

Equity and Trusts

Module title			
Equity and Trusts			
Module NFQ level (only if an NFQ level can be demonstrated)	Module number / reference	ECTS Value	Duration
Level 8 NFQ	LLBH – E&T	15 ECTS	24 weeks.
Parent programme(s). Principal programme title, and embedded(s) if relevant		Stage of parent programme	Semester No.
Bachelor of Laws (Honours)		3	1 and 2
Bachelor of Laws (Honours) in Criminal Justice		3	1 and 2
Bachelor of Laws (Honours) in Commercial Law		3	1 and 2
Teaching and Learning modes	Proportion (% of Total Directed Learning)		
Classroom / Face to Face	26%		
Workplace			
Online			
Other (Identify)	74% (Independent Research and Learning)		
Entry requirements (statement of knowledge, skill and competence)			
Please see section 4.2 for full details of entry requirements.			
Maximum number of learners per instance of the module	Sixty (60)		
Average (over the duration of the module) of the contact hours ¹ per week	4		
Pre-requisite module title(s) (if any)	None		
Co-requisite module title(s) (if any)	No		
Is this a capstone module? (Yes or No)	No		
Module-specific physical resources and support required per centre (or instance of the module)			
Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures when the module is being delivered for block release or for the Blended Programme when organised in advance. Zoom will also be required for the seminars through which the module will be taught (block release).			
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module. (Staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)			
Role e.g. Tutor, Mentor etc	Qualifications & experience required:	# of Staff with this profile (WTEs ²)	
Lecturer	Lecturers are required to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.	0.25 WTE	

¹ Effort while in contact with staff

² WTE is the whole-time equivalent number. The number 1 indicates a fulltime person fully dedicated to the programme. 0.5 indicates a part-time person available to this programme half of the time.

Analysis of required learning effort		
*Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	96
Mentoring and small-group teaching	-	-
Other (specify)	-	-
Independent Learning		
Directed e-learning (hours)		-
Independent Learning (hours)		279
Other hours (specify)		-
Work-based learning hours of learning effort		-
Total Effort (hours)		375

Allocation of Marks					
	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution	30			70	100%

6.11.1 Module aims and objectives

The Module aims to provide the learner with a knowledge of the historical development of the law of equity and trusts and to develop within the learner an understanding of equitable doctrines and remedies. The Module also aims to provide the learner with an understanding of the concept of the trust, including its creation (both implied and express) and the roles of trustees, and an understanding of the main kinds of trust. Learners will be provided with an understanding of the practical operation of the law of equity and trusts.

6.11.2 Minimum intended module learning outcomes

On successful completion of this Module, learners will be able to:

- (i) Demonstrate a clear understanding of the law of equity and trusts and how it applies to the legal system as a whole;
- (ii) Critically analyze the substantive content of equitable doctrines and principles and evaluate their application in the context of a range of private and commercial transactions;
- (iii) Critically analyze the theoretical and philosophical underpinnings of the law relating to equity and trusts
- (iv) Demonstrate the capacity to research and communicate on issues of the law of equity and trusts;
- (v) Identify and differentiate the main categories of trusts in Ireland;
- (vi) Critically evaluate the principles and statutory provisions underpinning the regulation of trusts and trustees in Ireland;
- (vii) Critique the societal impact of the law of equity and trusts;
- (viii) Be conversant with areas in which reform of the law may be considered.

6.11.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Equity and Trusts is a core area of practice and academic focus within the Irish Legal System. The Module encompasses both Equity and Trusts and covers in detail each of the specific remedies, principles and doctrines under each. The Module enables the learner to critically analyse the

theoretical and philosophical underpinnings of the law and to critically review the law in a systematic manner.

The Module serves to directly underpin programme-learning outcomes (iii) conceptualising and communicating legal arguments with clarity and precision. This module re-enforces the module learning outcomes (iv) critically analysing the theoretical and philosophical underpinnings of the law and (vi) effectively employ advanced research skills, including use of legal databases, to investigate, interrogate and critique the law. This module also directly underpins the Programme Minimum Learning Outcomes (i), (v), (ix) and (xi).

6.11.4 Information provided to learners about the module

The learners will have in their possession their Faculty Handbooks from their previous year. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme (detailing related teaching, learning and assessment) along with a programme timetable. Another copy will be provided to the learners upon their request.

