

## Answers to practical exercises

### Chapter 10: Writing skills

#### Page 240-241: Word limits

As most pieces of coursework have to be written within a specified word limit, it is necessary to develop a concise style of writing that allows you to make all the points you wish to make.

Have a look at the following paragraph and try to reduce its length by:

1. Removing irrelevant material.
2. Removing excessive description.
3. Rewording the paragraph so that it is more concise.

There are exceptions to the rule against purpose trusts. Two situations in which a purpose trust can exist even though there are no identifiable human beneficiaries are the establishment of a purpose trust for the care of animals and a purpose trust that is dedicated to the erection and upkeep and maintenance of a monument. The use of a purpose trust to care for animals was illustrated in the case of *Pettingall v Pettingall*.<sup>1</sup> In this case, the testator left the sum of £50 a year to the upkeep of his favourite black mare. This was held to be valid. In *Re Dean*,<sup>2</sup> a trust was upheld to maintain a horse and some hounds for fifty years provided that the animals lived that long. These cases demonstrate that purpose trusts can be valid if they are aimed at caring for particular animals. An illustration of a valid trust to maintain a monument can be seen in the case of *Mussett v Bingle*<sup>3</sup> where the testator left a sum of money to erect a monument in memory of his first wife. Also in the case of *Pirbright v Salway*,<sup>4</sup> the court upheld a trust to maintain a family burial enclosure and in *Re Hooper*<sup>5</sup> the court upheld a trust to ensure that a vault was maintained in good condition. However, in the case of *Re Endacott*,<sup>6</sup> the settlor left his residuary estate to his local parish council for a particular purpose which was to provide a useful monument to him but this was held to be void because the court felt that the line of case law involving specific graves and monuments should not be extended. Although this case does demonstrate that not all trusts established to achieve a particular purpose will be valid, there is a fairly sizeable body of case law that does recognise that there can be a trust for a purpose if that purpose is to erect a specific monument or maintain a particular burial plot. These examples demonstrate that there are some exceptions to the more general rule that a trust cannot exist for a purpose but only for the benefit of human beneficiaries.

This paragraph of 361 words covered a peripheral issue in an essay about unincorporated associations and the way that they operate as an exception to the rule against purpose trusts. In such an essay, it would be perfectly acceptable to point out that there are other, very well-established exceptions to the rule but, as it is not the main issue, this should be kept as concise as possible. The following techniques have been used to reduce the word count to a mere 120 words: a third of the words used in the original version:

- Include only so many of the facts of a case that are necessary to ensure that it serves its purpose. Here, the only real purpose of *Pettingall v Pettingall* is to illustrate the point that a trust can exist for the purpose of looking after a particular

animal. It is of no relevance that the horse was black or that it was the testator's favourite horse or that he left £50 a year to maintain it. All that matters is that it provides an example of a trust for the purpose of maintaining an animal. Try to distinguish between the facts of a case and its material facts: material facts are the ones that matter to the outcome of the case. The judgment in favour of a purpose trust here does not rest upon the colour of the horse or the sum of money left to keep it so these are not material facts which means that there is no merit in wasting words on them.

- Do not use multiple examples to illustrate the same point. You will see in the original version that six cases were used but that only three of these appear in the rewritten version. This is because some of the cases used were illustrating the same point so were an unnecessary inclusion. If you look at *Pettingall v Pettingall* and *Re Dean* you will see that both cases are an example of a valid purpose trust in favour of animals. *Re Dean* tells us nothing that *Pettingall* did not tell us.
- If you are struggling with the word limit, set yourself the task of rewording every sentence in a way that saves you one word. In some sentences, you can save a lot more words if you just think carefully about what you want to say and then express it as concisely as possible. The final two sentences of the original paragraph used up over 80 words to say something that could be expressed in just 23.

There are two exceptions to the general rule that a trust cannot exist without identifiable human beneficiaries: trusts for the care of animals and for the establishment and upkeep of monuments. For example, in *Pettingall v Pettingall*<sup>1</sup>, a trust for the upkeep of a horse was held to be valid and, in *Mussett v Bingle*<sup>2</sup>, a trust to erect a monument to the testator's wife was upheld. However, as was established in *Re Endacott*,<sup>3</sup> such trusts have to be specific in their terms; here, a trust to build a 'useful monument' was held to be too vague. These cases demonstrate that there are a limited range of circumstances in which the courts will recognise a valid trust for a purpose.