1. **Title of the module**

LAWS6270 (LW627): Contemporary Issues in Trusts

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

15 credits (7.5 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn or Spring

1. **Prerequisite and co-requisite modules**

LAWS5980 Equity and Trusts is a prerequisite for this module.

1. **The programmes of study to which the module contributes**

All single and joint honours undergraduate law programmes.

1. **The intended subject specific learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. Demonstrate a critical understanding of trusts in socio-economic context.
   2. Demonstrate a systematic understanding of the different views on the nature of the trust.
   3. Critically analyse trust as a juridical relation and institution in contemporary contexts.
   4. Show an appreciation of the limits of the trust concept.
   5. Demonstrate a comparative understanding of trust and trust-like institutions.
   6. Demonstrate a critical awareness of historical and contemporary theoretical and policy problems in trusts.
   7. Display an appreciation of the contribution of critical methods to the understanding of law in modern society.
   8. Critically analyse and evaluate the trust industry’s impact on contemporary trusts law and practice.
2. **The intended generic learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. Present relevant knowledge and understanding in the form of reasoned argument through written assessment.
   2. Identify and evaluate legal and policy problems according to their political and legal context.
   3. Demonstrate further research from a variety of sources informing a sustained and detailed argument.
   4. Summarise detailed historical and conceptual material, recognising different positions that arise in the literature surveyed.
   5. Display an appreciation of the legal forms that arise and operate within complex historical and political conditions.
   6. Demonstrate an awareness of the economic, political and/or social implications of legal forms and remedies.
3. **A synopsis of the curriculum**

This module, building on knowledge and understanding of certain concepts and principles from Equity & Trusts, will explore trusts in further detail and examine new contexts in which they operate. Students will be introduced to a number of theoretical frameworks through which to understand and critically evaluate the role, function and concepts of equity and trusts historically and in contemporary society. These will be studied through a range of case studies and a range of different topics, including: trusts and associations; secured equitable interests; pension trusts; family wealth planning; asset-partitioning and securitisation; trusts in the offshore world; and international trusts and trust-like institutions.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

* M. Chesterman, *Charities, Trusts and Social Welfare* (London: Weidenfeld and Nicolson, 1979)
* S. Degeling and J. Edelman (eds) *Equity in Commercial Law* (Sydney: Law Book co, 2005)
* J. Garton (ed), *Moffat’s* *Trusts Law: Texts and Materials* (Cambridge: Cambridge University Press, 6th ed, 2015)
* B. Harrington, Capital Without Borders: Wealth Managers and the One Percent (London: Harvard University Press, 2016)
* D. Hayton (ed.), The International Trust (Bristol: Jordans, 3rd ed, 2011)
* G. Ingham, Capitalism (Cambridge: Polity, 2008)
* M. W. Lau, *The Economic Structure of Trusts: Towards a Property-based Approach* (Oxford: Oxford University Press, 2011)
* R. Nobles, *Pensions, Employment and the Law* (Oxford: Clarendon Press, 1993)
* A.J. Oakley (ed.), Trends in Contemporary Trust Law (Oxford: OUP, 1996)
* L. Smith, *The Worlds of Trust* (Cambridge: Cambridge University Press, 2013)
* C. Stebbings, *The Private Trustee in Victorian England* (Cambridge: Cambridge University Press, 2002)
* S. Worthington, *Proprietary Interests in Commercial Transactions* (Oxford: Clarendon Press, 1996)

1. **Learning and teaching methods**

Total study hours: 150

Contact hours: 20

Private study hours: 130

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 50% Coursework and 50% Exam as follows:

* 50% written essay 3,000 words; and
* 50% 2-hour examination.

13.2 Reassessment methods

The module will be reassessed by like-for-like reassessment of failed individual component(s) of assessment. The reassessment will test all learning outcomes.

1. ***Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)***

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 8.8 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 | 9.6 |
| **Learning / teaching method** | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Combined Lecture/Seminar | | x | x | x | x | x | x | x | x | x | x |  | x | x | x |
| Private Study | | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
| **Assessment method** | Specify word length, duration, individual or group work (as appropriate) |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Essay (50%) | 3000 words | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Exam (50%) | 2 hours | x | x | x | x | x | x | x | x | x | x | x | x | x | x |

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lectures will not be recorded in the case of combined lecture/seminar.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

This module includes comparative analysis of the law of trusts, taking specific examples from trusts law in the USA and certain ‘offshore’ jurisdictions (for example Cayman Islands, British Virgin Islands and the Channel Islands). It also examines the development of what has become known as the ‘international trust’ and a European law of trusts. The course introduces students to the role of trusts on international financial markets, and how trusts law contributed to the Global Financial Crisis. Materials from the course refer to international legislation, articles and differences in legal, social and economic cultures between jurisdictions. Students are assessed on their comparative understanding of the trust and are expected to draw on the international materials used in the course.

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

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| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 25/01/2018 | Major | September 2018 | 8-9, 11, 13, 15, 17 | No |
| 09/09/2019 | Major | September 2019 | 1, 8-11 | No |