



University of the  
West of England

**Code:** UJUTGP-30-3

**Title:** Law of Equity & Trusts

**Version:** 1

**Level:** 3

**UWE credit rating:** 30

**ECTS credit rating:** 15

**Module type:** Standard

**Owning Faculty:** FBL

**Field:** Undergraduate Law

**Valid from:** September 2010

**Faculty Committee Approval:** QSC (SSH)

**Date:**

**Discontinued from:**

**Contributes towards:** LLB (Hons) Irish Law

**Pre-requisites:** Introduction to the Irish Legal System UJUTGJ-30-1; Criminal Law UJUTGL-30-1; Constitutional Law UJUTGM-30-1; Law of Torts UJUTGK-30-1

**Co-requisites:** Land Law UJUTGQ-30-3; Contract Law UJUTGN-30-3

**Excluded combinations:** None

### **Learning outcomes:**

On completion of this module learners will be able to:

1. Discuss the interaction between the common law and equity (*Assessed Component A as an essay style question*).
2. Evaluate key equitable doctrines (*Assessed in Component A as an essay style question*).
3. Assess the nature and application of equitable remedies (*Assessed in Component A and/or Component B as either essay/problem style questions*).
4. Distinguish between different forms of trusts (*Assessed in Component A as essay/ problem style question*).
5. Evaluate the requirements necessary to establish a valid trust (*Assessed Component A and/or B as an essay/problem style question*).
6. Critically evaluate the duties, powers and liabilities of trustees (*Assessed Component A and/or B as an essay style question*).
7. Assess the various doctrines which apply to trusts (*Assessed in Component A as a problem style question*).
8. Analyse factual scenarios and apply their understanding of equity and equitable principles to them (*Assessed in Component A and/or B as a problem style question*).

### **Syllabus outline:**

- The Nature and Meaning of Equity
- Historical Background
- Fusion of Law and Equity
- Maxims of Equity
- The Nature of Equitable Interests and Priorities
- Equitable Doctrines
  - Notice
  - Estoppel
  - Fraud, Undue Influence and Unconscionable Bargain
- Equitable Remedies

- The Injunction
- Specific Performance
- Rescission
- Rectification
- Introduction to Tracing
- The Historical Development of the Trust
- The Creation of an Express Trust
- The Three Certainties
- Complete Constitution
- Formal Requirements
- Particular Forms of Trust
- Secret Trusts
- Charitable Trusts and the Cy-pres Doctrine
- Purpose Trusts
- Resulting/Implies Trusts
- Constructive Trusts
- Trusteeship
- Trustees powers
- Duties of Trustees
- Breach of Trust Remedies
- Personal Liability of Trustees
- Tracing

### **Teaching and learning methods:**

The emphasis throughout will be on providing the student the opportunity and facilities to question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an inter-active relationship which emphasizes the two-way flow of information and criticism.

Subject to the requirements of the Professional Bodies, it is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only.

Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this both during the Programme as a whole and, where necessary, within the module.

### **Contact hours:**

Lectures: 3 hours per week (2 x 1.5 hours).  
Seminars: 1 hour seminar per fortnight.

### **Student preparation:**

Lectures: In most cases there is no expectation of preliminary work. However, students may be given directed preliminary reading from recommended texts. Occasionally material may be also given out in advance so as to provide the basis for practical exercises or for more detailed discussion of topics to be conducted within the lecture.

Guest speakers will be utilised where appropriate.

Seminars: The Programme estimates a preparation time of 10 hours per seminar. At Level 1 much of this time will be taken up with acquiring experience of research and with gaining a familiarisation with legal method. At Level 3, more qualitative research and preparation is expected.

Seminar preparation tasks include working individually, in pairs or in small groups.

Students will be given seminar sheets in advance of their seminars which will be centred on the analysis of cases, statutes, European and Human Rights' material as appropriate. The material will usually be problem or discussion title-based. Supplementary material (usually of a problem-solving nature) may be provided in the seminar.

At Level 1 students will be given more direction in terms of sources and specific questions to address.

Students are expected to make full use of their independent learning time to reflect critically upon the subject and to develop their own ideas.

### **Operation and purpose:**

Lectures: On most topics covered, outline learning materials will be supplied to students during or in advance of the lectures. Lectures are generally designed to:

- (a) communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values;
- (b) to stimulate interest in the topic and provide alternative views; and
- (c) to provide other information necessary to facilitate its further study, including updating.

### **Reading Strategy:**

Essential reading to accompany the workshops in term 1 will be provided electronically or as printed study packs. Students will be encouraged to read widely using the library catalogue, a variety of bibliographic and full text databases, and Internet resources. Guidance to some key authors and journal titles available through the Library will be given in the course guide and through Moodle (the College's intranet system). It is expected that assignment bibliographies and reference lists will reflect the reading carried out.

### **Indicative Reading List:**

The main textbook that students will be relying upon in this module will be:

Delaney (2007) *Equity and the Law of Trusts in Ireland*, (4th ed.) Thomson Roundhall.

It is envisaged that this textbook will be provided to the student as part of their course fee depending on its currency/availability in each academic year. However, students will be directed towards other reading available from the library and in particular the following titles will be recommended:

Delaney (2002) *The Law of Equity and Trusts: Cases and Materials*, Thomson Roundhall.  
Hanbury & Martin (2006) *Modern Equity*, (17<sup>th</sup> ed.), Sweet & Maxwell.  
Bell (2004) *Equity and Trusts – Essential Law Text*, Thomson Roundhall.  
Petit (1997) *Equity and the Law of Trusts*, (8<sup>th</sup> ed.) Butterworths.  
Keane (1998) *The Law of Equity and Trusts in the Republic of Ireland*, Lexis/Nexis  
Wylie (1998) *Casebook on Equity and Trusts*, Butterworths.

Students will also be referred to international journal articles from Westlaw and Lexis/Nexis in addition to the following Irish journals:

**Assessment**

**Weighting between components A and B (standard modules only) A: 75% B: 25%**

**ATTEMPT 1**

**First Assessment Opportunity**

**Component A - Final assessment**

**Description of each element**

**1** Examination (3 hours)

**Element weighting**

100%

**Component B**

**Description of each element**

1. Coursework (2500 words max.)

2. Coursework (2500 words max.)

**Element weighting**

**The better mark of element 1 or 2 shall count.**

100%

**Second Assessment Opportunity (further attendance at taught classes is not required)**

**Component A**

**Description of each element**

**1** Examination (3 hours)

**Element weighting**

100%

**Component B**

**Description of each element**

**1** Coursework (2500 words max)

**Element weighting**

100%

**EXCEPTIONAL SECOND (OR SUBSEQUENT) ATTEMPT: Attendance at taught classes is required.**

**Specification confirmed by**

.....**Date**.....

**(Associate Dean/Programme Director)**