

LW4630B: EQUITY AND TRUSTS II

Effective Term

Semester A 2024/25

Part I Course Overview

Course Title

Equity and Trusts II

Subject Code

LW - Law

Course Number

4630B

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

LW4630A Equity & Trusts I

Precursors

Nil

Equivalent Courses

LW4130 Equity & Trusts (LLB) (from the old curriculum) or
LW4130A Equity & Trusts (AMLLB) (from the old curriculum) or
LW4630 Equity and Trusts (Semester B) or
LW4630B Equity and Trusts II (from the old curriculum) or
LW4676 Equity and Trusts (LLB) (from the old curriculum);
LW5630B Equity and Trusts II

Exclusive Courses

Nil

Part II Course Details

Abstract

This course deals with topics concerning trusts that arise out of the operation of law as opposed to those express trusts being taught in Semester A. These trusts include resulting trusts, constructive trusts (selective CTs) or statutory trusts. They arise as ancillary to the common law in filling the gap in the title to offer a coherency in the transfer of ownership i.e vendor-purchase CT, or CICT or resulting trust as to the purchase resulting trusts.

This course –

- examines the nature, scope and significance of equity and trusts
- develops a sound knowledge of the principles of equity and trusts
- develops:
 - research skills
 - analytical and problem-solving skills
 - effective written and oral communication skills

in relation to issues in trusts law

- develops an awareness of the social and commercial contexts in which trusts law operates
- introduces students to some of the basic practical skills required to advise on application of trusts law

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and explain basic principles of equity and trusts.	40	x		
2	Identify, analyse and critically evaluate: - Trusts issues of topical interest - the operation of the substantive rules of trusts law: o in terms of the objectives and practical implications of trusts law o their social and commercial contexts o in relation to other branches of law.	35	x	x	
3	Identify and apply principles of trusts law to solve legal problems by: - researching issues of trusts law - analysing and solving problems in the area of trusts law with special reference to emerging trends or/and trust related current problems - communicating their analysis clearly and precisely in their own words and in plain English taking this an opportunity to make a novel contribution to our understanding of trusts law or to look at existing solutions with a critical approach.	15	x	x	
4	To communicate ideas, arguments or advice clearly and coherently orally and in writing.	10	x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

	LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Researching	Researching primary and secondary sources of law in order to understand principles of equity and trusts in their practical application. Students will acquire knowledge of principles of equity and trusts.	1	
2	Lectures	Students will receive guidance on basic research	1	
3	Lectures	Students will engage principles of equity and trusts in their practical application.	2	
4	Lectures	Students will learn how to identify problems by applying trusts law.	3	
5	Preparation for tutorials	Students will research issues of trusts law.	2	
6	Preparation for tutorials	Students will research issues of equity and trusts.	3	
7	Preparation for tutorials	Students will be engaging research on the tutorial assignments, and be ready to contribute to discussion.	4	
8	Tutorials	Students will, by answering questions and engaging in exercises in relation to principles of equity and trusts, develop analytical and critical skills. Tutorial questions will require students to analyse facts and law and critically examine the adequacy and effectiveness of the law in its current state.	1	

9	Tutorials	Students will be required to make individual or group presentations on selected topics. Students will be required to scrutinise, analyse and evaluate trusts issues of topical interest. Students will be encouraged to discover for themselves deficiencies of, or areas in need of improvement in, trusts law.	2	
10	Tutorials	Students will be required to analyse fact situations and to apply case law precedents to ascertained facts. This will promote an attitude of inquiry and quest to discover how age old legal principles can be used, modified or altered to meet contemporary needs. Some tutorials will require students to inquire into some contemporary developments which are yet to be settled by litigation or remedial legislation.	3	
11	Tutorials	Students are required to participate in tutorial discussion, particularly by making presentations on pre-assigned aspects of tutorial assignments. Students will also be asked to discuss a particular tutorial question among themselves, with the tutor commenting on strengths and weaknesses of student contributions. Develop self-confidence in application of legal principles, advocacy skills and public speaking. Foster students' growth through development of greater intellectual and interpersonal maturity.	4	

