



### MODULE SPECIFICATION

Part 1: Information			
Module Title	Equity and Trusts		
Module Code	UJUTK4-30-3	Level	3
For implementation from	September 2018		
UWE Credit Rating	30	ECTS Credit Rating	15
Faculty	Law Undergraduate	Field	Law Undergraduate
Department	Standard		
Contributes towards	LLB (Hons); LLB (Hons) Commercial Law ; LLB (Hons) European and International Law; LLB (Hons) Law with Criminology; BA (Hons) Criminology and Law; BA (Hons) Criminology with Law; LLB (Hons) Law with Business; BA (Hons) Business and Law; LLB (Hons) Law with Psychology		
Module type:	Standard		
Pre-requisites	Law of Contract UJUTN3-30-1 <b>OR</b> Land Law 1 UJUJ9-15-2 <b>OR</b> Land Law UJUUKT-30-2		
Excluded Combinations	None		
Co- requisites	None		
Module Entry requirements	200 credits acceptable to the award on which the student is registered of which at least 60 credits must be credits from law modules		

Part 2: Description
<p>The course is delivered by a lecture once a week and a workshop every two weeks. There is a considerable amount of directed reading and the workshops concentrate on problem solving and discussion. During the lectures and workshops students will have the opportunity to:</p> <ul style="list-style-type: none"> <li>• Learn about the law of equity and trusts</li> <li>• Discuss relevant legal issues</li> <li>• Develop research skills</li> <li>• Develop problem solving skills</li> <li>• Develop time management skills</li> <li>• Develop group working skills</li> <li>• Make individual and group presentations</li> </ul> <p>Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this during the Programme as a whole and, where necessary, within the module.</p> <p>Lectures: In most cases there is no expectation of preliminary work. Occasionally material may be given out in advance so as to provide the basis for more detailed discussion of topics to be conducted within the lecture.</p>

Guest speakers will be utilised where appropriate.

*Operation and purpose:*

Lectures: On all the 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;
- (b) To stimulate interest in the topic and provide alternative views; and
- (c) To update and to provide other information necessary to facilitate further study.

Workshops: Workshops will involve problem-solving and the analysis and synthesis of conceptual and contextual issues, through plenary discussion, small group discussion and presentations by individual students or groups of students. Extra reading may be provided and multiple choice questions attempted. Students are expected to fully participate in discussions and the other activities of the workshop.

**You will cover:**

The Social Context of Trusts

The history and development of trusts and equity. The different types of trust that may exist. Modern developments of equitable doctrines and remedies e.g. proprietary estoppel. Trusts of the Family Home.

The Administration of Trusts

The Powers and Duties of Trustees:  
Investment - Express and Statutory. The Trustee Act 2000.  
Statutory Delegation of Trustees' Powers and Duties.  
Variation of trust.

Property Transactions during life

The Formality requirements s.53 (1) (b) and 53 (1) (c) Law of Property Act 1925.  
Completely and Incompletely Constituted Trusts. Equity will not assist a volunteer.  
Trusts and Powers. Power of Appointment, Fiduciary Powers and Discretionary Trusts.  
The Three Certainties: Certainty of Intention, Certainty of Subject Matter, and Certainty of Objects

Property Transactions upon Death

The basic principles of Wills.  
Exceptions to the rule. Secret Trusts, Mutual wills and Donatio Mortis Causa.

Public Trusts

Charities. Advantages of charitable status e.g. taxation of charities. The definition of charity: charities for education, religion, poverty and public benefit. Restrictions upon political activity. The Cy Près doctrine.  
Purpose Trusts: restrictions on.  
The legal status of unincorporated associations.  
Pension Trusts-the interplay of Trust and Contract Law

Restitution and Equitable Remedies

The Fiduciary Relationship. The Duties of a Fiduciary.  
Breach of Trust and Remedies. The role of the courts.  
Constructive Trusts. Strangers to the Trust and Unconscionability.  
Tracing Common Law and Equitable.  
Equitable Remedies. e.g. injunctions and breach of confidence.

