15. Constructive trusts and fiduciary duty

**Complete Equity and Trusts: Text, Cases, and Materials (5th edn)**
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**Chapter: (p. 391) 15. Constructive trusts and fiduciary duty**

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Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. The chapter looks at the nature of fiduciary duty and how someone becomes a fiduciary. The liability of fiduciaries for breach of trust is considered. Bribery and secret profits are explained, the meaning, nature, and approaches to constructive trusts are studied, and the various circumstances in which constructive trust might emerge are discussed. These include remedial and institutional constructive trusts. The liability of third parties (strangers) in constructive trusts as trustees de son tort, dishonest assisters, and those in knowing receipt are considered. The meanings of ‘knowledge’ and ‘dishonesty’ in this area of the law are explained, as is the level of liability of constructive trustees.
15. Constructive trusts and fiduciary duty

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