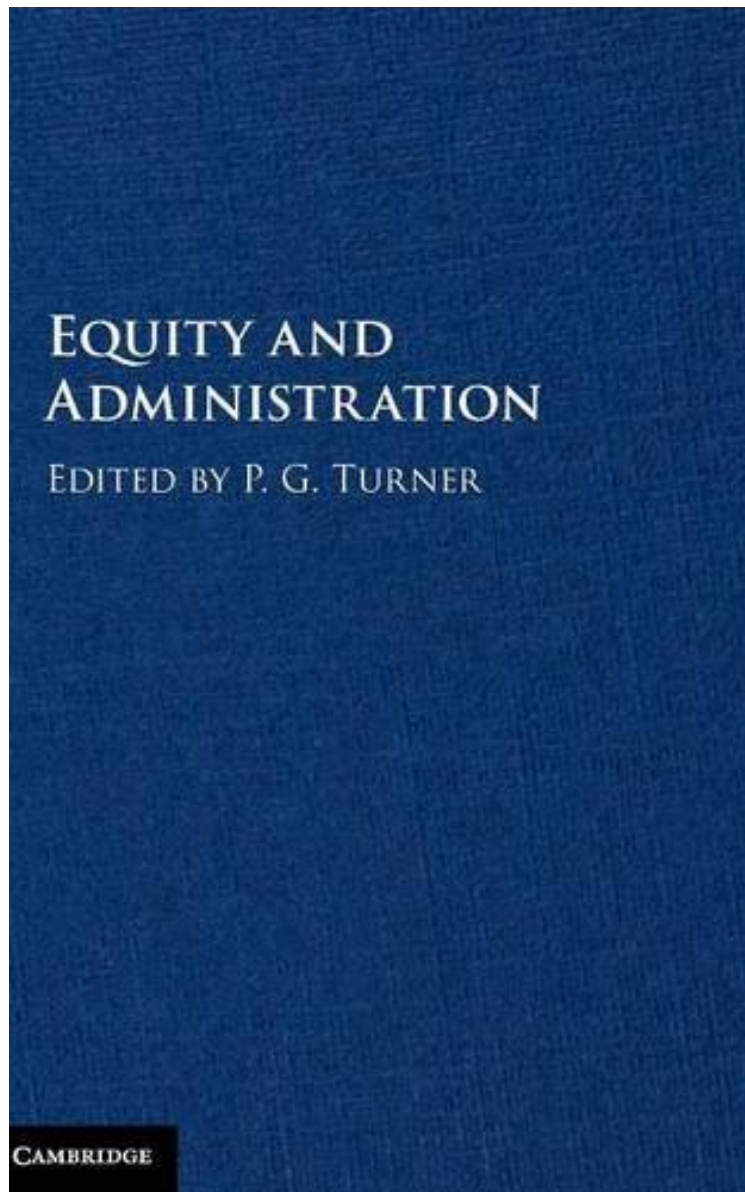


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Equity and Administration

From Turner Peter

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Each generation of lawyers in common law systems faces an important question: what is the nature of equity as developed in English law and inherited by other common law jurisdictions? While some traditional explanations of equity remain useful - including the understanding of equity as a system that qualifies the legal rights people ordinarily have under judge-made law and under legislation - other common explanations are unhelpful or misleading. This volume considers a distinct and little noticed view of equity. By examining the ways in which courts of equity have addressed a range of practical problems regarding the administration of deliberately created schemes for the management of others' affairs, modern equity can be seen to have a strongly facilitative character. The extent and limits on this characterisation of equity are explored in chapters covering equity's attitude to administration in various public and private settings in common law systems.

'[The book] examines modern equity's impact on both private and public administration. Thirteen essays and accompanying commentaries - composed by scholars, practitioners, and jurists from across the former British Empire - reveal modern equity's distinguishing characteristic: its 'facilitative nature' ... All told, *Equity and Administration* offers something for everyone: for fiduciaries and commissioners alike, equity has a role to play.' Harvard Law About the Author P. G. Turner is University Lecturer in the Faculty of Law, University of Cambridge, and a Fellow of St Catharine's College, Cambridge. He holds undergraduate degrees from the University of Sydney and the University of Cambridge. He has worked as a judicial assistant in the New South Wales Court of Appeal, as a solicitor in Sydney, and as a Legal Officer of the Australian Law Reform Commission.