

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

PART I	3
STATISTICS	3
1. NUMBERS AND PERCENTAGES IN EACH CLASS/CATEGORY	3
Classified examinations	3
Unclassified Examinations	4
2. VIVAS	4
3. MARKING OF SCRIPTS	4
General procedure	4
Jurisprudence Procedure	5
4. NEW EXAMINING METHODS AND PROCEDURES	6
New Examining Methods and Procedures	6
Examination schedule	6
Materials in the Examination Room	6
Examination Conventions	6
PART II	6
5. GENERAL COMMENTS ON THE EXAMINATION	6
Examination Papers	6
Special Examination Arrangements	7
Withdrawals from the Examination	7
Legibility of Examination Scripts	7
External Examiners	7
Prizes	7
Thanks	7
6. EQUALITY AND DIVERSITY ISSUES AND BREAKDOWN OF THE RESULTS BY GENDER	7
7. DETAILED NUMBERS ON CANDIDATES' PERFORMANCE IN EACH PART OF THE EXAMINATION	9
8. COMMENTS ON PAPERS AND INDIVIDUAL QUESTIONS	14
Administrative Law	14
Advanced Criminal Law	14
Civil Dispute Resolution	14
Commercial Law	14
Company Law	15

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

Comparative Private Law	16
Competition Law and Policy.....	16
Constitutional Law	17
Contract.....	17
Copyright, Patents and Allied Rights & Copyright, Trade Marks and Allied Rights	18
Criminal Law	21
Criminology & Criminal Justice	22
Environmental Law	23
EU Law	23
Family Law	23
History of English Law	24
Human Rights Law	25
International Trade.....	25
Jessup Moot Public International Law	26
Jurisprudence	26
Labour Law	27
Land Law.....	27
Media Law	28
Medical Law and Ethics.....	30
Moral & Political Philosophy.....	30
Personal Property	31
Public International Law	31
Roman Law (Delict).....	31
Taxation Law	31
Tort.....	32
Trusts.....	34
9. COMMENTS ON THE PERFORMANCE OF IDENTIFIABLE INDIVIDUALS AND OTHER MATERIAL WHICH WOULD USUALLY BE TREATED AS RESERVED BUSINESS	36
NAMES OF MEMBERS OF THE BOARD OF EXAMINERS.....	36

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

APPENDIX 1 – EXTERNAL EXAMINERS' REPORTS37

PART I

STATISTICS

1. NUMBERS AND PERCENTAGES IN EACH CLASS/CATEGORY

Classified examinations

FHS Course 1, BA Jurisprudence

Class	Number				Percentage (%)			
	2018/19	2017/18	2016/17	2015/16	2018/19	2017/18	2016/17	2015/16
I	41	38	38	31	20.19	21.11	20.11	19.25
II.I	155	139	146	122	76.35	77.22	77.25	75.78
II.II	5	1	5	8	2.46	0.56	2.64	4.97
III								
Pass		2				1.11		
Fail	2				0.98			

FHS Course 2, BA Law with Law Studies in Europe

Class	Number				Percentage (%)			
	2018/19	2017/18	2016/17	2015/16	2018/19	2017/18	2016/17	2015/16
I	2	10	11	7	6.66	30.30	31.43	24.14
II.I	28	23	23	22	93.33	69.70	65.71	75.86
II.II			1				2.86	
III								
Pass								
Fail								

FHS Course 1 and 2 combined

Class	Number				Percentage (%)			
	2018/19	2017/18	2016/17	2015/16	2018/19	2017/18	2016/17	2015/16
I	43	48	49	38	18.45	22.53	21.87	20.00
II.I	183	162	169	144	78.54	76.06	75.45	75.79
II.II	5	1	6	8	2.14	0.47	2.68	4.21

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

III								
Pass		2				0.94		
Fail	2				0.85			

Unclassified Examinations

Diploma in Legal Studies

Category	Number				Percentage (%)			
	2018/19	2017/18	2016/17	2015/16	2018/19	2017/18	2016/17	2015/16
Distinction	7	7	9	12	25.92	20.59	26.47	36.36
Pass	20	27	25	21	74.07	79.41	73.53	63.64
Fail								

2. VIVAS

Vivas are no longer used in the Final Honour School. Vivas can be held for students who fail a paper on the Diploma in Legal Studies, but none have been held for the last five years.

