6. Formalities and secret trusts

The Law of Trusts (11th edn)
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Titles in the Core Text series take the reader straight to the heart of the subject, providing focused, concise, and reliable guides for students at all levels. The law sometimes imposes a requirement on the form of legal transactions before it will regard those transactions as valid, provable, or enforceable in court, typically a requirement that the transaction be made or recorded in writing. This chapter first discusses the formality that applies when creating a trust, that is, bringing into existence equitable rights. It then turns to the formality for the transfer, assignment, or disposition of already existing equitable interests, that is, the existing rights of beneficiaries under a trust. It considers the specific provisions of the Wills Act 1837 that apply to trusts. In particular, it looks at secret and half-secret trusts—testamentary trusts that fail to comply with the Wills Act.
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