

University of the West of Scotland

Module Descriptor

Session: 2023-2024

Title of Module: Scots Private Law 5: Succession and Trusts			
Code: LAWW08018	SCQF Level: 8 (Scottish Credit and Qualifications Framework)	Credit Points: 20	ECTS: 10 (European Credit Transfer Scheme)
School:	School of Business & Creative Industries		
Module Co-ordinator:	Clive Mitchell		
Summary of Module			
The module will consider the role and duties of an executor. The module will also consider the current statutory and common law provisions in Scotland for the distribution of a person's estate on death, whether they leave a will (testate) or not (intestate). Consideration will be given to the legal mechanisms which apply where there is a presumed death or a common calamity. The common law and statutory provisions relating to disqualification from inheritance will be examined. Beyond this, the application of prior rights and legal rights will be considered in regard to intestate succession as well as the statutory provisions relating to a cohabitant's rights in succession. In relation to testate succession, the application of legal rights will be examined as well as the effects of collation inter libros and renunciation of legitim. Essential and formal validity of testamentary writing will be considered together with common testamentary provisions and construction and interpretation of testamentary deeds and the effect of testamentary devices. The different forms of legacy will be considered in detail as will revocation of testamentary writing. The module will examine the role and duties of trustees. The various classifications and purposes of trusts and administration of trusts will also be considered. The appointment, assumption and resignation of trustees will be examined. Beyond this, the investment duties of trustees, conflict of interest and issues of liability to beneficiaries will be considered. Variation and termination of trusts will be examined. This module is developed in accordance with the UWS Graduate Attributes and helps students to develop the range of skills, qualities and abilities which will prepare them for success both outwith university and beyond their period of study at UWS. This module will help the student develop academic skills such as gaining knowledge, being a critical thinker, being analytical, being a problem solver, being digitally literate and being an autonomous learner. The module also helps to develop many of the personal and professional attributes found at https://www.uws.ac.uk/current-students/your-graduate-attributes/			

Module Delivery Method					
Face-To-Face	Blended	Fully Online	HybridC	Hybrid 0	Work-Based Learning
☐	☐	☐	☒	☐	☐
See Guidance Note for details.					

Campus(es) for Module Delivery						
The module will normally be offered on the following campuses / or by Distance/Online Learning: (Provided viable student numbers permit) (tick as appropriate)						
Paisley:	Ayr:	Dumfries:	Lanarkshire:	London:	Distance/Online Learning:	Other:
☒	☐	☐	☐	☐	☐	Add name

Term(s) for Module Delivery					
(Provided viable student numbers permit).					
Term 1	☐	Term 2	☒	Term 3	☐

Learning Outcomes: (maximum of 5 statements) These should take cognisance of the SCQF level descriptors and be at the appropriate level for the module. At the end of this module the student will be able to:	
L1	Explain and analyse the principles of the Law of Succession pertaining to testate and intestate estates.
L2	Apply the law of Succession to given legal problems whether relating to testate or intestate estates.
L3	Explain the creation and administration of Trusts and apply the law to given legal problems.
L4	Make effective use of library and electronic resources to acquire legal information to analyse problems in terms of legal concepts and to apply legal principles to propose solutions.
L5	Click or tap here to enter text.
Employability Skills and Personal Development Planning (PDP) Skills	
SCQF Headings	During completion of this module, there will be an opportunity to achieve core skills in:

Knowledge and Understanding (K and U)	SCQF Level 8 Understanding the ways in which the law of Trusts and Succession has developed in Scotland. Understanding a range of legal concepts and demonstrating detailed knowledge of the law of Trusts and Succession.	
Practice: Applied Knowledge and Understanding	SCQF Level 8 Carrying out routine lines of enquiry, or investigation into professional level problems, using primary and secondary legal sources. Applying knowledge and understanding of legal principles to practical situations in order to draw reasoned conclusions.	
Generic Cognitive skills	SCQF Level 8 Undertaking critical analysis and evaluation of ideas, concepts, information and issues which are within the common understandings of the subject.	
Communication, ICT and Numeracy Skills	SCQF Level 8 Using a range of routine skills, including the use of information and communications technology, for the gathering, basic analysis and presentation of routine legal information, ideas and concepts to convey complex information to a range of audiences and for a range of purposes in a well-structured and coherent form.	
Autonomy, Accountability and Working with others	SCQF Level 8 Exercising autonomy and initiative in some activities at a professional level. Managing resources within defined areas of work. Identifying, reflecting upon and addressing personal learning needs.	
Pre-requisites:	Before undertaking this module the student should have undertaken the following:	
	Module Code: LAWW08013	Module Title: Law of Property & Conveyancing Practice
	Other:	or an appropriate module equivalent to the Law of Property and Conveyancing Practice module noted above. The appropriateness of any such module will be determined by the Module Co-ordinator in consultation with the Programme Leader.
Co-requisites	Module Code:	Module Title:

*Indicates that module descriptor is not published.

