



MODULE SPECIFICATION

Part 1: Information			
Module Title	Equity and Trusts		
Module Code	UJXU57-20-3	Level	Level 6
For implementation from	2020-21		
UWE Credit Rating	20	ECTS Credit Rating	10
Faculty	Faculty of Business & Law	Field	Law - non modular
Department	FBL Dept of Law		
Module type:	Standard		
Pre-requisites	None		
Excluded Combinations	None		
Co- requisites	None		
Module Entry requirements	None		

Part 2: Description
<p>Educational Aims: See Learning Outcomes.</p> <p>Outline Syllabus: The syllabus includes:</p> <p>Introduction: 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.</p> <p>The Trust Concept: The nature of trusts and equitable rights; analysis of the trust concept and comparison with other concepts; classification of trusts; discretionary and protective trusts.</p> <p>Formalities: Capacity and formalities for creation of trusts and dispositions of equitable interests; certainty and the effects of uncertainty.</p> <p>Constitution of Trusts: Completely and incompletely constituted trusts; exceptions to the rule that equity will not assist a volunteer.</p> <p>Resulting, Implied and Constructive Trusts: Definitions, categories and overlap between such trusts, particularly in the context of the family home; secret</p>

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trusts and mutual wills.

Charitable Trusts and Non Charitable:

Definition and nature of public trusts; comparison with private trusts and benefits of charitable status; cypres doctrine; the role of Charity Commission; definition and comparison of noncharitable purpose trusts with public trusts; examination of limits of present day validity.

Trustees - General Principles, Powers and Duties:

Duties in relation to the safeguarding of assets, acting impartially, investing, distributing, providing information and accounts ; powers of delegation, maintenance and advancement

Fiduciary Duties of Trustees and other Fiduciaries:

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.

Variation of Trusts:

Analysis of the rule in *Saunders v Vautier*; applications pursuant to the Variation of Trusts Act 1958; other means of effecting variations.

Breach of Trust:

Liability of trustees; personal and proprietary remedies; relief; limitation of actions and laches.

Equitable Remedies:

Consideration of general principles; specific performance and injunctions.

Teaching and Learning Methods: 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.

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.

The study of the law of trusts provides a demanding opportunity to develop legal method skills and analytical ability through oral and written discussion.

Students are introduced to each topic through the medium of a 1 hour lecture which may be interactive in part.

Students are then required to prepare for the 2 hour interactive workshop through reading 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 and directed reading in the texts provided.

Research in legal databases/texts available from the library.

Independent work 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.

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.

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.

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.

Contact Hours:

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Full Time CPE:

The basic class contact pattern is as follows:

1 hour per week plenary session in lecture room
1 hour per week seminar discussion (max 12 students per seminar)
2 hours per fortnight workshop sessions (i.e. combined seminar groups; max 3 seminar groups) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic

In any given academic year, there will normally be:

15 one hour lectures, including introductory and revision lectures; □ 12 hours of workshops (6 x 2 hours), including a revision workshop;
11 seminars (including one cycle of revision seminars).

Consequently, in any academic year, there will normally be 38 hours of contact time for each student.

Part Time CPE:

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction tuition session:

1 hour subject introductory lecture

At the five subsequent tuition sessions:

3 ½ hours with tutor. Normally split into 1 ½ hours in plenary session and 2 hours in seminar groups

Consequently, in any academic year, there will normally be 18½ hours of contact time.

Part 3: Assessment

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 examination in 3 of the 4 subjects (the Independent Research Project is a coursework only subject as already indicated).

Therefore assessment in any given academic year takes the form of either:

Coursework and Examination:

An online examination to be completed within a 24 hour window, at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions (3750 words). The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

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.

Or:

Examination only:

An online examination, to be completed within a 24 hour window, at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions.(4500 words) . The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

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First Sit Components	Final Assessment	Element weighting	Description
Written Assignment - Component B		25 %	Coursework
Examination (Online) - Component A	✓	75 %	Online examination (exam only, 4500 words. Exam and coursework, 3750 words)
Resit Components	Final Assessment	Element weighting	Description
Written Assignment - Component B		25 %	Coursework
Examination (Online) - Component A	✓	75 %	Online examination (exam only 4500 words, exam and coursework, 3750 words)

Part 4: Teaching and Learning Methods

Learning Outcomes	On successful completion of this module students will achieve the following learning outcomes:	
		Reference
	The development, role and scope of the law of equity	A1
	The concept of a trust	A2
	Equitable rights and remedies	A3
	The principal uses of the trust in modern society	A4
	The obligations placed on trustees and on other fiduciaries	A5
		Reference
	Highlight areas of uncertainty	B1
	Apply legal concepts and principles to a range of practical scenarios	B2
	Demonstrate skills of analysis and synthesis	B3
	Critically evaluate existing law	B4
	Make reasoned proposals for reform of this area of law or to justify the retention of the current law	B5
		Reference
	Present reasoned legal arguments, both orally and in writing	C1
	Conduct effective library-based legal research	C2
	Use electronic sources for legal research	C3
	Demonstrate problem solving in the context of equity and trusts	C4
	Critically analyse and evaluate primary and secondary legal materials	C5
		Reference
	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	D1
	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. Study management skills	D2
	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	D3
	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	D4
	The ability to learn and research independently	D5
	Communicative and persuasive skill	D6

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Contact Hours	Independent Study Hours:	
	Independent study/self-guided study	162
	Total Independent Study Hours:	162
	Scheduled Learning and Teaching Hours:	
	Face-to-face learning	38
	Total Scheduled Learning and Teaching Hours:	38
	Hours to be allocated	200
	Allocated Hours	200
Reading List	<p><i>The reading list for this module can be accessed via the following link:</i></p> <p>https://uwe.rl.talis.com/modules/ujxu57-20-3.html</p>	

Part 5: Contributes Towards	
<p>This module contributes towards the following programmes of study:</p> <p>Law [Sep][FT][Frenchay][1yr] GradDip 2020-21</p> <p>Law [Sep][PT][Frenchay][2yrs] GradDip 2019-20</p>	