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| Module Title: | Equity and Trusts 2 |
| Language of Instruction: | English |
| Credits: | 5 |
| NFQ Level: | 8 |
| Module Delivered In | 1 programme(s) |
| Teaching & Learning Strategies: | <p>Lectures - communication of knowledge and ideas from the lecturer to the student. Problem Solving Exercises - student will work as part of a team and will work together to resolve various legal scenarios. Class Discussion/Debate - Students will be encouraged to actively participate in the class sessions which will develop their analytical and communication skills. E-Learning - the module will be supported with on-line learning materials. Self-Direct Independent Learning - the emphasis on independent learning will develop a strong and autonomous work and learning practices.</p> |
| Module Aim: | The aim of this module is to provide students with a solid knowledge and developed understanding of the fundamental principles of the law of trusts in Ireland. |
| Learning Outcomes | |
| <i>On successful completion of this module the learner should be able to:</i> | |
| LO1 | Discuss the origins of the trust and its significance in the modern legal system. |
| LO2 | Identify and explain the different types of trust and the circumstances in which each will arise and be enforced. |
| LO3 | Identify and explain the functions and duties of trustees and fiduciaries and the circumstances in which third parties will be liable to account. |
| LO4 | Critically evaluate the law in this area and employ knowledge and critical understanding in solving relevant legal problems. |
| LO5 | Research aspects of the law of equity and trusts either independently or as part of a group and communicate findings and proposals in written and/or verbal form. |
| Pre-requisite learning | |
| Module Recommendations | |
| <i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i> | |
| No recommendations listed | |
| Incompatible Modules | |
| <i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i> | |
| No incompatible modules listed | |
| Co-requisite Modules | |
| No Co-requisite modules listed | |
| Requirements | |
| <i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i> | |
| No requirements listed | |

Module Content & Assessment

| Indicative Content |
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| Categories of Trusts • Express Trusts - Formal Requirements - Essential Elements including the Three Certainties • Constitution of Trusts • Secret and Half-Secret Trusts • Resulting Trusts – automatic, presumed, presumption of advancement, trusts of family property. • Constructive Trusts - Institutional, Remedial • Charitable Trusts - MacNaghten classification and the public benefit requirement, Charities Act 2009 - Cy-pres Doctrine • Purpose Trusts • Void and Voidable Trusts |
| Duties of Trustees, Fiduciaries and relevant 3rd parties Functions and duties of trustees and fiduciaries, liability of third parties to account |

| Assessment Breakdown | % |
|-----------------------|---------|
| Continuous Assessment | 100.00% |

| Continuous Assessment | | | | |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------|-----------------|
| Assessment Type | Assessment Description | Outcome addressed | % of total | Assessment Date |
| Other | Problem/Scenario based Assessment - This will require students to apply knowledge and understanding to answer well defined and structured questions. | 1,2,3,4,5 | 50.00 | n/a |
| Project | Students will given a research topic dealing with an issue of current concern to the law of trusts. They will be required to extensively research and critically appraise the issues involved, in accordance with clearly defined instructions and present their findings and proposals. | 1,2,3,4,5 | 50.00 | n/a |

No Project

No Practical

No End of Module Formal Examination

SETU Carlow Campus reserves the right to alter the nature and timings of assessment

Module Workload

| Workload: Full Time | | |
|----------------------------|--------------------|----------------------------------------|
| <i>Workload Type</i> | <i>Frequency</i> | <i>Average Weekly Learner Workload</i> |
| Lecture | 12 Weeks per Stage | 3.00 |
| Estimated Learner Hours | 15 Weeks per Stage | 5.93 |
| Total Hours | | 125.00 |

| Workload: Part Time | | |
|----------------------------|------------------|----------------------------------------|
| <i>Workload Type</i> | <i>Frequency</i> | <i>Average Weekly Learner Workload</i> |
| Lecture | Every Week | 1.50 |
| Total Hours | | 1.50 |

Module Delivered In

| Programme Code | Programme | Semester | Delivery |
|----------------|-------------------------------------------------------|----------|-----------|
| CW_HHLAW_B OLD | Honours Bachelor of Laws Degree - LLB | 6 | Mandatory |