

EQUITY AND TRUSTS

GUIDEBOOK

Tips for Essay / Discussion / Problem Questions

The following information assists in answering the questions at the end of each chapter. It is not intended to be a complete answer.

Chapter 8 Resulting Trusts

Combination Questions (pp.111-112)

1 Part A

Consideration should be given to distinguishing between resulting and constructive trusts – see Figure 8.1 and Figure 9.1 for further information. Note that title to the property is in Mary's name and the parties want to hold the property as joint tenants.

Part B

Each provision needs to be considered individually. It is important to identify whether anything has been achieved – material from the following chapters should be used: Chapter 3 Dealings with Property in Equity – Figure 3.1, Chapter 6 The Nature of Trusts – Figure 6.1 and Chapter 7 Charitable Trusts – Figure 7.1.

2 Part A

This question involves a detailed discussion of *Barclays Bank Ltd v Quistclose Investments Ltd* [1970] AC 567. Note this decision is controversial – the case can be used as another example of a resulting trust and also as a new type of resulting trust. See Figure 8.1 for further information.

Part B

Principles of statutory interpretation and the role of public policy is involved in this question. A detailed discussion of *Nelson v Nelson* (1995) 184 CLR 538 is required.