



Teaching Guide

| Teaching Guide | | | | |
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| Identifying Data | | | | 2022/23 |
| Subject (*) | Succession Law | | Code | 612G01034 |
| Study programme | Grao en Dereito | | | |
| Descriptors | | | | |
| Cycle | Period | Year | Type | Credits |
| First and Second Cycle | 1st four-month period | Fourth | Obligatory | 6 |
| Language | SpanishEnglish | | | |
| Teaching method | Face-to-face | | | |
| Prerequisites | | | | |
| Department | Dereito Privado | | | |
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| Web | | | | |
| General description | The aim of this subject is for students to learn about of Inheritance Law. | | | |

Study programme competences

| Code | Study programme competences |
|------|---|
| A1 | Knowledge of the main legal institutions |
| A3 | Grasping the systematic nature of the legal system |
| A4 | Appreciating the interdisciplinary nature of legal problems |
| A8 | Basic knowledge of legal argumentation. |
| A9 | Ability to handle legal sources (legal, jurisprudential and doctrinal). |
| A10 | Ability to interpret and critically assess the legal system. |
| A11 | Ability to understand and write legal documents. |
| A12 | Management of legal oratory (ability to express themselves properly in public). |
| A13 | Mastering new technologies applied to law. |
| B2 | Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study. |
| B3 | Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues. |
| B4 | Ability to transmit information, ideas, problems and solutions to a specialized and non-specialized public. |
| B6 | Learning to learn. |
| B7 | Effective problem solving. |
| B8 | Critical, logical, and creative thinking. |
| B9 | Working autonomously on own initiative with a lifelong learning approach. |
| B10 | Teamwork and collaboration. |
| B11 | Ethical and social responsibility. |
| C4 | Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good. |
| C7 | Assume as a professional and citizen the importance of lifelong learning. |
| C8 | Valuing the importance of research, innovation and technological development for the socioeconomic and cultural progress of society. |

Learning outcomes

| Learning outcomes | Study programme competences | | |
|--|-----------------------------|--|--|
| Knowledge of the main legal institutions | A1 | | |



| | | | |
|--|-----|------------------------|----------------|
| Perception of the systematic nature of the legal system | A3 | | |
| Perception of the interdisciplinary nature of legal problems | A4 | | |
| Basic knowledge of legal argumentation | A8 | | |
| Ability to handle legal sources (legal, case law and doctrinal) | A9 | | |
| Ability to interpret and critically analyse the legal system | A10 | | |
| Ability to understand and draft legal documents | A11 | | |
| Handling legal oratory | A12 | | |
| Proficiency in new technologies applied to Law | A13 | | |
| Effective problem solving | | B7 | |
| Applying critical, logical and creative thinking | | B8 B2 B3 B4 | C4 C7 C8 |
| Working independently with initiative and in a collaborative way | | B6 B9 B10 B11 | |

| Contents | |
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| Topic | Sub-topic |
| LESSON 1. SUCCESSION AND SUCCESSION LAW | 1.- Succession mortis causa and the law of succession. The principles of inheritance law. 2.- Heir and legatee. Determination of the type of appeal. |
| LESSON 2. INHERITANCE. THE PHASES OF HEREDITARY SUCCESSION | 1.- Inheritance. 2.- The phases of hereditary succession. 3.- In particular, the way of acquiring an inheritance. 4.- Recumbent inheritance. 5.- Taking possession of inherited assets. |
| LESSON 3. CAPACITY TO INHERIT | 1.- Absolute incapacities. 2.- Survival. 3.- Unworthiness. 4.- Relative incapacity. 5.- Effects of unworthiness and relative incapacity. |
| LESSON 4. RIGHT TO ACCEPT OR FORGO | 1.- Concept, classes and informing principles of right to accept or forgo. 2.- The right of transmission. 3.- The right of representation. 4.- The right of accession. |
| LESSON 5. THE WILL | 1.- Concept, nature and features of the will. 2.- Capacity to make a will. 3.- Vices of the will in testamentary matters. 4.- Interpretation of the will. |
| LESSON 6. TYPES OF WILLS | 1.- Common and special wills. 2.- The ordinary open will. 3.- The special open will: the danger of death will. 4.- The closed will. 5.- The holographic will. |