3. MARKING OF SCRIPTS

General procedure

A rigorous system of second marking is used to ensure the accuracy of marking procedures. This second marking occurs in two stages.

The first stage takes place during initial marking before the first marks meeting. In larger subjects, marking teams meet to ensure that a similar approach is taken by all markers. Where there is a discrepancy in marking profiles among the team, a sample of scripts are sent for second marking to ensure consistency. In smaller subjects, a random sample of scripts are second marked, again to ensure consistency of marking. This sample should be at least six scripts, or 20% of the candidates, whichever is larger. In all subjects, any script where the first mark ends with a 9 (69, 59, 49) or any mark below 40 is also second marked at this stage. All potential prize scripts should be second marked at this time also. In 2019, 431 scripts were second marked prior to the first marks meeting.

Additional scripts are sent for second marking following the first marks meeting. In all instances, where a script mark was 4% below the candidate's average mark, the script was second marked. Further, where a script ended with an 8 and where a change in one or more scripts could affect the candidate's overall award classification, the script was second marked at this stage, and was flagged as a borderline script. Where a candidate needed a change in only one script to alter their overall classification, and where the candidate had a script ending with a 7, this was also sent for second marking as a borderline script. In 2019, 231 scripts were second marked following the first marks meeting. 123 scripts were marked because they were 4% below the candidate average, and 69 scripts were second marked as borderline. A further 35 scripts fell into both categories.

Overall, the level of second marking was broadly similar to the last few years, though with a higher proportion of the second marking being done at the first stage.

	Number	Percentage (%)
--	--------	----------------

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

	2018/19	2017/18	2016/17	2015/16	2018/19	2017/18	2016/17	2015/16
Total Scripts	2219	2154	2244	1954				
First stage	431	371	348	327	19.42	17.22	15.50	16.73
Second stage	224	270	227	294	10.09	12.53	10.12	15.05
All second marking	655	641	575	621	29.51	29.75	25.62	31.78

As shown by the table below, 104 borderline scripts were sent out for second marking after the first marks meeting on this basis, which is on a par with last year (103 scripts). A higher proportion of borderline scripts were revised upwards on second marking, compared with last year.

First mark	Number of borderline scripts	Scripts moved to higher class	% moved to higher class
69			
68	30	5	17
67	37	3	8
59	1	1	100
58	20	12	60
57	16	4	25

Jurisprudence Procedure

As the two elements of the Jurisprudence assessment are marked separately, a slightly different procedure is used for second marking.

During first marking, the standard procedure is used for the exam element. That is, profiling and sampling is undertaken for each marker. On the basis of a recommendation from the Examinations Committee in September 2017, the Jurisprudence marking group agreed that all mini-option essays would be second marked at the initial marking phase, reducing the need for additional essay marking between the exam board meetings.

Following the first marks meeting, additional second marking takes place. Some scripts are sent for second marking where one or both elements is four below the candidate's average. Second marking also occurs where the combined marks leave the student on the borderline between classifications.

There were 18 instances of Jurisprudence second marking between the marks meetings. 9 were due to the result being 4% below the student's average, and 12 were due to a borderline mark emerging when the two elements were combined, of which 3 scripts fell into both categories. The 12 borderline scripts are included in the total of 69 borderline scripts which were second marked between meetings. In 17 of the 18 instances, the exam was second marked. In 1 case, the essay was second marked.

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

4. NEW EXAMINING METHODS AND PROCEDURES

New Examining Methods and Procedures

The examination format for all exams remained the same. Students taking Comparative Private Law were again required to complete a 4,000-word essay in Week 0 of Trinity Term, with the question for the essay chosen from a list of three options.

The Medical Law and Ethics paper retained the essay submission format which had been used in the previous two years.

Examination schedule

An extended period was again used for the FHS examinations to allow students recuperation days between exams.

In keeping with the decision to rotate the order of the compulsory papers on an annual basis, the Land Law paper was held on the first day. Compulsory papers will move one place later in the timetable from year to year, and the final compulsory paper each year will become the first compulsory paper in the subsequent year. This year, the Jurisprudence paper was moved from Monday to Tuesday of week 7 so as not to fall on the day of a religious festival, with certain option papers being held on the Monday instead.

Materials in the Examination Room

In line with practice from previous years, case lists were included at the end of each exam paper, rather than being provided to students separately.

