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|------------------------|------------------------|
| Course Title:          | <b>Trusts</b>          |
| Course Code:           | <b>LAWS605</b>         |
| Descriptor Start Date: | <b>28/02/2022</b>      |
| POINTS:                | <b>15.00</b>           |
| LEVEL:                 | <b>6</b>               |
| PREREQUISITE/S:        | <b>LAWS501 LAWS509</b> |
| COREQUISITE/S:         | <b>None</b>            |
| RESTRICTION/S:         | <b>LAWS624, 416204</b> |

## LEARNING HOURS

Hours may include lectures, tutorials, online forums, laboratories. Refer to your timetable and course information in Canvas for detailed information.

**Total learning hours: 150**

## PRESCRIPTOR

Examines the origins of trusts, and current rules and principles governing the creation and operation of trusts as a method of holding property by divided ownership. Uses contemporary factual problems as the basis for recognition of conduct that amounts to breach of trust or breach of fiduciary duty and equitable and trust law principles that can be applied to resolve such problems.

## LEARNING OUTCOMES

1. Critically examine the modern law of trusts in relation to its historical origins and the current applicable statutory and equitable framework.
2. Explain the requirements for establishing a valid trust and the features and purposes of different types of trust.
3. Discuss the nature of beneficial ownership and the various interests and rights that can be held by beneficiaries, and the powers, rights and duties of trustees.
4. Review conduct that may amount to a breach of trust and/or breach of fiduciary duty and identify appropriate available remedies.
5. Critically examine, at a doctrinal and conceptual level, current issues in the law of trusts in New Zealand.
6. Apply the relevant equitable and trust law principles to resolve contemporary factual problems.

**Disclaimer: Course descriptors may be amended between teaching periods/semesters**

## CONTENT

The historical development of the trust and the statutory and equitable doctrines and principles which regulate trusts;  
The requirements for the creation of a valid trust (including private express trusts, charitable trusts, and resulting and constructive trusts);  
The nature of the office of trustee, the 'irreducible' core of trustee obligations and the powers, rights and duties that attend the office;  
The nature of beneficial ownership and the common variations that can be created;  
The structure and content of a trust deed for a family trust and the distinction between trusts and powers;  
Breach of trust and breach of fiduciary duty, personal and proprietary remedies and third party liability;  
Defences and limitation of trustee liability, including exemption and indemnity clauses and corporate trusteeship;  
Introduction to wills and succession.

## LEARNING & TEACHING STRATEGIES

An appropriate range of strategies that may include lectures, workshops & online learning.

## ASSESSMENT PLAN

| Assessment Event                  | Weighting % | Learning Outcomes |
|-----------------------------------|-------------|-------------------|
| Examination (individual)          | 60.00       | 1-6               |
| In-course assignment (individual) | 40.00       | 1-6               |

|                  |                               |
|------------------|-------------------------------|
| <b>Grade Map</b> | <b>MAP1</b>                   |
|                  | A+ A A- Pass with Distinction |
|                  | B+ B B- Pass with Merit       |
|                  | C+ C C- Pass                  |
|                  | D Fail                        |

### Overall requirement/s to pass the course:

Students are expected to attempt every assessment event.  
In order to gain a pass in this paper they must:

- obtain at least 50% overall in the course, and
- obtain at least 40% in the final examination.

## LEARNING RESOURCES

Details of all learning resources (including journals, databases, websites etc) are available on Canvas. Required Text(s): If there is a required text, details are available by searching the University Bookshop's website: [www.ubs.co.nz](http://www.ubs.co.nz)

**For further information, contact:** Te Ara Pakihi, Te Ohanga Me Te Ture - Faculty of Business, Economics and Law

**Principal Programme:** AK1008, Bachelor of Laws

**Related Programme/s:** AK1009 LLB(Hons), AK2601 CertLegalSt

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