During the first class of the Module, learners are given a detailed outline of the Module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

6.11.5 Module content, organisation and structure

Equity and Trusts is taught and assessed over one academic year. The module is delivered over 24 lecture sessions of 4 hours duration for Full Time learners and 2 hours duration for Part Time Learners.

The topics covered in the Module are:

- Introduction and Historical Background
- Maxims of Equity
- Injunctions
- Specific Performance
- Rescission
- Rectification
- Estoppel
- Introduction and the Historical Development of the Trust
- Express Trust
- Secret and Half-Secret Trusts
- Purpose Trusts
- Charitable Trusts and the Doctrine of Cy-Pres
- Resulting Trusts
- Constructive Trusts
- The Administration of Trusts
- The role, powers and duties of the trustee and their personal liability

6.11.6 Module teaching and learning (including formative assessment) strategy

This module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Formative assessment is provided through tutorial-style discussions, group work and exercises focus on specific case law and problem-based learning requiring

the learner to analyse the law and apply it to practical Equity and Trusts disputes or issues. The lectures are supplemented by structured on-line resources and reading.

In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers' papers, thereby familiarising themselves with the module learning outcomes and marking criteria. Learners also engage in activities whereby they draft their own exam question in order to recap and reconsolidate a particular topic.

6.11.7 Work-based learning and practice-placement

Equity and Trusts is a class-based 15 ECTS credit module and does not require work-based learning and practice placement.

6.11.8 E-learning

Moodle, the College Virtual Learning Environment is used to disseminate notes, advice, and online resources to support the learners. E-learning activities include learner feedback, forums where learners contribute, formative quizzes and video links. The learners will also have access to a number of other online resources through the library such as access to databases and research tools (Westlaw.ie, Westlaw.uk, JustisOne (vLex) and Hein Online) as well as access to online copies of books published from Bloomsbury Online.

6.11.9 Module physical resource requirements

Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures when the module is being delivered for block release or for the Blended Programme when organised in advance. Zoom will also be required for the seminars through which the module will be taught (block release).

6.11.10 Reading lists and other information resources

Primary Reading:

- Keane, R. (2017). *Equity and the Law of Trusts in Ireland*. Bloomsbury, Dublin.
- Biehler, H. (2020) *Equity & the Law of Trusts in Ireland*. Round Hall, Dublin.
- Smyth, CM. (2019). *Principles of the Law of Equity and Trusts in Ireland*. Clarus Press, Dublin.

Secondary Reading:

- Martin, J. (2018) *Hanbury & Martin Modern Equity*. London: Sweet & Maxwell
- Breen, O. (2019) *The Law of Charities in Ireland*. Dublin: Bloomsbury
- Kirwan, B. (2015) *Injunctions: Law and Practice*. Dublin: Roundhall
- O'Neill, B., Brady, N., Conroy, B. (2012) *Specific Performance and Succession*. Dublin: Bloomsbury

e-Resources

- Bloomsbury Professional Online
- JustisOne – Vlex
- Westlaw.ie
- Westlaw UK
- Heinonline
- Griffith College Library Website

6.11.11 Specifications for module staffing requirements

Lecturers qualified to at least a Level 8 legal qualification (LLB (Honours)), preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Education, Learning and Development offered by Griffith College). Learners also benefit from the support of the Programme Director, Faculty Administrators, a dedicated Learning Technologist Office, the Learning Supports Office, at least one Learner Representative for each Stage, the Students' Union and a free (off campus) Counselling Service.

6.11.12 Module summative assessment strategy

Theoretical knowledge will be assessed by both continuous assessment (30%) and a summative end of year examination (70%). The continuous assessment shall consist of a written assignment (30%). The examination will consist of both essay and problem style questions. Essay style questions will place emphasis on the demonstration of understanding pertaining to Equity and Trust. Problem Style questions will enable learners to apply the principles of Equity and Trust to a factual scenario.

The assessed work breakdown can be seen in the table below.

No	Description	MIMLOs	Weighting
1	Assignment (3,500 words)	li, iii, iv, v, vi, vii, viii	30%
2	Exam	i, ii, iii, iv, v, vi, vii,	70%

Reassessment/Repeat assessment strategy: Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

6.11.13 Sample assessment materials

Please see sample assessment supplementary document.