Summer Examinations 2015

LAW302615N

Module Title: Equity and Trusts
Level: Six
Time Allowed: One hour and forty minutes

Instructions to students:

- Enter your student number not your name on all answer books.
- Answer two questions: one question from Section A and one question from Section B.
- All questions are equally weighted.

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Section A

Answer one question from this section.

1. To what extent has the “any given postulant test” contributed to the development of trusts with regard to certainty of objects and discretionary trusts?

2. “A ‘people trust’ is a trust the intention of which is to benefit identifiable people as beneficiaries, as opposed to being focused on achieving some abstract purpose.” Hudson A, Equity and Trusts, 8th Edition (2014) Routledge Cavendish, page 202

Discuss the justification for the law distinguishing between ‘people’ and ‘purpose’ trusts.

End of Section A
Section B follows overleaf
Section B

Answer one question from this section.

3. Advise the following organisations on the likelihood of them obtaining charitable status:

   a) The Society for Happiness is an atheist organisation. Half its members live in an isolated country house where they have a subsistence lifestyle. The other half carries out coaching lessons in sports and team work in the belief that greater understanding between nations will be achieved through recreational activities. Participants pay a fee to take part in these activities.

   b) Global Green is an environmental organisation that conducts research into environmentally friendly products but also seeks to put pressure on governments to pass laws that reduce global warming.

4. Brian inherited his aunt’s house, The Gables. Brian and his partner, Camilla, moved into the house in 2010. Brian told Camilla that she should treat The Gables as her home. Not long after moving in Camilla heard that a council house that she had applied for was available. She did not like the estate where the council house was situated and because she was now living with Brian she decided to reject the offer and she was taken off the housing list. In 2013 Camilla significantly increased the value of The Gables by redecorating the house and adding a conservatory at her own expense.

   Brian’s and Camilla’s relationship recently broke down. Brian now wants to sell The Gables but Camilla refuses to move out as she says it is her home.

   Advise Brian

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End of Section B
End of Paper