

Module specification

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Module code	LAW603/LAW603D
Module title	Equity and Trusts
Level	6
Credit value	20
Faculty	FSLS
Module Leader	TBC
HECoS Code	100485
Cost Code	TBC

Programmes in which module to be offered

LLB (Hons) Law	Core
BA (Hons) Law and Criminal Justice	Core
BA (Hons) Law and Business	Core

Pre-requisites

None

Breakdown of module hours

Learning and teaching hours	24 hrs
Placement tutor support	0hrs
Supervised learning e.g. practical classes, workshops	0 hrs
Project supervision (level 6 projects and dissertation modules only)	0 hrs
Total active learning and teaching hours	24 hrs
Placement / work based learning	0 hrs
Guided independent study	176 hrs
Module duration (total hours)	200 hrs

For office use only	
Initial approval date	May 2021
With effect from date	September 2023
Date and details of revision	January 2022 included BA (Hons) Law and Business in programme titles
Version number	2

Module aims

This module examines the nature and development of equity and trusts - the key principles and doctrines that apply to those areas and the application of these concepts in contemporary life and in relation to forms of trusts e.g. charitable, constructive trusts.

Module Learning Outcomes - at the end of this module, students will be able to:

1	Demonstrate in depth knowledge and understanding of the concepts, and the legal contexts of, Equity and Trusts and the key principles affecting their operation/discharge.
2	Analyse the social, economic and fiscal context of trusts and the underpinning policy issues
3	Demonstrate an appreciation of the value of equitable remedies in society.
4	Explore the law as it affects trustees and the implications that arise for individuals of the operation of the law of Equity & Trusts

Assessment

Indicative Assessment Tasks:

Exam: 2 hours focussing on the foundational principles and purposes of equity and trusts and the governing legislative framework

Case studies 2 x1000 words- This task is intended to assess research skills, ability to analyse and evaluate issues in relation to Trust and Equity issues, and to develop a clear and well-reasoned argument in writing in relation to key issues.

Assessment number	Learning Outcomes to be met	Type of assessment	Weighting (%)
1	1-2	Examination	50%
2	3-4	Case study	50%

Derogations

PSRB requirement for LLB Law only:

The minimum pass mark for all LLB Law foundations of legal knowledge (FLK) subjects is 40%. Compensation is only permitted for a maximum of one module across the whole programme for a marginal fail (35-39) covering FLK subjects. (applies to LAW401D, LAW402D, LAW403D, LAW404, LAW502D, SOC575D, LAW601D, LAW603D)

Learning and Teaching Strategies

The learning and teaching strategy is grounded in the University's commitment to an Active Learning Framework (ALF) so that learning will be both accessible and active, and include

synchronous and a-synchronous elements. Face to face classroom teaching will be supplemented by online lectures wherein students will be expected to complete activities such as watching Panopto videos; undertake additional reading; complete quizzes and exercises; and post comment for a-synchronous debate. These activities will be the subject of formative feedback by the module tutor. Added to this, will be access to staff who provide presence, challenge and support for student learning and can relate learning to real world uses.

Indicative Syllabus Outline

Development of equity

The meaning of equity

Relationship between equity and the common law

The nature of equitable interests

Maxims of equity and the doctrine of the bona fide purchaser.

Classification of trusts; Nature of trusts and equitable rights

Capacity and formalities for creation of trusts and dispositions of equitable interests

Certainty/uncertainty.

Completely/incompletely constituted trusts

Resulting, Implied and Constructive Trusts

Constitution of trusts; formalities; charitable and non-charitable

Definitions, categories and overlap between trusts, particularly in the context of the family home, secret trusts and mutual wills.

Definition and nature of public trusts; comparison with private trusts and benefits of charitable status

Cypress doctrine; the role of Charity Commission

Trusts and Trustees - General Principles, Powers and Duties in relation to the safeguarding of assets, acting impartially, investing, distributing, providing information and accounts

Powers of delegation, maintenance and advancement

Fiduciary Duties of Trustees and other Fiduciaries and non-profit clause

Variation of Trusts

Saunders v Vautier

Variation of Trusts Act 1958

Breach of Trust

Liability of trustees; personal and proprietary remedies; relief; limitation of actions and laches.

Equitable Remedies, general principles; specific performance and injunctions.

Indicative Bibliography:

Essential Reads

Penner, J.E (2019) *The Law of Trusts*. Oxford: Oxford University Press: 11th edition

Virgo,G (2020) *Principles of Equity and Trusts*. Oxford: Oxford University Press

Davies, P.S., and Virgo,G. (2019) *Equity and trusts; text, cases and materials* Oxford: Oxford University Press

Ramjohn,M (2019) *Unlocking Equity and Trusts*. Abingdon: Routledge

Other Indicative Reading

Hudson, A (2017) *Equity and Trusts*. Abingdon: Routledge

Hayton,C. and Mitchell, C.(2019) *Text, Cases and Materials on the Law of Trusts and Equitable Remedies*. London: Thomson, Sweet and Maxwell.

Farran,S and Davies,K (2019) *Equity and Trusts*. Oxford: Oxford University Press.

Students will be expected to consult a range of law journals and selected e-journals from WestLaw with a view to developing appropriate legal research skills and to access important supplementary readings in preparation for assessments.

Employability skills – the Glyndŵr Graduate

Engaged
Creative
Ethical
Commitment
Curiosity
Resilient
Confidence
Adaptability
Digital Fluency
Organisation
Critical Thinking
Communication