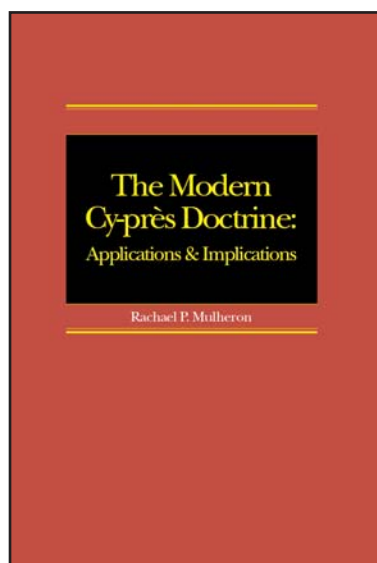


# The Modern Cy-près Doctrine

## Applications and Implications

Rachael Mulheron, Queen Mary, University of London



It is unusual, in the precise world of law, to find instances of where 'near enough is good enough'. This book explores when this is possible, in respect of property and monetary transfers, under the increasingly important and influential 'cy-près doctrine'.

The doctrine decrees that when literal compliance is impossible or infeasible, the intention of a donor or testator should be carried out 'as nearly as possible'. It has been codified, in its traditional legal context of the law of charitable trusts, in several jurisdictions. However, over the past 30 years, the *cy-près* doctrine has marched into other legal territory where 'as near as possible' is also considered sufficient (for example, in class actions litigation and under non-charitable trusts).

In light of this background, the book considers whether there is a new and overarching definition which should now be attributed to the *cy-près* doctrine; whether there is a doctrinal symmetry of analysis that truly renders it a body of '*cy-près* law' in the modern context; and whether we can expect the doctrine to play an even greater role in the future.

The *cy-près* doctrine and its modern-day applications will be of interest to researchers and practitioners working in trusts and charity law, property law, contract law, and class actions jurisprudence. Key developments across the Commonwealth jurisdictions and the United States are discussed and critically analysed.

### About the Author

**Dr Rachael Mulheron** is Senior Lecturer in Law at Queen Mary University of London. She is also author of *The Class Action in Common Law Legal Systems: A Comparative Perspective* (Hart Publishing, Oxford, 2004).

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July 2006: 234x156mm: 400pp

Hb: ISBN13 978-1-84472-086-1: **£60.00**



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