



Equity and the Law of Trusts Course Descriptor

Course Title	Equity and the Law of Trusts	Faculty	Law
Course Code	NCHLW527	Course Leader	Dr Tim Sinnamon
Credit Points	30	Teaching Period	Michaelmas & Hilary
FHEQ Level	Level 5	Date Approved	June 2020
Compulsory/ Optional	Compulsory for undergraduate combined and single honours students		
Pre-requisites	None		
Co-requisites	None		

COURSE SUMMARY

Equity and the Law of Trusts encompasses many areas of law and in practice can provide solutions to otherwise insuperable problems. Equitable devices and trusts are extremely versatile and a grasp of the applicable principles is essential to an effective understanding of the law and other areas of law. Trusts will be developed as Equity's main creation to ameliorate the rigours of the common law approach to property title.

The course will explore the role of equitable rights and remedies as a "gloss" upon the common law. The ethical values, philosophical principles, historical development, contemporary significance and practical implications relating to this relationship will be considered.

COURSE AIMS

The primary aim of the course is to fulfil the key elements and general principles of Equity and the Law of Trusts as required by the SRA/BSB Academic Stage Handbook for a Qualifying Law Degree. Within that parameter the aims of the course are to:

- Examine the contribution made by Equity to civil law in counter-point to the common law.
- Provide students with a comprehensive understanding of the nature of Equity, trusts, the equitable rules regarding them, the responsibilities of trustees and their control of trust property. Emphasis will be placed on principles and ethical values underpinning this area of law and their policy implications.
- Provide students with an appreciation of the controversies and difficulties that can be encountered in this area of law.

LEARNING OUTCOMES

On successful completion of the course, students will be able to:

KNOWLEDGE AND UNDERSTANDING

- K1b review the theories, principles, doctrines, values and rules which underpin equity and the law of trusts in England and Wales, including those relating to charities, trustees and equitable remedies
- K2b review the equitable jurisdiction of a court in the context of trusts, and that we have now fused courts of law and equity
- K3b evaluate the equitable jurisdiction of the English legal system

COGNITIVE SKILLS

- C1b apply knowledge and critical understanding to determine solutions to problems of equity and the law of trusts
- C2b critically evaluate factual information, selecting and prioritising from possible alternatives, using reasoned judgment and recognised arguments applying to equity and the law of trusts
- C3b recognise ambiguity with and understand limits of law when dealing with equity and the law of trusts

TRANSFERABLE AND PROFESSIONAL SKILLS

- T1b communicate information, arguments and analysis effectively to specialist and non-specialist audiences, using a variety of media and technological resources whilst demonstrating accurate use of English and legal terminology
- T2b undertake further development of personal skills and competences by effective use of feedback, reflection, determination of needs, acquisition of knowledge and skills and collaborative working
- T3b further develop skills in self-directed research using a wide range of legal and other information sources, evaluating and selecting information based on reasoned criteria

TEACHING AND LEARNING

Teaching and learning strategies for this course will include:

- 15 hours of full-cohort lectures
- 10 hours of group seminars
- 4 x 45-minute one-to-one tutorials per student
- 1 x 3 hour revision session

Course information and supplementary materials are available on the College's Virtual Learning Environment (VLE).

At the end of Michaelmas and Hilary, students will attend Collections (formal meetings) in which they receive comprehensive and collated feedback about their performance over the term.

Students are required to attend and participate in all the formal and timetabled sessions for this course. Students are also expected to manage their directed learning and independent study in support of the course.

EMPLOYABILITY SKILLS

- This course afford students the option of developing their knowledge of property law, trusts and Equity in a practical and theoretical way. This knowledge will be of considerable use in a workplace setting. In terms of skills the course affords students the ability to develop their written, oral, presentation and communication skills.

ASSESSMENT

FORMATIVE

Students will be formatively assessed during the course by means of set assignments. These do not count towards the end of year results, but will provide students with developmental feedback and feedforward.

SUMMATIVE

Assessment will be in two forms:

AE:	Assessment Activity	Weighting (%)	Online submission	Duration	Length
1	Written assignment	40%	Yes	N/A	2,000 Words
2	Examination	60%	N/A	2 hours	N/A

The examination will consist of a number of questions from which the student will have the choice of answering a specified number. Both the examination and the written assignment will be assessed in accordance with the assessment aims set out in the Programme Specification.

FEEDBACK

Students will receive formal feedback in a variety of ways: written (including via email correspondence); oral (within one-to-one tutorials or on an *ad hoc* basis) and indirectly through discussion during group tutorials. Student's will also attend the formal meeting, Collections, at the end of Michaelmas and Hilary in which they will receive constructive and developmental feedback on their term's performance.

Feedback is provided on written assignments (including essays, briefings and reports) and through generic internal examiners' reports, both of which are posted on the College's VLE.

INDICATIVE READING

Note: Comprehensive and current reading lists for courses are produced annually in the Course Syllabus or other documentation provided to students; the indicative reading list provided below is used as part of the approval/modification process only.

BOOKS

P. Davies, G. Virgo, *Equity and Trusts (Text, Cases and Materials)*, (Oxford University Press, 2nd ed, 2019)

J. Glister & J. Lee, *Hanbury & Martin's Modern Equity* (Sweet & Maxwell, 21st ed. 2018)

R. Pearce, W. Barr, *Pearce & Stevens' The Law of Trusts and Equitable Obligations*, (Oxford University Press, 7th ed, 2018)

C Mitchell & B McFarlane, *Hayton and Mitchell on the Law of Trusts and Equitable Remedies*, (Sweet & Maxwell, 14th ed. 2015)

JOURNALS

Modern Law Review

Law Quarterly Review

Trusts and Trustees

Conveyancer and Property Lawyer

ELECTRONIC RESOURCES

Westlaw

Practical Law

Lexis Nexis

SSRN

INDICATIVE TOPICS

Students will study the following topics:

- Introduction to Equity
- The Trust
- The Contemporary Role & Significance of Equity and Trusts
- Creating an Express Trust
- Constitution of an Express Trust
- Formalities for the Creation of a Trust
- Constructive Trusts
- Secret Trusts
- Resulting Trusts
- Private Purpose Trusts and Unincorporated Associations
- Public Purpose Trusts (Charitable Trusts)
- Trustees Powers, Trustees Duties, The Trustee Act 2000

- Breach of Trust and Third Party Liability
 - Following & Tracing
 - Restitution, Unjust Enrichment and Equitable Remedies
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