



University of the
West of England

ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data						
Module Title	Equity and Trusts					
Module Code	UJXU57-20-3		Level	3	Version	3
UWE Credit Rating	20	ECTS Credit Rating	10	WBL module?	No	
Owning Faculty	Business and Law		Field	Law: Non Modular		
Department	Law: BILP		Module Type	Unit of Assessment		
Contributes towards	Graduate Diploma in Law					
Pre-requisites	None		Co- requisites	None		
Excluded Combinations	None		Module Entry requirements	N/A		
First CAP Approval Date	QSC 1/10/2008		Valid from	September 2009		
Revision CAP Approval Date	1 June 2016		Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <ul style="list-style-type: none"> Have a sound knowledge and understanding of : <ul style="list-style-type: none"> - the development, role and scope of the law of equity - the concept of a trust - equitable rights and remedies - the principal uses of the trust in modern society - the obligations placed on trustees and on other fiduciaries Use intellectual skills and ability to : <ul style="list-style-type: none"> - highlight areas of uncertainty, - apply legal concepts and principles to a range of practical scenarios - demonstrate skills of analysis and synthesis - critically evaluate existing law - make reasoned proposals for reform of this area of law or to justify the retention of the current law Use subject specific skills to: <ul style="list-style-type: none"> - present reasoned legal arguments, both orally and in writing - conduct effective library-based legal research - use electronic sources for legal research - demonstrate problem solving in the context of equity and trusts - critically analyse and evaluate primary and secondary legal materials

	<ul style="list-style-type: none"> • Use the following skills in other areas : <ul style="list-style-type: none"> - oral and written communication skills - study management skills. - use of information technology - team working skills - the ability to learn and research independently - communicative and persuasive skill <p>Transferable skills that are developed include:</p> <ul style="list-style-type: none"> • oral and written communication skills: oral communication is developed through and evidenced by the preponderance of interactive activities involved in weekly seminars and workshops; high quality written communication skills are required any coursework task. • time management skills: these are developed through and evidenced by the ability to cope with an intensive study in a new discipline, whilst working to a demanding schedule of class contact, preparation for classes and for assessments. • use of IT is developed both as a research tool and for the presentation of any coursework: evidenced by requirement that all coursework be presented as word-processed documents. IT skills are also of increasing importance in the search for and retrieval of legal sources from the internet and legal databases • Team-working is developed most obviously through workshop activities, where small group discussion (groups of 4 or 5) is followed by more general debate between subgroups, the whole workshop group and the tutor.
Syllabus Outline	<ol style="list-style-type: none"> 1. <u>INTRODUCTION:</u> outline of the historical development of equity; the meaning of equity and analysis of the relationship between equity and the common law; the nature of equitable interests; maxims of equity; the doctrine of the bona fide purchaser. 2. <u>THE TRUST CONCEPT:</u> the nature of trusts and equitable rights; analysis of the trust concept and comparison with other concepts; classification of trusts; discretionary and protective trusts. 3. <u>FORMALITIES:</u> capacity and formalities for creation of trusts and dispositions of equitable interests; certainty and the effects of uncertainty. 4. <u>CONSTITUTION OF TRUSTS:</u> completely and incompletely constituted trusts; exceptions to the rule that equity will not assist a volunteer. 5. <u>RESULTING, IMPLIED AND CONSTRUCTIVE TRUSTS:</u> definitions, categories and overlap between such trusts, particularly in the context of the family home; secret trusts and mutual wills. 6. <u>CHARITABLE TRUSTS AND NON CHARITABLE :</u> definition and nature of public trusts; comparison with private trusts and benefits of charitable status; cy-pres doctrine; the role of Charity Commission; definition and comparison of non-charitable purpose trusts with public trusts; examination of limits of present day validity. 7. <u>TRUSTEES - GENERAL PRINCIPLES, POWERS AND DUTIES:</u> duties in relation to the safeguarding of assets, acting impartially, investing, distributing, providing information and accounts ; powers of delegation, maintenance and advancement 8. <u>FIDUCIARY DUTIES OF TRUSTEES AND OTHER FIDUCIARIES:</u> the rationale of the principle that a trustee must not profit from the trust; remuneration, purchase of trust property and the making of incidental profits.

