



CORPORATE AND ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Law of Equity & Trusts				
Module Code	UJUUK8-30-2	Level	2	Version	1
Owning Faculty	FBL	Field	Undergraduate Law		
Contributes towards	LLB (Hons) Irish Law, LLB (Hons) Irish Law with Accounting				
UWE Credit Rating	30	ECTS Credit Rating	15	Module Type	Standard
Pre-requisites	None		Co- requisites	None	
Excluded Combinations	None		Module Entry requirements	None	
Valid From	September 2012		Valid to		

CAP Approval Date	23/8/12
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Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <ol style="list-style-type: none"> 1. Discuss the interaction between the common law and equity (<i>Assessed Component A as an essay style question</i>). 2. Evaluate key equitable doctrines (<i>Assessed in Component A as an essay style question</i>). 3. Assess the nature and application of equitable remedies (<i>Assessed in Component A and/or Component B as either essay/problem style questions</i>). 4. Distinguish between different forms of trusts (<i>Assessed in Component A as essay/ problem style question</i>). 5. Identify and discuss the requirements necessary to establish a valid trust (<i>Assessed Component A and/or B as an essay/problem style question</i>). 6. Examine the duties, powers and liabilities of trustees (<i>Assessed Component A and/or B as an essay style question</i>). 7. Assess the various doctrines which apply to trusts (<i>Assessed in Component A as a problem style question</i>). 8. Analyse factual scenarios and apply their understanding of equity and equitable principles to them (<i>Assessed in Component A and/or B as a problem style question</i>).
Syllabus Outline	<ol style="list-style-type: none"> I. Introduction <ol style="list-style-type: none"> A. What is Equity? B. The Emergence of Equity

Equity v. The Common Law

C. Did the *Supreme Court of Judicature (Ireland) Act, 1877* fuse the Principles of the Common Law and Equity or merely their Administration?

