1972] Ch 359 [62](#), [141](#), [464](#)
- Birch v Treasury Solicitor [1951] Ch 298 [190](#)
- Birmingham v Renfrew (1936) 57 CLR 666 [228](#), [230](#)
- Biscoe v Jackson (1887) 35 Ch D 460 [851](#)
- Bishopsgate Investment Management Ltd v Homan [1995] Ch 211 [751](#), [752](#)
- Bishopsgate Investment Management Ltd v Maxwell (No. 2) [1994] 1 All ER 261 [706](#)
- Blackwell's Settlement Trusts, *Re* [1953] Ch 218 [666](#), [667](#)
- Blackwell v Blackwell [1929] AC 318 [207–208](#), [218](#), [474](#)
- Blair v Duncan [1902] AC 37 [833](#)
- Blathwayt v Baron Cawley [1976] AC 397 [263–264](#), [267](#), [268](#)
- Boardman v Phipps [1967] 2 AC 46 [29](#), [61](#), [403](#), [412–414](#), [601](#), [606](#), [608–610](#), [618](#), [622](#), [624](#)
- Bolton Partners v Lambert (1889) 41 Ch D 295 [294](#)
- Booth v Booth (1838) 1 Beav. 125 [706](#), [708](#)
- Borwick, *Re* [1933] Ch 657 [267](#)
- Bourne v Keane [1919] AC 815 [249](#)
- Bowes, *Re* [1896] 1 Ch 507 [238](#)
- Bowman v Secular Society [1917] AC 406 [789](#), [835](#)
- Boyce v Boyce (1849) 16 Sim. 476 [113](#), [115](#)
- Boyes, *Re* (1884) 26 Ch D 531 [200](#), [213](#), [214](#), [215](#)
- Bray v Ford [1896] AC 44 60 [61](#), [411](#), [605–606](#), [608](#), [628](#)
- Breakspear v Ackland [2008] EWHC 220 [558–559](#)
- Brewer v Iqbal [2019] EWHC 182 (Ch) [554](#)
- Brinks Ltd v Abu-Saleh (No. 3) [1996] CLC 133 [487–488](#)
- Bristol and West Building Society v Mothew [1996] 4 All ER 698 [1998] Ch 1 [294](#), [411](#), [412](#), [600](#), [602](#), [604–607](#), [700](#)
- British School of Egyptian Archaeology, *Re* [1954] 1 WLR 546 [786](#)
- Brockbank, *Re* [1948] Ch 206 [663](#)
- Brooks' Settlement Trusts, *Re* [1939] Ch 993 [177](#)
- Brooks v Brooks [1966] AC 375 [674](#)
- Broome v Monck [1803] 1818] All ER 631 (1805) [461](#)
- Browne v Warner (1808) 14 Ves. 409 [22](#)
- Brown v Brown (1993) 31 NSWLR 582 [342](#)
- Brown v Burdett (1882) 21 Ch D 667 [251](#), [270](#)
- Bucks Constabulary Funds Widows' and Orphans' Fund Friendly Society (No. 2), *Re* [1979] 1 All ER 623. [1979] 1 WLR 936 [256](#), [324](#), [325](#), [327](#)
- Burney v Macdonald (1845) 15 Sim. 6 [216](#)
- Burns v Burns [1984] Ch 317 [58](#), [359](#)
- Burrell v Burrell's Trustees 1915 SC 333 [614](#)
- Burrough v Philcox (1840) 5 My. & Cr. 72 [95](#), [96](#)
- Burton v Liden, 2 March 2016, unreported [21](#), [451–452](#)
- Bushnell, *Re* [1975] 1 WLR 1596 [837](#)
- Butterworth, ex p. Russell, *Re* (1882) 19 Ch D 588 [273](#)

- Byng's Will Trusts, *Re* [1959] 1 WLR 375 [677](#)
 Byrchall v Bradford (1822) 6 Madd. 235 [712](#)
 Byron's Settlement, *Re* [1891] 3 Ch 474 [87](#)
- Caborne, *Re* [1943] Ch 224 [269](#)
 Caffoor v Income Tax Commissioner for Colombo [1961] AC 584 [826](#)
 Cain v Moon [1896] 2 QB 283 [189](#)
 Campbell Discount Co Ltd v Bridge [1961] 1 QB 445 at 459 [12](#)
 Campbell v Walker (1800) 5 Ves. Jr. 678 [613](#)
 Cannon v Hartley [1949] Ch 213 [25](#), [73](#), [180–181](#)
 Canson Enterprises Ltd v Boughton and Co (1991) 85 DLR (4th) 129 [700](#), [712](#)
 Capehorn v Harris [2015] EWCA Civ 955 [421](#)
 Carl Zeiss Stiftung v Herbert Smith (No. 2) [1969] 2 Ch 276 [368](#)
 Carreras Rothmans Ltd v Freeman Mathews Treasure Ltd [1985] Ch 207 [78](#), [314](#)
 Cattle v Evans [2011] EWHC 945 (Ch) [279](#)
 Cavendish Bentinck v Fenn (1887) 12 App. Cas. 652 409 [416](#), [629](#)
 Cavendish Browne's Settlement Trusts, *Re* [1916] WN 341 [182](#), [185](#)
 Chadwick v Collinson [2014] EWHC 3055 (Ch) [391](#)
 Challinor v Juliet Bellis [2015] EWCA Civ 59 [84](#)
 Chang v Mishcon de Reya [2015] EWHC 164 [83](#), [317](#)
 Chang v Registrar of Titles (1976) 137 CLR 177 [461–462](#)
 Chan v Zacharia (1984) 154 CLR 178 [405](#), [627](#)
 Chapman's Settlement Trusts, *Re* [1953] Ch 218 [666](#)
 Chapman's Settlement Trusts, *Re* [1954] AC 429 [667](#)
 Chapman v Browne [1902] 1 Ch 785 [586](#)
 Chapman v Chapman [1954] AC 429 644 [664](#), [666](#), [667](#), [674](#), [675](#)
 Chapple, *Re* (1884) 27 Ch D 584 [617](#)
 Charles v Fraser [2010] EWHC 2154 [226](#)
 Charter plc v City Index Ltd (Gawler and others, Part 20 defendants) [2008] Ch 313 [517](#)
 Chase Manhattan Bank v Israeli-British Bank (London) [1981] Ch 105 [743](#)
 Chattock v Muller (1878) 8 Ch D 177 [470](#)
 Chelsea Cloisters Ltd (in liquidation), *Re* (1980) 41 P & CR 98 [106](#)
 Chettiar v Chettiar [1962] 1 All ER 494 [344](#)
 Chichester Diocesan Fund and Board of Finance v Simpson [1944] AC 341 [238](#), [833](#), [834](#)
 Chillingworth v Chambers [1896] 1 Ch 865 [708](#)
 Chinn v Collins (Inspector of Taxes) [1981] AC 533 [156–157](#)
 Christ's Hospital v Grainger (1849) 1 Mac. & G 460 [766](#)
 City Fire Equitable Insurance Co Ltd, *Re* [1925] Ch 407 [637](#)
 City of London Building Society v Flegg [1988] AC 54 [33](#)
 Clack v Carlon (1866) 30 LJ Ch 639 [619](#)
 Clarke, *Re* [1901] 2 Ch 110 [253](#)
 Clarke, *Re* [1923] 2 Ch 407 [779](#)
 Clarke v Ramuz [1891] 2 QB 456 [462](#)
 Cleaver (deceased), *Re* [1981] 2 All ER 1018, [1981] 1 WLR 939 [221](#), [225](#), [475](#)
 Cleaver v Mutual Reserve Fund Life Association [1892] 1 QB 147 [388](#)
 Clitheroe's Settlement Trusts, *Re* [1959] 1 WLR 1159 [678](#)
 Clore's Settlement Trusts, *Re* [1966] 1 WLR 955 [648](#)
 Close Invoice Company Ltd v Abaowa [2010] EWHC 1920 (QB) [341–342](#)
 Clough v Killey (1996) 72 P & CR D22 [429–430](#)
 Clowes International v Eurotrust International [2006] 1 WLR 1476 *see Barlow Clowes International v Eurotrust International*
 Clydesdale Bank Plc v Workman [2016] EWCA Civ 73 [502](#)
 Coates to Parsons, *Re* (1886) 34 Ch D 370 [533](#)
 Cobbe v Yeoman's Row Management Ltd [2008] 1 WLR 1752; HL; reversing [2006] EWCA Civ 1139; CA (Civ Div); [2006] 1 W.L.R. 2964; affirming [2005] EWHC 266 (Ch); [2005] WTLR 625 [18–20](#), [366](#), [368](#), [387](#), [466–469](#)
 Cochrane, *Re* [1955] Ch 309 [311–312](#)
 Cocks v Manners (1871) LR 12 Eq. 574 [253](#)
 Cohen's Settlement Trusts, *Re* [1965] 3 All ER 139 [683](#)
 Cohen's Will Trusts, *Re* [1959] 1 WLR 865 [683–684](#)
 Cole, *Re* [1958] Ch 877 [806](#), [807](#)
 Coles v Trecothick (1804) 9 Ves. 234 [615](#)
 Collins, *Re* (1886) 32 Ch D 229 [665–666](#)
 Colour Quest Ltd v Total Downstream Plc [2010] EWCA Civ 180 [46](#)
 Comiskey v Bowring-Hanbury [1948] Ch 603 [110](#)
 Commissioner of Stamp Duties (Queensland) v Livingston [1965] AC 694 75 [76](#), [203](#)
 Commissioners for Special Purposes of Income Tax v Pemsel [1891] AC 531 [766](#), [772](#), [773](#), [775–778](#), [783](#), [785](#), [789](#), [796](#), [797](#), [800](#), [801](#), [807](#), [811–813](#)
 Compton, *Re* [1945] Ch 123 [825](#)
 Conservative and Unionist Central Office v Burrell [1982] 1 WLR 522 [252](#), [323](#)
 Consul Development Pty Ltd v DPC Estates Pty Ltd (1975) 5 ALR 231 [415](#), [507](#), [611](#)
 Cooke v New River Co (1888) 38 Ch D 56 [224](#)
 Cook's Settlement Trusts, *Re* [1965] Ch 902 [181–182](#), [184–185](#)
 Cooper, *Re* [1939] Ch 811 [215](#)
 Cooper v Powerhouse Ltd (in liquidation) [2008] BCC 588 80 [315–316](#)
 Corsellis, *Re* (1887) 34 Ch. D 675 [619](#)
 Coulthurst, *Re* [1951] Ch 661 [779](#)
 Courage Group's Pension Schemes, *Re* [1987] 1 All ER 528 [92](#), [329–330](#)
 Courtwood Holdings SA v Woodley Properties Ltd [2018] EWHC 2613 (Ch) [519](#)
 Cowan v Scargill [1984] 2 All ER 750, [1985] Ch 270 [567](#), [575–576](#)

