

THE OPEN UNIVERSITY OF SRI LANKA
LL.B. DEGREE PROGRAMME – LEVEL III
2ND CONTINUOUS ASSIGNMENT TEST – 2008 / 2009
PRINCIPLES OF EQUITY - LWU 1202
DURATION – FORTY MINUTES



Date: 25th November 2008

Time: 11.00 a.m. – 11.40 a.m.

Answer **ONE** question only.

Candidates will be penalized for illegible handwriting.

1. An express trust originates where a settler deliberately and consciously decides to create a trust over his or her assets either at present or upon his or her death. This can be achieved by signing a trust instrument or executing a will. The intention of the parties to create the trust must be shown clearly by their language or conduct. In the case of an express trust, there must be certainty of words, certainty of subject matter, and certainty of objects.

Critically evaluate the above statement in the context of the certainty of intention and property. Support your answer with relevant case law and statutory provisions.

2. Critically examine the basic elements of section 2 of the Trust Ordinance and explain whether the Sri Lankan court's attitude towards the applicability of English Law principles in to Trust Ordinance was properly effected. You are expected to support your answer with relevant case law and statutory provisions.