D. The Maxims of Equity

II. Injunctions

A. Introduction

B. The Classification of Injunctions

C. Perpetual Injunctions

D. Interlocutory Injunctions

Departure from the Campus Oil Principles

E. Mandatory Injunctions

F. *Quia Timet* Injunctions

G. Specific Circumstances in which an Injunction will be granted

To restrain a Breach of Contract

Contracts for Personal Services

To Restrain the Commission of a Tort

To Restrain a Breach of constitutional Rights

To Protect public Rights

H. Mareva Injunctions

I. Anton Piller Orders

J. Bayer Injunctions

III. Specific Performance

A. Types of Contract that may be specifically enforced

1. Contracts for the Sale of Land

- *The Doctrine of Part Performance*

2. Contracts for the Sale of personal Property or to pay Money

3. Contracts requiring Supervision

- *Contracts to Build / Repair*

- *Contracts involving the Performance of Personal Services*

B. Defences to an Action for Specific Performance

IV. Rescission

A. Mistake

B. Misrepresentation

C. Undue Influence

D. Unconscionable / Improvident Transactions

V. Rectification

A. Mutual Mistake

B. Unilateral Mistake

Standard of Proof

Discretionary Factors

Instruments that may be rectified

VI. Proprietary Estoppel

A. Imperfect Gifts

B. Common Expectation

C. Unilateral Mistake

D. Unconscionability

E. Developing the Doctrine

VII. Express Trusts

A. Formalities

B. The Essential Elements of an Express Trust

Conceptual and evidential Certainty

Administrative Unworkability

Capriciousness

C. The Constitution of Trusts and the Perfection of Gifts

The Rule in Strong v. Bird (1874) LR 18 Eq 315

Donatio Mortis Causa

Proprietary Estoppel

VIII. Secret Trusts

IX. Purpose Trusts

A. Reasons for Courts' Reluctance to enforce purpose Trusts

B. Exceptions to the General Rule that purpose Trusts are unenforceable

The Doctrine of Cy-près

	<p>X. Resulting Trusts</p> <p>A. Presumed resulting Trusts <i>The Property Rights of Cohabitants</i></p> <p>B. Automatic resulting Trusts</p> <p>XI. Constructive Trusts</p> <p>A. Agents and unauthorised Profits</p> <p>B. The Sale of real Property</p> <p>C. Mutual Wills</p> <p>D. Knowing Receipt of Property transferred in Breach of Trust</p> <p>E. Dishonest Assistance in a Breach of trust</p> <p>F. The New-Model Constructive Trust</p>
Contact Hours/Scheduled Hours	<ul style="list-style-type: none"> • Class contact will normally consist of two lectures of 1.5 hours duration per week • These lectures will be supported with a 1 hour tutorial once every two weeks.
Teaching and Learning Methods	<p>Scheduled learning: Students will attend two lectures of 1.5 hours duration per week. These sessions will be used by the lecturer to introduce ideas and concepts and deliver facts to students. These lectures are designed to be interactive with learners encouraged to question and discuss these ideas and concepts. A 1 hour tutorial will be held once every two weeks with smaller groups (of approximately 10-12 learners) where will the opportunity to engage in discussion of a particular topic and/or to explore it in more detail than might be covered in a lecture.</p> <p>Independent learning: Lectures and tutorials/workshops will consist of at total of 48 hours class contact time. Additionally, students would be expected to a notional 150 hours of study in preparation for lectures and tutorials, a notional 20 hours in writing and preparing coursework and another notional 40 hours in preparing for the final assessment.</p>
Reading Strategy	<p>Students will be expected to purchase at least one core text for this module. A list of textbook titles is provided below and will be updated annually and made available through the VLE. Copies of these textbooks will be available from the library.</p> <p>The core text is:</p> <p>Delaney H. (2007) <i>Equity and the Law of Trusts in Ireland</i>, (4th ed.) Round Hall.</p> <p>Students will also be expected to carry out wider reading from a list of titles given below. Copies of these textbooks will be available from the library. Furthermore, students will be referred to journal articles and key judgments throughout the course which they will be able to access from the library and through the College's subscription databases such as WESTLAW.IE / WESTLAW.UK / LEXIS-NEXIS / HEINONLINE etc.</p> <p>At the commencement of each academic year a library skills' training session will be provided to all students in order to assist them access these materials from the library. Specific training sessions will be provided in the use of online databases.</p>
Indicative Reading List	<p>Textbooks:</p> <p>Delaney H. (2002) <i>The Law of Equity and Trusts: Cases and Materials</i>, Round Hall.</p> <p>Dowling K. (2007) <i>Equity & Trusts</i>, Round Hall.</p> <p>Keane R. (1998) <i>The Law of Equity and Trusts in the Republic of Ireland</i>, Tottel.</p> <p>Martin J. (2010) <i>Hanbury & Martin on Modern Modern Equity</i>, (18th ed.), Sweet & Maxwell.</p> <p>Moffat G., Bean G. & Probert R. (2009) <i>Trusts Law: Cases & Materials</i> (5th ed.), Cambridge University Press.</p> <p>Petit P. (2009) <i>Equity and the Law of Trusts</i> (11th ed.), Oxford University Press.</p> <p>Worthington, <i>Equity</i> (2nd ed., Oxford University Press, 2006)</p> <p>Journals:</p> <p>Byrne & Binchy, <i>Annual Reviews of Irish Law</i> (Round Hall, 1987 -).</p> <p><i>Dublin University Law Journal</i></p>

Part 3: Assessment

Assessment Strategy	This module will be assessed by way of a closed book, three hour examination. The typical examination paper will be normally divided into eight questions with students required to attempt four questions. The questions will assess the learning outcomes through essay-style or problem-style questions. Some of the questions may include case notes. The examination component (A) will account for 75% of the overall mark. The remaining marks (25%) will be assessed by way of written coursework which will be 2,500 words in length. The coursework will allow students to focus on their research skills and students will be provided with formal feedback on their performance in the coursework during the course of the academic year.
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Identify final assessment component and element	Component (A)	
% weighting between components A and B (Standard modules only)	A:	B:
	75%	25%

First Sit	
Component A (controlled conditions) Description of each element	Element weighting
1. Three Hour Closed Book Examination Final Assessment	100%
Component B Description of each element	Element weighting
1. Written Coursework (2,500 words max)	100%
2. Written Coursework (2,500 words max)	100%
The better mark of element 1 or 2 shall count	

Resit (further attendance at taught classes is not required)	
Component A (controlled conditions) Description of each element	Element weighting
1. Three Hour Closed Book Examination Final Assessment	100%
Component B Description of each element	Element weighting
1. Written Coursework (2,500 words max)	100%

If a student is permitted an **EXCEPTIONAL RETAKE** of the module the assessment will be that indicated by the Module Description at the time that retake commences.