This chapter discusses a form of ‘implied’ co-ownership—the situation in which the law recognizes that co-ownership in a property has arisen, even though this is sometimes far from the intention of the parties. It looks at how implied co-ownership arises, either through a resulting or constructive trust. It discusses in detail the two-stage process that gives rise to the court identifying that the existence of a common intention constructive trust has been established, and looks at how the courts have considered this process over many years. It then considers how the court approaches quantification of shares in the property. Finally it looks at the many proposals for reform in this area of law.
9. Trusts and the family home

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can't find the answer there, please contact us.