

Are Legal Co-owners of Land, Bank Accounts, Safe Deposit Boxes and Chattels also Beneficial Owners?



by

Prof. Steven Gallagher,
Professor of Practice in Law,
Associate Dean
(Academic & Student Affairs),
The Faculty of Law,
The Chinese University of Hong Kong



Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven teaches equity and trusts, property law, and art, antiquities, cultural heritage and the law. Steven has presented continuing professional development courses for solicitors in Hong Kong on many topics associated with property law. Steven's research interests include equity and the law of trusts, Chinese custom and law, cultural heritage law, and law and technology.

Although people often hold property in joint names, this does not always mean both have a beneficial interest in that property. Many disputes arise with regard to co-ownership and whether the legal owners of property are the owners in equity. In particular, disputes often arise upon the death of one of the joint owners. The surviving joint owner may claim the property is theirs absolutely by way of survivorship or *intervivos* gift, or the deceased's family may claim it is held on an express or implied trust. The latter claim is often based upon the fact that the deceased owned the property alone and then transferred it into joint names, or contributed all of the purchase price of the property.

This three-hour course will consider the disputes which arise over the ownership of joint name property, whether it is held on trust for both in equal shares, in differing shares for both, or for one co-owner alone. The seminar will consider the approach courts may take to questions about jointly owned property - for jointly owned land and personal property, and, in particular for the latter, joint name bank accounts and safe deposit boxes rented in joint names.

The seminar will conclude by considering whether there is a single unified approach to questions of joint ownership, or whether the common law maintains its traditional exceptions.

The **PROFECTIONAL** Company[®]

Professional Services to the Perfection

Telephone: +852 3118 2371 | Facsimile: +852 3118 2372
Email: info@profectional.com | Website: <http://www.profectional.com>
Address: P.O. Box 9993, General Post Office, Hong Kong

KORNERSTONE

Training. Makes a difference.



Telephone: +852 2116 3328 | Facsimile: +852 2116 3571
Email: enquiry@kornestone.com | Website: <http://www.kornestone.com>
Address: 15/F, Hip Shing Hong Centre,
55 Des Voeux Road Central, Central, Hong Kong

Some of the topics which will be covered in this course include:

- Co-ownership of land after *Stack v Dowden* [2007] UKHL 17, and *Jones v Kernott* [2011] UKSC 53;
- The cautionary approach to disputes involving the estate of the deceased after *Yung Shu Wu v Vivienne Sung Wu* (2011) 14 HKCFAR 39;
- The unified approach to disputes involving property in *Leung Wing Yi Asther v Kwok Yu Wah* (2015) 18 HKCFAR 605;
- The resurrection of the presumption of resulting trust by the Privy Council in *Marr v Collie* [2017] UKPC 17;
- Ownership of joint name bank accounts after the majority of the Privy Council's guidance in *Whitlock v Moree (Bahamas)* [2017] UKPC 44;
- Ownership of safe deposit boxes in Hong Kong after *Wing Lung Bank Ltd v King Arnold Theo* [2020] HKCFI 911;
- Is there a unified approach to solving property disputes among legal owners of property?

Scan to Calendar



Code:	EVT000000401	Level:	Intermediate
Date:	19 June 2023 (Monday)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	<p><i>Option of:</i> (1) Online via Zoom; <i>or</i> (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong</p> 	Request for Rerun:	<p>Please Contact Us for Details</p> 

The **PROFECTIONAL** Company[®]

Professional Services to the Perfection

Telephone: +852 3118 2371 | Facsimile: +852 3118 2372
 Email: info@profectional.com | Website: <http://www.profectional.com>
 Address: P.O. Box 9993, General Post Office, Hong Kong

KORNERSTONE

Training. Makes a difference.

Telephone: +852 2116 3328 | Facsimile: +852 2116 3571
 Email: enquiry@kornerstone.com | Website: <http://www.kornerstone.com>
 Address: 15/F, Hip Shing Hong Centre,
 55 Des Voeux Road Central, Central, Hong Kong