

MALAYSIAN LAW OF TRUSTS

Editor
DR MOHSIN HINGUN

IIUM PRESS
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA



MALAYSIAN LAW OF TRUSTS

EDITOR: DR MOHSIN HINGUN



IIUM Press

Published by:

IIUM Press
International Islamic University Malaysia

First Edition 2011
©IIUM Press, IIUM

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without any prior written permission of the publisher.

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Malaysian Law of Trusrs, edited by Dr. Mohsin Hingun.

ISBN: 978-967-418-223-6

Member of Majlis Penerbitan Ilmiah Malaysian – MAPIM (Malaysian Scholarly Publishing Council)

Printed by

IIUM PRINTING SDN. BHD.

No. 1, Jalan Industri Batu Caves 1/3
Taman Perindustrian Batu Caves
Batu Caves Centre Point
68100 Batu Caves
Selangor Darul Ehsan

CONTENTS

<i>Preface</i>	i
<i>Contents</i>	iii
<i>Table of Cases</i>	v
CHAPTER 1	
Introduction to Trusts	1
<i>(Dr. Mohsin Hingun)</i>	
CHAPTER 2	
Express Private Trusts	23
<i>(Dr. Mohsin Hingun)</i>	
CHAPTER 3	
Constitution of Express Trusts	39
<i>(Dr. Zuraidah Ali)</i>	
CHAPTER 4	
Resulting Trusts	63
<i>(Dr. Zuraidah Ali)</i>	
CHAPTER 5	
Constructive Trusts	87
<i>(Dr. Aiman Nariman Mohd Sulaiman)</i>	
CHAPTER 6	
Non Charitable Purpose Trusts	109
<i>(Dr. Hamimah Hamzah)</i>	

CHAPTER 7	
Charitable Trusts	131
<i>(Dr. Hamimah Hamzah)</i>	
CHAPTER 8	
Appointment, Retirement, Removal of Trustees...	173
<i>(Dr. Olaitan Sarafadeen Nafiu)</i>	
CHAPTER 9	
Duties of Trustees	201
<i>(Dr. Mohsin Hingun)</i>	
CHAPTER 10	
Powers of Trustees	231
<i>(Dr. Halyani Hassan)</i>	