

Extending the Boundaries of Trusts and Similar Ring-Fenced Funds

Edited by David Hayton

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Extending The Boundaries Of Trust And Similar Ringfenced Funds

**Jonathan Garton, Graham Moffat, Gerry
Bean, Rebecca Probert**



Extending The Boundaries Of Trust And Similar Ringfenced Funds:

Extending the Boudaries of Trust and Similar Ring-Fenced Funds David Hayton, 2002-07-19 Virtually every jurisdiction today is busy developing private international law rules to deal with trusts and similar ring fenced structures. With the increasing impact of globalisation business interests throughout the world are intent on maximising the potential of such structures for raising funds lowering risks and cutting costs. As a result numerous complex issues involving the traditional categories of settlor beneficiary and fiduciary are being radically transformed. Extending the Boundaries of Trusts and Similar Ring Fenced Funds offers valuable analyses by sixteen well known authorities in the field of a broad range of trust related issues. The many important insights in this book reveal the workings of such issues as the following: the disappearing divergence between common law and civil law jurisdictions in the matter of trusts using the segregated fund concept to manage the risk of insolvency; the demise of the amateur trustee in the charitable trust sector; why loss to the fund supersedes particular losses of beneficiaries; the legal dimensions of hiding ownership by giving property to trustees; the intervention of public policy in questions of perpetuity; the selective imposition of OECD and FTF transparency initiatives on offshore jurisdictions and policing of trustee behaviour by beneficiaries. Lawyers, bankers and others dealing with investment and business finance will find much information as well as food for thought in this fascinating book as will those involved in the traditional trust industry whether as trustees or lawyers or fund managers. Most of the essays in this outstanding thematic collection were originally prepared for presentation at a conference held in 2001 at King's College London. The Commercial Uses of Trusts Ruiqiao Zhang, 2024-10-31 This book provides a systematic and critical analysis of the role trusts play in modern commercial markets. Commercial trusts are complex and ever evolving and a reassessment of the traditional legal norms relating to them is much needed in order to provide new doctrinal insights. The book does just that focusing on trusts in the UK while drawing on developments in European jurisdictions and in China. It presents a thought provoking assessment and a unified understanding of commercial trusts. Trusts and Modern Wealth Management Richard C. Nolan, Kelvin F. K. Low, Tang Hang Wu, 2018-05-31 Trust law has grown and developed over recent years through the continued ingenuity of practitioners and the provision of innovative new trust laws by offshore jurisdictions. The wealth managed through the medium of trust law has also changed in recent years as increasingly it has come from the newly rich of Asia. This brings distinctive issues to the fore: the role of settlors, family members and trusted advisors in trust administration; the position of trustees in relation to instructions coming from such persons and an increased desire for confidentiality in trust administration and the settlement of trust disputes. This collection focuses on trusts which are deliberately created to manage wealth and the concomitant issues such trusts raise in other areas of law. Essays from leading members of the judiciary, practitioners and academics explore these developments and their implications for the users of trust law and for society in general. Toward the Reform of Private Waqfs Hamid Harasani, 2015-10-05 Using a combination of the

comparative legal method and hermeneutics this book reconciles Islamic law with English trust s law in these two main areas It does not find it necessary for one legal system to reign supreme over the other as such solutions will be questioned by the internal subjects of the dominated legal system undermining the efficacy of this study Rather reconciliation is a mutual step to congruence taken by both legal systems In the area of perpetuities the book finds that neither Islamic Waqfs must be perpetual nor common law trusts must have a rule against perpetuities Regarding ownership theories the multiplicity of rendered theories in both legal systems presents more than one avenue of reconciliation Overall the study finds that private Waqfs and private trusts can be reconciled without undermining the internal hermeneutic standpoints of both legal systems

Dalhuisen on Transnational Comparative, Commercial, Financial and Trade Law Volume 2 Jan H Dalhuisen,2019-06-13

This is the seventh edition of the leading work on transnational and comparative commercial financial and trade law covering a wide range of complex topics in the modern law of international commerce finance and trade As a guide for students and practitioners it has proven to be unrivalled The work is divided into three volumes each of which can be used independently or as part of the complete work Volume 2 deals with the transnationalisation of contract movable and intangible property law and the transformation of the models of contract and movable property in commercial and financial transactions between professionals in the international flow of goods services money information and technology In this transnational legal order the emphasis in the new law merchant or modern lex mercatoria of contract and movable property turns to risk management asset liquidity and transactional and payment finality Common law and civil law concepts are compared and future directions indicated The potential effects and challenges of the blockchain are noted so far especially for the carriage of goods by sea All three volumes may be purchased separately or as part of a single set **Asia-Pacific Trusts Law, Volume 1** Ying Khai

