

LW4647: LAW OF WILLS (SUCCESSION)

Effective Term

Semester A 2022/23

Part I Course Overview

Course Title

Law of Wills (Succession)

Subject Code

LW - Law

Course Number

4647

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

LW3607 Land Law or LW3607A Land Law I

Precursors

LW4630 Equity and Trusts or
LW4676 Equity and Trusts or
LW4630A Equity and Trusts I

Equivalent Courses

LW 4147 Law of Succession (LLB) (from the old curriculum)
LW4147A Law of Succession (AMLLB) (from the old curriculum)
LW5647 Law of Wills (Succession)

Exclusive Courses

Nil

Part II Course Details

Abstract

This course develops an enquiring mind which seeks to discover the law relating to succession and provides for an awareness of the social context in which succession law operates. It also provides an understanding of the legal rules governing the distribution of property upon death and furnishes students with a working knowledge of the administration of estates. This course is one of a group of courses which enable students to study a series of courses which focus on issues of family law, gender, property law, taxation and trust.

Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1 Describe and explain the legal rules governing the distribution of property upon death	40	x		
2 Critically analyse and evaluate legal principles and doctrines in the law of succession in the light of the policy objectives and the social context of the law	30	x	x	
3 Apply the principles of succession law to solve legal problems by: 1. reading and interpreting cases 2. interpreting statutes 3. dealing with facts 4. conducting legal research 5. developing persuasive arguments 6. using legal authorities 7. writing and communicating orally	30	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.

Teaching and Learning Activities (TLAs)

	TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	Students will be introduced to the statutory and common law requirements for a valid will through interactions with the lecturer and amongst themselves through e.g. discussions, debates and student presentations in the course of the lectures.	1	
2	Lectures	Students will read cases to prepare for lectures, interpret statutes and develop persuasive arguments in class discussion.	2	
3	Lectures	Students will explore relevant issues of law and address the theoretical underpinnings of various topics.	3	
4	Tutorials	Students will be given the opportunity to clarify or raise further questions in regard to the basic principles of will validity taught in the lectures.	1	
5	Tutorials	Students will apply legal principles to the solution of problems. This may be done in the form of discussions, debate or presentations	2	
6	Tutorials	Students will critically analyse and evaluate legal principles and doctrines.	3	
7	Tutorials	Develop self-confidence in application of legal principles, advocacy skills and public speaking.	3	
8	Tutorials	Foster students' growth through development of greater intellectual and interpersonal maturity.	3	

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Participation in tutorial sessions: - Students' ability to understand rules and principles will be tested in forms such as presentations, debates and client counselling. - Students' ability to apply rules and principles will be tested in forms such as presentations, debates and client counselling. - Students' ability to critically analyse and evaluate rules and principles will be tested in forms such as presentations, debates and client counselling. - Confidence building and students' maturity	1, 2, 3	10	
2	Coursework /In class test: - Students' ability to describe and explain the requirements of will making contract will be tested. - Students' ability to conduct legal research, collect data and decipher primary and secondary materials in order to solve problems will be tested. In the process of attempting the coursework/ in class test, students' ability to conduct legal research, collect data and decipher primary and secondary materials in order to critically analyse evaluate legal principles and doctrines will be tested. The in-class test aims to test students' understanding and their application of the legal principles.	1, 2, 3	40	

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2 or 3

Additional Information for ATs

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

To pass this course student must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework/ in class test and the examination elements of the assessment. Coursework/ In class test 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. Timed test/ coursework assignment

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-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Not even realising marginal levels

Assessment Task

2. Examination

Criterion

Ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable

Excellent (A+, A, A-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Not even realising marginal levels

Part III Other Information**Keyword Syllabus**

Wills, their nature, characteristics and contents, Types of wills, Making a will: formalities, statutory requirements, capacity and intention, Alteration of wills, Revocation: by destruction, marriage or later will, Construction of wills: legacies, devises and failures of gifts, Rules of intestacy, Family provision, Estate Duty, Administration of estates and Chinese customary law.

Detailed Syllabus

- Nature of wills, their characteristics and content. Types of wills – mutual wills and privileged wills.
- Formalities for making wills, need for strict compliance with statutory requirements.
- Testamentary capacity and testamentary intention, the issue of knowledge and approval, the effect of fraud, undue influence, insanity and lucid intervals on wills.
- Alteration and republication of wills
- Revocation of wills – by marriage or a later will and the consequences of revocation.
- Construction of wills – legacies and devises, failure of gifts.
- The application of rules on total and partial intestacy.
- Family provision – statutory entitlements and possible claimants.
- Administration of estate - appointment of executors and administrators, collection of assets and payment of debts.

Reading List**Compulsory Readings**

	Title
1	Parry and Clark, The Law of Succession 12th edition (Sweet & Maxwell)
2	Andrew Borkowski, Textbook on Succession 2nd edition (Oxford University Press)

Additional Readings

	Title
1	Nil