



## **Module Specification**

### **Equity and Trusts**

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#### **Contents**

<b>Module Specification .....</b>	<b>1</b>
<b>Part 1: Information .....</b>	<b>2</b>
<b>Part 2: Description .....</b>	<b>2</b>
<b>Part 3: Teaching and learning methods .....</b>	<b>5</b>
<b>Part 4: Assessment.....</b>	<b>7</b>
<b>Part 5: Contributes towards .....</b>	<b>10</b>

## **Part 1: Information**

**Module title:** Equity and Trusts

**Module code:** UJUTK4-30-3

**Level:** Level 6

**For implementation from:** 2023-24

**UWE credit rating:** 30

**ECTS credit rating:** 15

**College:** College of Business and Law

**School:** CBL Bristol Law School

**Partner institutions:** None

**Field:** Law Undergraduate (Programmes)

**Module type:** Module

**Pre-requisites:** Land Law 1 2022-23, Law of Contract 2021-22

**Excluded combinations:** None

**Co-requisites:** None

**Continuing professional development:** No

**Professional, statutory or regulatory body requirements:** None

## **Part 2: Description**

**Overview:** Students must take one of three listed pre-requisites.

Module Entry Requirements: 200 credits acceptable to the award on which the student is registered, must include either UJUTN3-30-1 Law of Contract or UJUUKT-30-2 Land Law

**Features:** Not applicable

**Educational aims:** See Learning Outcomes

**Outline syllabus:** 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: Teaching and learning methods**

**Teaching and learning methods:** 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:

Learn about the law of equity and trusts

Discuss relevant legal issues

Develop research skills

Develop problem solving skills

Develop time management skills

Develop group working skills

Make individual and group presentations

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.

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.

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:

Communicate the principal features of a topic

To stimulate interest in the topic and provide alternative views

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.

**Module Learning outcomes:** On successful completion of this module students will achieve the following learning outcomes.

**MO1** Demonstrate a developed understanding of the law of Property and the remedies available in Equity, building upon knowledge gained at Levels 1 and 2

**MO2** 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

**MO3** Critically engage with and apply analytical techniques to the conceptual problems of Equity and Trusts

**MO4** 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

**MO5** Conduct their own research, without supervision in primary and secondary legal sources, both electronic and written

**MO6** Demonstrate the ability to effectively communicate, both orally and in writing, knowledge and understanding of Equity and Trusts law

**Hours to be allocated:** 300

**Contact hours:**

Independent study/self-guided study = 228 hours

Face-to-face learning = 72 hours

Total = 300

**Reading list:** The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujutk4-30-3.html) via the following link <https://uwe.rl.talis.com/modules/ujutk4-30-3.html>

## **Part 4: Assessment**

**Assessment strategy:** 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 online 24 examination (up to 2500 words) , 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.

### **Assessment tasks:**

#### **Examination (Online) (First Sit)**

Description: Online examination - up to 2500 words

Weighting: 60 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

#### **Case Study (First Sit)**

Description: Case Study (1000 words)



Weighting: 24 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

**Examination (Online) (First Sit)**

Description: Online multiple choice test (indicative 1 hour equivalent)

Weighting: 16 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

**Examination (Online) (Resit)**

Description: Online examination - up to 2500 words

Weighting: 60 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

**Case Study (Resit)**

Description: Essay or Problem answer (indicative 1000 words)

Weighting: 24 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

**Examination (Online) (Resit)**

Description: Online multiple choice test (indicative 1 hour equivalent)

Weighting: 16 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

**Part 5: Contributes towards**

This module contributes towards the following programmes of study:

Law with Psychology [Sep][FT][Frenchay][3yrs] LLB (Hons) 2021-22

Law [Sep][FT][Frenchay][3yrs] LLB (Hons) 2021-22

Law [May][FT][Villa][3yrs] LLB (Hons) 2021-22

Law [Sep][FT][Alexander][3yrs] - Withdrawn LLB (Hons) 2021-22

Law [Jan][FT][Villa][3yrs] LLB (Hons) 2021-22

Law with Criminology [Sep][FT][Frenchay][3yrs] LLB (Hons) 2021-22

Law with Business [Sep][FT][Frenchay][3yrs] LLB (Hons) 2021-22

Law with Psychology [Sep][SW][Frenchay][4yrs] LLB (Hons) 2020-21

European and International Law {Foundation} [Sep][FT][Frenchay][4yrs] - Withdrawn LLB (Hons) 2020-21

European and International Law [Sep][SW][Frenchay][4yrs] - Withdrawn LLB (Hons) 2020-21

Law [Sep][SW][UCW][4yrs] LLB (Hons) 2020-21

Commercial Law {Foundation} [Sep][FT][Frenchay][4yrs] - Withdrawn LLB (Hons) 2020-21

Commercial Law [Sep][SW][Frenchay][4yrs] - Withdrawn LLB (Hons) 2020-21

Law [Sep][SW][Frenchay][4yrs] LLB (Hons) 2020-21

Law {Foundation} [Sep][FT][Frenchay][4yrs] LLB (Hons) 2020-21

Law with Business {Foundation} [Sep][FT][Frenchay][4yrs] LLB (Hons) 2020-21

Law with Business [Sep][SW][Frenchay][4yrs] LLB (Hons) 2020-21

Law with Criminology [Sep][SW][Frenchay][4yrs] LLB (Hons) 2020-21

Law with Criminology {Foundation} [Sep][FT][Frenchay][4yrs] LLB (Hons) 2020-21

Law with Criminology {Foundation} [Sep][SW][Frenchay][5yrs] LLB (Hons) 2019-20

European and International Law {Foundation} [Sep][SW][Frenchay][5yrs] LLB (Hons)  
2019-20

Commercial Law {Foundation} [Sep][SW][Frenchay][5yrs] LLB (Hons) 2019-20

Law {Foundation} [Sep][SW][Frenchay][5yrs] LLB (Hons) 2019-20

Law with Business {Foundation} [Sep][SW][Frenchay][5yrs] LLB (Hons) 2019-20