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| **[Equity and the](http://cpd.hk/evt000000241/)**  **[Perfection of Gifts](http://cpd.hk/evt000000241/)**  **[and Constitution of Trusts](http://cpd.hk/evt000000241/)**  *by*  [Prof. Steven Gallagher](http://www.profectional.com/presenters/idl000011512/),  Associate Professor of Practice in Law,  Associate Dean (Teaching & Learning),  The Faculty of Law,  The Chinese University of Hong Kong |  |

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|  | Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven has taught Equity and Trusts, Land Law and Company Law to undergraduates and International Corporate Liquidation and International Corporate Governance to postgraduates in England and Hong Kong. Steven teaches the Equity and Trusts courses for undergraduate students, the Principles of Equity and Trusts course on the Juris Doctor course and, in 2013, introduced the Principles of Cultural Heritage Law course to the LLM programme at the Chinese University of Hong Kong. Steven has presented continuing professional development courses for solicitors in Hong Kong on many topics associated with equity. Steven’s research interests include equity and the law of trusts, cultural heritage law and legal history. |

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| It is a maxim of equity that equity will not assist a volunteer. As donees and (usually) beneficiaries give no consideration for their gifts or beneficial interests, equity will not recognise a gift or enforce a trust if the donor or settlor has not transferred the subject matter to the donee or trustee in the manner required according to the nature of the subject matter. This seminar will consider the restrictions equity places on the perfection of gifts and constitution of trusts and the need for certainty. The seminar will consider the exceptions to these restrictions that have developed in Hong Kong and England such as the rule in *Strong v Bird*, coincidental receipt of property and recent cases considering the “unconscionability test” in *Pennington v Waine* [2002] EWCA Civ 227. Recent Hong Kong cases involving the application of the doctrine of *donationes mortis causa* and the passing of land as a gift made in the contemplation of death will be considered. |
| **Course objectives:** |
| * To consider the restrictions equity places upon the perfection of gifts and the constitution of trusts; * To examine the relaxation of the rule of perfection and constitution; * To examine the judgment in *Pennington v Waine* and its possible extension as a new principle for perfection of gifts; * To examine the rule in *Strong v Bird* and its limits and overlaps with other doctrine, for example proprietary estoppel; * To consider the application of the coincidental receipt principle; * To consider the application of *donationes mortis causa* in Hong Kong. |

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| Code: | **EVT000000241** | | Level: | **Intermediate** | |
| Date: | **6 July 2018 (Friday)** | | Language: | **English** | |
| Time: | **14:30 - 17:45**  (Reception starts at 14:00) | | Accreditation(s): | **LSHK 3.0 CPD Points** | |
| Venue: | **[Kornerstone Institute](http://goo.gl/maps/DKYQ1)**  [15/F, Hip Shing Hong Centre](http://goo.gl/maps/DKYQ1)  [55 Des Voeux Road Central](http://goo.gl/maps/DKYQ1)  [Central, Hong Kong](http://goo.gl/maps/DKYQ1) |  | Request for  Rerun: | **Please** [**Contact Us**](mailto:marketing@profectional.com)  **for Details** |  |