

Table of Contents

| | |
|--|-----|
| List of Contributors | vii |
| Preface | ix |
| Table of Cases | xi |
| Introductory Overview and Comment <i>David Hayton</i> | 1 |
| English Trusts and their Commercial Counterparts in Continental Europe <i>David Hayton</i> | 23 |
| Convergence and Divergence: Civil Law and Common Law <i>Donovan Waters</i> | 59 |
| The Development of Protected Trust Structures in Italy <i>Maurizio Lupoi</i> | 85 |
| Ownership-based Fund Management in The Netherlands <i>Hendrik Verhagen</i> | 95 |
| Civil Law Jurisdictions on their Way to Trusts: A Swiss Viewpoint (with two Appendices) <i>Luc Thévenoz</i> | 115 |
| The Commercial Utility of the Trust Vehicle <i>Sarah Worthington</i> | 135 |
| Charitable Trusts: Still Going Strong 400 years after the Statute of Charitable Uses <i>Jean Warburton</i> | 163 |
| Purpose Trusts and Charitable Trusts in Securitisation and Other Structured Finance Transactions <i>Patrick O'Hagan and Alec Anderson</i> | 181 |
| Developing the Obligation Characteristic of the Trust <i>David Hayton</i> | 189 |

Table of Contents

| | |
|---|-----|
| From Obligation to Property, and Back Again? The Future of the Non-Charitable Purpose Trust <i>Paul Matthews</i> | 203 |
| Reaching for the Sky: Taking Trust Laws to the Limit <i>Donovan Waters</i> | 243 |
| Reaching for the Sky – Or Pie in the Sky: Is U.S. Onshore Trust Reform an Illusion <i>Jeffrey Schoenblum</i> | 291 |
| The American Uniform Trust Code (with Appendix) <i>David English</i> | 313 |
| Information Exchange and the Offshore Financial Centres (with Appendix) <i>Richard Hay</i> | 373 |
| Trustee Regulation and Ombudsmen – The Way Ahead Onshore as well as Offshore? <i>Steven Gidley</i> | 397 |
| Trustee Liability: Exclusion Clauses in Pension Fund Trusts <i>Robin Ellison</i> | 413 |
| Impeaching the Exercise of Trustees' Distributive Discretions: "Wrong Grounds" and Procedural Unfairness <i>Raymond Davern</i> | 437 |
| Index | 455 |