1. **Title of the module**

Trusts in Capitalist Society (LW926/LAWS9260)

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 7

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

20 credits (10 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**

None

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

LLM in (Specialisation); LLM in Law; PG Diploma in (Specialisation); PG Certificate in Law

1. **The intended subject specific learning outcomes.  
   On successfully completing the module, students will be able to:**
   1. Demonstrate an advanced grounding in, principles and law of trusts.
   2. Demonstrate a systematic understanding and evaluation of the different views on the nature of the trust.
   3. Critically analyse and evaluate the trust as a juridical relation and institution in contemporary contexts.
   4. Demonstrate a comparative understanding of trust and trust-like institutions.
   5. Demonstrate a critical awareness and analysis of historical and contemporary theoretical and policy problems in equity and trusts.
   6. Critically analyse and evaluate trust law’s contribution to and role in modern society.
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.
   2. Identify and evaluate complex problems according to their historical, political and legal context.
   3. Carry out independent further research from a variety of sources informing a sustained and detailed argument.
   4. Summarise detailed conceptual material, analysing and critically evaluating different positions that arise in the literature surveyed.
   5. Appreciate that legal forms 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**

The module will analyse and evaluate trusts in contemporary capitalist society, adopting critical and historical methodologies in relation to a variety of topics or case studies. Doctrines and remedies first developed by the English court of equity, the Court of Chancery, are pervasive within the contemporary juridical landscape, both within the English jurisdiction and internationally with London as an international financial and legal centre. Amongst equity’s most important contributions to the contemporary juridical landscape is the trust, which has been utilised in a vast range of contexts, including private wealth planning and the structuring of inheritance, charities, pension funds, and facilitating international bond markets. The trust’s flexibility is such that many international jurisdictions outside the common law world are seeking to replicate the trust form. Consequently, critical engagement with equity and trusts in modern society is essential. The course will be split into two parts. The first part will consist of an advanced introduction to trusts law and theories of the trust in legal and political contexts. The second part of the course will analyse and evaluate topics of contemporary significance in light of theories explored in the first part of the course. In doing so, it will explore the interplay of form and function in trusts law and practice.

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

* R-M.B. Antoine, Offshore Financial Law: Trusts and Related Tax Issues (Oxford: Oxford University Press, 2nd ed, 2013)
* J. Garton (ed), Moffat’s Trusts Law: Texts and Materials (Cambridge: Cambridge University Press, 6th ed, 2015)
* D. Hayton (ed.), The International Trust (Bristol: Jordans, 3rd ed, 2011)
* B. Harrington, Capital Without Borders: Wealth Managers and the One Percent (London: Harvard University Press, 2016)
* G. Ingham, Capitalism (Cambridge: Polity, 2008)
* A.J. Oakley (ed.), Trends in Contemporary Trust Law (Oxford: OUP, 1996)
* S. Picciotto, Regulating Global Corporate Capitalism (Cambridge: Cambridge University Press, 2011)
* M. W. Lau, The Economic Structure of Trusts: Towards a Property-based Approach (Oxford: Oxford University Press, 2011)
* L. Smith, The Worlds of Trust (Cambridge: Cambridge University Press, 2013)
* S. Worthington, Proprietary Interests in Commercial Transactions (Oxford: Clarendon Press, 1996)

1. **Learning and teaching methods**

Total study hours: 200

Contact hours: 20

Private study hours: 180

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 100% coursework, comprising:

Essay (no more than 5,000 words) – 100%

13.2 Reassessment methods

Reassessment instrument: 100% coursework

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 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 | 9.6 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Lecture/seminars | 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 |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Essay (100%) | X | X | X | X | X | X | X | X | X | X | X | X |

1. **Inclusive module design**

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 for postgraduate modules, the lecture/seminars will not be recorded, as they are heavily discussion based and are likely to contain sensitive material.

**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 explores the pervasiveness of trusts within the contemporary juridical landscape, both within the English jurisdiction and internationally. Reference will be made to the academic publications of both national and international authors in doing so. Upon completion, students will be able to demonstrate a *comparative* understanding of trust and trust-like institutions

**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) |
| 27/01/2019 | Major | September 2019 | 1, 8, 9, 10, 11 |  |
|  |  |  |  |  |