6. Non-Charitable Purpose Trusts

All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter discusses non-charitable purpose trusts and how they are generally considered as void because there are no ascertainable beneficiaries who are able to enforce the trust. There are a variety of mechanisms that can be adopted to implement a non-charitable purpose, including the use of fiduciary powers and the appointment of enforcers to enforce the trust. In exceptional cases, non-charitable purpose trusts can be considered valid, but only if it can be shown that the purpose directly or indirectly benefits ascertained individuals. Testamentary trusts for certain recognized purposes, such as for animals, may also be exceptionally recognized as valid, in which case, the trustees are not obliged, but have the option, to carry out the trust.
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