Liew,Matthew Harding,2021-08-26 At a time when Asia represents the fastest growing economic region there is no better moment to consider what trusts law can contribute to societal stability and economic prosperity This book does this by offering the first work that systematically explores trusts law across the region Many Asian Pacific jurisdictions have integrated and developed trusts law in their legal systems either through colonial heritage or statutory activism But the diversity of legal traditions and local contexts has resulted in trusts laws having a significantly varied impact across the region In the modern globalised world there is growing need to adopt an outward looking approach in dealing with matters of common interest This book answers this need by bringing together leading legal scholars and practitioners in the region to explore the theory and practice of trusts law contextualised to specific jurisdictions in the Asia Pacific Exploring 17

jurisdictions in Asia it bring both an academic and practitioner perspective to trusts law in the region Equity and Trusts Alastair Hudson,2014-06-30 Alastair Hudson s Equity and Trusts is an ideal textbook for undergraduate courses on the law of trusts and equitable remedies It provides a clear current and comprehensive account of the subject through which the author s enthusiasm and expertise shine through helping to bring to life an area of the law which students often find difficult

Beginning with the core principles Alastair Hudson reinforces the key points by means of clear examples throughout each chapter helping students to build and develop their own knowledge of equity and trusts A set of lively discursive essays reflecting on the law then begin to outline the broader political social and economic context of the subject and encourage the reader to begin to engage with their own critical analysis The eighth edition of Equity and Trusts will be edited and updated to include discussion of the key developments in the subject since publication of the seventh edition in 2012 including the latest case law and potential for regulation relating to cohabitation and shared ownership as well as cases arising in the light of the enforcement of the Charities Act 2006

Principles of Equity and Trusts Alastair Hudson, 2016-06-10 Principles of Equity and Trusts is a concise new textbook from Alastair Hudson the author of the definitive classic Equity and Trusts Through clear and careful analysis the author explains what the law is its foundational principles and its social and economic effect By beginning with the core principles on which this field is based even the most complex academic debates concerning express resulting and constructive trusts the family home charities law and other equitable doctrines become comprehensible and interesting This book offers a fresh lively and often humorous account of Equity and Trusts Through easy to follow worked examples and analysis of the case law Alastair helps you to answer problem questions and to prepare coursework The author shows how the law affects real people in real situations Each chapter begins with a clear and concise introduction to the core principles It contains numbered headings for ease of navigation and advice on studying this subject Students also have access to Professor Hudson's ever popular supporting website which has had hundreds of thousands of hits over the years It has over 50 brief podcasts on key issues which have been specially re-recorded to coincide with the publication of this book That website also contains detailed lectures a variety of videos explaining the law and guidance on tackling assessments Characterised by the passion and enthusiasm for his subject matter that make Alastair Hudson's classic textbook so popular Principles of Equity and Trusts is sure to be a winner with both academics and students alike

The Quistclose Trust William Swadling, 2004-02-25 The so called Quistclose trust probably represents the single most important application of equitable principles in commercial life Lord Millett in the foreword to this book The decision of the House of Lords in *Twinsectra v Yardley* has refocused attention on the Quistclose trust Although accepted by insolvency lawyers as a convenient tool for corporate rescue the precise basis of the trust has always been in doubt The purpose of these essays is to explore the foundations of the trust and subject them to a searching analysis Contributors Robert Stevens Oxford Rolls Razor Ltd William Swadling Oxford Orthodoxy James Penner LSE Lord Millett's Analysis Lionel Smith McGill Understanding the Power Robert Chambers Alberta Restrictions on the Use of Money Peter Birks Oxford Retrieving Tied Money Ewan McKendrick Oxford Commerce Robert Stevens Oxford Insolvency George Gretton Edinburgh Scotland

Equity and Administration P. G. Turner, 2016-05-26 Each generation of lawyers in common law systems faces an important question what is the nature of equity as developed in English law and inherited by other common law jurisdictions While some

traditional explanations of equity remain useful including the understanding of equity as a system that qualifies the legal rights people ordinarily have under judge made law and under legislation other common explanations are unhelpful or misleading This volume considers a distinct and little noticed view of equity By examining the ways in which courts of equity have addressed a range of practical problems regarding the administration of deliberately created schemes for the management of others affairs modern equity can be seen to have a strongly facilitative character The extent and limits on this characterisation of equity are explored in chapters covering equity s attitude to administration in various public and private settings in common law systems

The Modern Cy-près Doctrine Rachael Mulheron, 2016-04-08 It is unusual in the precise world of law to find instances of where near enough is good enough This book explores when this is possible referring to property and monetary transfers under the increasingly important and influential cy pr s doctrine The doctrine decrees that when literal compliance is impossible or infeasible the intention of a donor or testator should be carried out as nearly as possible Over the past thirty years this doctrine has marched into other legal territory where as near as possible is also considered sufficient such as in class actions litigation and under non charitable trusts Discussing and analyzing key developments across the Commonwealth jurisdictions and the USA this book considers whether there is a new and overarching definition which can be attributed to the cy pr s doctrine It asks whether there is a doctrinal symmetry of analysis that truly renders it a body of cy pr s law in the modern context and whether the doctrine can be expected to play an even greater role in the future This book is of interest to researchers and practitioners working in trusts and charity law property law contract law and class actions jurisprudence