- Cowcher v Cowcher [1972] 1 WLR 425 13, 358
- Coxen, *Re* [1948] Ch 747 131, 832
- Cradock v Piper (1850) 1 Mac. & G 664 619
- Craven's Estate, *Re* [1937] Ch 423 189, 191
- Craven's Estate, *Re* (No. 2) [1937] Ch 431 670
- Credit Agricole Corp and Investment Bank v Papadimitriou [2015] UKPC 13 751
- Crippen, in the Estate of [1911] P 108 388
- Criterion Properties plc v Stratford UK Properties LLC [2003] 1 WLR 2108 517
- Crowhurst Park, *Re* [1974] 1 WLR 583 533
- Crown Prosecution Service v Aquila Advisory Board [2019] EWCA Civ 588 628
- Cunnack v Edwards [1896] 2 Ch 679 323, 327
- Curley v Parkes [2004] EWCA Civ 1515 357, 358
- Curran v Collins [2015] EWCA Civ 404 423
- Curtis, *Re* (1885) 52 LT 244 341
- Curtis v Pulbrook [2011] EWHC 167 (Ch) 168 170–171, 176
- Dale (deceased), *Re* [1994] Ch 31 228
- Dale v Inland Revenue Commissioners [1954] AC 11; [1953] 3 WLR 448 616
- Dalton v Latham [2003] EWHC 796 (Ch) 394
- D'Angibau, *Re* (1880) 15 Ch D 228 178 179
- Danish Bacon Co Ltd Staff Pension Fund, *Re* [1971] 1 All ER 486 144
- Daraydan Holding Ltd v Solland International Ltd [2005] Ch 119 400, 415
- Davies v Davies [2014] EWCA Civ 568 20, 21
- Davisons Solicitors (A Firm) v Nationwide Building Society [2012] EWCA (Civ) 1626 723
- Davis v Richards & Wallington Industries Ltd [1990] 1 WLR 1511 328–330, 332
- Dawson, *Re* [1966] 2 NSW 211 697
- Dean, *Re* (1889) 41 Ch D 552 250
- De Carteret, *Re* [1933] Ch 103 780
- Delius, *Re* [1957] Ch 299 786, 798
- Denley's Trust Deed, *Re* [1969] 1 Ch 373 243–247, 254
- Densham, *Re* [1975] 3 All ER 726 141
- Devaynes v Noble (1816) 1 Mer. 572 748
- Devon Commercial Property Ltd v Barnett [2019] EWHC 700 (Ch) 607
- DHN Food Distributors v Tower Hamlets LBC [1976] 1 WLR 852 156
- Dick, *Re* [1953] Ch 343 92
- Diggles, *Re* (1888) 39 Ch D 253 109
- Dimes v Scott (1828) 4 Russ. 195 714
- Dingle v Turner [1972] AC 601 827, 828
- Diplock, *Re* [1948] Ch 465 312, 734, 742, 751, 752
- Director of Serious Fraud Office v Lexi Holdings plc (in administration) [2008] EWCA Crim 1443 734–735
- Diwell v Farnes [1959] 1 WLR 624 341
- Dominion's Student's Hall Trust, *Re* [1947] Ch 183 861
- Dover Coalfield Extension Ltd, *Re* [1908] 1 Ch 65 621
- Downshire Settled Estates, *Re* [1953] Ch 218 666, 667, 670
- Drake v Whipp [1996] 1 FLR 826 359
- Dreamvar (UK) Ltd v Mischon de Reya [2018] EWCA Civ 1082 727
- Driver v Yorke [2003] 2 P & CR D30 426
- Drummond, *Re* [1914] 2 Ch 90 253
- Dubai Aluminium Co Ltd v Salaam [2002] 3 WLR 1913 381, 483
- Dufour v Pereira (1769) 1 Dick 419 221 223, 475
- Duke of Norfolk's Settlement Trusts, *Re* [1982] Ch 61 615–617
- Dunbar v Plant [1998] Ch 412 390, 392–393
- Dundee General Hospitals v Walker [1952] 1 All ER 896 546
- DWS (deceased), *Re* [2001] 1 Ch 568 388–389, 395
- Dyer v Dyer (1788) 2 Cox Eq. Cas. 92 at p. 93, 30 ER 42 58, 152, 292, 337–338, 355
- Dyson Technology Ltd v Curtis [2010] EWHC 3289 (Ch) 743
- Eagle Trust plc v SBC Securities Ltd [1992] 2 All ER 488 511–512, 515
- Earl of Chesterfield's Trust, *Re* (1883) 24 Ch D 643 592, 593
- Earl of Oxford's Case (1615) 1 Rep Ch 1 4, 11
- Eastbourne Mutual Building Society v Hastings Corporation [1965] 1 WLR 861 77
- Edge v Pensions Ombudsman [1998] Ch 512 546
- Eighmie, *Re* [1935] Ch 524 774
- El Ajou v Dollar Land Holdings [1994] BCC 143 at 154, [1993] 3 All ER 717 509, 510, 519, 743
- Elders Pastoral Ltd v Bank of New Zealand [1989] 2 NZLR 180 375
- Eleftheriou v Costi [2013] EWHC 2168 (Ch) 317
- Elithorn v Poulter [2009] 1 P & CR 19 338
- Ellenborough, *Re* [1903] 1 Ch 697 177
- Elliott, *Re* [1952] Ch 217 266
- Emery's Investments Trusts, *Re* [1959] Ch 410 344
- Endacott, *Re* [1960] Ch 232, [1960] Ch 323 239, 247, 248, 799
- Errington v Errington and Woods [1952] 1 KB 290 at 298 24, 464
- Erskine's Settlement Trusts, *Re* [1971] 1 WLR 162 643–644
- Estate of Crippen, in the [1911] P 108 388
- Evans, *Re* [1999] 2 All ER 777 722
- Evans's Settlement, *Re* [1967] 1 WLR 1294 646
- E v E (financial provision) [1990] 2 FLR 233 674
- Eves v Eves [1975] 1 WLR 1338 13, 422–423, 457
- EVTR, *Re* [1987] BCLC 646 78
- Eykyn's Trusts, *Re* (1877) 6 Ch D 115 341
- Faraker, *Re* [1912] 2 Ch 488 853
- Farepak Foods and Gifts Ltd (in administration), *Re* [2007] 2 BCLC 1 106–107
- Farley v Westminster Bank [1939] AC 430 831

- Farrar v Miller [2018] EWCA Civ 172 [472–473](#)
- FHR European Ventures LLP and others v Cedar Capital Partner LLC [2014] UKSC 45 [404–406](#), [410](#), [415](#), [416](#), [508](#), [626–627](#), [628](#)
- Finger's Will Trust, Re [1972] Ch 268 [853](#), [856](#)
- Fletcher v Fletcher (1844) 4 Hare 67 [74](#), [114](#), [182–184](#), [185](#)
- Fletcher v Green (1864) 33 Beav. 426 [706](#), [713](#), [715](#)
- FM Capital Partners Ltd v Marino [2019] EWHC 725 (Comm) [704](#)
- Foreman v Kingstone [2004] 1 NZLR 841 [556](#)
- Fortex Group v MacIntosh [1998] 3 NZLR 171 [375](#)
- Foskett v McKeown [2001] 1 AC 102 [736](#), [738](#), [745](#), [746](#)
- Foster and Others v Spencer [1996] 2 All ER 672 [618](#)
- Foveaux, Re [1895] 2 Ch 501 [775](#), [808](#)
- Fowkes v Pascoe [1875] 10 Ch App 343 [339](#)
- Fowler v Barron [2008] 2 FLR 831 [424–425](#), [427](#), [438–439](#)
- Francis, Re (1905) 74 LJ Ch 198 [620](#)
- Freeland, Re [1952] Ch 110 [188](#)
- Freme v Clement (1881) 18 Ch D 499 at 504 [85](#)
- Fry, Re [1946] Ch 312 [170](#), [171](#)
- Fry v Densham-Smith [2010] EWCA Civ 1410 [226](#), [227](#)
- Fry v Fry (1859) 27 Beav. 144 [710](#)
- Fry v Tapon (1884) 28 Ch D 268 [635](#)
- Fuller v Evans [2000] 1 All ER 636 [642](#), [644](#)
- Funnell v Stewart [1996] 1 WLR 288 [775](#), [790](#)
- Futter v Futter [2010] EWHC 449 [550–551](#), [553–554](#)
- Gardner (No. 2), Re [1923] 2 Ch 230 [219–220](#)
- Gardner v Parker (1818) 3 Madd 184; 56 ER 478 [190](#)
- Gardner v Rowe (1828) 5 Russ. 258 [139](#)
- Gascoigne v Gascoigne [1918] 1 KB 223 [27](#), [343–345](#)
- Gaudiya Mission Brahmachary [1998] Ch 341 [765](#)
- Gee v Pritchard (1818) 2 Swans. 402 at 414 [10](#), [12](#)
- Gelber v Sunderland Foundation [2018] EWHC 2344 (Ch) [671](#)
- Gendrot v Chadwick [2018] EWHC 48 [277](#)
- Generator Developments Ltd v Lidl UK GmbH [2018] EWCA Civ 396 [472](#)
- Gibbon v Mitchell [1990] 1 WLR 1304 [552](#)
- Gillett v Holt [2001] Ch 210, [2000] 2 All ER 289 [21](#), [221](#)
- Gillingham Bus Disaster Fund, Re [1958] Ch 300 [320–321](#), [834](#), [835](#)
- Gilmour v Coates [1949] AC 426 [792](#), [820](#)
- Gisborne v Gisborne (1877) 2 App. Cas. 300 [545](#)
- Gissing v Gissing [1971] AC 886 [356](#), [358](#), [359](#), [418–419](#), [430](#), [433](#), [444](#), [448](#), [454](#)
- Global Marine Drillships Ltd v Landmark Solicitors LLP [2011] EWHC 2685 (Ch) [82–83](#)
- Glover v Staffordshire Police Authority [2006] EWHC 2414 [391](#)
- Golay's Will Trusts, Re [1965] 1 WLR 969 [115–116](#)
- Goldcorp Exchange Ltd (in receivership), Re [1995] 1 AC 74 [117](#), [376](#)
- Gonin, Re [1979] Ch 16 [188](#)
- Gooch, Re (1890) 62 LT 384 [342](#)
- Goodchild (deceased), Re [1996] 1 WLR 694 [223](#), [225–226](#), [230](#), [475](#)
- Goodfriend v Goodfriend (1972) 22 DLR (3d) 699 [59](#), [292](#)
- Good's Will Trust, Re [1950] 2 All ER 653 [851–852](#)
- Gosling v Gosling (1859) 70 ER 423 [660–661](#)
- Goulding v James [1997] 2 All ER 239 [676](#), [677](#), [684–685](#)
- Graham-York v York [2015] EWCA Civ 72 [445](#), [446](#)
- Grainge v Wilberforce (1889) 5 TLR 436 [142](#)
- Grant's Will Trusts, Re [1980] 1 WLR 360. [1979] 3 All ER 359 [246](#), [256](#)
- Grant v Edwards [1986] 1 Ch. 638 [422](#), [423](#), [428–430](#), [433](#), [457](#)
- Gray, Re [1925] Ch 362 [801](#), [810](#), [813](#)
- Gray v Barr [1971] 2 QB 554 [390](#)
- Gray v Thames Trains Ltd [2009] UKHL 33; [2009] 1 AC 1339 [352](#), [353](#)
- Great Berlin Steamboat Co, Re (1884) 26 Ch D 616 [270](#)
- Green's Will Trust, Re [1985] 3 All ER 455 [124](#), [807](#)
- Green v Spicer (1830) 1 Russ. & M 395 [660](#)
- Grey v IRC [1960] AC 1 [142](#), [146](#), [147](#), [153](#)
- Group Seven Limited & Ors v Notable Services LLP & Ors [2019] EWCA Civ 614 [503–506](#), [717](#)
- Grove-Grady, Re [1929] 1 Ch 557 [807](#), [808](#)
- Grupo Torras SA v Al-Sabah [1999] CLC 1469 [484](#)
- Guild v IRC [1992] 2 AC 310 [815](#)
- Guinness plc v Saunders [1990] 2 AC 663 60 [61](#), [600](#), [604](#), [609](#), [618](#), [622](#)
- Gujra v Roath [2018] EWHC 854 (QB) [353](#)
- Gulbenkian's Settlement Trusts, Re [1970] AC 508; [1968] 3 All ER 785 [120](#), [123](#), [125](#), [126](#)
- Gwyon, Re [1930] 1 Ch 255 [781](#)
- H, Re [1990] 1 FLR 441 [390](#)
- Habana Ltd v Kaupthing Singer & Friedlander (Isle of Man) Ltd [2011] W.T.L.R. 275 [82](#)
- Hagger, Re [1930] 2 Ch 190 227 [229](#)
- Halifax Building Society v Thomas [1996] Ch 217 [377](#), [408–410](#)
- Hallett's Estate, Re (1879 and 1880) 13 Ch D 696 [12](#), [744](#), [747](#)
- Halliwell's LLP (In Administration) v Austin [2012] EWHC 1194 (Ch) [716](#)
- Hambro and Others v Duke of Marlborough [1994] 3 All ER 332 [55](#), [672](#)
- Hammond v Mitchell [1991] 1 WLR 1127 [423](#)
- Hampton Capital Ltd, Re [2015] EWHC 1905 (Ch) [518](#)
- Hanbey's Will Trusts, Re [1956] Ch 264 [866–867](#)
- Hanchett-Stamford v Attorney General [2009] Ch 173 [257](#), [323](#), [325–327](#), [809](#), [836](#)
- Hancock v Watson [1902] AC 14 [114](#)
- Harari's Settlement Trusts, Re [1949] 1 All ER 430 [579](#)
- Harries v Church Commissioners for England [1992] 1 WLR 1241 [576–577](#), [580](#)