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| LESSON 7. CONTENT OF THE WILL | <p>1.The appointment of an heir: A] The action to claim an inheritance. B] Liability of the heir for the debts and burdens of the inheritance. C] Disposal of the inheritance. Effects. Withdrawal of co-heirs. D] Proof and registration of the right of the heir.</p> <p>2. Legacies: A] Concept. B] Subjects. C] Subject-matter. D] Acquisition of the right to the legacy. E] Preference between legatees. F] Inefficiency of the legacy.</p> <p>3. Substitutions: A] Concept and types of substitution. B] Vulgar substitution. C] Pupillary substitution. D] Trustee substitution.</p> |
| LESSON 9. INTESTATE INHERITANCE | <p>1.- Causes and order of precedence in the Civil Code.</p> <p>2.- Articles 267 to 269 of the Civil Law of Galicia.</p> |
| LESSON 10. FORCED INHERITANCE: LEGITIM | <p>1.- Legitim under the Civil Code: A] Holders entitled to legitim and free portion. B] Calculation of the legitim. C] Defence of the legitim: actions, disownership and disinheritance.</p> <p>2.- Legitim in the Civil Law of Galicia: Forced heirs and amount [arts. 238, 243, 253 and 254 LDCG ? Civil Law of Galicia].</p> |
| LESSON 11. ACCEPTANCE AND REJECTION OF INHERITANCE | <p>1.- Acceptance, rejection and benefit of inventory: A] Ius delationis (the heir's right to accept or reject): Contents and requirements. B] Acceptance and systems of responsibility. The benefit of inventory. C] ?Pure and simple acceptance?, ?acceptance under benefit of inventory? and universal inheritance.</p> <p>2.- Acceptance and rejection: General theory: A] Common features. B] Capacity and legitimacy. C] Time frame for accepting and rejecting. Judicial interpellation and the right to deliberate.</p> <p>3.- Acceptance of inheritance: A] Delimitation. B] Forms of acceptance.</p> <p>4.- Acceptance and responsibility of the heir.</p> <p>5.- Rejection of inheritance: A] Concept and form. B] Effects. In particular, article 1,001 of the Civil Code.</p> |
| LESSON 12. ACCEPTANCE WITH BENEFIT OF INVENTORY | <p>1.- Delimitation. General effects of the benefit of inventory.</p> <p>2.- Legal system: A] The power to make use of the benefit of inventory. B] Application and form. C] The term. D] The inventory. E] Administration of the inheritance. F] Payment of inheritance taxes. G] Accountability. H] The post-payment system. I] Loss of the benefit of inventory.</p> |
| LESSON 13. HEREDITARY COMMUNITY | <p>1.- General concepts.</p> <p>2.- Legal system of the hereditary community.</p> |
| LESSON 14. HEREDITARY PARTITION: GENERAL CONCEPTS, PARTITION OPERATIONS, AND TYPES OF PARTITION | <p>1.- Hereditary partition: general concepts.</p> <p>2.- Partition operations.</p> <p>3.- Types of partition: A] Partition by the testator. B] Partition by estate partitioner or trustee. C] Partition by court-appointed estate partitioner. D] Conventional partition. E] Judicial partition.</p> <p>4.- Effects, invalidity and ineffectiveness of the partition.</p> |
| LESSON 15. COLLATION | <p>1.- Concept and basis.</p> <p>2.- Subjective requirements.</p> <p>3.- Objective requirements.</p> <p>4.- Method of executing collation.</p> <p>5.- Effects.</p> |

| Planning | | | | |
|--------------------------------|-----------------|----------------------|-------------------------------|-------------|
| Methodologies / tests | Competencies | Ordinary class hours | Student's personal work hours | Total hours |
| Guest lecture / keynote speech | A1 A3 A4 A9 A10 | 45 | 21 | 66 |



| | | | | |
|------------------------|---|----|----|----|
| Case study | A1 A3 A4 A8 A9 A10 A11 A12 A13 B6 B7 B8 B9 B10 B11 B2 B3 B4 C4 C7 C8 | 21 | 42 | 63 |
| Objective test | A1 | 4 | 0 | 4 |
| Personalized attention | | 17 | 0 | 17 |

(*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

| Methodologies | |
|--------------------------------|--|
| Methodologies | Description |
| Guest lecture / keynote speech | It will consist of the presentation of the fundamental aspects of the topics that make up the syllabus of the subject. |
| Case study | It will consist of the analysis of practical cases. |
| Objective test | Exam of the theoretical and practical contents of the subject included in the syllabus. |

| Personalized attention | |
|------------------------|---|
| Methodologies | Description |
| Case study | For the study of cases, in addition to the general indications, the students will receive, individually or in work groups, the guidelines that are necessary for the correct preparation of their work. |

| Assessment | | | |
|----------------|---|--|---------------|
| Methodologies | Competencies | Description | Qualification |
| Case study | A1 A3 A4 A8 A9 A10 A11 A12 A13 B6 B7 B8 B9 B10 B11 B2 B3 B4 C4 C7 C8 | A critical study of different case studies. | 30 |
| Objective test | A1 | The exam will consist of multiple-choice questions about the contents of the subject and the readings related with the different topics. | 70 |

| Assessment comments |
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It's essential to attend and participate in classes in order to know the whole content of the subject and the main points, particularly because there is no specific treaty or handbook about these issues.

It will be necessary to prepare a presentation or dissertation about some aspects of the syllabus

and to solve some cases. These activities -attending classes, preparing a dissertation and the cases- will count for 30% of the final mark.

A final exam ?multiple-choice? will be taken.

It will count for 70% of the final mark. It's necessary to obtain a mark of 3.5 in the final exam to add the mark obtained from the activities.

Part-time students will be able to take the exam over 10 points.

For the second opportunity, the evaluation system will be the same as for the first opportunity, without the possibility of redoing the activities of the continuous evaluation.

In the event that cheating, plagiarism, or copying, the case study or examination affected shall be graded with a zero "0" and the academic regulations of the UDC will be applied.

Sources of information

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| Basic | - PÉREZ ÁLVAREZ/MARTÍNEZ DE AGUIRRE/DE PABLO CONTRERAS/CÁMARA LAPUENTE (2016). CURSO DE DERECHO CIVIL (V). DERECHO DE SUCESIONES. EDISOFER |
| Complementary | |

Recommendations

Subjects that it is recommended to have taken before

Person's Law/612G01007
Family Law/612G01013
Obligations and Tort Law/612G01016
Contract Law/612G01024
Property Law/612G01027

Subjects that are recommended to be taken simultaneously



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| Subjects that continue the syllabus |
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| Other comments |
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(*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.