**Part 3: Assessment**

In the first semester students will have to submit a 1000 word case study. This will enable students to show their knowledge of the subject and their understanding of its concepts. In particular it will enable them to show their mastery of case law technique. Research technique can also be demonstrated and the ability to synthesise the results of that research. Communication skills are also important.


The second assessment that the students will submit is the online Multiple Choice at the end of semester 2. This

is designed to test the knowledge and understanding gained in the module and promote an incentive to engage with the lectures and seminars for the whole module. As the test is at the end of the course it also provides an opportunity for students to revise in preparation for the examination. By doing the test online, prompt feedback can be given to the students.

The examination, in the third semester will assess knowledge and understanding of the law of Equity and Trusts, the ability to deal with conceptual problems, what the students have learnt from their research, the ability to apply their knowledge to factual situations, competence in dealing with case law and communication skills under time pressure.

The workshops will enable formative assessment to take place in the form of multiple choice and short questions and the opportunity to make oral presentations.

Identify final timetabled piece of assessment (component and element)	Component A	
% weighting between components A and B (Standard modules only)	A:	B:
	60%	40%
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
1. Examination (3 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	
1. Case Study (1000 words)	60%	
2. Online multiple choice test	40%	
Resit (further attendance at taught classes is not required)		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
1. Examination (3 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	
1. Essay or Problem answer	100%	
Part 4: Learning Outcomes & KIS Data		
Learning Outcomes	On successful completion of this module, students will be able to: <ul style="list-style-type: none"><li>• Demonstrate a developed understanding of the law of Property and the remedies available in Equity, building upon knowledge gained at Levels 1 and 2, (Components A and B);</li><li>• Demonstrate knowledge and understanding of the concepts, principles and rules of the law of Equity and Trusts and an appreciation of the distinctive contribution that trusts have made to English Law and the Common Law family of law, (Components A and B);</li><li>• Critically engage with and apply analytical techniques to the conceptual problems of Equity and Trusts, (Components A and B);</li><li>• Identify the legal issues raised by hypothetical and factual scenarios and apply the relevant concepts, principles and rules of Equity and Trusts law to those scenarios in order to come to a reasoned and evidenced conclusion, (Components A and B);</li><li>• Conduct their own research, without supervision in primary and secondary legal sources, both electronic and written, (Components A and B);</li><li>• Demonstrate the ability to effectively communicate, both orally and in writing, knowledge and understanding of Equity and Trusts law. (Components A and B).</li></ul>	

Key Information Sets Information (KIS)	<b>Key Information Set - Module data</b>					
	Number of credits for this module				30	
	Hours to be allocated	Scheduled learning and teaching study hours	Independent study hours	Placement study hours	Allocated Hours	
300	72	228	0	300		
Contact Hours	The table below indicates as a percentage the total assessment of the module which constitutes a;					
	<b>Written Exam:</b> Unseen or open book written exam					
	<b>Coursework:</b> Written assignment or essay, report, dissertation, portfolio, project or in class test					
	<b>Practical Exam:</b> Oral Assessment and/or presentation, practical skills assessment, practical exam (i.e. an exam determining mastery of a technique)					
Total Assessment	Total assessment of the module:					
	Written exam assessment percentage				60%	
	Coursework assessment percentage				40%	
	Practical exam assessment percentage				0%	
				100%		
Reading List	reading list link					
	<a href="https://uwe.rl.talis.com/lists/59B4F4BF-8C1C-EFB7-6945-867499CEE613.html">https://uwe.rl.talis.com/lists/59B4F4BF-8C1C-EFB7-6945-867499CEE613.html</a>					

## FOR OFFICE USE ONLY

First Approval Date (and panel type)	1 May 2012			
Revision CAP Approval Date	15 December 2016	Version	8	<a href="#">link to RIA</a>
Revision ASQC Approval Date <i>Update this row each time a change goes to ASQC</i>		Version	9	<a href="#">link to RIA</a>