- Harrison (JJ) (Properties) Ltd v Harrison [2002] 1 BCLC 162 [729](#)
- Harvard Securities Ltd, *Re* (in Liquidation) [1998] BCC 567 [118](#)
- Harwood, *Re* [1936] Ch 285 [852](#), [853](#), [854](#)
- Hastings-Bass (Deceased), *Re* [1975] Ch 25 [547–549](#), [552](#), [553–554](#)
- Hay's Settlement Trusts, *Re* [1981] 3 All ER 786 [129](#)
- Hay's Settlement Trusts, *Re* [1982] 1 WLR 202 [87](#), [90](#), [544](#)
- Hazell v Hammersmith and Fulham LBC [1990] 2 QB 697 [302](#)
- Head v Gould [1898] 2 Ch 250 [706](#)
- Heartley v Nicholson (1875) LR 19 Eq 233 [164](#)
- Henderson, *Re* [1940] Ch 764 [534](#)
- Henderson v Dorset Healthcare University NHS Foundation Trust [2017] 1 WLR 2673 [353](#)
- Henderson v Henderson [1940] Ch 764 [536](#)
- Henderson v Wilcox & Ors. [2015] EWHC 3469 (Ch) 387 [393](#), [394](#)
- Hetherington, *Re* [1990] Ch 1 247 [249](#), [792](#), [820](#)
- Hewett, *Re* [1918] 1 Ch 458 [269](#)
- Heyworth, *Re* [1956] Ch 364 [668](#)
- Heyworth's Contingent Reversionary Interest, *Re* [1956] Ch 364 [644](#), [669](#)
- Hillsdown Holdings plc v Pensions Ombudsman [1997] 1 All ER 862 [92–93](#)
- Hill v Haines [2008] Ch 412 [277–278](#)
- Hinchinbroke (Lord) v Seymour (1784) 1 Bro CC 395 [92](#)
- Hniazdzilau v Vajgel [2016] EWHC 15 (Ch) [456–457](#)
- Hobday v Peters (No. 3) (1860) 28 Beav. 603 [706](#)
- Hobourn Aero Components Ltd's Air Raid Distress Fund, *Re* [1946] Ch 194; CA; affirming [1946] Ch. 86 [324](#)
- Hodgson v Halford (1879) 11 Ch D 959 [268](#)
- Hodgson v Marks [1971] Ch 892 [335](#)
- Holder v Holder [1968] Ch 353 [76](#), [614](#)
- Holiday Inns Inc v Broadhead (1974) 232 EG 951 [470](#)
- Hollis v Rolfe [2008] EWHC 1747 (Ch) [517](#)
- Holmden's Settlement Trusts, *Re* [1968] AC 685 [686–687](#)
- Holroyd v Marshall (1862) 10 HL Cas 191 [177](#)
- Holt's Settlement Trusts, *Re* [1969] 1 Ch 100 [156](#), [681](#), [685–687](#)
- Hooper, *Re* [1932] 1 Ch 38 [249](#)
- Hopkinson, *Re* [1949] 1 All ER 346 [837](#)
- Hopkins Will Trusts, *Re* [1965] Ch 669 [788](#)
- Hopton v Miller [2010] EWHC 2232 [427](#)
- Horler v Rubin [2011] EWHC 453 (Ch) [518](#)
- Howard v Harris (1681) 1 Vern. 33 [11](#)
- Howe v Earl of Dartmouth (1802) 6 RR 96, (1802) 7 Ves. Jr. 137 [591–593](#), [651](#), [710](#)
- Howlett, *Re* [1949] Ch 767 [728](#)
- HPOR Servicios de Consultoria Ltda v Dryships Inc [2018] EWHC 3451 [406](#)
- Human Dignity Trust v Charity Commission for England and Wales [2015] WTLR [804](#), [838](#)
- Hummeltenberg, *Re* [1923] 1 Ch 237 [775](#), [817](#)
- Hunter v Moss [1996] Conv 233, [1994] 3 All ER 215 [117–118](#)
- Hunt v McLaren [2006] WTLR 1817 [256](#), [325](#)
- Hussey v Palmer [1972] 1 WLR 1286 [13](#), [63](#), [376](#)
- IDC Group Ltd v Clark [1992] EGLR 187 [464](#)
- Ikbal v Sterling Law [2013] EWHC 3291 (Ch) [724](#)
- Ilott v Mitson [2017] UKSC 17, [2015] EWCA Civ 797 [264](#), [280–281](#)
- Imperial Group Pension Trust Ltd v Imperial Tobacco Ltd [1991] 2 All ER 597 [330–332](#)
- Incorporated Council of Law Reporting for England and Wales v Attorney-General [1972] Ch 73 [775–776](#), [785](#), [801](#), [812–813](#), [818](#), [832](#)
- Independent Schools Council v Charity Commission for England and Wales [2012] Ch 214, [2011] UKUT 421 (TCC) [822](#), [824](#)
- Independent Trustee Services Ltd v GP Noble Trustees Ltd [2012] EWCA Civ 195 [47](#)
- IRC v Baddeley [1955] AC 572 [813–815](#), [821](#), [822](#), [830–831](#)
- IRC v Broadway Cottages Trust [1955] Ch 20, [1954] 1 All ER 878 [105](#), [122](#), [125](#)
- IRC v City of Glasgow Police Athletic Association [1953] AC 380 [810](#), [831](#)
- IRC v Educational Grants Association Ltd [1967] Ch 993 [826](#), [828](#)
- IRC v Hashmi [2002] 2 BCLC 489 [275](#)
- IRC v McMullen [1981] AC 1 [758–759](#), [785](#), [800](#), [813](#), [815](#), [833](#)
- IRC v White [1980] TR 155 773 [799](#)
- Island Holdings Ltd v Birchington Engineering Co Ltd (1878) 8 Ch D 177 [470](#)
- Ivey v Genting Casinos UK Ltd [2017] UKSC [503–504](#), [717](#)
- Jaffray v Marshall [1994] 1 All ER 143 [712](#), [713](#)
- James, ex p (1803) 8 Ves 337 [613](#)
- James, *Re* [1935] Ch 449 [188](#)
- James v Thomas [2007] 3 FCR 696 [426–427](#)
- Jeffrey v Gretton [2011] WTLR 809 [577](#), [578](#), [583](#), [710](#), [721](#)
- Jenner v Turner (1880) 16 Ch D 188 [268](#)
- Jerome v Kelly (Inspector of Taxes) [2004] 1 WLR 1409 [462](#)
- JJ Harrison (Properties) Ltd v Harrison [2002] 1 BCLC 162 [729](#)
- Johnson's Will Trusts, *Re* [1967] Ch 387 [269](#)
- Jones (FC) & Sons v Jones [1996] 3 WLR 703 [738](#), [740](#), [741](#)
- Jones, *Re* (1953) Ch 810 [131](#)
- Jones v Badley (1868) LR 3 Ch 362 [216](#)
- Jones v Foxall (1852) 15 Beav. 388 [713](#)
- Jones v Kernott [2012] 1 AC 776, [2011] UKSC 53 [439](#), [442–449](#), [454](#), [456](#)
- Jones v Lock (1865) 1 Ch App 25 [167](#)
- Joseph Rowntree Memorial Trust Housing Association Ltd v A-G [1983] Ch 159 [779](#), [805](#)

