

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester B 2019 / 20**

Part I Course Overview

Course Title:	<u>Equity and Trusts</u>
Course Code:	<u>LW4676</u>
Course Duration:	<u>One Semester</u>
Credit Units:	<u>4</u>
Level:	<u>B4</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>Nil</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW4130 Equity & Trusts (LLB) (from the old curriculum) or LW4130A Equity & Trusts and LW6130B (AMLLB) (from the old curriculum) or LW4630 Equity and Trusts (LLB) (from the old curriculum) or LW4630A Equity and Trusts I and LW4630B Equity and Trusts II (LLB) (from the old curriculum)</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u></u>

Part II Course Details

1. Abstract

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

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs [#]	Weighting* (if applicable)	Alignment with MILOs (please refer to the attachmen t in Email)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
				A1	A2	A3
1.	Describe and explain basic principles of equity and trusts.	40%	1, 2	✓		
2.	Analyse and critically evaluate: ✧ Trusts issues of topical interest ✧ the operation of the substantive rules of trusts law: ○ in terms of the objectives and practical implications of trusts law ○ their social and commercial contexts ○ in relation to other branches of law.	35%	2, 3	✓	✓	
3.	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 <u>with special reference to emerging trends or/and trust related current problems</u> ✧ communicating their analysis clearly and precisely in their own words and in plain English <u>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.</u>	15%	3	✓	✓	
4.	To communicate ideas, arguments or advice clearly and coherently orally and	10%	1, 4	✓	✓	✓

	in writing.					
	* If weighting is assigned to CILOs, they should add up to 100%.	100%				

Please specify the alignment of CILOs to the Gateway Education Programme Intended Learning outcomes (PILOs) in Section A of Annex.

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 self-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.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
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.	✓				
Lectures	Students will receive guidance on basic research	✓				
	Students will be introduced to principles of equity and trusts in their practical application.		✓			
	Students will learn how to solve problems by applying trusts law.			✓		
Preparation for tutorials	Students will research issues of trusts law.		✓			
	Students will research issues of equity and trusts.			✓		
	Students will be expected to research on the tutorial assignments, and be ready to contribute to discussion.				✓	
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 effective of the law in it current state.	✓				
	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. <u>Students will be encouraged to discover for themselves deficiencies of, or areas in need of improvement in, trusts law.</u>		✓			
	Students will be required to analyse fact situations and to apply case law precedents to ascertained facts. <u>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</u>			✓		

	<u>needs. Some tutorials will require students to inquire into some contemporary developments which are yet to be settled by litigation or remedial legislation.</u>					
	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.				✓	

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weighting*	Remarks
	1	2	3	4		
Continuous Assessment:					50%	
<i>In Class timed exercise: 30%</i>						
Tutorials and class timed exercise will test <u>students' ability to understand and explain principles of equity and trusts.</u>	✓					
<u>They will test students' ability to analyse and critically evaluate relevant legal principles and ability to apply trusts principles to social & commercial problems in search of viable solutions</u>		✓				
These will test students' ability to research, analyse and solve problems, and communicate solutions in writing. <u>They will require students to address emerging social and commercial problems which fall within the area of trusts law to discover what solutions are appropriate for their resolution.</u>			✓			
<i>Tutorial: 20%</i>						
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. There will be group or individual presentations, carrying an agreed proportion of the marks for class participation. This will provide an opportunity to test communication skills.				✓		
Examination: (duration: 2 or 3 hours, if applicable)					50%	
This will test students' ability to apply principles of trusts law to solve practical problems.			✓			
The examination will test the ability of students to present their answers lucidly separating relevant from irrelevant, <u>and their ability to identity solutions to real life problems.</u>				✓		
					100%	

* The weightings should add up to 100%.

Students must obtain a minimum mark of 30% in both coursework and examination and an overall mark of 40% in order to pass the course.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Timed test/ coursework assignment	Ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable	High	Significant	Moderate	Basic	Not even realising marginal levels
2. Examination	Ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable	High	Significant	Moderate	Basic	Not even realising marginal levels

Part III Other Information (more details can be provided separately in the teaching plan)

1. Keyword Syllabus

(An indication of the key topics of the course.)

- nature and role of equity
- the nature of trusts
- the three certainties and formalities for the creation of express trusts
- constitution of trusts
- purpose trusts
- resulting trusts
- constructive trusts
- trustees' powers and duties
- breach of trust and remedies therefor

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Graham Virgo, <i>The Principles of Equity & Trusts</i> (Oxford University Press)
2.	Ben McFarlane and Charles Mitchell, <i>Hayton and Mitchell on the Law of Trusts & Equitable Remedies</i> (Sweet & Maxwell)

2.2 Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

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.	James Penner, <i>The Law of Trusts</i> (Oxford University Press)
4.	Charles Mitchell, David J. Hayton, and Paul Matthews, <i>Underhill and Hayton Law of Trusts and Trustees</i> (LexisNexis)
5.	Lynton Tucker, Nicholas Le Poidevin, and James Brightwell, <i>Lewin on Trusts</i> (Sweet & Maxwell)
6.	John McGhee, <i>Snell's Equity</i> (Sweet & Maxwell)
7.	J.D. Heydon, M.J. Leeming, and P.G. Turner, <i>Meagher, Gummow & Lehane's Equity: Doctrines & Remedies</i> (LexisNexis)