

EQUITY
AND
TRUSTS
IN MALAYSIA

SECOND EDITION

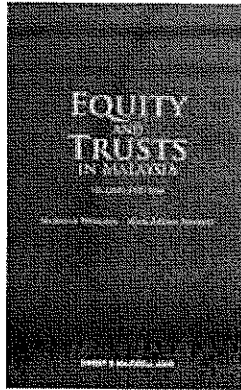
MOHSIN HINGUN · WAN AZLAN AHMAD

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SWEET & MAXWELL ASIA

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Equity & Trusts in Malaysia

Second Edition

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This leading local text on the law of trusts is an invaluable resource on the law of equity and trusts in Malaysia. It provides clear understanding of trusts, trusteeship and remedies. It explains the general principles of the current law and where appropriate makes critical analysis of the position of the law.

KEY FEATURES

- Written in a succinct, clear and easy-to-read style
- Besides local cases, decisions from England, Australia, Canada and New Zealand have been regularly cited and quoted from
- Detailed survey of case law development
- Provides critical analysis of the position of the law and where relevant, suggests the way forward for Malaysian law including the policy considerations which may determine such direction

NEW AREAS COVERED

- Common intention constructive trust
- The use of constructive trust in relation to property bought using money corruptly received
- The precise elements constituting dishonesty for the purposes of dishonest assistance
- The issue whether a trust to change the law can constitute a valid charity
- The constructive trustees' duty to account
- The validity of exclusion clauses inserted to protect trustees
- Principles of relevancy and reasonableness in exercise of trustees' discretion

Part A: Trusts

- Introduction to Trusts and Equity
- Express Private Trusts
- Constitution of Express Trusts
- Constructive Trusts
- Resulting Trusts
- Charitable Trusts
- Non-Charitable Purpose Trusts
- Jual Janji, Estoppel and Assignment
- Secret Trusts

Part B: Trusteeship

- Appointment, Retirement, Removal of Trustees and Fiduciary Nature of Trusteeship

- Duties and Powers of Trustees

Part C: Remedies

- Specific Performance
 - Injunctions
 - Anton Piller Orders, Rectification and Rescission
 - Breach of Trust and Compensation in Equity
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