- Joy v Joy-Morancho [2014] EWHC 3769 (Fam) [283](#)
 Jyske Bank (Gibraltar) Ltd v Spjeldnaes (No. 2) [1999] 2 BCLC 101 [273](#)
- K, Re [1985] Ch 85 [389, 393](#)
 Kasperbauer v Griffith [2000] WTLR 333 [212](#)
 Kay, Re [1939] 1 Ch 329 [181](#)
 Kayford Ltd, Re [1975] 1 WLR 279 [106](#)
 Kay's Settlement, Re [1939] 1 Ch 329 [182](#)
 Keech v Sandford (1726) Sel. Cas. Ch. 61 [61, 405, 412, 414, 598, 600–601, 609–611, 619–620, 622, 647](#)
 Keeling v Keeling [2017] EWHC 1189 [195](#)
 Keen, Re [1937] Ch 236 [214, 215, 218](#)
 Kelly v Cooper [1993] AC 205 [600](#)
 Kemmis v Kemmis [1988] 1 WLR 1307 [281](#)
 Keown v Nahoar [2015] EWHC 3418 (Ch) [518](#)
 Kernott v Jones [2011] UKSC 53, [2010] EWCA Civ 578 [360, 442](#)
 Kerr v Baranow [2011] SCC 10 [372](#)
 Khaira v Shergill [2014] UKSC 33 [794–795](#)
 King, Re [1923] 1 Ch 243 [859, 860](#)
 Kingsnorth Finance Co Ltd v Tizard [1986] 1 WLR 783 [32–33, 48](#)
 Kings v Bultitude [2010] EWHC 1795 (Ch) 827 [852–853](#)
 King v The Chiltern Dog Rescue & Others [2015] EWCA Civ 581 [193–195](#)
 Klug v Klug [1918] 2 Ch 67 [528, 546](#)
 Knight v Knight (1840) 3 Beav. 171 [104](#)
 Knockor v Youle [1986] 1 WLR 934, [1986] 1 WLR 1159 [678](#)
 Knott v Cottee (1852) 16 Beav. 77 [709](#)
 Koeppler's Will Trusts, Re [1986] Ch 423 [837](#)
 Koettgen's Wills Trusts, Re [1954] Ch 252 [826](#)
 Kolb's Will Trust, Re [1962] Ch 531 [579, 589, 590](#)
 Kumar, Re [1993] 2 All ER 700 [277](#)
- LAC Minerals Ltd v International Corona Resources Ltd (1989) 61 DLR (4th) 14 [373, 599, 603](#)
 Laing (JW) Trust, Re [1984] Ch 143 [849](#)
 Lall v Lall [1965] 1 WLR 1249 [77](#)
 Lambe v Eames (1871) 6 Ch App 597 [109–110](#)
 Lashmar, Re [1891] 1 Ch 258 [142](#)
 Laskar v Laskar [2008] EWCA Civ 347, [2008] 1 WLR 2695 [357, 450](#)
 Last, Re [1958] P 137; [1958] 2 WLR 186 [114–115](#)
 Lavelle v Lavelle [2004] 2 FCR 418 [299](#)
 Leahy v Attorney-General for New South Wales [1959] AC 457 [236, 243, 254](#)
 Learoyd v Whiteley (1897) 12 App. Cas. 727 [570](#)
 Ledgerwood v Perpetual Trustee Co. Ltd (1997) 41 NSWLR 532 [219](#)
 Leek, Re [1969] 1 Ch 563 [120](#)
 Lee v Haley (1869) 5 Ch. App. 155 [27](#)
 Le Foe v Le Foe [2001] 2 FLR 970 [427–428](#)
 Legg v Burton [2017] EWHC 2088 Ch [225, 229](#)
- Leong v Lim Beng Chye [1955] AC 64 [268](#)
 Lepton's Charity, Re [1972] Ch 276 [862, 864, 865](#)
 Letterstedt v Broers (1884) 9 App Cas 371; [1881û85] All ER Rep 882 [539](#)
 Lewis's of Leicester Ltd, Re [1995] 1 BCLC 428 [106](#)
 Lewis v Tamplin [2018] EWHC 777 (Ch) [556, 557](#)
 Life Association of Scotland v Siddal (1861) 3 De GF & J 58 [719](#)
 Liggett v Kensington [1993] 1 NZLR 257 [375](#)
 Lightfoot v Lightfoot-Brown [2005] 2 P & CR D12 [426](#)
 Lilleyman v Lilleyman [2013] Ch 225 [280](#)
 Lillington, Re [1952] 2 All ER 184 [190](#)
 Lindsay Petroleum Co v Hurd (1874) LR 5 PC 221 [29, 730](#)
 Lipinski's Will Trusts, Re [1976] Ch 235 [245, 246](#)
 Lipkin Gorman v Karpnale Ltd [1991] 2 AC 548 62 [63, 294, 520, 738–739](#)
 Liscott v Crown Prosecution Service [2013] EWHC 501 [112](#)
 Lister & Co v Stubbs (1890) 45 Ch D 1 [398–399, 415–416, 623](#)
 Lister's Will Trusts, Re [1962] 1 WLR 1441 [677](#)
 Livingstone v Raywards Coal Co. (1880) 5 App. Cas. 25 [699](#)
 Llewellyn's Will Trusts, Re [1949] Ch 225 [621](#)
 Lloyds Bank plc v Rosset [1991] 1 AC 107 [62, 419–422, 425, 426, 429, 433](#)
 Lloyds TSB Bank plc v Markandan & Uddin (A firm) [2012] 2 AER 884, [2012] EWCA (Civ), [2010] EWHC 2517 (Ch) [606, 702, 722–724](#)
 Lofthouse, Re (1885) 29 Ch D 921 [644](#)
 Loftus, Re [2005] 1 WLR 1890 [509](#)
 Lohia v Lohia [2001] WTLR 101 [334](#)
 London Allied Holdings Ltd v Anthony Lee [2007] EWHC 2061 (Ch) [378, 379](#)
 London and South Western Rail Co v Gomm (1882) 20 Ch. D 562 [31, 47](#)
 Londonderry's Settlement, Re [1965] Ch 918 [555, 557–560](#)
 London Hospital Medical College v IRC [1976] 1 WLR 613 [796, 832](#)
 London Wine Co (Shippers) Ltd, Re (1986) PCC 121 [116, 118](#)
 Lonrho plc v Fayed (No. 2) [1992] 1 WLR 1 [407, 408](#)
 Lonrho plc v Fayed (No. 2) [1992] 1 WLR 1 [468–470](#)
 Lopes, Re [1931] 2 Ch 130 [785–786](#)
 Lord Montfort v Lord Cadogan (1810) 19 Ves. 635 [718](#)
 Lovell, Re [1920] 1 Ch 122 [269](#)
 Lowson v Coombes [1999] Ch 373 [345, 346](#)
 Lysaght v Edwards (1876) 2 Ch. D 499 [62](#)
 Lysaght v Edwards (1876) 2 Ch. D 499 [461, 462, 858](#)
 Lyus v Prowsa Developments Ltd [1982] 1 WLR 1044 [141, 407, 462–463](#)
- Macadam, Re [1946] Ch 73 [620](#)
 McCormick v Grogan (1869) LR 4 HL 82 [207, 211–212, 406–408](#)
 McEacharn, Re (1911) 103 LT 900 [652](#)

- McGeorge, *Re* [1963] Ch 544 [645](#)
- McGovern v Attorney General [1982] Ch 321 [787](#), [835](#), [836](#)
- Mac-Jordan Construction Ltd v Brookmount Erostin Ltd [1992] BCLC 350 [118](#)
- Mack (Deceased), *Re* [2009] EWHC 1524 [390](#)
- Mackay v Douglas (1872) LR 14 Eq 106 [273](#)
- McWilliam v Norton Finance (UK) Ltd [2015] EWCA Civ 186 [606](#)
- Madoff Securities International Ltd v Raven [2013] EWHC 3147 [518](#)
- Mallot v Wilson [1903] 2 Ch 494 [530](#)
- Manchester Trust v Furness [1895] 2 QB 539 [33](#), [513](#)
- Manifest Shipping v Uni-Polaris Shipping Co Ltd [2001] UKHL 1 [504](#), [505](#)
- Manisty's Settlement, *Re* [1974] Ch 17 [128](#)
- Manser, *Re* [1905] 1 Ch 68 [773](#)
- Mara v Browne [1896] 1 Ch 199 [482](#)
- Margulies v Margulies [2008] WTLR 1853 [212](#)
- Marr v Collie [2018] AC 631 [450](#)
- Martin v City of Edinburgh District Council 1988 SLT 329 [576](#)
- Mary Clark Homes Trustees v Anderson [1904] 2 KB 645 [779](#)
- Mason v Farbrother [1983] 2 All ER 1078 [590](#), [670](#)
- Massingberd's Settlement, *Re* (1890) 63 LT 296 [711](#)
- McCarthy and Stone Ltd v Harding [1973] 1 WLR 1547 [32](#)
- MCC Proceeds v Lehman Brothers International (Europe) (1998) The Times, 14 January 1998 [739](#)
- McKenzie v McKenzie [2003] EWHC 601 (Ch) [358](#)
- McPhail v Doulton [1971] AC 424, [1970] 2 All ER 228 [90](#), [122](#), [125–127](#), [544](#)
- Mead's Trust Deed, *Re* [1961] 1 WLR 1244 [835](#)
- Merchant Navy Ratings Pension Fund, *Re* [2015] EWHC 448 (Ch) [576](#)
- Mercier v Mercier [1903] 2 Ch 98 [341](#)
- Metall and Rohstoff AG v Donaldson Lufkin & Jenerette Inc [1990] 1 QB 391 [370](#), [376](#)
- Mettoy Pension Trustees Ltd v Evans [1991] 2 All ER 513, [1990] 1 WLR 1587 [87](#), [90](#), [91](#), [330](#), [331](#), [548](#)
- Meux' Will Trusts, *Re* [1958] Ch 154 [668](#)
- Meyers, *Re* [1951] 1 All ER 538 [857](#)
- Midland Bank Co Ltd v Green [1981] AC 513 [47](#)
- Midland Bank plc v Cooke [1995] 4 All ER 562; [1995] 2 FLR 915 [356](#), [359](#), [426](#), [430–434](#)
- Midland Bank plc v Wyatt [1995] 1 FLR 696 [112](#), [273](#)
- Millar v Millar [2018] EWHC 1926 [107](#)
- Mills, *Re* [1930] 1 Ch 654 [70](#), [88](#), [94](#)
- Milroy v Lord (1862) 4 De GF & J 264 [163](#), [169](#), [171–173](#)
- Mitford v Reynold (1848) 16 Sim. 105 [248](#)
- Moher v Moher [2019] EWCA Civ 1482 [674](#)
- Molyneux v Fletcher [1898] 1 QB 648 [647](#)
- Moncrieff's Settlement Trusts, *Re* [1962] 1 WLR 1344 [679–680](#)
- Montagu's Settlement Trusts, *Re* [1987] Ch 264 [62](#), [514](#), [516](#)
- Montefiore v Guedalla [1903] 2 Ch 723 [531](#)
- Moore, *Re* (1888) 39 Ch D 116 [266](#)
- MooRe v Williamson [2011] EWHC 672 (Ch) 107 [109](#), [165](#)
- Morgan, *Re* (1881) 18 Ch D 93 [32](#)
- Morice v Bishop of Durham (1804) 9 Ves. 339 [119](#), [236–239](#), [312](#)
- Morley Rennoldson, *Re* (1843) 2 Hare 570 [269](#)
- Morris v Morris [2008] EWCA Civ 257 [427](#)
- Moss v Cooper (1861) 1 John & H 352 [216](#), [217](#)
- Movitex Ltd v Bulfield [1988] BCLC 104 [613](#)
- Muckleston v Brown (1801) 6 Ves. 52 [344](#)
- Murad v Al Saraj [2005] EWCA Civ 959, [2005] WTLR 1573 [414](#), [611](#), [612](#)
- Muschinski v Dodds (1985) 160 CLR 583 [374](#), [375](#), [451](#)
- Mussett v Bingle [1876] WN 170 239 [241](#), [249](#)
- Mussoorie Bank Ltd v Raynor (1882) 7 App. Cas. 321 at 331 [105](#)
- Naas (Lady) v Westminster Bank Ltd [1940] 1 All ER 485 [71](#)
- National Anti-Vivisection Society v IRC [1948] AC 31 [775](#), [808](#), [809](#), [810](#), [819](#), [835–837](#), [839](#)
- National Crime Agency v Robb [2014] EWCA 4384 (Ch) [748](#)
- National Deposit Friendly Society Trustees v Skegness UDC [1959] AC 293 [792](#)
- National Provincial Bank Ltd v Ainsworth [1965] AC 1175 [12](#)
- National Trustees Co of Australasia v General Finance Co of Australasia [1905] AC 373 [721](#)
- National Westminster Bank plc v Jones [2001] 1 BCLC 98 [275](#)
- Nationwide Building Society v Balmer Radmore [1999] Lloyd's Rep. PN 241 [702](#)
- ND v SD (Financial Remedies: Trust: Beneficial Ownership) [2018] 1 FLR 1489 [112–113](#)
- Nelson v Larholt [1948] 1 KB 339 [513–514](#)
- Nelson v Nelson [1995] 4 LRC 453 [342](#), [347](#)
- Nelson v Rye [1996] 2 All ER 186 [730–731](#)
- Nestlé v National Westminster Bank plc, 29 June 1988, unreported [571](#)
- Nestlé v National Westminster Bank plc [1994] 1 All ER 118, [1993] 1 WLR 1260 [564](#), [566](#), [567](#), [571](#), [573–574](#), [577](#), [580](#), [582](#), [701](#)
- Neville Estates v Madden [1962] Ch 832 [252](#), [254–255](#), [257–258](#), [326](#), [793](#), [820](#), [821](#)
- Neville v Wilson [1997] Ch 144, [1996] 3 All ER 171 [157](#), [461](#)
- New, *Re* [1901] 2 Ch 534 [664](#), [665](#)
- New Zealand and Australian Land Co v Watson [1881] 7 QBD 374 [602–603](#)
- Ninian v Findlay [2019] EWHC 297 [395](#)
- Niyazi's Will Trust, *Re* [1978] 1 WLR 910 [782](#)
- Nocton v Lord Ashburton [1914] AC 932 [416](#), [629](#)
- Norfolk's (Duke of) Settlement Trusts, *Re* [1982] Ch 61 [615–617](#)