There was a problem with the provision of materials to one of the students sitting the Copyright, Trademarks and Allied Rights paper, which meant that some of the materials were provided to the candidate a little late.

Examination Conventions

Examination Conventions for the FHS exams were used in 2019, and were published to students in December 2018, with a Notice to Candidates informing them of this. The full FHS/DLS Examiners' Edict was circulated to students by email in March 2019, providing them with exam information and guidance. A separate Notice to Candidates was issued to students who were taking one of the papers which was assessed by essay submission, to inform them of the requirements and guidelines for submission.

PART II

5. GENERAL COMMENTS ON THE EXAMINATION

Examination Papers

As in previous years, responsibility for setting and checking each paper is allocated to teams of up to six members in larger subjects and up to three members in smaller subjects. The leader of each team has considerable additional responsibility to ensure that procedures are carried out and deadlines met.

Candidates are reminded that they have no legitimate expectation that papers will always follow the same pattern as papers in previous years or that the same topics will be examined as in previous years. It is the responsibility of candidates to ensure that they are adequately prepared to answer questions taken from a subject's syllabus.

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

Special Examination Arrangements

Students who require special arrangements to complete their examinations may apply for accommodation through the Proctors.

In 2019, there were 53 FHS students accommodated in this way, and one DLS student. This is on a par with 2018 when 55 FHS and one DLS student required special arrangements.

Withdrawals from the Examination

22 students withdrew from the FHS in 2019; 19 of these students were from Course 1, and 3 from Course 2. This is higher than in 2018 (14 in total).

Legibility of Examination Scripts

This year, markers deemed thirty-seven scripts, from fourteen candidates, to be illegible. These scripts were brought to either Exam Schools or the Colleges for typing, with the Colleges assisting in coordinating the transcription sessions. The cost of this transcription is covered by the students in question. This represents an increase in the number of illegible scripts, with nine scripts needing to be typed for five students in 2018.

External Examiners

This year we had the valuable assistance of Prof Ben McFarlane of University College London (for his second year) and Dr James Lee of Kings College London (for his first year). They were involved in all the stages of the process, and provided much thoughtful and valuable advice. We are very grateful to them. The External Examiners' reports to the Vice-Chancellor are attached as Appendix 2.

Prizes

There were 29 subject prizes available for FHS students in 2018/2019. The marking team for each subject nominated a candidate to be awarded the relevant subject prize, and this nomination was approved by the Examiners.

There are four additional prizes for overall performance, which are awarded to FHS and DLS students. A list of nominees is prepared ahead of the meeting. The Examiners review the nominees' marks profiles in the second marks meeting, and decide on the winners on that basis.

Gibbs Prizes are awarded by the University, for performance across four of the compulsory private law papers. The winners of these prizes were also decided by the Examiners.

The prize winners were well spread across the University, with 31 students, coming from 20 Colleges, winning a prize.

Thanks

The Chair of Examiners is hugely grateful for the support and help of all those who participated in the examining process, including the setters, markers and examiners. The early stages of the process, including the finalisation of the question papers, were overseen by Gráinne de Bhulbh, and the Chair is very grateful to her for excellent support. The timing of Gráinne's departure from the Faculty in June was unfortunate, but her replacement, Heather Schofield, coped extremely well with the very steep learning curve with which she was faced. Particular thanks are also owed to Paul Burns, who worked tirelessly to overcome the inevitable difficulties thrown up by the change of personnel at such a critical time and by the more enigmatic features of the marks database. Although the process unquestionably proved particularly challenging this year, the efforts of Heather and Paul ensured that in the end all went well.

6. EQUALITY AND DIVERSITY ISSUES AND BREAKDOWN OF THE RESULTS BY GENDER

FHS Course 1, BA Jurisprudence

Page 7 of 43

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

	2019				2018				2017				2016			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%												
I	18	20	23	20	23	29	15	15	21	27	17	15	16	22	15	17
II.I	69	78	85	75	56	69	83	84	56	71	90	82	52	72	70	79
II.II	1	1	4	4	1	1			2	2	3	3	4	6	4	4
III																
Pass					1	1	1	1								
Fail	1	1	1	1												
Total	89		113		81		99		79		110		72		89	