Trusts and Patrimonies Remus Valsan, 2015-06-17 Focusing on the private law of England Scotland France Quebec and the Netherlands this volume explores how the private law concepts of trust and patrimony interact in various jurisdictions with a view to advancing the understanding of the trust as a fundamental legal concept It comprises new and previously published papers written by distinguished comparative law scholars The authors investigate whether the common law trust could be understood as a civil law patrimony by appropriation and whether civil law and mixed traditions could create local versions of the common law trust using patrimony as the main conceptual building block

Comparative Property Law Michele Graziadei, Lionel Smith, 2017-01-27 Comparative Property Law provides a comprehensive treatment of property law from a comparative and global perspective The contributors who are leading experts in their fields cover both classical and new subjects including the transfer of property the public private divide in property law water and forest laws and the property rights of aboriginal peoples This Handbook maps the structure and the dynamics of property law in the contemporary world and will be an invaluable reference for researchers working in all domains of property law

Modern Studies in Property Law, Volume 11 Sue Farran, Russell Hewitson, Adam Ramshaw, 2021-07-29 What are the contemporary challenges faced by property law as we enter the 2nd decade of the 21st century This collection brings together the research and perspectives of an international

body of academics and practitioners to consider these challenges and how even familiar topics must develop to meet new demands and developments As with previous books in the Modern Studies in Property Law series this volume adopts a broad approach to topics encompassed by property law in the firm belief that the boundaries that divide are shadowy at best and constantly moving in the endeavour to keep up with what is modern This collection looks at 5 themes Comparative perspectives including a chapter on grazing and cropping rights in Northern Ireland and analysis of the anomalies of the English trust law as seen from a civil law perspective Taking and alienating property including a chapter on bankruptcy and the family home Modern dilemmas including chapters on trusts in virtual currency and on smart homes Old chestnuts new challenges including analysis of the mortgage law reform in Scotland and a chapter on the ouster principle in common law jurisdictions and Wills death and other morbid topics with chapters on English succession law and the role of knowledge and approval in retrospective assessments of capacity Unfortunately the COVID 19 pandemic prevented the 13th biennial conference being held in 2020 as planned but despite this the authors and co editors persevered to produce this interesting and diverse collection

The Worlds of the Trust Lionel Smith, 2013-08-22 This collection of essays explores the law of trusts as it is understood in civilian and mixed jurisdictions

Trusts Law Graham Moffat, Gerard M. D. Bean, Rebecca Probert, 2009-09-03 This classic textbook brings a modern perspective to the study of the law of equity Its hallmark contextualized approach and commercial focus will help students understand the subject and the authors commentary on the factors informing trusts law allows students to confidently grapple with complex ideas

Moffat's Trusts Law Jonathan Garton, Graham Moffat, Gerry Bean, Rebecca Probert, 2015-08-13 This latest edition of Moffat's Trusts Law has been fully revised and updated to cover recent statutory developments and explores the impact of a wealth of new cases including the Supreme Court decisions in *Pitt v Holt* 2013 FHR *European Ventures v Cedar Capital Partners* 2014 and *Williams v Central Bank of Nigeria* 2014 It has been restructured to incorporate a new chapter on the internationalisation of the trust which provides an understanding of the new directions being taken in the areas of trust law and equitable remedies Supplementary material includes an online chapter on occupational pension schemes With suggestions for further reading guiding the student to contemporary debates this leading textbook retains its hallmark combination of a contextualized approach and a commercial focus and remains the serious student's textbook of choice

The Law of Trusts James Penner, 2012-07-05 This volume in the Core Text Series covers the law of trusts explaining from first principles what trusts is about and providing the student with an understanding of the law and the important academic controversies surrounding it

Trust Law in Asian Civil Law Jurisdictions Lusina Ho, Rebecca Lee, 2013-07-11 This book analyses and compares Asian trust laws to critically evaluate Asian approaches to the reception of the trust

Commercial Trusts in European Private Law Michele Graziadei, Ugo Mattei, Lionel Smith, 2005-11-03 In European legal systems a variety of approaches to trust and relationships of trust meet the universal professionalisation of asset management services This book explores that interface in order to

seek a better understanding of the legal regulation of the entrustment of wealth Within the methodology of the Common Core of European Private Law the book sets out cases on the establishment and termination of management relationships obligations of loyalty and of professionalism and the choice of law More specialized cases address collective investment collective secured lending pension funds and securitisation Reports on these cases from fifteen jurisdictions of the European Union tackle fundamental problems of trust law and show which legal techniques are deployed to solve them across Europe In addition to a much needed comparative treatment of the subject the book discusses the scholarly setting for the issues and gives guidance on the terminology in the evolving European scene

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