1. **Title of the module**

LAWS6560 (LW656) Law of the Dead Hand: Inheritance and Intergenerational Justice

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**

30 credits (15 ECTS Credits)

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

Autumn and Spring

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

Prerequisite: LAWS3160 Introduction to Property Law / LAWS3240 Introduction to Property Law (Certificate) or LAWS5316 Introduction to Property Law.

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

All KLS undergraduate programmes

1. **The intended subject specific learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. demonstrate a detailed knowledge and understanding of the concepts, doctrines and principles associated with the law of inheritance;
   2. demonstrate a critical awareness of, and sensitivity to, the political, economic and/or social implications that arise from different inheritance practices across international jurisdictions;
   3. critically identify the theoretical and policy underpinnings of the law of inheritance and critically evaluate legal practices of estate planning;
   4. critically evaluate inheritance law: to take nothing at face value, to go beneath the surface of the law to critically analyse and evaluate it.
2. **The intended generic learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. critically evaluate an area of law both doctrinally and in terms of its socio-economic consequences;
   2. undertake a detailed examination of the merits of competing issues and interests and make a reasoned choice between them;
   3. apply further research from a variety of sources informing a sustained and detailed argument;
   4. demonstrate an independence of mind and an ability to critically challenge received understandings and conclusions.
3. **A synopsis of the curriculum**

The law of inheritance (also known as succession) is a core area of legal and socio-economic practice enabling, and sometimes mandating, the transfer of wealth from one generation to another. Common law jurisdictions, such as England, Australia and America, are often described as upholding the principle of ‘freedom of testation’. To the extent that testators’ intentions are given primacy over other considerations, such as provision for family members and dependents and other ‘public policies’, particularly in putting conditions on bequests, the more the dead can be understood as governing the living – as such, the law of inheritance is sometimes known as the law of the dead hand. This course provides a critical introduction to the law of inheritance and practices of ‘estate planning’. It will analyse the key legal structures involved in estate planning in English succession law, including the nature of wills, will formation, the use of trusts in wills, and the administration of estates; it will assess the problem of intestacy (dying without a will); it will critically evaluate the principle of ‘freedom of testation’ with regard the limitations placed on freedom of testation and comparative analysis with other jurisdictions; and it will evaluate the law and practice of estate planning through an introduction to the principles of taxation relevant to inheritance and the socio-economic implications of estate planning.

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

* L.M. Friedman, *Dead Hands: A Social History of Wills, Trusts, and Inheritance Law* (Stanford University Press, 2009)
* J. Garton (ed.), *Moffat’s Trusts Law* (6th ed., Cambridge University Press, 2015)
* B. Hacker and C. Mitchell (eds.), *Current Issues in Succession Law* (Hart Publishing, 2016)
* D. Halliday, *Inheritance of Wealth: Justice, Equality, and the Right to Bequeath* (Oxford University Press, 2018)
* J.E. Hughes, *Family Wealth: Keeping It in the Family* (Bloomberg Press, 2004)
* R. Kerridge, *Parry and Kerridge: The Law of Succession* (13th ed., Sweet & Maxwell, 2016)
* B. Sloan, *Borkowski’s Law of Succession* (3rd ed., Oxford University Press, 2017)

1. **Learning and teaching methods**

Total study hours: 300

Contact hours: 40

Private study hours: 260

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 100% coursework comprising:

In-class assessment (30 mins. MCQs) – 10%

Short essay (2,500 words) – 30%

Long essay (5,000 words) – 60%

13.2 Reassessment methods

Like for like.

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 | 9.1 | 9.2 | 9.3 | 9.4 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |
| Lectures | X | X | X | X | X | X |  |  |
| Seminars | X | X | X | X | X | X | X | X |
| **Or:** |  |  |  |  |  |  |  |  |
| Workshops | X | X | X | X | X | X | X | X |
| **And:** |  |  |  |  |  |  |  |  |
| Private Study | X | X | X | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |
| In-class assessment (MCQs) (10%) | X |  |  |  |  |  |  |  |
| Short essay (30%) | X | X | X | X | X | X | X | X |
| Long essay (60%) | 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 (but not workshops or seminars) will be recorded to assist notetaking unless one or more of the lectures contains sensitive material. The module convenor will notify students in advance of any lectures that will not be recorded. Where the course takes the form of a workshop, relevant lecture notes will be distributed to the students in lieu of lecture capture.

**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**

While the focus of the module is the English law and practice of inheritance, the course will include internationalisation in some of its subject content (as reflected in subject specific learning outcome 8.2), for example comparison with civil law jurisdictions which do not have the same principle of freedom of testation. The course will also include some discussion of inheritance in the context of globalisation, i.e. assets held and managed offshore or in other jurisdictions.

**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) |
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