

LEWIN ON TRUSTS ONLINE SUPPLEMENT

CHAPTER 1

DEFINITION AND CLASSIFICATION

2. CLASSIFICATION OF TRUSTS

1-31 *Sub-trusts of absolute trusts and sub-nominees*

NOTE 54. AT THE END ADD:

See too *Grey v I.R.C.* [1958] Ch. 690 at 715, CA, where Evershed L.J. spoke of “getting rid of” the intermediate trust. But see *Nelson v Greening & Sykes (Builders) Ltd* [2007] EWCA Civ 1358, where at [56] and [57] Lawrence Collins L.J. said that the authorities cited to the CA (which included the above statement of Evershed L.J. but not the other authorities cited in this footnote) did not bind the CA to hold that the intermediate trust is determined as a matter of law, though the trustees of the head-trust may decide that as a matter of practicality it is more convenient to deal directly with the beneficiary of the sub-trust).

AT THE END OF THE TEXT ADD:

Nor does the principle apply in a case where A contracts to sell land to B who is acting as nominee for C, and C pays the purchase price to A but B fails to complete the transfer in accordance with the contract between A and B: in such a case A continues to hold the land in trust for B and B holds his interest under the uncompleted contract for C: see *Nelson v Greening & Sykes (Builders) Ltd* at [58].