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1 Tutorials: -These will test students' ability to research, analyse and solve problems, and communicate solutions. -Tutorials will test students' ability to present clear and precise answers to tutorial questions. -Confidence building and students' maturity	3, 4	10	
2 Group Assignment/s: - Assignments will demonstrate students' ability to understand and explain principles of equity and trusts. - They will test students' ability to analyse and critically evaluate relevant legal principles. - Students will participate and engage in a teamwork research and engage with each other to resolve their differences in the legal applications and analyses.	1, 2, 3	30	

Continuous Assessment (%)

40

Examination (%)

60

Examination Duration (Hours)

2 hours 15 mins

Additional Information for ATs

Examination (60%)

This will test students' ability to apply principles of land law to solve practical problems. The examination will test the ability of students to present their answers lucidly separating the relevant from the irrelevant issues.

The use of Generative AI tools is not allowed.

Grading of Student Achievement: Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks / activities.

Assessment will be by coursework (40%), which will comprise continuous performance evaluation, a group assignment and a written examination (60%).

To pass this course students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

Assessment Rubrics (AR)

Assessment Task

1. Assignment/s

Criterion

- identify and adequate command of legal doctrines and case law;
- using appropriate materials and methods; a critical evaluation of current legal framework and
- develop proposals for future reform;
- writing style
- structure;

Excellent (A+, A, A-)

A+, A, A-

Good (B+, B, B-)

B+, B, B-

Fair (C+, C, C-)

C+, C, C-

Marginal (D)

D

Failure (F)

F

Assessment Task

2. Tutorials

Criterion

- ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable
- confidence building and students' maturity

Excellent (A+, A, A-)

A+, A, A-

Good (B+, B, B-)

B+, B, B-

Fair (C+, C, C-)

C+, C, C-

Marginal (D)

D

Failure (F)

F

Assessment Task

3. Examination

Criterion

- adequate command of legal doctrines and case law;
- a critical evaluation of current legal framework and
- writing style
- weaving case precedents and arguments

Excellent (A+, A, A-)

A+, A, A-

Good (B+, B, B-)

B+, B, B-

Fair (C+, C, C-)

C+, C, C-

Marginal (D)

D

Failure (F)

F

Part III Other Information

Keyword Syllabus

- Resulting trusts
- Constructive trusts
- Rights of Beneficiaries
- Trustees' Power and Duties
- Secret Trusts
- Tracing
- Third Party Liabilities

Reading List

Compulsory Readings

Title	
1	Graham Virgo, The Principles of Equity & Trusts (5th edn Oxford University Press)
2	Jamie Glister & James Lee Hanbury & Martin Modern Equity (Sweet & Maxwell).

Additional Readings

Title	
1	Paul S. Davies and Graham Virgo, <i>Equity & Trusts: Text, Cases, and Materials</i> (Oxford University Press)
2	Sarah Worthington, <i>Equity</i> (Oxford University Press)
3	Ben McFarlane and Charles Mitchell, <i>Hayton and Mitchell on the Law of Trusts & Equitable Remedies</i> (Sweet & Maxwell)
4	James Penner, <i>The Law of Trusts</i> (Oxford University Press)
5	Charles Mitchell, David J. Hayton, and Paul Matthews, <i>Underhill and Hayton Law of Trusts and Trustees</i> (LexisNexis)
6	Lynton Tucker, Nicholas Le Poidevin, and James Brightwell, <i>Lewin on Trusts</i> (Sweet & Maxwell)
7	John McGhee, <i>Snell's Equity</i> (Sweet & Maxwell)
8	J.D. Heydon, M.J. Leeming, and P.G. Turner, <i>Meagher, Gummow & Lehane's Equity: Doctrines & Remedies</i> (LexisNexis)