- Northall (Deceased), *Re* [2010] EWHC 1448 336–337, 340
 North v Wilkinson [2018] EWCA Civ 161 119, 167
 Nottage, *Re* [1885] 2 Ch 649 800, 801
 Novoship (UK) Limited & Ors v Nikitin & Ors [2014] EWCA Civ 908 506–508
- Oatway, *Re* [1903] 2 Ch 356 747
 Ogilvie v Littleboy sub nom: Ogilvie v Allen (1899) 15 TLR 294; HL; affirming (1897) 13 TLR 399 552, 553
 O’Kelly v Davies [2014] EWCA 1606 27–28, 347–348, 453–457
 Oldham, *Re* [1925] Ch 75 227
 Olins v Walters [2009] Ch 212 223–224
 Onslow v Wallis (1849) 1 Mac. and G. 506 142
 Oppenheim v Tobacco Securities Trust Co Ltd [1951] AC 297 762, 818, 825–827
 O’Rourke v Darbishire [1920] AC 581 556
 Osoba, *Re* [1979] 1 WLR 247 238, 319
 O’Sullivan v Management Agency and Music Ltd [1985] QB 428 28–29, 600, 617–618
 OT Computers Ltd v First National Tricity Finance Ltd 122
 Ottaway v Norman [1972] Ch 698, [1972] 2 WLR 50 210–211, 217
 Oughtred v IRC [1960] AC 206 154–156, 461
 Overton v Bannister (1844) 3 Hare 503 718
 Oxley v Hiscock [2004] EWCA Civ 546; [2005] Fam. 211; [2004] 3 All ER 703 356, 357, 422, 430–431, 433–436, 440, 441, 444–445, 449, 457–459
- Paine v Meller (1801) 6 Ves. 349 461
 Pallant v Morgan [1952] 2 All ER 951 468–473
 Palmer v Simmonds (1854) 2 Drew 221 114, 115
 Paradise Motor Co Ltd, *Re* [1968] 2 All ER 625, [1968] 1 WLR 1125 157, 342
 Paragon Finance plc v D. B. Thakerar & Co [1999] 1 All ER 400 366, 368, 381, 417, 729
 Parker v McKenna (1874) 10 Ch App. 96 74
 Parkin v Thorold (1852) 16 Beav. 59 28
 Parr v Keystone Health Care Ltd [2019] EWCA Civ 1246 405–406, 612, 628
 Parsons, *Re* [1940] Ch 973 535
 Parsons, *Re*, ex parte Belchier (1754) Amb. 218 635
 Partington, *Re* (1887) 57 LT 654 708
 Patel v Mirza [2017] AC 467, [2015] Ch 271 348–350, 353
 Patel v Shah [2005] EWCA Civ 157 731
 Pauling’s Settlement Trust, *Re* [1964] Ch 303 633, 647, 651, 718–720, 722
 Pauling’s Settlement Trust, *Re* (No. 2) [1963] Ch 576 709
 Paul v Constance [1977] 1 WLR 527, [1977] 1 All ER 195 106, 138, 167, 168
 Pechar (deceased), *Re* [1969] NZLR 574 389
 Peel, *Re* [1936] Ch 161 642
 Peggs v Lamb [1994] Ch 172 864, 865
 Pemsel’s Case *see Commissioners for Special Purposes of Income Tax v Pemsel*
- Pennington v Waine [2002] EWCA Civ 227; [2002] 1 WLR 2075 161, 165, 173, 174, 176
 Pennyfeathers Ltd v Pennyfeathers Property Co. Ltd [2013] EWHC 3530 413
 Perowne, *Re* [1951] Ch 785 89
 Perrins v Bellamy [1898] 2 Ch 521 721, 722
 Perrin v Lyon (1807) 9 East 170 268
 Peso-Silver Mines Ltd v Cropper (1966) 58 DLR (2d) 1 611, 612
 Pettifor’s Will Trust, *Re* [1966] Ch 257 680
 Pettingall v Pettingall (1842) 11 LJ Ch 176 250, 251
 Pettitt v Pettitt [1970] AC 777 339, 341, 358–359, 419, 454
 Pettkus v Becker (1980) 117 DLR (3d) 257 370–372
 Phillips v Phillips (1862) 4 De GF & J 208 294
 Pilcher v Rawlins (1872) 7 Ch App. 259 31, 33, 47, 48, 73
 Pilkington v IRC [1964] AC 612 647
 Pinion, *Re* [1965] Ch 85 265, 787, 798, 818
 Piper, *Re* [1946] 2 All ER 503 267
 Pirbright v Salway [1896] WN 86 249
 Pitt v Holt [2010] EWHC 45 (Ch); [2010] 1 WLR 1199; [2010] WTLR 269 549, 551–554
 Pitt v Holt [2011] EWCA Civ 197; [2011] 3 WLR 19 549, 551–554
 Plasycoed Collieries Co Ltd v Partridge, Jones & Co Ltd [1912] 2 KB 345 75
 Plumptre’s Marriage Settlement, *Re* [1910] 1 Ch 609 178–179
 Polly Peck International plc (in administration) (No. 2), *Re* [1998] 3 All ER 812 377, 378, 379, 509–510
 Polly Peck International plc v Nadir (No. 2) [1992] 4 All ER 769 511, 515
 Popely v Popely [2019] EWHC 1507 (Ch) 717
 Power, *Re* [1947] Ch 572 585
 Printers and Transferrers Society, *Re* [1899] 2 Ch 184 323–324
 Protheroe v Protheroe [1968] 1 WLR 519 412, 620
 Pryce, *Re* [1917] 1 Ch 234 181
 Pullan v Koe [1913] 1 Ch 9 34, 178
- Queensland Mines v Hudson (1978) 52 AJLR 399 612
 Quistclose Investments Ltd v Rolls Razor Ltd [1970] AC 567 80, 81
 Q v Q [2009] 1 FLR 935 423
- R (on the application of Hodkin) v Registrar General of Births, Deaths and Marriages [2013] UKSC 77 792
 R. (on the application of Palestine Solidarity Campaign) v Secretary of State for Communities and Local Government [2017] EWHC 1502 577
 Ralli’s Will Trusts, *Re* [1964] Ch 288 169
 Random House UK Ltd v Allason [2008] EWHC 2854 (Ch) 140
 Rathwell v Rathwell (1978) 83 DLR (3d) 371–372
 Rayner v Preston (1881) 18 Ch D 1 462
 Ray’s Will Trusts, *Re* [1936] 1 Ch 520 253

- Reading v Attorney-General [1949] 2 KB 232, CA; affirmed [1951] AC 501, HL [600–601](#), [602](#)
- Recher's Will Trust, *Re* [1972] Ch 526 [256](#), [257](#), [326](#)
- Reddel v Dobree, *Re* (1839) 10 Sim. 244; 59 RR 607 [190](#)
- Regal (Hastings) Ltd v Gulliver [1942] 1 All ER 378 [413–414](#), [608](#), [610–611](#), [612](#)
- Registered Securities Ltd, *Re* [1991] 1 NZLR 545 [748](#)
- Relfo Ltd (in Liquidation) v Varsani [2014] EWCA (Civ) 360 [746](#)
- Remnant's Settlement Trusts, *Re* [1970] Ch 560 [681](#)
- Resch's Will Trust, *Re* [1969] 1 AC 514 [796](#)
- Richards v Delbridge (1874) LR Eq. 11 [106](#), [164](#), [165–166](#)
- Richard West and Partners (Inverness) Ltd v Dick [1969] 2 Ch 424 [26](#)
- Rider v Kidder (1805) 10 Ves. 360 [341](#)
- Ridsdel, *Re* [1947] Ch 597 [529](#), [654](#)
- Roberts, *Re* [1946] Ch 1 337 [341](#)
- Robinson v Macdonnell (1816) 5 M & S 228 [177](#)
- Robinson v Pett (1734) 3 P Wms. 249 [615](#)
- Rochefoucauld v Boustead [1897] 1 Ch 196 [140](#), [141](#), [160](#), [161](#), [335](#), [355](#), [463](#), [465](#)
- Rochefoucauld v Boustead [1975] 3 All ER 726 [161](#)
- Roper-Curzon v Roper-Curzon (1871) LR 11 Eq. 452 [647](#)
- Roscoe v Winder [1915] 1 Ch 62 [748](#)
- Rose, *Re* [1952] Ch 499 [170](#)
- Rowe v Prance [1999] 2 FLR 787 [168](#)
- Rowland v Witherden (1851) 3 Mac. & G 568 [636](#)
- Royal Brunei Airlines Sdn Bhd v Tan Kok Ming [1995] 2 AC 378; [1995] 3 WLR 64 [14](#), [62](#), [481](#), [484](#), [486](#), [488](#), [489](#), [491–493](#), [496–498](#), [502–503](#)
- Royal Choral Society v Inland Revenue Commissioners [1943] 2 All ER 101 [786](#), [798](#)
- Royal College of Nursing v St Marylebone Corporation [1959] 1 WLR 1077 [785](#)
- Royal College of Surgeons v National Provincial Bank [1952] AC 631 [766](#), [784](#), [832](#)
- Royal Melbourne Hospital v Equity Trustees [2011] EWHC 2721 (Ch) 570 [591](#), [671](#)
- Russell-Cooke Trust Co v Prentis [2003] 2 All ER 478 [749–751](#)
- Russell v Jackson (1852) 10 Hare 204 [216](#)
- R v District Auditor ex p. West Yorkshire Metropolitan County Council [1986] RVR 24 [129](#)
- R v Ghosh [1982] 2 All ER 689 [492](#), [504](#)
- R v Registrar General ex p Segerdal [1970] 2 QB 697 [790–791](#)
- Rymer, *Re* [1895] 1 Ch 19 [846](#), [851](#), [852](#)
- Sacred Hands Spiritual Centre's Application for Registration as a Charity [2006] WTLR 873, West Law Summary [790](#)
- Salt v Cooper (1880) 16 Ch D 544 [23–24](#)
- Salisbury v Denton (1857) 3 K & J 529 [833–834](#)
- Sandbrook, *Re* [1912] 2 Ch 471 [266](#)
- Sanderson's Trust, *Re* (1857) 3 K & J 497 [238](#), [319](#)
- Sanderson v Hi Peak Property Ltd [2014] EWHC 4918 (Ch) [257](#)
- Sanders' Will Trusts, *Re* [1954] Ch 265 [781–782](#)
- Sands v Singh [2016] EWHC 636 (Ch) [277](#)
- Santander UK v RA Legal Solicitors [2014] EWCA (Civ) 183 [724–727](#)
- Satterthwaite's Will Trusts, *Re* [1966] 1 WLR 277 [854](#)
- Saunders v Vautier (1841) 4 Beav. 115 [147](#), [237](#), [245](#), [247](#), [645](#), [659–663](#), [676](#)
- Sayer, *Re* [1957] 2 WLR 261 [120](#), [123](#)
- Scarisbrick, *Re* [1951] Ch 622 [827](#)
- Scarisbrick Resettlement Estates, *Re* [1944] Ch 229 [672](#)
- Schmidt v Rosewood Trust Ltd [2003] 2 AC 709 [556](#), [557](#)
- Schmitt v Deichmann [2013] Ch 61 [275](#)
- Schobelt v Barber (1966) 60 DLR (2d) 519 [389](#)
- Scottish Burial Reform and Cremation Society v Glasgow City Corporation [1968] AC 138 [773](#)
- Seale's Marriage Settlement, *Re* [1961] 3 All ER 136 [683](#)
- Secretary of State for Justice v Topland Group plc. [2011] EWHC 983 [501](#)
- Segelman, *Re* [1996] Ch. 171 [827](#)
- Selangor United Rubber Estates Ltd v Craddock (No. 3) [1968] 1 WLR 1555 [489](#)
- Sellack v Harris (1708) 2 Eq. Cas. Abr. 46 [204](#)
- Sen v Headley [1991] 2 All ER 636; [1991] Ch 425 [189](#), [191–193](#)
- Serious Fraud Office v Lexi Holdings Plc (In Administration) [2008] EWCA Crim 1443 [734–735](#)
- Shah v Shah [2010] EWCA Civ 1408 [108–109](#), [164–165](#), [705](#)
- Shalson v Russo [2005] Ch 281; [2005] 2 WLR 1213 [397](#), [407–408](#), [746](#), [751](#)
- Sharpe (a bankrupt), *Re* [1980] 1 WLR 219 [338](#), [370](#), [382](#)
- Sharp v Blank [2015] EWHC 3220 [606](#)
- Shaw, *Re* [1957] 3 K & J 497; [1957] 1 WLR 729 [251](#), [788](#), [789](#)
- Shaw v Cates [1909] 1 Ch 389 [588](#)
- Shaw v Foster (1872) LR 5 HL 321 [462](#)
- Shelley v Shelley (1886) LR 6 Eq. 540 [111](#)
- Shepherd v Moulds (1845) 4 Hare 500 [712](#)
- Sherman, *Re* [1954] Ch 653 [613](#)
- Sherry v Sherry [1991] 1 FLR 307 [282](#), [283](#)
- Sichel's Settlements, *Re* [1916] 1 Ch 358 [533](#)
- Sieff v Fox [2005] 1 WLR 1362; 1 WLR 3811 [548](#), [550](#)
- Silkstone and Haigh Moor Coal Co v Edey [1900] 1 Ch. 167 [614](#)
- Silverwood v Silverwood (1997) 74 P & CR 453 [345](#)
- Simson, *Re* [1946] Ch 299 [831](#)
- Sinclair Investment Holdings SA v Versailles Trade Finance Ltd [2005] EWCA Civ 722; [2006] 1 BCLC 60 [14](#)
- Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd (In Administration) [2011] EWCA Civ 347 [65](#), [370](#), [400–402](#), [405](#), [408–410](#), [416](#), [601](#), [603–604](#), [624–626](#), [627](#)