Learning and Teaching	
In line with current learning and teaching principles, a 20-credit module includes 200 learning hours, normally including a minimum of 36 contact hours and maximum of 48 contact hours.	
Learning Activities During completion of this module, the learning activities undertaken to achieve the module learning outcomes are stated below:	Student Learning Hours (Normally totalling 200 hours): (Note: Learning hours include both contact hours and hours spent on other learning activities)
Lecture/Core Content Delivery	12
Tutorial/Synchronous Support Activity	24
Asynchronous Class Activity	30
Independent Study	134
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
	200 Hours Total
**Indicative Resources: (eg. Core text, journals, internet access)	

The following materials form essential underpinning for the module content and ultimately for the learning outcomes:

Barr, A., Biggar, J. & Dalgleish, A., Drafting Wills in Scotland (2nd edition, Bloomsbury Professional 2009)

Bartos, D. & Meston, M.C., The Succession (Scotland) Act 1964 (6th edition, W Green 2015)

Chalmers, J., Trusts: Cases and Materials (W Green 2002)

Finlay, J., Trusts Law Essentials (Edinburgh University Press 2012)*

Gibb, A., Succession and Trusts (W Green 2017)*

Gibb, A. & Gordon, A., Succession Law Basics (4th edition, W Green 2018)

Gretton, G.L. & Steven, A.J.M., Property, Trusts and Succession (4th edition, Bloomsbury Professional 2021)

Hiram, H., The Scots Law of Succession (2nd edition, Bloomsbury Professional 2007)

Kerrigan, J., Drafting for Succession (2nd edition, W Green 2010)

Kessler, J. & Grant, W., Drafting Trusts and Will Trusts in Scotland: A Modern Approach (2nd edition, W Green 2017)

Norrie, K. & Scobbie, E.M., Trusts (W Green/Sweet & Maxwell 1991)

Scobbie, E.M., Currie on Confirmation of Executors & Supplement (9th edition, W Green 2011)

Click or tap here to enter text.

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Please ensure the list is kept short and current. Essential resources should be included, broader resources should be kept for module handbooks / Aula VLE.

Resources should be listed in Right Harvard referencing style or agreed professional body deviation and in alphabetical order.

(**N.B. Although reading lists should include current publications, students are advised (particularly for material marked with an asterisk*) to wait until the start of session for confirmation of the most up-to-date material)

Attendance and Engagement Requirements

In line with the [Student Attendance and Engagement Procedure](#): Students are academically engaged if they are regularly attending and participating in timetabled on-campus and online teaching sessions, asynchronous online learning activities, course-related learning resources, and complete assessments and submit these on time.

For the purposes of this module, academic engagement equates to the following:

Free Text – to add detail

Equality and Diversity

The University's Equality, Diversity and Human Rights Procedure can be accessed at the following link: [UWS Equality, Diversity and Human Rights Code](#).

Please ensure any specific requirements are detailed in this section. Module Co-ordinators should consider the accessibility of their module for groups with protected characteristics..

(N.B. Every effort will be made by the University to accommodate any equality and diversity issues brought to the attention of the School)

Supplemental Information

Divisional Programme Board	Accounting, Finance and Law
Assessment Results (Pass/Fail)	Yes ☐ No ☒
School Assessment Board	Accounting, Finance & Law
Moderator	Colin McFadyen
External Examiner	Mumtaz Hussain
Accreditation Details	Not applicable
Changes/Version Number	1.06

Assessment: (also refer to Assessment Outcomes Grids below)

This section should make transparent what assessment categories form part of this module (stating what % contributes to the final mark).

Maximum of 3 main assessment categories can be identified (which may comprise smaller elements of assessment).

NB: The 30% aggregate regulation (Reg. 3.9) (40% for PG) for each main category must be taken into account. When using PSMD, if all assessments are recorded in the one box, only one assessment grid will show and the 30% (40% at PG) aggregate regulation will not stand. For the aggregate regulation to stand, each component of assessment must be captured in a separate box.

Please provide brief information about the overall approach to assessment that is taken within the module. In order to be flexible with assessment delivery, be brief, but

do state assessment type (e.g. written assignment rather than “essay” / presentation, etc) and keep the detail for the module handbook. Click or tap here to enter text.
Assessment 1 – One piece of coursework worth 40% of the final mark.
Assessment 2 – One class test worth 60% of the final mark.
Assessment 3 – Free Text
(N.B. (i) Assessment Outcomes Grids for the module (one for each component) can be found below which clearly demonstrate how the learning outcomes of the module will be assessed. (ii) An indicative schedule listing approximate times within the academic calendar when assessment is likely to feature will be provided within the Student Module Handbook.)

Assessment Outcome Grids (See Guidance Note)

Component 1							
Assessment Type (Footnote B.)	Learning Outcome (1)	Learning Outcome (2)	Learning Outcome (3)	Learning Outcome (4)	Learning Outcome (5)	Weighting (%) of Assessment Element	Timetabled Contact Hours
Essay	✓	✓	✓	✓		40	0

Component 2							
Assessment Type (Footnote B.)	Learning Outcome (1)	Learning Outcome (2)	Learning Outcome (3)	Learning Outcome (4)	Learning Outcome (5)	Weighting (%) of Assessment Element	Timetabled Contact Hours
Class test (written)	✓	✓	✓	✓		60	2.5

Component 3							
Assessment Type (Footnote B.)	Learning Outcome (1)	Learning Outcome (2)	Learning Outcome (3)	Learning Outcome (4)	Learning Outcome (5)	Weighting (%) of Assessment Element	Timetabled Contact Hours
Combined Total for All Components						100%	2.5 hours

Change Control:

What	When	Who
Further guidance on aggregate regulation and application when completing template	16/01/2020	H McLean
Updated contact hours	14/09/21	H McLean
Updated Student Attendance and Engagement Procedure	19/10/2023	C Winter
Updated UWS Equality, Diversity and Human Rights Code	19/10/2023	C Winter
Guidance Note 23-24 provided	12/12/23	D Taylor
General housekeeping to text across sections.	12/12/23	D Taylor

Version Number: MD Template 1 (2023-24)