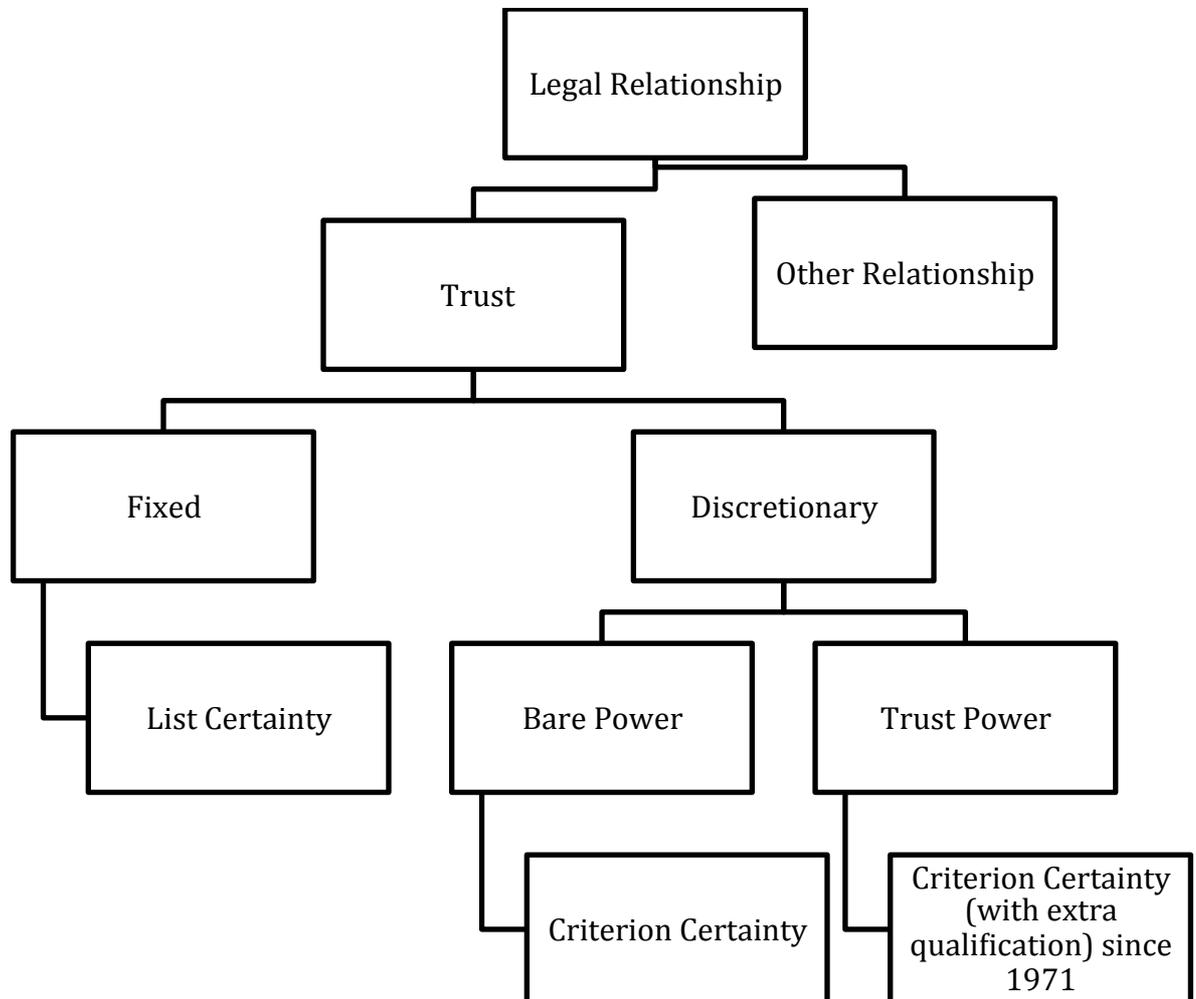


Certainty of Object

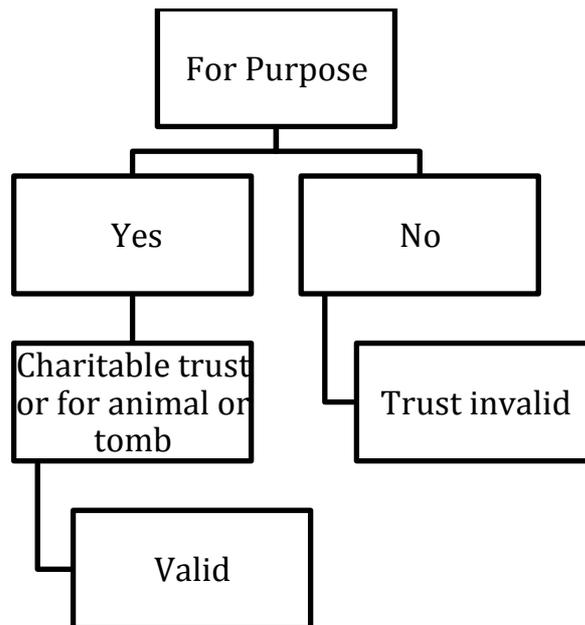


Beneficiary Principle

Courts would not be able to enforce trusts if there were *no beneficiaries* to complain about breach of trust- Hence a trust for a purpose is not valid

Purpose Trust

- Does not have any human beneficiary, no charitable purposes
- e.g trust to erect a carillon on the shores of Sydney Harbour was not for charitable purpose.



Exceptions

1. Charitable trusts
2. Trusts for animals and tombs

Re Denley's Trust Deed [1969]

1. Created for a creation of a sports ground—trust upheld because ground used by employees of a company.
2. Trust which may (in)directly benefit an ascertained group.

List Certainty – West v Weston

- It must be possible to compile a list of possible objects/beneficiaries of the trust
- If list possible = trust is certain
- If list cannot be compiled = trust fails and property results back to the settlor/estate by way of a *resulting trust*
- Who falls within the class of beneficiaries
- Issue of interpretation
- Semantic/linguistic certainty (eg “to my old friends”)
- Finding the class of beneficiaries
- Evidential certainty