

Aristotle University of Thessaloniki

Faculty of Law

Bachelor of Laws (LL.B.)

Course Syllabus

1. Course Information

- **Title:** Equity and the Law of Trusts
- **Code:** LLB46
- **ECTS:** 5
- **Hours per week:** 4
- **Academic Year:** 4th
- **Teaching Period:** Winter/Spring Semester
- **Mode of Delivery:** Face-to-Face
- **Language of Instruction/Assessment:** English
- **Course Type:** Elective Course

2. Course Description

This course introduces students to the distinctive features of equity and its central legal institution: the trust. Beginning with an overview of the development of equitable jurisdiction, the module explores the key conceptual and doctrinal building blocks of trust law, including the three certainties, formalities, and the constitution of trusts. Particular attention is given to the taxonomy of trusts, express, resulting, constructive, and charitable, and the legal and equitable principles governing their creation and enforcement. The course then examines the role, powers, and duties of trustees, as well as fiduciary relationships more broadly. Through the study of breach of trust, remedies, and equitable doctrines such as constructive notice, students engage with the remedial structure and guiding maxims of equity. Issues surrounding variation and termination of trusts are addressed in the final part of the course, enabling students to grasp the

dynamic and evolving role of equity in modern legal systems. The module places emphasis on both theoretical understanding and the practical application of equitable doctrines in contemporary private law.

3. Keywords

Equity, Equitable Jurisdiction, Express and Implied Trusts, Fiduciary Obligations, Breach of Trust, Equitable Remedies, Constructive and Charitable Trusts, Trustees' Duties, Equitable Maxims, Variation of Trusts, Constitution and Formalities

4. Learning Outcomes

Upon successful completion of this course, students will be able to:

1. **Describe** the origins and development of equity as a distinct body of law and its continuing relevance in modern legal systems. (*Remembering*)
2. **Explain** the essential features of trusts, including their creation, formalities, and constitution. (*Understanding*)
3. **Apply** the doctrines of resulting, constructive, and charitable trusts to practical legal scenarios. (*Applying*)
4. **Analyse** the duties and powers of trustees, including the management of trust property and fiduciary responsibilities. (*Analysing*)
5. **Evaluate** breaches of trust and the scope and limits of equitable remedies available to beneficiaries. (*Evaluating*)

5. General Skills to Be Acquired

- Apply knowledge in practice
- Retrieve, analyse, and synthesise data and information
- Adapt to new situations
- Make decisions
- Work in an international context
- Work in an interdisciplinary team
- Generate new research ideas

- Appreciate diversity and multiculturalism
- Respect the natural environment
- Be critical and self-critical
- Advance free, creative, and causative thinking

6. Course Content (Topics)

1. Foundations of Equity and the Emergence of the Trust. Introduction to the historical development of equitable jurisdiction, the distinction between equity and common law, and the origins of the trust.

2. The Nature and Classification of Trusts. Overview of express, resulting, constructive, and charitable trusts, including the key features that differentiate them from other legal institutions.

3. The Three Certainties and Intention to Create a Trust. Detailed examination of the requirements of certainty of intention, subject matter, and objects in establishing an express trust.

4. Formalities, Constitution, and Incomplete Gifts. Analysis of the legal requirements for the formal creation of trusts, constitution rules, and the consequences of imperfect gifts.

5. Resulting Trusts and Failed Dispositions. Exploration of when a resulting trust arises automatically by operation of law, focusing on voluntary transfers and incomplete legal arrangements.

6. Constructive Trusts and the Prevention of Unjust Enrichment. Study of constructive trusts in both institutional and remedial forms, focusing on unconscionability and proprietary claims.

7. Charitable Trusts and the Public Benefit Requirement. Examination of the legal definition of charity, categories of charitable purpose, and the statutory regulation of charitable trusts.

8. Trustees' Powers, Duties, and Discretions. Evaluation of the obligations of trustees in managing trust property, exercising discretion, investing assets, and acting impartially.

9. Breach of Trust and Equitable Remedies. Discussion of liability for breach, available remedies including compensation, account of profits, and proprietary remedies such as tracing.

10. Fiduciary Relationships and Conflicts of Interest. Analysis of the fiduciary obligation of loyalty, unauthorised profits, self-dealing, and the role of equity in supervising fiduciaries.

11. Equitable Maxims and the Doctrine of Notice. Exploration of key equitable maxims, the doctrine of constructive notice, and their application in protecting equitable rights against third parties.

12. Variation and Termination of Trusts. Study of how and when trusts can be modified or terminated, including consent-based variation and judicial schemes of arrangement.

7. Teaching Methods

- Lectures.
- Case law workshops.
- Student presentations and structured debate.
- Guided reading and legal reasoning exercises.

8. Assessment Methods

Method	Weight	Description
Final Written Exam	70%	Essay-type and case-based questions
Mid-Term Assignment/Presentation	20%	Individual or group-based
Participation and Engagement	10%	Constructive attendance, preparedness, contribution

Note: A minimum final exam score of 50% is required to pass.

9. A. Ethics

Students are reminded that all submitted work must comply with the University's academic [integrity policy](#). Plagiarism or unauthorised collaboration will result in disciplinary measures.

B. Course Policies

- Attendance is strongly encouraged.
- All assignments must be submitted on time via the designated platform.
- Special accommodations will be made for students with documented learning or health needs in accordance with university policy.

