

# LA307-30 Law of Trusts

**21/22**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Jonathan Garton

**Credit value**

30

**Module duration**

20 weeks

**Assessment**

100% exam

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

This module studies and evaluates the application of the trust in a variety of areas.

[Module web page](#)

### Module aims

A principal aim of this module is to enable the student to study and evaluate the application of the trust in a variety of areas.

The module therefore bears on reasonably well-known social phenomena such as the use of trusts to tie up family property over generations, for example, tax planning through creation of trusts (here or in the Channel Islands or in other appropriate tax havens), controlling the investment activities of financial institutions such as pension funds, attempts by political or quasi-political pressure groups to obtain financial and other advantages by setting themselves up as charitable trusts; the legal and professional standards of conduct affecting ordinary and professional trustees, and remedies for breach of trust.

There is thus a fairly wide, though not overwhelming, range of background material to be drawn upon.

## Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The legal concept of trust, with a general analysis of the rights and powers of the three parties to a trust: trust founders, trustees and beneficiaries.

The principal development of the trust form in performing certain functions - notably the organisation of property-holding within wealthy families and the dedication of property to charitable and commercial purposes - and the extent to which the law and practice of trusts have responded to social and economic change.

The influence of the trust concept on the development of legal rules for imposing standards of honesty and good faith on solicitors, company directors, agents and others occupying positions of "trust", as well as on the most common type of trustee.

The evolving use of equitable remedies, including the significance of the trust as a remedial device within the context of commercial practice.

The relevance of the doctrine of unconscionability to the creation and operation of trusts.

## Learning outcomes

By the end of the module, students should be able to:

- Understand the nature of trusts and equitable concepts and their distinctiveness from other legal concepts
- Locate and use primary and secondary sources of English and Commonwealth trusts law
- Compare common law approaches to those of civil law, especially restitution Identify the social spheres within which trusts operate
- Understand the relationship between legal, social political and economic influences upon the nature and functions of trusts in different contexts (e.g. tax and insolvency)
- Apply, with independent thought, subject knowledge and contextual skills both to unfamiliar legal problems and social contexts
- Analyse by anatomising factual situations and critically evaluating the issues identified by means of (a) independent judgement; (b) synthesis of other approaches derived from relevant literature and/or expertise
- Convey the results of their analysis clearly, accurately and succinctly both orally and in writing, and demonstrate ability to use oral communication as a mode of argument
- Demonstrate an ability to work independently, to undertake an original piece of research and to organise time appropriately; to handle information sources with confidence
- Work collaboratively to allocate responsibility within a group and complete a defined task within a limited time
- To present a word-processed essay or comparable work completed to an appropriate standard; to use the internet to access information; use learning packages (e.g. IOLIS) for self-study

## Indicative reading list

Core texts:

Garton, Moffat's Trusts Law: Text and Materials (2015, Cambridge University Press)

Watt Trusts and Equity (2016, Oxford University Press)

Selected wider reading:

G Watt, Equity Stirring: The Story of Justice Beyond Law (Hart, 2009)

J Garton, The Regulation of Organised Civil Society (Hart, 2009)

S Gardner, An Introduction to the Law of Trusts (3rd edn, OUP, 2011)

J Martin, Hanbury and Martin: Modern Equity (19th edn, Sweet and Maxwell, 2012)

M Chesterman, Charities, Trusts and Social Welfare

(Weidenfeld and Nicolson, 1979)

S Scott-Hunt and H Lim, Feminist Perspectives on Equity and

Trusts (Cavendish, 2001)

S Todd, Todd and Wilson: Textbook on Trusts (10th edn, OUP, 2011)

C Mitchell, Hayton & Mitchell: Commentary and Cases on the

Law of Trusts and Equitable Obligations (13th edn, Sweet and

Maxwell, 2010)

[View reading list on Talis Aspire](#)

### **Subject specific skills**

No subject specific skills defined for this module.

### **Transferable skills**

No transferable skills defined for this module.

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## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Lectures	36 sessions of 1 hour (12%)
Seminars	14 sessions of 1 hour (5%)
Private study	250 hours (83%)
Total	300 hours

### **Private study description**

No private study requirements defined for this module.

## **Costs**

No further costs have been identified for this module.

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## Assessment

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### Assessment group B1

	Weighting	Study time
Online Examination	100%	

This is a 3hr exam to be completed within the given 24hr period.

~Platforms - AEP

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- LA011: Law of Trust Statutes
- Online examination: No Answerbook required

### Feedback on assessment

Continuing feedback throughout the year in seminars; formative assessment takes the form of a mock exam held during a term 2 seminar, with written feedback and a follow-up feedback seminar. Generic feedback given on exam via Moodle.

[Past exam papers for LA307](#)

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## Availability

### Courses

This module is Core for:

- Year 4 of ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M111 Undergraduate Law with Humanities (3 Year) (Qualifying Degree)

- Year 3 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- Year 3 of ULAA-M114 Undergraduate Law with Social Sciences (3 Year)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Core optional for:

- Year 4 of UIBA-MN34 Law and Business Four Year (Qualifying Degree)
- Year 5 of UIBA-MN37 Undergraduate Law and Business Studies (Qualifying Degree) with Intercalated Year

This module is Optional for:

- Year 3 of UIBA-MN34 Law and Business Four Year (Qualifying Degree)
- Year 3 of ULAA-M300 Undergraduate Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- Year 4 of ULAA-M104 Undergraduate Law (Year Abroad)
- Year 3 of UIBA-MN31 Undergraduate Law and Business Studies
- UIBA-MN32 Undergraduate Law and Business Studies
  - Year 3 of MN32 Law and Business Studies (Four-Year)
  - Year 4 of MN32 Law and Business Studies (Four-Year)
- Year 4 of UIBA-MN37 Undergraduate Law and Business Studies (Qualifying Degree) with Intercalated Year
- UIBA-MN35 Undergraduate Law and Business Studies with Intercalated Year (3+1)
  - Year 3 of MN35 Law and Business Studies with Intercalated Year (3+1)
  - Year 4 of MN35 Law and Business Studies with Intercalated Year (3+1)
- UIBA-MN36 Undergraduate Law and Business Studies with Intercalated Year (4+1)
  - Year 4 of MN36 Law and Business Studies with Intercalated Year (4+1)
  - Year 5 of MN36 Law and Business Studies with Intercalated Year (4+1)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)

This module is Option list A for:

- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)

This module is Option list B for:

- Year 4 of ULAA-ML33 Undergraduate Law and Sociology