- Sinclair v Brougham [1914] AC 398 [743](#)
 Singh v Anand [2007] EWHC 3346 [157](#)
 Skeats' Settlement, *Re* (1889) 42 Ch D 522 [531](#), [532](#)
 Slevin, *Re* [1891] 2 Ch 236 [846](#), [858](#)
 Smart's Goods, *Re* [1902] P 238 [218](#)
 Smith, *Re* [1928] Ch 915 [662–663](#)
 Smith's Will Trust, *Re* [1962] 2 All ER 563 [796](#)
 Smith v Clay (1767) Amb. 645 [29](#)
 Smith v Matthews (1861) 3 De GF & J 139 [139](#)
 Snowden, *Re* [1979] 2 All ER 172 [209](#), [211](#)
 Solomon, *Re* [1912] 1 Ch 261 [588](#)
 Somerset, *Re* [1894] 1 Ch 231 [588](#), [709](#)
 Soomro v Khuahwar [2015] [143](#)
 Sorochan v Sorochan (1986) 29 DLR (4th) 1 [372](#)
 Soulos v Korkontzilas (1997) 146 DLR (4th) 214 [373–374](#)
 South Place Ethical Society, *Re* [1980] 1 WLR 1565 [790](#)
 Soutzos v Armstrong [2010] EWHC 362, [2010] EWHC 842 [82](#)
 Speight v Gaunt (1883) 9 App. Cas. 1, 22 Ch D 727 [542](#), [570](#), [635](#), [636](#)
 Spencer, *Re* [1935] Ch 533 [644](#)
 Spiller v Maude (1881) 32 Ch D 158 [827](#)
 Sprange v Barnard (1789) 2 Bro. CC 585 [114](#)
 Springette v Defoe [1992] 2 FLR 388 [8](#), [13](#), [356](#), [371](#), [378](#), [432](#)
 Stack v Dowden [2007] 2 AC 432 [360](#), [424](#), [425](#), [427](#), [434–435](#), [437–442](#), [444](#), [447–452](#), [454](#), [456–458](#)
 Staden v Jones [2008] 2 FLR 1931 [107](#), [108](#), [162](#)
 Standing v Bowring (1885) 31 Ch D 282 [296](#)
 St Andrew's (Cheam) Lawn Tennis Club Trust, *Re* [2012] EWHC 1040 (Ch) [258](#)
 Stanford, *Re* [1924] 1 Ch 73 [859–860](#)
 Staniland v Wilmott (1852) 3 Mac & G 664 [191](#)
 Starglade Properties Ltd v Nash [2010] EWCA 1314 [499](#), [501](#)
 Statek Corp v Alford [2008] EWHC 32 (Ch) [499](#)
 Stead, *Re* [1900] 1 Ch 237 [215](#), [216](#)
 Steed's Will Trusts, *Re* [1960] Ch 407 [676](#), [684](#), [685](#)
 Steele's Will Trusts, *Re* [1948] Ch 603 [111](#)
 Stephenson v Barclays Bank Trust Co Ltd [1975] 1 All ER 625 [662](#)
 Stewart, *Re* [1908] 2 Ch 251 [186–187](#)
 Stokes v Anderson [1991] 1 FLR 391 [433](#)
 Stone & Rolls v Moore Stephens [2009] UKHL 39 [353](#)
 Stoneham Settlement Trust, *Re* [1953] Ch 59 [533](#)
 Stott v Milne (1884) 25 Ch D 710 [615](#)
 Strafford (Earl), *Re* [1979] 1 All ER 513 [654](#)
 Strahan, *Re* (1856) 8 De GM & G 291 [706](#)
 Strakosch, *Re* [1949] Ch 529 [773](#), [803](#)
 Strickland v Aldridge (1804) 9 Ves. 517 [217](#)
 Strong v Bird (1874) LR 18 Eq. 315 [29](#), [186–188](#)
 Stuart, *Re* [1897] 2 Ch 583 [722](#)
 Suenson-Taylor's Settlement, *Re* [1974] 3 All ER 397 [652](#)
 Suffert's Settlement, *Re* [1961] Ch 1 [679](#)
 Surrey County Council v Bredero Homes [1993] 1 WLR 1361 [24](#)
 Sutton, *Re* (1885) 28 Ch D 464 [832](#)
 Swain v Law Society [1981] 3 All ER 797 [122](#)
 Swift Advances Plc v Ahmed [2015] EWHC 3265 (Ch) [276](#)
 Swindle v Harrison [1997] 4 All ER 705 410 [416](#), [629](#), [701–702](#)
 Sykes, *Re* [1909] 2 Ch 241 [621](#)
 Tang Min Sit v Capacious Investments [1996] AC 514 [696](#)
 Target Holdings Ltd v Redferns [1996] AC 421; [1995] 3 WLR 352; HL; reversing [1994] 1 WLR 1089 [416](#), [610](#), [629](#), [694–705](#), [712](#)
 Taylor Fashions Ltd v Liverpool Victoria Trustees Co Ltd [1981] 1 All ER 897, [1982] QB 133 [196](#), [451](#), [465](#)
 Taylor v Plumer (1815) 3 M & S 562 [739–741](#)
 T. Choithram International S.A. v Pagarani [2001] 1 WLR 1 [171–174](#)
 Tee v Ferris (1856) 2 K & J 357 [216](#)
 Tempest, *Re* (1866) 1 Ch App. 48 [535–537](#)
 Tempest v Lord Camoys (1882) 21 Ch D 571 [545](#)
 Thavorn v Bank of Credit and Commerce International SA [1985] 1 Lloyd's Rep. 259 [297](#), [336](#)
 Thompson, *Re* [1934] Ch 342 [250–251](#)
 Thompson's Estate, *Re* (1879) 13 Ch D 144 [115](#)
 Thompson's Settlement, *Re* [1986] Ch 99 [614](#)
 Thompson's Trustee v Heaton [1974] 1 WLR 605 [412](#), [620](#)
 Thomson, *Re* [1930] 1 Ch 203 [621](#)
 Thomson v Eastwood (1877) 2 App. Cas. 215 [615](#)
 Thorner v Major & Others [2009] 1 WLR 776 [15](#), [17–20](#), [465](#)
 Thorne v Heard [1894] 1 Ch 599 [728](#)
 Thornton v Howe (1862) 31 Beav. 14 [793](#), [794](#)
 Thrupp v Collett (1858) 26 Beav. 125 [263](#)
 Tilley's Will Trusts, *Re* [1967] 1 Ch 1179 [745](#)
 Tinker's Settlement, *Re* [1960] 1 WLR 1011 [683](#)
 Tinker v Tinker [1970] P 136 [344](#)
 Tinsley v Milligan [1994] 1 AC 340, [1992] Ch 310 [27](#), [344–348](#), [351](#), [353](#), [355–356](#), [453](#), [455](#)
 Tito v Waddell (No. 2) [1977] Ch 106 [612–613](#), [728](#)
 Townley v Sherborne (1643) J Bridg. 35 [705–706](#)
 Trenchard, *Re* [1902] 1 Ch 378 [667](#)
 Tribe v Tribe [1996] Ch 107 [27](#), [348–351](#), [455–456](#)
 Trimmer v Danby (1856) 25 LJ Ch 424 [248](#)
 Trustees of the British Museum v Attorney-General [1984] 1 All ER 337; [1984] 1 WLR 418 [579](#), [590](#)
 T's Settlement Trusts, *Re* [1964] Ch 158 [686](#)
 Tulk v Moxhay (1884) 2 Ph. 774; 41 ER 1143 [35](#)
 Turner, *Re* [1897] 1 Ch 536 [720](#)
 Turner's Will Trusts, *Re* [1937] Ch 15 [643](#), [645](#)
 Turner v Corney (1841) 5 Beav. 515 [634](#)
 Twinsectra Limited v Yardley [2002] UKHL 12, [2002] 2 AC 164, [2002] 2 All ER 377 [78–83](#), [299](#), [313–316](#), [484–486](#), [491](#), [492](#), [494–495](#), [498](#), [505](#)
 Tyler, *Re* [1891] 3 Ch 252 [766](#)

