

Contents

Dictionary entry	Page	Dictionary entry	Page
SECTION 1: TLATA		SECTION 3: CIVIL PROCEDURE (TLATA & I(PFD)A)	
Agreements and Tomlin Orders	1	ADR	63
Changed Intentions and Variation of Interests	2	Allocation and Tracking	64
Child Beneficiaries	3	Arbitration	65
Claims by Creditors and Trustees in Bankruptcy	4	Calderbank Offers	66
Constructive Trust: Overview	4	Case Management Conferences	66
Conveyancing File	6	Costs	67
Declarations of Trust, Conclusive Effect	6	Costs Budgeting and Costs Management	69
Detrimental Reliance	7	CPR Part 57: I(PFD)A 1975 Claims	70
Engaged Couples	9	CPR PD 57AC: Witness Statements	70
Equitable Accounting and Compensation	10	Default Judgment	71
Equity of Exoneration	11	Directions Questionnaires	72
Excuse Cases	12	Disclosure Rules under CPR Part 31 and CPR PD 57AD	73
Express Common Intention	13	Early Neutral Evaluation, Chancery FDR and Settlement Conferences	75
First-tier Tribunal (Property Chamber)	14	Enforcement: Execution of Documents	75
Foreign Properties: Jurisdiction	14	Expert Evidence	76
Illegality	15	Issuing Proceedings: High Court or County Court/Business and Property Courts or Family?	77
Implied Common Intention	16	Part 7 or Part 8: How to Commence the Claim	78
Imputation	18	Part 36 Offers	80
Interaction between TLATA and the Matrimonial Causes Act 1973	19	Pre-Action Protocols (Procedure)	81
Investment Properties	20	Summary Judgment	82
Joint Name Cases (Constructive Trust)	21	Tomlin Orders	84
Joint Tenancy, Tenancy in Common	22	Transparency	85
Mortgage Instalments	22	SECTION 4: SCHEDULE 1	
Notices	23	Child Maintenance (Including Top Up Cases)	86
Occupation Rent	24	Class of Applicants (Including When a Child May Apply)	89
Orders for Sale	24	Costs Allowances	90
Orders Permitting a Buy Out of Property by a Beneficiary	26	Costs Rules in Schedule 1 and Calderbanks	93
Proprietary Estoppel	26	Definition of Child	94
Quantification of a Constructive Trust	27	Enforcement	94
Repairs and Improvements	29	Exercise of Schedule 1 Jurisdiction: Relevant Factors	96
Rescission and Rectification	29	Expert Evidence in Schedule 1	99
Restrictions	30	Interface between Schedule 1, MCA and TLATA	100
Resulting Trusts	31	Interim Provision	101
Section 2, Law of Property (Miscellaneous Provisions) Act 1989	32	Jurisdiction to Deal with Child Maintenance	101
Section 53, Law of Property Act 1925	33	Lump Sum Orders	102
Setting Aside an Express Declaration of Trust	33	Powers under Schedule 1	103
Severance of a Joint Tenancy	34	Pre-Action Protocols	106
Sole Ownership Cases (Constructive Trust)	35	Procedure: Disclosure (Including the 'Millionaire's Defence')	107
Stack Presumptions	35	Procedure: Fast-Track	108
Statutory Framework	36	Procedure: Standard Procedure	110
Subject Matter of a Claim: Bank Accounts, Shares, Chattels	38	Settlement of Property	113
Unjust Enrichment	39	TLATA and Schedule 1: Joinder and Parallel Proceedings	114
Unsigned Declarations of Trust	40	Variation	116
SECTION 2: INHERITANCE ACT		SECTION 5: INTERVENORS	
Anti-Avoidance Provisions	42	Case Management in Intervenor Claims	118
Classes of Applicants	42	Costs in Intervenor Claims	119
Compromise and Tax Considerations	45	Family Court's Role in Intervenor Claims	120
Costs: Personal Representatives and Conditional Fee Agreements	47	General Points in Intervenor Claims	121
Domicile	48	Joinder of Intervening Parties	122
Excluding Claims under the I(PFD)A 1975	49	Subject Matter of an Intervenor Claim	123
Inheritance (Provision for Family and Dependents) Act 1975: Overview	51	<i>CPR Procedural Table</i>	125
Interim Provision	52	<i>Table of Cases</i>	134
Orders: Periodical Payments, Lump Sum, Transfer of Property, Variation of Settlement	52	<i>Table of Statutes</i>	148
Proof of Death	54	<i>Table of Statutory Instruments</i>	152
Property Forming Part of the Net Estate	54	<i>Table of Rules</i>	153
Reasonable Financial Provision	55	<i>Table of Practice Directions</i>	155
Section 3 Factors	57	<i>Table of International Instruments</i>	156
Special Factors	59		
Time Limits	60		