7. Implied Trusts

This chapter assesses the law relating to implied trusts. The law relating to implied trusts is almost entirely a judicial invention, and perhaps even more importantly, the relative vagueness of many of the rules means that a knowledge of how they work in practice from existing case law is essential. The chapter then studies express trusts, statutory trusts, constructive trusts, and resulting trusts. It also considers the plans regarding reform of the law in this area. The reform proposals which exist do not represent a clear improvement, however, and so in this area, it is perhaps best to see the law as it exists as a series of compromises borne out of a combination of political unwillingness to tackle the issues of cohabitation and imbalance in relationships head on, and of the common law's reluctance in respect of, and the constitutional impropriety of, judicially created 'revolutionary' rules.