

BL3387 LLB: EQUITY AND TRUSTS

Module Number:	BL3387
Module Title:	The Law of Equity and Trusts
Number of Aston Credits:	20
Total Number of ECTS Credits: (European Credit Transfer)	10

1. Staff Member Responsible for the Module:

Dr. James P. Brown
Aston Law
Business School, Room 431,
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Availability: Please book online at <https://wass.aston.ac.uk> or contact the group administrator, Basia Nowakowska, ABS 428, Extension 3185

Other Staff Contributing to this Module:

2. Pre-Requisite(s) for the Module: BL1168: Introduction to Legal Research;
BL1161: Comparative Legal Studies.

3. Module Learning Outcomes:

This module introduces students to the English law of Equity and Trusts. At the end of this module, students will:

- (a) Understand the relationship between law and equity and the origins of equity
- (b) Understand the nature of equitable ownership and equitable remedies
- (c) Be able to demonstrate a clear understanding of the uses of the trust, the types of trust, and the obligations and duties of trustees and fiduciaries
- (d) Be able to consider critically the operation and function of the principal equitable rules, and to develop reasoned arguments in this regard
- (e) Be able to apply the main principles of law and equity to complex facts, offering advice based upon analysis, independent study and research
- (f) Be confident and competent in their use of primary legal materials and secondary sources
- (g) Be able to present legal information effectively, according to accepted practice and convention
- (h) Appreciate the linkages between this module and the topics covered in other modules, including BL3304 (Company Law).

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4. Module content:

- (a) The origins and general character of equity
- (b) The maxims and principles of equity
- (c) The trust relationship distinguished from other legal relationships.
- (d) Express Trusts: Formality requirements and Constitution
- (e) Implied trusts
- (f) Resulting trusts
- (g) Constructive trusts
- (h) Secret trusts
- (i) Fiduciary duties
- (j) Charitable Trusts
- (k) *Cy pres*
- (l) Trusts in the commercial context
- (m) Accessory liability and knowing receipt
- (n) Breach of Trust, Defences and Tracing
- (o) Equitable Remedies
- (p) Unincorporated Associations
- (q) Private Purpose Trusts

This Module is taught over *two* teaching terms. The Module requires flexibility in terms of its delivery. It is therefore not possible to set in stone a definitive list of weekly lectures. The above list of (a) to (q) comprises the topics which make up the course as a whole, each broadly representing the subject-matter of a week's teaching.

5. International dimensions:

This module is concerned with English law. Occasional references to the law in other jurisdictions will be made for comparative purposes.

6. Corporate connections:

Real world cases and illustrations are used throughout in the coursework, exam and tutorial programme. Dr. James P. Brown is a qualified Barrister and practised in the fields of Property Law and Equity and Trusts for many years before moving to Aston University. This practical experience enriches greatly the delivery of the tutorial and lecture programmes.

7. Links with Research

Dr. James P. Brown has published widely in the field of Property Law. Dr. Brown has published several articles and casenotes in the leading *Conveyancer and Property Lawyer Journal* on the subject of Equity and Trusts.

8. Learning and Teaching Rationale and Methods

Method of teaching – Lectures, tutorials, practical research exercises and independent study.

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The lectures will introduce students to the subjects and provide an overview and framework for their independent study. The tutorials provide the opportunity for students to apply their knowledge to practical case studies and to present their findings, whether individually or in groups.

9. Contact and directed learning

Duration

Lectures	32 hours
Seminars	12 hours
Private study (incl. seminar preparation and revision)	129 hours
Coursework preparation	24 hours
Examination	3 hours

Total	200 hours

10. Ethical Approval:

This module does not require any primary research and no ethical approval will be necessary.

11. Assessment and Feedback Rationale and Methods

The module is assessed by coursework (30%) and examination (70%). The examination will be closed book and will be of three hours duration.

It is due to the external validation requirements of law degrees that this module is assessed to the tune of 70%, by a written, unseen, closed-book examination. It should be noted however that students are permitted to bring into the exam a set of Property Law Statutes (Unannotated). The coursework will be one legal problem question.

In addition to this summative assessment, by way of formative assessment, students will be encouraged to submit practice-essays and practice-answers to problem questions throughout the year. A selection of these questions will be provided to students. Any formative work submitted will be marked, with feedback (both written and verbal) given to the student.