This chapter considers remedies involving a breach of trust which involves a third party who was not a trustee either as a participant in the breach or as the recipient of trust property transferred to them in breach of trust. In the event of such a breach, the beneficiaries of the trust may be entitled to pursue remedies against the stranger. The third party is termed a ‘stranger to the trust’ because he or she was not a trustee and, therefore, was not subject to any obligations prior to his or her involvement in the breach. Remedies against third parties may prove more attractive to the beneficiaries than their remedies against the trustee in breach. The availability of remedies against a stranger to the trust will be especially important if the trustee is insolvent, thus rendering direct remedies against the trustee ineffective.
31. Remedies against strangers to the trust