



University of the  
West of England

## CORPORATE AND ACADEMIC SERVICES

### MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Equity and Trusts				
Module Code	UJUTK4-30-3	Level	3	Version	7
Owning Faculty	FBL	Field	Law Undergraduate		
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 Studies; BA (Hons) Business and Law; BA (Hons) Business Studies with Law; LLB (Hons) Law with Psychology; Law Joint Awards (Hons)				
UWE Credit Rating	30	ECTS Credit Rating	15	Module Type	Standard
Pre-requisites	Law of Contract UJUTN3-30-1 <b>OR</b> Land Law 1 UJUJ9-15-2	Co- requisites	None		
Excluded Combinations	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 including at least one of: Law of Contract UJUTN3-30-1 or Land Law 1 UJUJ9-15-2		
Valid From	September 2012	Valid to			

<b>CAP Approval Date</b>	1/5/12
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Part 2: Learning and Teaching	
Learning Outcomes	<p>By the end of the module the student should have:</p> <ul style="list-style-type: none"> <li>Developed a fuller understanding of the law of Property, building upon knowledge acquired in Land Law. (Components A and B).</li> <li>Developed a fuller understanding of the remedies available in common law and equity, building upon the knowledge acquired in Contract and Tort. (Components A and B).</li> <li>An appreciation of the distinctive contribution made by Equity to English Law, building upon knowledge acquired in modules such as Legal Methods and Contract. (Components A and B).</li> <li>Acquired a sound knowledge of the law of Trusts. (Components A and B).</li> <li>Developed an appreciation of the economic and social context of some areas of Property Law. (Component B).</li> <li>Developed the ability to critically engage with and analyse the conceptual problems of Equity and Property. (Components A and B).</li> <li>Acquired the ability to research the law and its background without supervision.</li> </ul>

	<p>(Component B).</p> <ul style="list-style-type: none"> <li>• Acquired the ability to apply knowledge to factual situations both real and imaginary. (Components A and B).</li> <li>• Acquired greater competence to deal with case law. (Components A and B).</li> <li>• Acquired the ability to effectively communicate knowledge and understanding in a clearly structured way. (Components A and B).</li> </ul>
Syllabus Outline	<p><u>The Social Context of Trusts</u>  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.</p> <p><u>The Administration of Trusts</u>  The Powers and Duties of Trustees:  Investment - Express and Statutory. The Trustee Act 2000.  Statutory Delegation of Trustees' Powers and Duties.  Variation of trust.</p> <p><u>Property Transactions during life</u>  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</p> <p><u>Property Transactions upon Death</u>  The basic principles of Wills.  Exceptions to the rule. Secret Trusts, Mutual wills and Donatio Mortis Causa.</p> <p><u>Public Trusts</u>  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</p> <p><u>Restitution and Equitable Remedies</u>  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.</p>
Contact Hours/Scheduled Hours	<p>There is a two hour lecture each week for the whole student cohort. The cohort is divided into groups of 25 for workshops lasting two hours every two weeks. Class contact is therefore three hours a week.</p>
Teaching and Learning Methods	<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. Guest speakers will be utilised where appropriate.</p> <p><i>Operation and purpose:</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) Communicate the principal features of a topic;</li> <li>(b) To stimulate interest in the topic and provide alternative views; and</li> <li>(c) To update and to provide other information necessary to facilitate further study.</li> </ul> <p>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.</p>
Reading Strategy	<p>There are a wide variety of books available at all levels of difficulty. In the end it is up to you to decide which book suits you best. If you can afford two books, a good combination is one introductory book that tries to explain the most important points and another detailed text (perhaps a casebook) that goes into more detail. The latter can be useful for when you have to write assignments.</p>
Indicative Reading List	<p><u>Textbooks</u></p> <p>Buy one of the following three textbooks:</p> <p>Clements and Abass, <i>Complete Equity and Trusts</i>, Oxford University Press, Oxford, New York. Contains extracts of the main cases with a commentary and specimen questions and answers.</p> <p style="text-align: center;">OR</p> <p>Hudson, <i>Equity and Trusts</i>, Routledge-Cavendish, Abingdon. A good and detailed book. Difficult concepts are clearly explained.</p> <p style="text-align: center;">OR</p> <p>Todd and Wilson, <i>Textbook on Trusts</i>, Oxford University Press, Oxford, New York. A good, student-friendly book, but it does not cover some areas of the syllabus.</p> <p><u>Casebooks</u></p> <p>If you can afford it a casebook can be very useful.</p> <p>Maudsley and Burn, <i>Trusts and Trustees: Cases and Materials</i>, Oxford University Press, Oxford, New York). A well organised book with well-chosen extracts from the main cases.</p> <p style="text-align: center;">OR</p> <p>Todd and Watts, <i>Cases and Materials on Equity and Trusts</i>, Oxford University Press, Oxford, New York. A good book with briefer extracts than M &amp; B above.</p> <p>Equity and Trusts is a case heavy subject, so Library databases such as Westlaw and LEXIS should prove very useful.</p> <p>Basic information such as lecture outlines and Powerpoint presentations will be put up on Blackboard Government reports and articles will also be added.</p> <p><u>Journals</u></p>

