



Equity and the Law of Trusts Course Descriptor

Course Title	Equity and Trusts	Faculty	Law
Course Code	NCHLW680	Course Leader	Tim Sinnamon
Credit Points	30	Teaching Period	Both
FHEQ Level	Level 6	Date Approved	June 2020
Compulsory/ Optional	Compulsory for Senior Status 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. In addition, the role of trusts in investor protection is of considerable commercial relevance as the core property protection used by financial institutions (e.g. the prominent role of trusts litigation in the Lehman Brothers bankruptcy).

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.

Students will have the opportunity to critically engage with the discretionary nature of Equity in both a practical and theoretical sense. Particular emphasis will be placed on the juxtaposition between remedial equity and its tensions with the Common Law throughout the Common Law world. Students will be afforded the opportunity to critically discuss Equity's much contested contribution as well as the attendant basis upon which it subsists.

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:

- Develop knowledge and critical understanding of the contribution made by Equity to civil law in counter-point to the common law.
- Provide students with a comprehensive and reflective conceptual 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 including limitations to their own knowledge.

LEARNING OUTCOMES

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

KNOWLEDGE AND UNDERSTANDING

- K1c Critically discuss legal theories, principles, doctrines, values and rules which underpin Equity the law of property (Trusts) of England and Wales through in-depth study.
- K2c Critically discuss the way that Equity, generally, as a pre-eminent source of law and Trusts have come to play a fundamental role in all areas of private and commercial life.
- K3c Critically discuss Equity and property law within the English legal system and its processes in academic and social contexts.

COGNITIVE SKILLS

- C1c Apply knowledge and understanding to determine solutions to complex problems involving the law of property including consolidation and extension of knowledge to allow the student to devise and sustain arguments.
- C2c Critically analyse factual information, selecting and prioritising from possible alternatives using reasoned judgment and recognised legal arguments pertaining to property law.
- C3c Recognise ambiguity with and deal with uncertainty in Equity and the law of trusts.

TRANSFERABLE AND PROFESSIONAL SKILLS

- T1c Communicate accurately and effectively, using a variety of media and technological resources whilst demonstrating care and accuracy in use of English and legal terminology.

- T1c Utilise an advanced level of technical proficiency of written English, while effectively applying scholarly terminology, to critically evaluate, analyse and make judgements and apply these appropriately to a range of diverse contexts.
- T2c Demonstrate a high level of ability to manage personal development by effective use of feedback, reflection, determination of needs, acquisition of knowledge and skills and collaborative working.
- T3c Undertake self-directed research using a wide range of legal and other information sources, evaluating and selecting information based on reasoned criteria at a level appropriate to support self-directed initiative and personal responsibility in the application of knowledge.

LEARNING AND TEACHING

Teaching and learning strategies for this course will typically include:

- 22.5 hours of full-cohort lectures
- 8 hours of group seminars
- 2 x 30-minute one-to-one tutorials per student and 2 x 45 minute one-to-two tutorials
- 1 revision session

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

Students will attend a formal meeting (a 'Collection') in which they receive comprehensive and collated feedback on their performance.

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 affords 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 any 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 will not count towards the final degree but will provide students with developmental feedback, for example helping students to become more sophisticated in their analysis of statutes and case law.

SUMMATIVE

Assessment will be in two forms:

No:	Assessment Type	Weighting	Online submission	Duration	Length
1	Written assignment	40%	Yes	N/A	2,000 words
2	Examination	60%	N/A	2 hours	N/A

FEEDBACK

Students will receive a mixture of formal and informal feedback. The informal feedback will be delivered in a variety of ways: written (via email correspondence); oral (within one-to-one tutorials or on an *ad hoc* basis) and indirectly through discussion during group tutorials.

Formal feedback is provided on assessed assignments and through generic internal examiners' reports, both of which are posted on Moodle.

Feedback on examinations is provided through generic internal examiners' reports and are made available to the student on the VLE. For all other summative assessment methods, feedback is made available to the student either via email, the VLE or another appropriate method.

INDICATIVE READING

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

JOURNALS

Modern Law Review

Cambridge Law Review

Quarterly Review

ELECTRONIC RESOURCES

Westlaw, Lexis and Bailii provide access to the main cases.

INDICATIVE 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

Title: NCHLW680 Equity and the Law of Trusts					
Approved by: Academic Board					
Location: Academic Handbook/Programme specifications and Handbooks/ Postgraduate Programme Specifications/LLB (senior status) Programme Specification/Course Descriptors					
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1.0	June 2020	June 2020	Stephen Dnes	April 2025	