10. Use of Information and Communication Technologies (ICT)

- **Use in Teaching:** (e.g. digital slides, audiovisual aids, interactive tools like Mentimeter)
- **Use in Communication:** (e.g. E-learning platform, Zoom/Google Meet for office hours)
- **Digital Resources:** (e.g. online legal databases, podcasts, video lectures)

11. Bibliography

- Books/E-Books

A. Hudson, *Understanding Equity and Trusts* (6th ed, Cavendish, 2016).

A.J. Oakley, Parker and Mellows, *The Modern Law of Trusts* (9th ed., Sweet & Maxwell 2015).

Alastair Hudson, *Equity and Trusts* (10th ed., Routledge-Cavendish 2021).

B. McFarlane, C. Mitchell, Hayton and Marshall: *Cases and Commentary on the Law of Trusts* (14th ed., Sweet & Maxwell 2015).

E. H. Burn, G. I. Virgo, Maudsley and Burn's, *Trusts and Trustees: Cases and Materials* (7th ed., Butterworths 2008).

~~G. Virgo, *The Principles of the Law of Restitution* (3rd ed., Oxford University Press 2015),~~

Davies, P. S., & Virgo, G. (2025). *Equity & trusts : text, cases, and materials (e-book)*. OXFORD UNIV PRESS.

Fleming, C. T. . (2025). *Equity and Trusts in Sanskrit Jurisprudence (e-book)*. The British Academy. <https://doi.org/10.3828/9780197267875>

~~Graham Virgo, The Principles of Equity and Trusts (3rd ed., Oxford University Press 2018)~~

Hackney, Understanding Equity and Trusts (Fontana 1987). 3. D. Hayton, The Law of Trusts (4th ed.: Sweet & Maxwell, 2003).

Hanbury & Martin, *Modern Equity* (Sweet & Maxwell)

Hayton, D., *The Law of Trusts* (Sweet & Maxwell)

Hayton, Matthews & Mitchell, *Underhill and Hayton: Law of Trusts and Trustees* (LexisNexis)

Hudson, A., *Equity and Trusts* (Routledge)

J. Garton et al., *Moffat's Trusts Law: Text and Materials* (7th ed., Cambridge University Press 2020).

J. Wadham. P. Willoughby, *Willoughby's Misplaced Trust* (2nd ed. Gostick Hall Publications 2002).

Jamie Glister, James Lee, Hanbury and Martin, *Modern Equity* (21st ed., Sweet & Maxwell 2018)

Kincaid, A., *Tracing and Equitable Claims* (Oxford University Press)

L. Tucker et al., *Lewin on Trusts* (20th ed., Sweet & Maxwell 2020)

Martin, J., *Hanbury & Martin: Modern Equity* (Concise Edition, Sweet & Maxwell)

McMurty, L., & Haley, M. (2023). *Equity & Trusts* (7th Edition) (e-book). Thomson Reuters. <https://www.sweetandmaxwell.co.uk/en-gb/products/equity-and-trusts-7th-edition-sweet-and-maxwells-textbook-series-print-and-proview-ebook-43159207>

Pearce and Stevens, *The Law of Trusts and Equitable Obligations* (7th ed., OUP, 2018).

Penner, J. E. ., & Lau, Jeremiah. (2022). *The law of trusts (e-book)*. Oxford University Press.

~~Penner, The Law of Trusts (11th ed., OUP 2019).~~

Pettit, P., *Equity and the Law of Trusts* (Oxford University Press)

Phillip H. Pettit, *Equity and the Law of Trusts* (12th ed, OUP 2012)

~~Virgo, G., The Principles of Equity and Trusts (Oxford University Press)~~

Virgo, G. (2023). The Principles of Equity & Trusts. In *The Principles of Equity & Trusts (e-book)*. Oxford University Press.
<https://doi.org/10.1093/HE/9780192857170.001.0001>

Watt, G., *Trusts and Equity* (Oxford University Press)

Watt, G. (2023). Trusts & Equity. In *Trusts & Equity*. Oxford University Press.
<https://doi.org/10.1093/HE/9780192869630.001.0001>

- Databases

Westlaw UK Academic	https://law.auth.gr/en/subscription-to-electronic-databases-2/
HeinOnline Academic Core and Kluwer Law International Journal Library	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Beck-online PREMIUM	https://law.auth.gr/en/subscription-to-electronic-databases-2/
O.U.P Oxford Public International Law	https://law.auth.gr/en/subscription-to-electronic-databases-2/
O.U.P Max Planck Encyclopedia of Comparative Constitutional Law	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Dalloz.fr	https://law.auth.gr/en/subscription-to-electronic-databases-2/
JURIS Zusatzmodul Hochschulen, BGB Staudinger Online	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Kluwer Law Online (30 journals)	https://law.auth.gr/en/subscription-to-electronic-databases-2/
IAReporter. Investment Arbitration Report	https://law.auth.gr/en/subscription-to-electronic-databases-2/
Cambridge Core (Law)	https://www.cambridge.org/core/browse-subjects/law
EBSCO	https://research.ebsco.com/c/quc7ji/search/advanced/filters?autocorrect=y&isDashboardExpanded=true

ProQuest Central	https://www.proquest.com/central/topicpaths/AbiGlobal_business/0?accountid=8359#0
Springer link	https://link.springer.com/
Taylor & Francis e-books	https://www.taylorfrancis.com/search?subject=SC_LW
Taylor & Francis e-journals	https://www.tandfonline.com/subjects/law
The Making of Modern Law: Legal Treatises 1800-1926 (Gale)	https://go.gale.com/ps/start.do?p=MOML&u=arist&cookieConsent=true&analyticsOptout=false&aty=ip
Wiley online Library	https://onlinelibrary.wiley.com/action/showPublications?startPage=&ConceptID=85