

MODULE DESCRIPTOR

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| MODULE TITLE | EQUITY AND TRUSTS IN LIFE AND DEATH | | |
| MODULE CODE | LW3907 (L6) | CREDIT VALUE | 20 UK CREDITS / <u>10 ECTS</u> |
| SCHOOL | SCHOOL OF LAW | | |
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MODULE AIMS

To explore the origins, rationale, principles and operation of cases and statutes relating to the English law of equity and trusts, using relevant research skills and legal databases and to apply these to hypothetical scenarios to produce persuasive legal arguments and reasoned conclusions in both oral and written form.

MODULE CONTENT

Indicative syllabus content:

- Introduction to Trusts and Equity: the nature and significance of equity in a historical and contemporary context; the role and scope of equitable maxims; the concepts of trusts and mere powers; classification of trusts: fixed, discretionary; trusts for minors; life interest and statutory trusts
- The creation of express private trusts: the requirement of certainty; the formalities essential for validity; the need for the trust to be properly constituted and the problems confronted by a volunteer.
- Duties and Powers of trustees and personal representatives in the context of investment and delegation: an examination of their fiduciary role, liability to account for profits generated in breach of fiduciary duty; the duty to invest trust property; power of trustees to delegate trust functions and obligations
- Equitable Rights and Remedies of beneficiaries: tracing in the context of and by comparison with restitution and common law tracing.
- Trusts of imperfect obligation and charitable trusts: their legal definition, characteristics, operation and utilisation.

INTENDED LEARNING OUTCOMES

On successful completion of this module a student will be able to:

1. Distinguish key aspects of common law and equity and evaluate the role and significance of equity and the trust.
2. Identify, interpret, analyse and critically assess the validity of legal rules and principles.
3. Apply legal rules and principles to formulate cogent written arguments and justify conclusions reached by reference to relevant legal sources.
4. Demonstrate skills of expression, research, and communicate in an evidenced and well-structured manner.

TEACHING METHODS

Campus delivery will be organised around lectures and workshops. Lectures will introduce new legal ideas and concepts and build an outline of the structure of legal rules and principles. Further reading of cases and statutes in secondary and primary legal sources will consolidate and expand the breadth of knowledge and depth of understanding. Small group workshops will allow students to test their level and range of understanding and reflect formatively on areas of strength and weakness. Workshops will also develop and support general legal techniques and skills in support of legal reading, analysis, writing, drafting and note taking, legal problem solving through IRAC type techniques, as well as test formative knowledge and understanding. Summative assessment will focus on the accuracy of synoptic knowledge across the whole syllabus and evaluate legal problem-solving skills and the ability to create structured legal arguments that draw reasoned conclusions through factual scenarios that raise key legal issues from the syllabus. Module support materials (lecture outlines lecture recordings, Office Mix presentations, Power-points slides, workshop questions, cases, case materials, technique and skills materials, exemplar assessments) will be located on a dedicated module virtual learning environment, which will also be used as the repository for assessment submission, student communication, and e-discussion boards.

ASSESSMENT METHODS

This module is assessed through one Written examination and one Coursework.