FHS Course 2, BA Law with Law Studies in Europe

	2019				2018				2016				2015			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%												
I	1	8	1	6	4	33	6	29	6	35	5	28	3	33	4	20
II.I	12	92	16	94	8	67	15	71	11	65	12	67	6	67	16	80
II.II											1	5				
III																
Pass																
Total	13		17		12		21		17		18		9		20	

FHS Course 1 and 2 combined

	2019				2018				2017				2016			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%												
I	19	18	24	18	27	29	21	17	27	28	22	17	19	23	19	17
II.I	81	80	101	78	64	69	98	82	67	70	102	80	58	72	86	79
II.II	1	1	4	3	1	1			2	2	4	3	4	5	4	4
III																
Pass					1	1	1	1								
Fail	1	1	1	1												
Total	102		130		93		120		96		128		81		109	

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

7. DETAILED NUMBERS ON CANDIDATES' PERFORMANCE IN EACH PART OF THE EXAMINATION

Students on the BA programmes take nine papers as part of the FHS examinations. These are made up of seven compulsory papers and two optional papers. Students chose from a list of 24 option papers for this year's FHS. The distribution of students across the option papers is shown below:

	2019	2018	2017	2016	2015
Advanced Criminal Law	15				
Civil Dispute Resolution	5	5			
Commercial Law	11	25	11	17	22
Company Law	13	2	20	10	18
Comparative Private Law	17	14	11	12	10
Competition Law and Policy	15	1	33	28	42
Constitutional Law	9	6	9	5	9
Copyright, Patents and Allied Rights	9	34	29	22	22
Copyright, Trade Marks & Allied Rights	15	18	13	8	12
Criminal Law	9	6	5	5	9
Criminology and Criminal Justice	16	12	27	24	21
Environmental Law	16	3	6	9	4
Human Rights Law	18	17	20	19	30
Family Law	57	60	49	29	51
History of English Law	5	3	2	5	2
International Trade	10	13	8	5	15
Labour Law	13	15	21	15	15
Media Law	30	28	1	20	12
Medical Law and Ethics	85	73	78	47	44
Moral and Political Philosophy	17	24	34	18	26
Personal Property	12	2	17	13	16
Public International Law	29	41	46	39	40
Public International Law (Jessup Moot)	6	3	4		
Roman Law (Delict)	5	7	9	18	9
Taxation Law	27	16	22	12	12

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

Students on the DLS take three papers, and choose from a shortened list of FHS option papers. The distribution of DLS students across the option papers is as follows¹:

	2019	2018	2017	2016	2015
Administrative Law		1		2	
Company Law	6		6	6	6
Competition Law and Policy	5		5	3	6
Constitutional Law	4	3	5	5	
Contract	22	28	27	27	28
Copyright, Patents and Allied Rights	3	3	2	6	4
Copyright, Trademarks and Allied Rights	2	4	4	2	
Criminal Law		6		1	4
Criminology and Criminal Justice	3	4	2	2	2
Environmental Law	4	1			
European Union Law	4	5	8	7	7
Family Law	1				1
History of English Law		1			
Human Rights Law			4	5	5
Labour Law	1	2	3	2	1
Media Law	1				
Medical Law and Ethics		4	3		
Public International Law	5	9	5	3	10
Roman Law (Delict)	2		1		
Taxation Law		4			
Tort	17	23	23	22	26
Trusts	1	4	4	4	2

Students on the MJur programme have the option of taking one FHS paper as part of their graduate programme. In 2019, 13 students availed of this option.

	2019	2018	2017	2016	2015
Administrative Law					1
Commercial Law	1			1	
Company Law	1		2	5	3
Constitutional Law					1

¹ Papers not included on this list have not been taken by any DLS students for the last four years

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

Contract	4	7	6	8	10
Copyright, Patents and Allied Rights		2		1	
Copyright, Trademarks and Allied Rights		1	1		
Environmental Law		1			
European Union Law		3			
History of English Law		1			
Human Rights Law		4	1	1	2
Land Law		1			
Medical Law and Ethics	3				
Personal Property			1		
Public International Law			1	1	1
Tort	2			1	4
Trusts	2	4	1	1	1

The distribution below is shown as percentages. Where 0 is shown, less than 0.5% of students fell into this range. A blank field indicates that no students fell into this range.

