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CHAPTER SIX

NON CHARITABLE PURPOSE TRUSTS

HAMIMAH HAMZAH

1. Introduction

Broadly speaking there are three types of trust - private trusts for human beneficiaries, public purpose trusts which are charitable and non-charitable purpose trust (NCPT) or trust of imperfect obligation which are an exception to the rule that private trusts without human beneficiaries are void. In Leahy v Attorney General for New South Wales¹ Lord Simonds commented:

A gift can be made to persons (including a corporation) but it cannot be made to a purpose or to an object: so, also a trust may be created for the benefit of persons as cestui que trust but

¹ LLB(Hons), MCL, PhD, Assistant Professor, AIKOL, International Islamic University, Malaysia. Dr Hamimah teaches Equity and Trusts. [1959] 2 AllER 300.