



## Course Syllabus

<b>Course Code</b> LAW-392	<b>Course Title</b> Law of Trusts II	<b>ECTS Credits</b> 6
<b>Prerequisites</b> LAW-391	<b>Department</b> Law	<b>Semester</b> Spring
<b>Type of Course</b> Core	<b>Field</b> Law	<b>Language of Instruction</b> English
<b>Level of Course</b> 1 <sup>st</sup> Cycle	<b>Lecturer</b> Mr. Leonidas Psychakis	<b>Year of Study</b> 3 <sup>rd</sup> /4 <sup>th</sup>
<b>Mode of Delivery</b> Face-to-Face	<b>Work Placement</b> N/A	<b>Corequisites</b> None

### Course Objectives:

The main objectives of the course are to:

- Having set the background for the operation of the express trusts, the scope of this course is to analyse the implied trusts and their radical aftermath to the operation of English Law. Additionally, the students expected to understand the various duties of the trustees and their fiduciary role in the management of the affairs of a trust. Moreover, a thorough analysis will be made when a trustee has breached his fiduciary duty and the available mechanisms given by the Law for recovery or rectification of the delinquent behaviour of the trustees.

### Learning Outcomes:

After completion of the course students are expected to be able to:

- Understand the operation and implication of Variation Act of 1958. How the Act has set the silver line between the real wishes of the Settlor and the real interest of the beneficiary
- Illustrate the role of resulting trusts and their role of absorbing any vacuum created by imperfect trusts.
- Comprehend the diversified role of constructive trusts and their radical implication in English Law.
- Examine how constructing and resulting trusts can be imposed in the ownership of homes. The protection of proprietary rights regarding homes in UK Law is particular sensitive and implied trusts are used to rectify any unconscionable behaviors against the real owners.

- Discuss the duties of the trustees and the role of fiduciary duty. What are the lines and boundaries that trustees must not cross.
- Discern the role of trustees vis-à-vis the investments of the trust property. The operation of Trustee Act 2000 and how the current regime curved after a long history of conflicted case law.
- Grasp if the beneficiaries can control the trustees. What is the armory of the trustees in order to avoid such incidents and uphold their fiduciary duty.
- Ascertain when a trustee has breached his fiduciary duty
- Examine what happens after the breach of trust. Deep analysis on the operation of tracing both under Common Law and Equity. The efficiency of tracing and the personal liability of the trustees.

**Course Content:**

1. Variation Act 1958
2. Resulting trusts
3. Constructive Trusts
4. Trusts for Homes
5. Duty of the Trustees – Fiduciary Duty
6. Duties of the trustees vis-à-vis investments – Trustee Act 2000
7. Breach of Trust
8. Tracing under Common Law and Equity

**Learning Activities and Teaching Methods:**

Interactive lectures, tutorials, written and exams and assignments

**Assessment Methods:**

Final exam, mid-term and presentations.

**Required Textbooks / Readings:**

Title	Author(s)	Publisher	Year	ISBN
Equity & Trusts	Alastair Hudson	Routledge Publisher, 9 <sup>th</sup> Edn	2017	9781138122598

Moffat's Trusts Law	Jonathan Garton et al.	Cambridge, 6 <sup>th</sup> Edn	2015	9781107512832
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**Recommended Textbooks / Readings:**

<b>Title</b>	<b>Author(s)</b>	<b>Publisher</b>	<b>Year</b>	<b>ISBN</b>
Hayton & Mitchell: Text, Cases and Materials on the Law of Trusts and Equitable Remedies	Ben McFarlane & Charles Mitchell	Sweet & Maxwell, 14 <sup>th</sup> Edn	2015	9780414027473
Underhill and Hayton Law of Trusts and Trustees, plus any supplements published	Charles Mitchell et al.	LexisNexis Butterworths, 19 <sup>th</sup> Edn	2016	9781474303101
Hanbury & Martin: Modern Equity	Jamie Glister & James Lee	Sweet & Maxwell, 20 <sup>th</sup> Edn	2015	9780414032408
Lewin on Trusts	Lynton Tucker et al.	Sweet & Maxwell, 19 <sup>th</sup> Edn, Mainwork & Supplement	2017	9780414024373