

# 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  
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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

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# CHAPTER 3

## CONSTITUTION OF EXPRESS TRUSTS

ZURAIDAH ALI \*

A valid express trust must satisfy the requisite formalities, comply with the requirement of the three certainties and the trust be properly constituted.

To constitute a trust the trust must not only be duly declared but the trust property must also be validly transferred and vested in the trustees. For example, in the case of land and shares, registration must be effected in the name of the trustees and in the case of personal property it must be handed over to the care and custody of the trustees. If the settlor declares himself as the trustee the problems related to constitution does not arise. In such a case as long as there is proper declaration the trust is valid.

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