

MALAYSIAN LAW OF TRUSTS

Editor
DR MOHSIN HINGUN

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CHAPTER 2

EXPRESS PRIVATE TRUSTS

MOHSIN HINGUN*

An express private trust is one which is intentionally created by the express declaration of the settlor. It can be by deed, by will or other form of writing or it can even be created orally. It has to be contrasted with express public trusts (charities) and resulting and constructive trusts which are created by the operation of law.

A valid express trust must comply with certain requirements.

1. Statutory Requirements

In Peninsular Malaysia the declaration of a trust does not require any statutory formalities. In *Wan Naimah v Wan Mohd.*

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