

# Informal Interests in Property (2): Automatic Resulting Trusts (Including Quistclose Trusts and Romalpa Clauses) and Constructive Trusts



by

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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 teaches the equity and trusts courses for undergraduate and postgraduate students. Steven also teaches a course on art, antiquities, cultural heritage and the law on the LLM programme. 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.

This three-hour seminar will provide an introduction and overview of the use of equity to establish and/or vary interests in property. The seminar will consider implied trusts and the development of the law of resulting and constructive trusts to recognise interests in property. The seminar will provide an overview of automatic resulting trusts and constructive trusts. The seminar will consider the circumstances in which automatic resulting trusts arise and how they have been developed. In particular, we will consider the use of automatic resulting trusts to justify the recognition of **Quistclose** trusts and contrast these with the use of **Romalpa** clauses. The seminar will conclude by considering the use of remedial as opposed to institutional constructive trusts and the categories of constructive trust that may be recognised in Hong Kong. The common intention constructive trust will be considered as and compared to the doctrine of proprietary estoppel.

### Some of the topics considered in this seminar include:

- Implied trusts;
- The origins of the doctrines of resulting trusts and constructive trusts;
- The automatic resulting trust;
- **Quistclose** trusts;
- **Romalpa** clauses;
- Remedial and institutional constructive trusts;
- The categories of constructive trust recognised in Hong Kong;
- Common intention constructive trusts and proprietary estoppel;
- The disputed issues in this area of the law.

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Code:	<b>EVT000000319</b>	Level:	<b>Intermediate</b>
Date:	<b>27 October 2020 (Tuesday)</b>	Language:	<b>English</b>
Time:	<b>14:30 - 17:45</b> (Reception starts at 14:00)	Accreditation(s):	<b>LSHK 3.0 CPD Points</b>
Venue:	<b>Online via Zoom</b>	Request for Rerun:	<b>Please Contact Us for Details</b>



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