- Ullah v Ullah [2013] EWHC 2296 [424](#)
- United Grand Lodge of Ancient Free and Accepted Masons of England v Holborn Borough Council [1957] 1 WLR 1080 [790](#), [792–793](#)
- United Scientific Holdings Ltd v Burnley Borough Council [1978] AC 904 [24](#)
- Uzinterimpex JSC v Standard Bank plc [2008] 2 Lloyd's Rep. 456 [517](#)
- Vajpeyi v Yijaf [2003] EWHC 2339 Ch [338](#)
- Vallee v Birchwood [2013] EWHC 1449 (Ch). [191–194](#)
- Vanasse v Seguin [2011] SCC 10 [372–373](#)
- Vandepitte v Preferred Accident Insurance Corp'n of New York [1933] AC 70 [185](#)
- Vandervell v IRC [1967] 2 AC 291 [144](#), [292](#), [296](#), [299](#), [300](#), [310](#), [311](#)
- Vandervell v IRC (No. 2), *Re* [1974] Ch 269 [58](#), [59](#), [148–153](#), [156](#), [300](#), [303](#)
- Van Gruisen's Will Trust, *Re* [1964] 1 WLR 449 [681](#)
- Varsani v Jesani [1999] Ch 219 [862](#)
- Vasdev v Bellinorth Ltd (In Liquidation) [2017] EWHC 1395 [275](#)
- Vatcher v Paull [1915] AC 372 [87](#), [91](#)
- Vaughan, *Re* (1886) 33 Ch D 187 [248](#), [773](#)
- Verge v Sommerville [1924] AC 496 [819–820](#)
- Vernon's Will Trust, *Re* [1972] Ch 300 [855–856](#)
- Vickery, *Re* [1931] 1 Ch 572 [636](#), [637](#)
- Vinogradoff, *Re* [1935] WN 68 [297](#), [336](#), [530](#)
- Walker, *Re* [1901] 1 Ch 879 [664](#)
- Walker v Stones [2001] QB 902 [92](#), [717](#)
- Walker v Symonds (1818) 3 Swans. 1 [719](#)
- Wallbank v Price [2007] EWHC 3001 (Ch) [168](#)
- Wallersteiner v Moir (No. 2) [1975] QB 373 [713](#)
- Wallgrave v Tebbs (1855) 25 LJ Ch 241 [213](#)
- Wall v Bright (1820) 1 Jac. & W 494 [461](#)
- Walsh v Lonsdale (1882) 21 Ch D 9 [23](#), [28](#)
- Walter J Schmidt & Co ex p. Feuerbach, *Re* (1923) 298 F 314 [748](#)
- Ward-Smith v Jebb [1964] 108 Sol. Jo. 919 [722](#)
- Ward v Turner (1752) 2 Ves. Sen. 431; 28 ER 275 [191](#)
- Wasserberg, *Re* [1915] 1 Ch 19 [191](#), [195](#)
- Waterman's Will Trust, *Re* [1952] 2 All ER 1054 [543](#), [572](#)
- Watson, *Re* [1973] 1 WLR 1472 [794](#)
- Webb v Webb [1994] QB 696 [26](#)
- Wedgwood, *Re* [1915] 1 Ch 113 [807](#)
- Weekes' Settlement, *Re* [1897] 1 Ch 289 [89](#), [95](#)
- Welsh Hospital (Netley) Fund, *Re* [1921] 1 Ch 655 [322](#), [860](#)
- Westdeutsche Landesbank Girozentrale v Islington LBC [1996] AC 669 (HL) [4](#), [13](#), [14](#), [49](#), [58–60](#), [63](#), [290](#), [291](#), [295–305](#), [309](#), [333](#), [336](#), [360](#), [366–367](#), [369](#), [376–377](#), [381](#), [397](#), [406](#), [483](#), [541](#), [743](#)
- Western Fish Products Ltd v Penwith District Council [1981] 2 All ER 204 [12](#)
- Weston, *Re* [1902] 1 Ch 680 [191](#)
- Weston's Settlements, *Re* [1969] 1 Ch 223 [535](#), [682–683](#)
- West Sussex Constabulary Benevolent, *Re* (1930) Fund Trust [1971] Ch 1 [321–324](#)
- Wheeler and De Rochow, *Re* [1896] 1 Ch 315 [533](#)
- Whiteley, *Re* (1886) 33 Ch D 347 [542](#)
- White's Trusts, *Re* (1886) 33 Ch D 449 [779](#)
- White v Jones [1995] 2 AC 207 [601–602](#)
- White v Vandervell's Trustees Ltd (*Re* Vandervell's Trust No. 2) [1974] Ch 269 *see* *Vandervell's Trusts (No. 2)*
- White v Williams [2010] EWHC 940 [863](#)
- Whiting's Settlement 30, *Re* [1905] 1 Ch 96 [268](#)
- Whittaker v Kinnear [2011] EWHC 1479 [466](#)
- Wiles v Gresham (1854) 2 Drew. 258; 24 LJ Ch 264 [714](#)
- Wilkes v Allington [1931] 2 Ch 104 [190](#)
- Wilkes v Spooner [1911] 2 KB 473 [33](#), [48](#)
- Wilkins v Hogg (1861) LJ Ch 41 [716](#)
- Williamson v Codrington (1750) 1 Ves. Sen. 511 [185](#)
- William's Trustees v IRC [1947] AC 447 [773](#), [814](#), [815](#), [821](#)
- Williams v Byron (1901) 18 TLR 172 [721](#)
- Williams v Central Bank of Nigeria [2014] UKSC 10 [729](#)
- Williams' Will Trust, *Re* [1953] Ch 138 [647](#)
- Willis, *Re* [1921] 1 Ch 44 [531](#)
- Wills' Trust Deeds, *Re* [1964] Ch 219 [91](#)
- Wills' Will Trust, *Re* [1959] Ch 1 [648](#)
- Wilson, *Re* [1913] 1 Ch 314 [850](#)
- Wilson v Law Debenture Trust Corp [1995] 2 All ER 337 [558](#)
- Wilson v Turner (1883) 22 Ch D 521 [642](#), [644](#)
- Wodzicki v Wodzicki [2017] EWCA Civ 95 [449](#)
- Wokingham Fire Brigade Trusts, *Re* [1951] Ch 373 [860](#)
- Woodard v Woodard [1995] 3 All ER 980 [191](#)
- Woodhams, *Re* [1981] 1 WLR 493 [851](#), [858](#)
- Worthington, *Re* [1954] 1 All ER 677 [619](#)
- Wragg, *Re* [1919] 2 Ch 58 [580](#), [585–586](#)
- Wright, *Re* [1954] Ch 347 [859](#)
- Wrightson, *Re* [1908] 1 Ch 789 [539](#)
- Wykes' Will Trusts, *Re* [1961] 1 Ch 229 [835](#)
- Wyndham v Egremont [2009] EWHC 2076 (Ch) [676](#)
- Yaxley v Gotts [2000] Ch 162 [433](#), [465](#), [467](#)
- Yeoman's Row Management Ltd v Cobbe [2008] *see* *Cobbe v Yeoman's Row Management Ltd*
- Young, *Re* (1885) 28 Ch D 705 [335](#) [339](#)
- Young, *Re* [1951] Ch 344 [209](#)
- Zeital v Kaye [2010] EWCA Civ 159 [175](#), [176](#), [196](#)

Table of statutes

- Act of Parliament 1705 [39](#)
- Administration of Estates Act 1925 [104](#)
 - Part 4 [396](#)
 - s. 1(1) [76, 204](#)
 - s. 3(1) [76, 204](#)
 - s. 33(1) [76, 204](#)
 - s. 36(1) [76, 204](#)
 - s. 46 [201, 395, 396](#)
 - s. 46A [396](#)
- Administration of Justice Act 1965
 - s. 6(1) [713](#)
- Administration of Justice Act 1982
 - s. 17 [202](#)
 - s. 21 [111](#)
- Adoption of Children Act 1949 [722](#)
- Apportionment Act 1870
 - s. 2 [594](#)
- Bankruptcy Act 1924
 - s. 42 [276](#)
- Bermuda Trusts (Special Provisions) Amendment Act 1998 [259](#)
- Chancery Amendment Act 1858 [21](#)
- Charitable Trusts Act 1853 [761, 768](#)
- Charitable Trusts (Validation) Act 1954 [834–835](#)
- Charitable Uses Act 1601 [760, 768, 772–773, 776, 779, 783, 796, 801, 805](#)
- Charities (Protection and Social Investment) Act 2016 [588–589, 761](#)
 - s. 292B [588](#)
- Charities Act
 - s. 36 [770](#)
- Charities Act 1960 [761, 768, 847, 849, 861](#)
 - s. 13 [848, 861, 862](#)
 - s. 14 [867](#)
- Charities Act 1993 [761, 768, 771, 847–849, 852, 860–864](#)
 - s. 3A [769](#)
 - s. 13 [864](#)
 - s. 13(1) [866](#)
 - s. 13(1A) [863](#)
 - s. 13(1)(a)(i) [862](#)
 - s. 13(1)(c) [864](#)
 - s. 13(1)(d) [864](#)
 - s. 13(1)(e) [864](#)
 - s. 13(1)(e)(ii) [830](#)
 - s. 13(1)(e)(iii) [862, 863](#)
 - s. 13(5) [830](#)
 - s. 14 [860](#)
 - s. 14B [863, 869](#)
 - s. 32 [237](#)
 - s. 33 [765](#)
 - s. 43 [770](#)
 - s. 43(1) [770](#)
 - s. 73 [770](#)
- Charities Act 2006 [237, 249, 758–761, 764, 768, 771–773, 800, 806, 820, 822, 827, 847, 849](#)
 - s. 2(2)(i) [807](#)
 - s. 3(3) [829](#)
 - s. 6 [768](#)
 - s. 28 [770](#)
- Charities Act 2011 [46, 237, 759–762, 764, 768, 773, 775, 800, 806, 815, 822, 827, 847, 849, 852](#)
 - Part 8 [453–454, 770](#)
 - Part 14A [589](#)
 - Part 16 [854](#)
 - Part 17 [771](#)
 - s. 2(1)(b) [811](#)
 - s. 3 [771–772, 774, 776–778, 796, 811–812, 816](#)
 - s. 3(1) [776, 777, 811, 817–818, 830](#)
 - s. 3(1)(a) [778, 779, 782–783](#)
 - s. 3(1)(c) [789](#)
 - s. 3(1)(d) [796](#)
 - s. 3(1)(e) [796](#)
 - s. 3(1)(f) [786](#)
 - s. 3(1)(g) [785, 802, 810, 811](#)
 - s. 3(1)(h) [797, 802–804, 838](#)
 - s. 3(1)(j) [779, 805, 807](#)
 - s. 3(1)(k) [807](#)
 - s. 3(1)(l) [810](#)
 - s. 3(1)(m) [774, 776–777, 811, 812](#)
 - s. 3(2) [789, 790, 791, 802](#)
 - s. 3(2)(d) [802](#)
 - s. 4 [771, 811, 816–817](#)
 - s. 4(3) [829](#)
 - s. 5 [811, 816](#)
 - s. 5(1) [816](#)
 - s. 14 [768, 769](#)