	<p>Cambridge Law Journal Conveyancer and Property Lawyer Law Quarterly Review Modern Law Review</p> <p><u>Websites</u></p> <p>Charity Commission <a href="http://www.charity-commission.gov.uk">http://www.charity-commission.gov.uk</a> Law Commission <a href="http://lawcommission.justice.gov.uk">http://lawcommission.justice.gov.uk</a></p>
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Part 3: Assessment	
Assessment Strategy	<p>The first assessment that the students will submit is the online Multiple Choice test in term 1. This is designed to test the knowledge and understanding gained by that point in the module and promote an incentive to engage with the lectures and seminars. By doing the test online, prompt and early feedback can be given to the students upon how their studies are progressing so far.</p> <p>In the second term students will have to submit a 2000 word written answer on a problem or essay style question. 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.</p> <p>The examination, in the third term 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.</p> <p>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.</p> <p>The standard Law Department assessment criteria will apply as taken from our standard assessment feedback template.</p> <p>The standard Law Department assessment criteria will apply as taken from our standard assessment feedback template.</p> <p><b>Subject knowledge and understanding.</b> The ability to: Identify the appropriate subject area. Grasp the issues relevant to the subject. Be aware of arguments in connection with it. Appreciate what is relevant material and what is not. Explain what the topic is about.</p> <p><b>Analysis and evaluation.</b> The ability to: Work out what is important in a problem or question, and what is unimportant. Apply your knowledge to a problem or question. Bring together relevant information and materials from a variety of sources. Explain that information and those materials and not contradict or repeat yourself. Work out what is the best solution to the problem or best argument for</p>

	your assignment. Explain why you have chosen that solution or argument.		
	<b>Communication and Literacy.</b> The ability to: Use language appropriate to the task and the audience. Present information or argument clearly, concisely and comprehensively. Understand and use legal terminology correctly. Use correct grammar, punctuation and spelling.		
	<b>Research and Organisation.</b> The ability to: Adopt a logical and structured approach to: (a) the information gathering process, and (b) the use of information compiled as a result of this process. Identify relevant primary sources and eminent academic authority relevant to the topic. Apply these sources and authorities appropriately to the topic area. Underpin argument by reference to appropriate authorities. These might be statute, case law, commentary in articles or books, or socio-legal research relevant to the topic area.		
	Identify final assessment component and element	<b>Component A</b>	
	% weighting between components A and B (Standard modules only)	<b>A:</b> <b>60%</b>	<b>B:</b> <b>40%</b>
<b>First Sit</b>			
<b>Component A</b> (controlled conditions) <b>Description of each element</b>		<b>Element weighting</b> (as % of component)	
1. Examination (3 hours)		100%	
<b>Component B</b> <b>Description of each element</b>		<b>Element weighting</b> (as % of component)	
1. Online multiple choice test		40%	
2. Essay or Problem answer		60%	
<b>Resit (further attendance at taught classes is not required)</b>			
<b>Component A</b> (controlled conditions) <b>Description of each element</b>		<b>Element weighting</b> (as % of component)	
1. Examination (3 hours)		100%	
<b>Component B</b> <b>Description of each element</b>		<b>Element weighting</b> (as % of component)	
1. Essay or Problem answer		100%	
If a student is permitted an <b>EXCEPTIONAL RETAKE</b> of the module the assessment will be that indicated by the Module Description at the time that retake commences.			