



## **TRUSTS AND TRUST LAW IN CURRENT LEGAL SYSTEM (UK)**

**Law Society - "Trusts":**

<https://www.lawsociety.org.uk/public/for-public-visitors/common-legal-issues/trusts>

**Society of Trusts and Estate Practitioners (STEP) – “Trusts Explained” (2016):**

[https://www.step.org/system/files/media/files/2020-02/Trusts\\_Explained\\_2016.pdf](https://www.step.org/system/files/media/files/2020-02/Trusts_Explained_2016.pdf)

**Wards Solicitors - "Trust administration - a short guide" (2017):**

<https://wards.uk.com/online-services/legal-guides/trust-administration-a-short-guide/>

**NetLawman.co.uk - "A comprehensive guide to trusts in the UK" (2020):**

<https://www.netlawman.co.uk/ia/guide-to-trusts>

**FindLaw.com - "Trusts: An Overview" (2019):**

<https://www.findlaw.com/estate/trusts/trusts-an-overview.html>

**Tolley Tax Training - "Introduction to Trusts" (2010):**

<https://www.lawsociety.org.uk/public/for-public-visitors/common-legal-issues/trusts>

**Chancery Division of the High Court, UK:**

<https://www.gov.uk/courts-tribunals/chancery-division-of-the-high-court>

## **TRUSTS AND INTERNATIONAL LAW**

**Convention on the Law Applicable to Trusts and on their Recognition  
(Concluded 1 July 1985):**

<https://www.hcch.net/en/instruments/conventions/full-text/?cid=59> and  
<https://assets.hcch.net/docs/8618ed48-e52f-4d5c-93c1-56d58a610cf5.pdf>

**The Hague Convention on Trusts (2012):**

[https://ccj.org/wp-content/uploads/2021/03/Remarks-by-Mr-Justice-David-Hayton-at-the-Hague-Conference-on-Private-International-Law\\_The-Hague-Convention-on-Trusts\\_20120523.pdf](https://ccj.org/wp-content/uploads/2021/03/Remarks-by-Mr-Justice-David-Hayton-at-the-Hague-Conference-on-Private-International-Law_The-Hague-Convention-on-Trusts_20120523.pdf)

**Hague Trust Convention and the Uniform Trust Code (UTC) (2018):**

[https://www.phillipsnizer.com/siteFiles/24271/Article-HagueConventionUniformTrustCode\\_3-2016.pdf](https://www.phillipsnizer.com/siteFiles/24271/Article-HagueConventionUniformTrustCode_3-2016.pdf)



## Trusts and Trust Law – Recommended Reading

### **The HCCH 1985 Trusts Convention: Updates and Possible Future Work (2020):**

<https://assets.hcch.net/docs/7f015af3-1a8f-4828-9c35-75bf36384b64.pdf>

### **Trust Law and International Law (2021):**

[https://www.ius.uzh.ch/dam/jcr:c7816561-2b5e-49a5-8e6a-4809fcf9bed0/trust%20law\\_International\\_lawlecture\\_2021.pdf](https://www.ius.uzh.ch/dam/jcr:c7816561-2b5e-49a5-8e6a-4809fcf9bed0/trust%20law_International_lawlecture_2021.pdf)

### **SOME THINGS TO NOTE:**

Most information on Trusts and Trust Law is published by solicitor companies or those involved in offering services of preparing and managing trusts as a service for their clients, who are often wealthy individuals or organisations.

Usually, they will emphasise the need to use their services, citing that Trust Law is complicated and needs a professional, such as their company, to navigate it safely on your behalf. They will also often focus on the tax implications of Trusts.

It is entirely possible, however, to create and manage a Trust without their services, as long as you adhere to the three ‘certainties’ (basic requirements) for a Trust:

- **Certainty of Intention:** It must be clear that the Trust has a purpose, ie. the Trust has at least one Settlor and at least one Trustee, and it is clear that the Settlor intends to transfer ownership of their assets to the Trustee, to hold for the benefit of the Beneficiary or Beneficiaries.
- **Certainty of Subject Matter:** It must be clear which property and assets are being included in the Trust.
- **Certainty of Objects:** It must be clear to the Trustee who the Beneficiaries are.

Source: <https://www.pearse-trust.ie/blog/creating-a-trust-what-are-the-requirements>