- s. 15 769
- s. 30 769
- s. 62 850, 861, 862, 864, 867
- s. 62(1) 861
- s. 62(2) 862
- s. 63 867
- s. 63(1) 868, 869
- s. 63(1)(a)(ii) 868
- s. 64 867
- s. 65 868
- s. 65(1) 868
- s. 65(2) 868
- s. 65(3) 869
- s. 65(5) 869
- s. 65(6) 869
- s. 67 869
- s. 185 770
- s. 292C(6) 589
- s. 315 771
- s. 324 771
- Civil Liability (Contribution) Act 1978
 - s. 1 707
 - s. 2(1) 707
 - s. 2(3) 707
- Civil Partnership Act 2004 62, 355, 359, 417
- Common Law Procedure Act 1854 21
- Companies Act 1919 855
- Companies Act 1985
 - Pt VII 763
 - Pt XI 763
 - s. 459 413
- Companies Act 2006 770
 - s. 994 413
- Contract (Rights of Third Parties) Act 1999 73, 179–180
 - s. 1 180, 181
 - s. 1(1)–(5) 179
 - s. 1(1)–(7) 72
 - s. 1(1)(b) 180
 - s. 1(5) 180
- Criminal Justice Act 1988
 - Part VI 408
- Criminal Justice Act 1993
 - s. 52 351
- Criminal Justice Act 1998
 - Part IV 377
- Equality Act 2010 361
 - s. 199 333, 339, 341
 - s. 199(1)–(2) 342
- Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011 395
 - s. 1 396
 - s. 2 396
- Executors Act 1830
 - s. 30 109
- Family Law Act 1996 12
- Family Law Reform Act 1969
 - s. 15(7) 264
- Finance Act 1958 678
- Finance Act 1965 658, 682
- Finance Act 1985 144
- Finance Act 2003 144
- Forfeiture Act 1982 388, 391–395
 - s. 1(1)–(2) 391
 - s. 2 395, 396
 - s. 2(1) 392
 - s. 2(2) 392
 - s. 2(3) 392
- Friendly Societies Act 1974
 - s. 49(1) 325
- Health Service Act 1946 855
- Housing Act 1985
 - Part V 356–357, 431
- Human Rights Act 1998 341
 - s. 6 269
- Income and Corporation Taxes Act 1988
 - s. 684 148, 310
 - s. 685 148, 310
- Income Taxes Act 1952
 - s. 415 148, 310
- Inheritance (Provision for Family and Dependents) Act 1975 201–202, 280, 281, 646
 - s. 1(1) 279
 - s. 2 279
 - s. 2(1) 279
 - s. 25(1) 279
 - s. 25(4) 279
- Inheritance and Trustees' Powers Act 2014 47, 76, 104, 201, 651
 - s. 8 645
 - s. 9 648
 - s. 339(1)–(3) 276
- Insolvency Act 1986
 - s. 127 48–49
 - s. 339 276–278
 - s. 341 276, 277
 - s. 342 276
 - s. 399 277
 - s. 423 140, 273, 275–278
 - s. 423(1) 274–275
 - s. 423(1)–(5) 274
 - s. 424 275
 - s. 425 275, 276
 - s. 435 277
- Judicature Acts of 1873 and 1875 21–24
- Judicial Trustee Act 1896 529, 618
- Judicial Trustee Rules 1983 540

- Land Charges Act 1925 48
- Land Charges Act 1972 48, 587
- Land Registration Act 1925 48
 - s. 70(1)(g) 420
- Land Registration Act 2002 48, 193
 - s. 29 168, 335
 - s. 30 168
 - Sched. 3
 - para 2 420
- Law of Property Act 1922 146
- Law of Property Act 1925 48, 138–139, 242, 463, 767
 - s. 1(6) 530
 - s. 2 530
 - s. 20 44, 530
 - s. 27 530
 - s. 27(2) 540, 653
 - s. 52 22
 - s. 53 137, 141–143
 - s. 53(1) 138, 151–152, 200
 - s. 53(1)(b) 138, 139–140, 143, 144, 152, 221, 335, 465
 - s. 53(1)(c) 138, 139, 142–157, 163, 175, 221, 253, 615, 686, 687
 - s. 53(2) 138, 151–153, 156
 - s. 60(3) 334–336
 - s. 87(1) 32
 - s. 101 84
 - s. 164 242
 - ss. 164–166 242, 767
 - s. 172 273
- Law of Property (Amendment) Act 1924 146
- Law of Property (Miscellaneous Provisions) Act 1989
 - s. 1 71, 180
 - s. 2 466
 - s. 2(1) 5, 6, 22, 138, 461, 465, 467
 - s. 2(5) 466, 467
 - s. 2(5)(c) 465
- Limitation Act 1925
 - s. 21(1)(a)–(b) 728
- Limitation Act 1980 29
 - s. 21(1) 728–730
 - s. 21(1)(a) 728, 729
 - s. 21(1)(b) 728
 - s. 21(3) 727, 728
 - s. 38(1) 728
- Lord St. Leonard's Act 1859 568
- Married Women's Property Act 1882 34, 52–53, 177
 - s. 17 358–359, 419
- Matrimonial Causes Act 1973 62, 354, 355, 359, 417–418, 458
 - s. 24 277, 278, 673–674
 - s. 24 (1)(a)–(d) 673
 - s. 24(1) 674
 - s. 24(1)(b) 674
 - s. 24(1)(c) 674
- s. 37 281, 282
- s. 37(2) 282
- s. 37(4) 282
- s. 37(5) 281
- Mental Health Act 1983 549
- Mental Health Act 1984 549
- Mortmain and Charitable Uses Act 1888 772
- Municipal Corporations Act 1835 864
- Official Secrets Act 1911 607
- Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970
 - s. 1 248
- Pensions Act 1995 64, 328
 - s. 34 584
- Pensions Act 2004 328
- Perpetuities and Accumulations Act 1964 272, 767
 - s. 1 241
 - s. 13 242
- Perpetuities and Accumulations Act 2009 240–243, 272, 686, 767
 - s. 5 241
 - s. 13 242, 767
 - s. 13(a)–(b) 242, 767
 - s. 14 242, 767
 - s. 14(1)–(7) 242–243
- Prevention of Cruelty to Animals Act 1911 810
- Public Trustee Act 1906 529, 618
 - s. 7 539
- Public Trustee and Administration of Funds Act 1986 529
- Race Relations Act 1976
 - s. 34 848, 861
 - s. 34(1) 781
- Recreational Charities Act 1958 801, 805, 813, 814, 815
 - s. 1 814, 815
 - s. 1(1) 814
 - s. 1(2) 814
 - s. 1(2A) 814
 - s. 1(3) 814
 - s. 2(a) 815
- Sale of Goods (Amendment) Act 1995 116
- Senior Courts Act 1981
 - s. 49(1) 22
- Settled Land Act 1925
 - s. 64 672–673
 - s. 68 613
- Stamp Act 1891 155
- Statute of Charitable Uses 1601 *see* Charitable Uses Act 1601
- Statute of Elizabeth *see* Charitable Uses Act 1601
- Statute of Frauds 1677 463
 - s. 7 139, 140, 221
 - s. 9 143, 146

Statute of Uses 1535 35, 52

Statute of Uses 1536 334

Statute of Wills 1540 35, 52

Stock Transfer Act 1963

s. 1 168

Suicide Act 1961

s. 2 395

s. 2(1) 390

Supreme Court of Judicature Act 1873

s. 25(11) 22

Taxation of Chargeable Gains Act 1992

s. 2(4) 550

Theft Act 1968

s. 28 397

Torts (Interference with Goods) Act 1977

s. 3 738

Trustee Act 1893 568

s. 8(1) 588

Trustee Act 1925 568, 584, 586–587, 635, 636–637

Part 1 650

Part 3 650

s. 1 579

s. 1(1)(a) 586

s. 8 587, 588, 722

s. 9 588

s. 12 651

s. 14 653

s. 14(1) 653

s. 14(2) 540, 653

s. 15 653–654

s. 15(1) 653–654

s. 16 651–652

s. 19 652, 653

s. 23 584, 636, 637, 640

s. 25 640–641

s. 25(1) 641

s. 25(1)–(3) 641

s. 25(4) 641

s. 30 584, 636–637, 640

s. 31 643–645, 649–651, 668

s. 31(1) 643, 644

s. 31(2) 643, 644

s. 32 646–651

s. 33 55

s. 33(1) 56–63

s. 33(1)(i) 56

s. 33(1)(ii) 56

s. 34 530

s. 36 532–534, 538

s. 36(1) 530, 533, 534

s. 36(1)–(2) 532

s. 36(1)(a) 532, 533

s. 36(1)(b) 532, 533

s. 36(6) 533–534

s. 36(8) 533

s. 39 538

s. 40(1) 541

s. 41 534–539

s. 41(1) 534, 535

s. 53 668–669

s. 57 589–591, 665, 669–671, 677

s. 57(1) 591, 671

s. 57(1)–(4) 669

s. 61 710, 715, 719–727

s. 62 708–709

s. 62(1) 708, 861

s. 68(7) 587

s. 68(17) 728

Trustee Act 2000 543, 565, 568, 570–572, 580–581, 590, 593, 594, 619, 635, 637–640, 695

Part I 542, 570

Part II 578, 580, 581, 583, 586, 589

Part III 586

Part IV 635, 637

s. 1 542–543, 555, 560, 570, 572, 583, 640, 654, 721

s. 1(1) 654

s. 3 555, 580, 586

s. 3(1) 581

s. 4 582, 589, 639

s. 4(1) 582

s. 4(2) 577, 582

s. 4(3) 582, 583, 589

s. 5 582–583, 589

s. 5(1) 582, 583

s. 5(2) 583

s. 5(3) 583

s. 5(4) 583

s. 6(1) 581

s. 7(1) 581

s. 8 581, 586, 590, 671

s. 8(1) 586

s. 9(1) 586

s. 10 586

s. 11 637, 638, 639

s. 11(1)–(2) 637

s. 12 639

s. 15 584–585, 639

s. 15(1) 639

s. 15(1)–(5) 584–585

s. 15(2)(a) 584, 585

s. 15(2)(b) 585

ss. 16–24 711

s. 21 640

s. 22 585, 637, 638, 640

s. 22(1) 638

s. 22(2) 640

s. 23 637, 640

- s. 23(1) 638
- s. 28 617, 618, 619
- s. 28(1) 617
- s. 29 618, 619
- s. 29(3) 618
- s. 31(1)(a) 615
- s. 34 652–653

Sched. 1 542, 570

Trustee Delegation Act 1999 641

Trustee Investment Act 1889 568

Trustee Investment Act 1961 565, 569, 578, 580, 581, 583,
586–587, 590

s. 6 583

s. 6(1) 582

Trusts (Capital and Income) Act 2013 593–594

Trusts of Land and Appointment of Trustees Act (TLATA)
1996 64–65

s. 1 57

s. 2(1) 672

s. 2(6) 64

s. 6 245, 586, 590, 671

s. 6(1) 651

s. 9 639

s. 14 431

s. 19 537, 538

s. 19(1) 537

s. 19(2) 537

Variation of Trusts Act 1958 589, 658, 659, 664, 667,
674–687, 716

s. 1 668, 675–677, 678, 680, 684, 685

s. 1(1) 677

s. 1(1)(a)–(d) 675–676

s. 1(1)(b) 678, 679

s. 1(1)(d) 680

Welfare Reform and Pensions Act 1999 674

Wills Act 1837 206–208, 218, 222, 336

s. 9 57, 137, 200–202, 205, 474

s. 15 203, 209

s. 25 203, 219

s. 33 396

s. 33A 396

Statutory Instruments

Judicial Trustee Rules 1983 540

European legislation

EC Treaty

Art. 58 763

European Convention for the Protection of Human Rights
and Fundamental Freedoms 1953

Art. 8 269

Art. 9 269, 270

First Protocol, Article 1 327

Seventh Protocol, Art. 5 342

International Legislation

Cayman Islands Special Trusts (Alternative Regime) Law
1997 259

Part I

Introduction to equity and trusts

Part I of this book explores the nature of equity and the trust concept. It is important to have a sound understanding of the nature of equity and the trust concept before moving on to a more detailed study of the law relating to trusts. Chapter 1 explores the nature of equity and its relationship with the common law. The chapter explores the historical development of equitable jurisdiction and explains the modern grounds for the application of equitable relief. The reader is encouraged to appreciate the role of unconscionability as the fundamental ground for invoking equitable relief. Chapter 2 moves on to explore the nature of the trust concept. The chapter explores the nature of the trust, the reasons why people create trusts and the key players in the trust relationship. The purpose of this chapter is to put into context the modern social and economic significance of the trust to allow the reader to appreciate the concerns which form the subject matter of the remaining parts of the book. Chapter 3 looks at how the trust concept differs from other legal concepts, including powers of appointment, contracts and the rights of individuals receiving under a will or on intestacy.

