

# LA3A3-15 Law of Trusts

**24/25**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Jonathan Garton

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% exam

**Study location**

University of Warwick main campus, Coventry

---

## Description

### Introductory description

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

### Module aims

The principal aim of this module is to enable the student to study and evaluate the application of the express private trust in a variety of areas and situations

### 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.

Indicative topics include:

1. Introduction to the Trust / Definition, Function and Classification
2. Certainty of Intention and Subject Matter
3. Certainty of Objects and the Beneficiary Principle
4. Formalities and Constitution
5. Trusteeship - duty of care and fiduciary duty
6. READING WEEK

7. Breach of Trust
8. Tracing and Recovering Trust Property
9. Third Party Liability
10. Beyond the Express Trust

## **Learning outcomes**

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

- Understand the nature of the express private trust and associated equitable concepts, and their distinctiveness from other legal concepts
- Locate and use primary and secondary sources of English and Commonwealth trusts law
- Identify the social spheres within which express private trusts operate
- Understand the relationship between legal, social political and economic influences upon the nature and functions of express private 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
- Demonstrate an ability to work independently and to organise time appropriately; to handle information sources with confidence

## **Indicative reading list**

See the core texts and wider reading listed under the Talis link above, plus

Andrew Burrows, 'We Do This At Law But That In Equity' (2002) 22 Oxford Journal of Legal Studies 1

Roger Cotterrell, 'Power, Property and the Law of Trusts' (1987) 14 Critical Legal Studies 77

Feltham 'Informal Trusts and Third Parties' [1987] Conv 246

Youdan, 'Informal Trusts and Third Parties: A Response' [1988] Conv 267

plus a range of key cases

[View reading list on Talis Aspire](#)

## **Research element**

Students will conduct research into legal cases, academic literature and other source material required for analysis of the topics covered within the module

## **Interdisciplinary**

Some consideration of social, economic and political issues related to the module content may be required

## **International**

Some comparison of and reference to other legal jurisdictions may be made within the module.

## **Subject specific skills**

Analysis of factual situations and critical evaluation of issues identified by means of (a) independent judgement; (b) synthesis of other approaches derived from relevant literature and/or expertise

## Transferable skills

Problem solving  
Critical analysis  
Written and oral presentation  
Collaborative working

---

## Study

### Study time

Type	Required
Lectures	9 sessions of 2 hours (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	123 hours (82%)
Assessment	2 hours (1%)
Total	150 hours

### Private study description

Reading and research on topics studied within the module and in preparation for the formative and final assessment

## Costs

No further costs have been identified for this module.

---

## Assessment

You must pass all assessment components to pass the module.

### Assessment group B1

	Weighting	Study time
Trusts Take-Home Exam	100%	2 hours

Online exam in which students are to correct and annotate a piece of AI-generated text. Paper will be released on the Friday of week 9 in the term in which the module runs, to be submitted on

## Weighting

## Study time

the Friday of week 10.

### Feedback on assessment

Generic feedback via Moodle, with individual comments on Tabula.

[Past exam papers for LA3A3](#)

---

## Availability

### Post-requisite modules

If you pass this module, you can take:

- LA3C9-15 Contemporary Issues in Trusts Law

## Courses

This module is Optional for:

- Year 4 of ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
- Year 3 of ULAA-M130 Undergraduate Law
- Year 3 of ULAA-M300 Undergraduate Law
- ULAA-M131 Undergraduate Law (4 Year)
  - Year 3 of M131 Law (4 year)
  - Year 4 of M131 Law (4 year)
- Year 4 of ULAA-M132 Undergraduate Law (Year Abroad)
- 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 3 of ULAA-M135 Undergraduate Law and Sociology
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology
- Year 4 of ULAA-M133 Undergraduate Law with French Law
- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M134 Undergraduate Law with German Law
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- Year 3 of ULAA-M114 Undergraduate Law with Social Sciences (3 Year)
- Year 3 of ULAA-M116 Undergraduate Law with Social Sciences (4 Year)
- Year 3 of UPOA-M101 Undergraduate Politics (with Intercalated Year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
- LLB Law (Three years) (with Intercalated Year)

- ML23 Law with Social Sciences (Intercalated Year Option)
- MV21 Law with Humanities (Four Years)
- MV21 Law with Humanities (Intercalated Year Option)
- MV21 Law with Humanities (Three Years)