	<p>9. <u>VARIATION OF TRUSTS</u>: analysis of the rule in Saunders v Vautier; applications pursuant to the Variation of Trusts Act 1958; other means of effecting variations.</p> <p>10. <u>BREACH OF TRUST</u>: liability of trustees; personal and proprietary remedies; relief; limitation of actions and laches.</p> <p>11. <u>EQUITABLE REMEDIES</u>: consideration of general principles; specific performance and injunctions.</p>
Contact Hours	<p><u>Full Time CPE</u></p> <p>The basic class contact pattern is as follows:</p> <p>1 hour per week plenary session in lecture room</p> <p>1 hour per week seminar discussion (max 12 students per seminar)</p> <p>2 hours per fortnight workshop sessions (ie combined seminar groups; max 3 seminar groups) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic</p> <p>In any given academic year, there will normally be</p> <ul style="list-style-type: none"> • 15 one hour lectures, including introductory and revision lectures; • 12 hours of workshops (6 x 2 hours), including a revision workshop; and • 11 seminars (including one cycle of revision seminars) <p>Consequently, in any academic year, there will normally be 38 hours of contact time for each student.</p> <p><u>Part Time CPE</u></p> <p>In any academic year, the basic class contact for the subject is normally as follows:</p> <p>At the September Induction tuition session:</p> <ul style="list-style-type: none"> • 1 hour subject introductory lecture <p>At the five subsequent tuition sessions:</p> <ul style="list-style-type: none"> • 3 ½ hours with tutor. Normally split into 1 ½ hours in plenary session and 2 hours in seminar groups <p>Consequently, in any academic year, there will normally be 18½ hours of contact time.</p>
Teaching and Learning Methods	<p>The aims of the subject are to enable the student to appreciate the relationship of equity to law; to understand the conceptual basis of the trust; to acquire knowledge of the main substantive areas of trust law; and to appreciate the nature and scope of equitable remedies.</p> <p>Students will be encouraged to evaluate the present day relevance of established equitable doctrines, to appreciate the creativity of equity in developing basic equitable principles and extending their areas of application, and to gain an understanding of the principal uses of the trust in modern society. Students will be encouraged to make links with other areas of study where appropriate, particularly property law and contract. Evidential matters will also be considered where appropriate - for example, with regard to formalities, equitable presumptions and secret trusts.</p>

	<p>The study of the law of trusts provides a demanding opportunity to develop legal method skills and analytical ability through oral and written discussion.</p> <p>Students are introduced to each topic through the medium of a 1 hour lecture which may be interactive in part.</p> <p>Students are then required to prepare for the 2 hour interactive workshop through (1) reading (a) the materials provided (the Powerpoint slides for the lecture (sometimes containing more detail in 'Speaker's Notes'); a 'Topic Outline' supplementing the lecture and filling in more detail (b) directed reading in the texts provided (2) research in legal databases/texts available from the library (3) independent work (a) preparing to discuss the legal principles and details of the law relevant to the topic area and analysing the situations in the Workshop case studies and their legal implications and the rights and remedies of the parties involved.</p> <p>For the Seminars students are required to develop their knowledge of the legal topic further and to use the same techniques as in the preparation for the Workshops to be able to deal with the seminar specific case studies; some of which will be unseen.</p> <p>For both seminars and workshops students are expected to be able to present brief outlines of and/or commentary on the relevant law; their analysis of specific problems and their 'solutions' to specific case studies to the group.</p> <p>It is anticipated that students will need to engage in approx. 4 hours work in preparation for all face to face sessions and in reflection and reinforcement following a session.</p>
Reading Strategy	<p>At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).</p> <p>Any essential reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).</p> <p>Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.</p> <p>By way of illustration, in the 2016 / 2017 academic year, the texts provided to students will be:</p> <p>Clements & Abass – Complete Equity & Trusts Text, Cases, and Materials Richard Clements, Ademola Abass 2016</p> <p>Blackstone's Statutes on Property Law</p>
Indicative Reading List	<p>If further reading is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).</p> <p>Students will be encouraged to make full use of the printed and electronic resources</p>

	<p>available to them through the UWE Library (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.</p>
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Part 3: Assessment	
Assessment Strategy	<p>The Assessment:</p> <p>Equity & Trusts is taught and examined in the same Teaching Block of the Diploma as European Union Law, Property and the Independent Research Project. In any given academic year, there will be a coursework in two of these subjects. As the Independent research project is a Coursework subject, there will be assessed coursework in Equity & Trusts in 2 of 3 academic years. There will be an unseen examination in 3 of the 4 subjects (the Independent Research Project is a coursework only subject as already indicated.</p> <p>Therefore assessment in any given academic year takes the form of either:</p> <p>(a) Coursework and Examination</p> <p>(i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; <u>and</u></p> <p>(ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.</p> <p>OR</p> <p>(b) Examination only</p> <p>An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.</p>

Assessment in an academic year in which there is an assessed coursework		
% weighting between components A and B	A:	B:
	75%	25%
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
1. Unseen Exam (2.5 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	
1. Coursework	100%	

Resit (further attendance at taught classes is not required)	
Component A (controlled conditions) Description of each element	Element weighting (as % of component)
1. Unseen Exam (2.5 hours)	100%
Component B Description of each element	Element weighting (as % of component)
2. Coursework	100%
If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.	

Assessment in an academic year in which there is no assessed coursework		
% weighting between components A and B	A:	B:
	100%	
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
1. Unseen Exam (3.5 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		

Resit (further attendance at taught classes is not required)		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
2. Unseen Exam (3.5 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	

n/a	
If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.	