7. Non-charitable purpose trusts

Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter discusses non-charitable purpose trusts. The beneficiary principle requires a valid trust to have human beneficiaries. Charitable trusts are the largest exception to the ‘beneficiary principle’. However, there are further ‘anomalous’ exceptions to this rule: monuments: the erection and upkeep of monuments and graves; animals: the upkeep of individual animals; and masses: the saying of private masses. They are ‘gifts of imperfect obligation’ because the trustee does not have to carry out the obligations and there are no human beneficiaries to enforce it. Because they do not satisfy the beneficiary principle, and have no human beneficiary, the courts have taken a strict approach to the categories of purpose trusts.
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