

SUBJECT TEACHING GUIDE

G456 - Civil Law IV

Double Degree in Law and Administration and Business Management

Degree in Law

First Degree in Law

Academic year 2024-2025

1. IDENTIFYING DATA					
Degree	Double Degree in Law and Administration and Business Management Degree in Law First Degree in Law			Type and Year	Compulsory. Year 4 Compulsory. Year 3
Faculty	Faculty of Law				
Discipline	Topic: Civil Law				
Course unit title and code	G456 - Civil Law IV				
Number of ECTS credits allocated	6	Term	Semester based (2)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PRIVADO
Name of lecturer	SONIA MARTIN SANTISTEBAN
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Other lecturers	EVA VILAR CORTABITARTE FRANCISCO JOSE CARRAL FERNANDEZ

3.1 LEARNING OUTCOMES

- Facilitating the student's knowledge of the principles and institutions of inheritance law. In order to do so, he/she should be fluent in the concepts, the normative regime, the interpretative jurisprudential criteria and the evolution of different institutions.

4. OBJECTIVES

The objectives of the course are that students achieve the proposed skills and successfully apply them in the inheritance legal system. Students will be provided with the knowledge of the principles and institutions of Inheritance Law. In order to do so, he/she will have to handle with ease the concepts, the normative regime, the interpretative jurisprudential criteria and the evolution of diverse institutions. He/she will also be required to acquire skills in legal reasoning, in the capacity of abstraction, analysis, synthesis and problem solving, as well as in a correct organization and management of information, in the capacity of teamwork and decision making and in an adequate use of new technologies.

6. SUBJECT PROGRAM

CONTENTS

1	TOPIC 1. SUCCESSION BY CAUSE OF DEATH. The succession by cause of death: basis and types. The opening of the succession. The delation. The capacity to succeed. The accretion. The right of representation.
2	TOPIC 2. THE TESTAMENTARY SUCCESSION. The will: concept. Capacity to draft a will. The vices of the will. The interpretation of the will. Types of wills. Contents of the will; the conditional, term and modal institution. The hereditary substitutions; in particular, the vulgar substitution. The legacies: concept, personal elements, object and types; acquisition, guarantees and payment of the legacies; responsibility of the legatee; effects of the ineffectiveness of the legacy; the pre-legacy. The ineffectiveness of the will. The execution of the will: the executor.
3	TOPIC 3. THE FORCED HEIRSHIP AND OTHER RESERVED SHARES. The forced heirship: forced heirs, calculation and amount of the forced heirship. The betterment. Quantitative and qualitative intangibility of the forced heirship. The preterition. Disinheritance. Other reserved shares: the widow or widower's reserve and the linear reserve. The right of return or reversion.
4	TOPIC 4. INTESTATE SUCCESSION. Intestate succession: concept, principles and orders of succession. Brief reference to the contractual succession.
5	TOPIC 5. EFFECTS OF THE SUCCESSION (I). Acquisition of the inheritance. Acceptance and repudiation of the inheritance; the acceptance with benefit of inventory. The quality of heir and responsibility of the heir. The conveyance of the inheritance. The hereditary community: concept, subjects, object and legal regime.
6	TOPIC 6. EFFECTS OF THE SUCCESSION (II). The partition: concept; the power to request the partition. Partition made by the testator, by the commissioner or the accountant-partitioner and by the co-heirs; arbitral partition and judicial partition. The partitional operations. The "colación". Effects of the partition. Ineffectiveness of the partition. The rescission by injury of the partition.

7. ASSESSMENT METHODS AND CRITERIA				
Description	Type	Final Eval.	Reassessn	%
SOLUTION OF HYPOTHETICAL CASES	Others	No	No	40,00
FINAL EXAM	Written exam	Yes	Yes	60,00
TOTAL				100,00

Observations

CONTINUOUS EVALUATION.

Up to 4 points out of 10 (40% of the grade) for the work done by the student during the course.

The continuous evaluation will consist of practical tests on the topics already explained, or other short exercises (commentary and exposition of sentences, legal opinions, drafting of testamentary documents, partitions, etc.).

The grade obtained in the continuous evaluation will not be recoverable. Since the aim is to quantify the effort, performance and progress of each student throughout the term, once the term is over it is no longer possible for the teacher to measure these items, nor for the student to make up for a previous lack of constant dedication to the subject.

EXAM

At the end of the four-month period, a written test will be given on the subject taught.

The test may consist of short questions or multiple-choice questions, or a combination of both types of questions.

The written test will represent 60% of the final grade, that is to say, 6 points out of 10.

The final grade will be obtained by the sum of the grade of the continuous evaluation and the final exam, being necessary to obtain a minimum passing score in the final written exam to be able to add the score of the continuous evaluation.

FINAL GRADE

Those students who, having passed the final written exam, obtain an overall grade of at least 5 points (pass) out of 10, will pass the course. Those students who do not achieve a passing grade will be given the grade obtained in the continuous evaluation to complete the grade they obtain in the extraordinary exam. Consequently, the final grade of the extraordinary exam will be composed of:

- The grade of the written recovery test, which may consist of short questions or multiple-choice questions, or a combination of both types of questions. This written test will represent a maximum of 60% of the grade, that is, 6 points out of 10.
- The continuous evaluation grade obtained during the course will be 40% of the evaluation (4 points out of 10).

Only those students who have obtained a passing grade in the written test (3 points out of 6) will be able to continue completing their grade by means of the computation of the grade obtained in the continuous evaluation.

In the case that for sanitary reasons the evaluation has to be done remotely, both the practices and the final exam will be developed through the moodle platform.

Observations for part-time students

Part-time students are considered to be those who meet the conditions established in the Regulations of Enrollment and Dedication Regimes of the University of Cantabria. Students subject to this regime, must notify the teacher responsible for the subject within a week of learning of this circumstance, by sending an email from the student's email address of the University of Cantabria. Their assessment will consist of the final written test together with the resolution of an hypothetical case. The hypothetical case may suppose, at most, 4 points out of 10 (40% of the grade), and will not be recoverable, since it is equivalent to the continuous evaluation grade of the students who are not subject to this special regime.

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

DÍEZ-PICAZO y PONCE DE LEÓN, L., y GULLÓN BALLESTEROS, A., Sistema de Derecho Civil. Volumen IV. Tomo 2. Derecho de Sucesiones.

LACRUZ BERDEJO, J.L., y otros, Elementos de Derecho Civil. Tomo V.

