

KWA GEOK CHOO PROFESSORIAL LECTURE IN PROPERTY LAW

The Nature of Equitable Property

Professor James Penner

Kwa Geok Choo Professor of Property Law, NUS Law

Chairperson: Professor Steven Elliott KC, NUS Law

THURSDAY, 6 MARCH 2025

5.30 PM – 7.00 PM

NUS LAW (BUKIT TIMAH CAMPUS), WEE CHONG JIN MOOT COURT

SYNOPSIS

In the last several years a certain rapprochement has occurred amongst those dealing with the topic of 'equitable property', in the sense that the questions concerning what might make some right 'equitable property' have been illuminatingly focused following important foundational work by Robert Chambers, Lionel Smith, Ben McFarlane and Robert Stevens, and the speaker. Together they have suggested that equitable property rights have a certain form: that of rights relating to other rights. None of the commentators agree on a common precise vocabulary, and part of the point of this paper is to make some suggestions in that regard. But this will be in service of a further objective: to determine whether the power to create a trust falls within the common law world's judge-made law's *numerus clausus*, in so far as the common law does embrace a *numerus clausus* principle. This is something that has been denied, most particularly by Ben McFarlane. By contrast, I shall argue that the case of the express trust shows that there is indeed a genuinely distinct power to create a kind of property interest which falls within the common law's version of the *numerus clausus* principle.

ABOUT THE SPEAKER



James Penner took an honours BSc in Genetics at the University of Western Ontario in 1985, an LLB at the University of Toronto in 1988 and completed his DPhil at University College, Oxford in 1992. His thesis formed the basis of *The Idea of Property in Law* (Oxford, 1997) which won the 1997 Society of Public Teachers of Law First Prize for Outstanding Scholarship by a Younger Scholar (now renamed the 'SLS Peter Birks Prize').

Since 1992 he has taught law at Brunel University, the London School of Economics, King's College London, and most recently from 2008 until 2013 as Professor of Property Law at the Faculty of Laws, University College London, serving from 2011 to 2013 as Head of Department. He is one of the world's leading experts in the philosophy of property and the law of trusts, and writes more widely in the areas of private law and the philosophy of law. His recent publications include *Property Rights: A Re-Examination* (Oxford, 2020) *The Law of Trusts 12th Edition* (Oxford, 2022).

PROGRAMME

5.00pm: Registration
5.30pm: Lecture by Prof. James Penner
6.30pm: Q&A Session
7.00pm: Dinner Reception

REGISTRATION



There is no registration fee for this lecture. Visit <https://bit.ly/4hmWyKW> or scan the QR Code to register

Closing Date: 26 February 2025, 5.00 PM

Contact: law.events@nus.edu.sg

CPD POINTS



Public CPD Point: 1
Practice Area: Private Client
Training Level: Foundation

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