

The Law of Trusts by JE Penner (OUP, 2022, 12th Edition, 544 pp, £37.99 (Paperback), ISBN: 9780192855008)

Teachers of equity and trusts are spoilt for choice with new learning resources to incorporate into our teaching. Hot on the heels of Hudson's 10th edition of *Equity and Trusts* is Penner's 12th edition of *The Law of Trusts* which students, and teachers alike, will appreciate for its learning benefits.

Firstly, the textbook is to be praised for its content. The latest edition is quite rightly described as providing a "sharp focus on the core content needed by students". Within 5 parts, 18 chapters, and 544 pages, Penner explores the subject's core components, including equity's history, the formalities of various trusts, from express trusts to charitable trusts, and the remedies available for the breach of trusts and fiduciary duties, as well as providing an exploration of core debates in the field. For example, chapter 1 details equity's development and its relevance to 'fusion' debates, whilst chapter 11 examines *Quistclose* trusts, and how these can be categorised, thereby allowing students to not only grasp equity's fundamental concepts, but critically examine how they apply in practice; the content provides a blueprint for thinking critically about the subject.

However, as the textbook is half the size of Hudson's, it is not surprising that there is still room for greater depth in places. For example, only a brief outline of equitable maxims are provided in chapter 1; despite being referenced in places throughout the book, no comprehensive list of maxims is provided for students to cross-reference to as they progress through the textbook. It is accordingly hoped that future editions will provide a list of equitable maxims to highlight equity's core themes at the outset that students can use to better understand the subject as their module progresses.

Secondly, Penner's textbook has also been "updated with new examples". Many recent cases have been cited, including the 2021 cases of *Davey*, when discussing imperfect gifts, and *Gibbons*, when examining private purpose trusts. Some key cases were, however, overlooked, including the Supreme Court decision of *Stoffel*, which would have been a welcomed, and contemporary, addition to Penner's analysis of *Patel's* illegality principle. The further reading provided for each chapter is similarly reflective of modern scholarship, including Penner's inclusion of recent commentary by Douglas and Mee. Students are consequently provided with up to date resource lists of use when preparing for summative assessments; finding recent scholarship is something students often struggle with, meaning the inclusion of such sources in Penner's textbook is a welcomed and commendable component of this learning resource.

In addition, the textbook has also amended its structure; "the structure and chapter order have been fully revised for clarity and to further align with courses on the law of trusts". The book is now structured into 5 parts: part 1 deals with express trusts, part 2 deals with resulting and bare trusts, part 3 outlines liabilities and fiduciaries, part 4 governs constructive trusts, and part 5 outlines charitable trusts. The changes allow students to more effectively distinguish different types of trusts, and deals with the trust instrument and its development in a more chronological manner. For example, part 1 now encompasses all topics of relevance to the understanding of express trusts, including an outline of the three certainties, written formalities, and the constitution of trusts, topics which were previously dispersed throughout the book, a change which consequently aids student learning of express trusts in a more coherent manner.

Although it is great that the examination of express trusts is now confined to part 1 of the textbook, there is still room for reordering here to ensure a more seamless and chronological flow between subtopics. For example, whilst chapter 2 describes what express trusts are, it is not until chapter 5 that the three certainties, the core formality requirement for valid express trusts, are outlined. Reordering

part 1 so that a description of express trusts is followed by an outline of their key formality requirements would greatly aid student learning by ensuring a more chronological exploration of this topic, as Hudson secures in his textbook, and will better align with the teaching of the module in practice.

Lastly, the suitability of Penner's textbook for teaching and learning is further evidenced when examining its incorporation of self-assessment tasks. For example, the tasks included in chapter 18 include problem scenarios where students are required to consider whether 'the following purposes [are] charitable', as well as practice essays, including 'The Charities Acts 2006 and 2011 represent a missed opportunity to reform charities law'. Critically discuss'. The self-assessments accordingly go beyond requiring students to simply memorise knowledge, but allows them to develop their higher order cognitive skills by applying the knowledge learnt to hypothetical problems and essay questions. The assessment tasks consequently ensure students are encouraged to learn by doing, as they are by Hudson, albeit more consistently in Penner's textbook. The questions equally serve as a useful guide for teachers on seminar style questions, as well as providing useful consolidating questions to include in our lectures to ensure active learning and student engagement. Penner's assessment tasks are thus greatly welcomed from a pedagogical perspective.

One comment here is that it is hoped that the assessment tasks in future editions of Penner's textbook more consistently reflect how topics can be assessed in practice. For example, although chapter 10 on resulting trusts provides essay questions, and chapter 11 on *Quistclose* Trusts provides problem-style questions, these topics are not assessed in this way in my module; in previous years, I have assessed the *Quistclose* topic using an essay, and resulting trusts have been assessed as problem questions. It would accordingly be beneficial if all topics' assessment tasks enabled students to practice both problem style and essay style questions since equity's topics can be assessed in either form in practice.

All in all, Penner's 12th edition of the *Law of Trusts* is a comprehensive and critical learning resource that will aid student learning of such an intellectually challenging subject, and is accordingly one that I will be adding to my module's reading list.

Dr Anita Purewal

Lancaster University