

UNIVERSITY OF CUMBRIA
COURSEWORK REASSESSMENT REQUIREMENT

Module Code: LAWS5194

Module Title: Equity and Trusts

Tutor: Dan Ritchie

Title of the item of work: Assessment 1

Wordage: 1000 words

Details and Criteria:

Answer BOTH the following questions:-

Question 1

Jack, a history teacher at the local grammar school, has recently died. His will contains the following provisions:

- (a) To my partner Fiona, £40,000, in full confidence that she will use the bulk of it to do what is right among my godchildren
- (b) My two holiday cottages, "Longstone" and "Farne", on trust to convey one to my son Miles as he may choose, and the other to my son Dougie
- (c) To Peter, the remainder of my estate to be held on the following trusts:
 - (i) one half to be divided equally between my old colleagues in the history department
 - (ii) one half to be divided as he thinks fit amongst all those pupils whom I regarded as my favourites

Jack's son, Miles, died last year.

Advise Peter, the executor of Jack's estate, as to the validity and effect of the provisions in the will.

(500 words - 50% of marks)

Question 2

'The Trustee Act 2000 has overly extended the various discretions afforded to a trustee of an express trust, to the ultimate detriment of the beneficiaries whose interests the trustee is charged to protect.'

Analyse this evaluation of the Trustee Act 2000 by reference to relevant statutory provisions and case law.

(500 words - 50% of marks)

Assessment Criteria

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There are 5 broad categories of criteria:

Knowledge – of the relevant law

Understanding & Application – of how the law is applied to facts or has any practical or policy implications

Analysis & Evaluation – consideration of alternatives, detailed meanings and strengths and weaknesses of relevant law, practice, policy etc.

Research – finding and using an appropriate range of relevant sources

Structure & Presentation – logical structure, clear language and presentation as required by the assessment format

These criteria will be used within modules to aid discussion about assessment and feedback and to act as a general guide. They are indicative and are not intended as a comprehensive list of every feature that could be in an assessment. They will often overlap but are presented separately for clarity. Please note that the mark you are awarded reflects the tutor's overall impression based on these criteria. While you may receive a high mark there may be areas of weakness. Equally, you may receive a low mark but there could still be strengths in your work. You should take note of the feedback, build on your strengths and learn from and minimise your weaknesses.

SUBMISSION DATE AS PER STUDENT PORTAL

(please tick as appropriate but must be completed)

To be submitted by **4:00 PM** on **12/08/2022** in accordance with instructions given by the course team. If you are posting your course work the receipt of postage must be by date and time of submission, you may be asked to present this.

To be submitted through the Virtual Learning Environment (eg. Blackboard / Pebblepad etc.) in pdf format, or in person/by RECORDED DELIVERY to the Programme Administration at the **Fusehill Street Campus** of the University of Cumbria.