**LAW 2108 EQUITY AND TRUSTS**

**Course Description**

The course relates to the application of fairness to both substantive and procedural law. It seeks to justify the evolution of equity, its governing principles, the nature of equitable interests and the remedies available to aggrieved parties. The student is introduced to the concept of a trust, how it is set up, the different types of trusts and the principles governing each of them.

**Course Content**

General Principles; Nature and history of equity; The relation between equity and common law; The two senses of equity in Uganda; Conflicts between equity and customary law, Maxims of Equity, Nature of equitable rights and interest. Priorities, assignment of choices in action. Equitable remedies: injunctions, specific performance, recession, rectification, delivery up and cancellation of documents, account, and receivership. Equitable defences; Estoppel, laches, and acquiescence. Doctrines of equity, conversion, election, satisfaction and performance. Nature and classification of trusts. The requirements of a valid trust. Constitution of trusts, secret trusts, setting trust aside. Protective and discretionary trusts. Trusts in favour of creditors, charitable trusts, resulting trusts, and constructive trusts. Appointment, retirement, and removal of trustees, Administration of a trust: duties and discretion of a trustee; powers of trustees. Breach of trust. Remedies. Comparison of English concept of trusteeship with that arising under customary law.

**Course Objectives**

1. To assist a student appreciate that the evolution of equity and its applicability in all spheres of the law to ensure that justice is always done.
2. To introduce a student to the principles governing equitable remedies that are available in all spheres of the law to aggrieved parties.
3. To introduce a student to the concept of a trust and its importance in the areas of devolution of property.

**Learning Outcomes**

The course is intended to enhance a student’s ability to do the following:

1. Ensure that just solutions are always found by application of equitable principles.
2. Advise parties on the use of a trust for the devolution of property.

**Methods of Instruction**

* 1. At the commencement of the course, students are availed with reading lists, which indicate the topics to be covered, and the respective reading materials for the respective topics. It is expected that the student uses this list in preparation for each lecture.
  2. The students are introduced to each topic and guided on the principles therein. Thereafter, students will be given problem questions for discussion in class. Students are further encouraged to also formulate their problems for discussion during the lectures.

**Assessment**

* 1. A coursework will be administered during the coursework week to be marked out of 30 marks.
  2. A Final examination will be given at the end of the semester to be marked out of 70 marks.