

Module 19: Equity and Trusts

Stage		3					
Semester		1 & 2					
Module Title		LLBH- ET					
Module Number		19					
Module Status		Mandatory					
Module ECTS Credits		15					
Module NFQ level		8					
Pre-Requisite Module Titles		None					
Co-Requisite Module Titles		None					
Capstone Module?		No					
List of Module Teaching Personnel		Dr Cian Carroll					
Contact Hours				Non-contact Hours			Total Effort (hours)
96 (72) ⁹				204 (228)			300
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
72 (48)			24	30		174 (198)	300
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Examination			Total
Percentage Contribution	30			70			100

Intended Module Learning Outcomes

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

1. Demonstrate a clear understanding of the law of equity and trusts and how it applies to the legal system as a whole;
2. Identify the different types of equitable remedies and trusts and when and in what context they can be relevant;
3. Critically review the law of equity and trusts in a systematic manner.
4. Critically analyse the theoretical and philosophical underpinnings of the law relating to equity and trusts
5. Demonstrate the capacity to research and present on issues of the law of equity and trusts.
6. Critique the societal impact of the law of equity and trusts

⁹ Part time hours shown in brackets where different from full time hours

7. Be conversant with areas in which reform of the law may be considered.

Module Objectives

1. To provide the learner with a knowledge of the historical development of the law of equity and trusts;
2. To develop within the learner an understanding of equitable doctrines and remedies;
3. 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;
4. To provide the learner with an understanding of the practical operation of the law of equity and trusts.

Module Curriculum

- 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

Reading lists and other learning materials

Primary Reading:

Keane, R. (2011) *Equity and the Law of Trusts in Ireland*. Dublin: Bloomsbury
Delany, H. (2011) *Equity & the Law of Trusts in Ireland*. Dublin: Round Hall

Secondary Reading:

Delany, H. (2011) *Equity & the Law of Trusts in Ireland*. Dublin: Round Hall
Keogan, A., Mee, J. & Wylie, J.C.W. (2007) *The Law and Taxation of Trusts*. Dublin: Tottel
Kirwan, B. (2008) *Injunctions: Law and Practice*. Dublin: Roundhall
Moffat, G., Bean, G. & Probert, R. (2009) *Trusts Law: Text and Materials*. Cambridge: Cambridge University Press

Martin, J. (2012) *Hanbury & Martin Modern Equity*. London: Sweet & Maxwell
O'Halloran, K. (2009) *Charity Law*. Dublin: Roundhall
O'Neill, B., Brady, N., Conroy, B. (2012) *Specific Performance and Succession*. Dublin: Bloomsbury
Worthington (2006) *Equity*. Oxford: OUP

Module Learning Environment

Accommodation

Lectures and workshops take place in a classroom setting. Participants also have access to online teaching resources and Moodle

Library

All learners have access to an extensive range of "physical" and "remote access" library resources. The library monitors and updates its resources on an on-going basis, in line with the College's Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

Module Teaching and Learning Strategy

This module is delivered through a series of lectures which incorporate tutorial-style discussions, group work sessions and exercises. 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 process of writing papers and with the marking criteria.

Module Assessment Strategy

Theoretical knowledge is assessed through submission of a written assignment worth 40% and by an end of module examination worth 60% of the total marks in this subject.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	30%	Assignment	The assignment requires research and structured argument relating to some practical aspect of the Law of Equity and Trusts	5
2	70%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the main principles of the law and their capacity to critique the law. Problem style questions enable learners to apply principles of the law to a factual scenario.	1-4, 6-7

Sample Assessment with Rubrics - see Annex 2