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

	Student Count	75-79	71-74	70	68-69	65-67	61-64	60	58-59	50-57	48-49	40-47	39 or less
Administrative Law	232	0	6	14	6	31	30	9	3	1			
Contract	258	1	9	9	6	25	30	6	4	9	0	1	0
European Union Law	236		3	15	10	36	22	5	3	5	1		
Jurisprudence	232		6	15	14	28	31	2	1	1		1	
Land Law	232	0	3	8	6	29	30	6	3	10	1	3	1
Tort	251		4	13	7	40	28	2	3	3	0		
Trusts	235		4	14	11	30	25	6	3	6			1
Advanced Criminal Law	15			40	27	27				6			
Civil Dispute Resolution	5		20	40	40								
Commercial Law	12		8	25	8	25	25		8				
Company Law	20		5	15	5	30	40				5		
Comparative Private Law	17		18	18	18	18	18	5				5	
Competition Law and Policy	20		5	10	15	50	20						
Constitutional Law	13			23	8	38	23			8			
Copyright, Patents and Allied Rights	12		17	17	17	8	33	8					
Copyright, Trade Marks and Allied Rights	17		6	18	12	34	18	6		6			
Criminal Law	9			22		56	11	11					
Criminology & Criminal Justice	19		32	16	4	32	16						
Environmental Law	20		5	15	20	40	15	5					

FHS Jurisprudence and Diploma in Legal Studies Examiners' Report 2019

	Student Count	75-79	71-74	70	68-69	65-67	61-64	60	58-59	50-57	48-49	40-47	39 or less
Family Law	58		5	19	7	29	34	4		2			
History of English Law	5		20	20	40		20						
Human Rights Law	18		33	6	39	16	6						
International Trade	10		10	10	10	30	20	10	10				
Labour Law	14		21	14	7	30	21			7			
Media Law	31		6	16	10	42	20	3	3				
Medical Law and Ethics	88		8	3	10	34	28	7	7	3			
Moral and Political Philosophy	17		6	17	6	71							
Personal Property	12		8	18		33	25	8	8				
PIL	34		3	12	9	18	30	18	9	3			
PIL Jessup Moot	6		40	60									
Roman Law (Delict)	7		14	14		58	14						
Taxation Law	27		11	15	19	44	11						

8. COMMENTS ON PAPERS AND INDIVIDUAL QUESTIONS

Administrative Law

The standard of student answers on the FHS Administrative Law paper in 2019 was generally very good. However, the Examiners noted that there was a lamentable tendency to ignore or overlook more recent cases, with answers tending to concentrate on older (albeit leading) cases which have been qualified or overtaken by recent cases. First-class answers were distinguished by the fact that they grappled with the exam question in a focused way attentive to the precise issues alerted by the question; they surveyed and engaged meaningfully with the full array of relevant case-law (including recent cases) and could engage (where relevant) with leading academic opinion on the issue; and finally, that they offered a robust argument which reasoned through the issues raised by the question in a clear and convincing way.

Although there was a fairly good spread of answers across all areas on the Administrative Law curriculum, the Examiners noted that there was a significant clustering of answers on legitimate expectations, proportionality/Wednesbury unreasonableness and error of law/fact.

Advanced Criminal Law

This was the first year of this paper's existence, and the 15 candidates sat the two 7 question papers. This was also amongst the three papers offered in 2018-19 where the examination was sat as a take-home examination released on Weblearn. In order to offer candidates the ability to do any two of those papers as their two options, one of the three, this year ACL, was offered in two different slots: week 9 of Hilary term, or week 0 of Trinity term. This form of assessment, open-book with a five-day time period to complete the examination, and Turnitin review of the scripts submitted online, was designed to allow the candidates to engage more deeply with the material. By and large this hope was realised, with generally solid answers submitted by candidates. There were no breaches of rubric, though any candidates who did not fulfil the terms of the question, such as by not focussing on the topic or topics requested, were not rewarded. All fifteen papers were double-marked, since with such a small number, and in a new paper, it seemed invidious to try to select. There were 6 First Class marks, 9 Upper Second Class marks, and 1 Lower Second Class mark. There did not appear to be any difference between the two groups, between those who sat the paper in period 1 or period 2.

As there were 14 questions in total, it is not proposed that examiner reports address each question. The overarching message is that lengthy and careful preparation in understanding the source material, engagement in the seminars, and thoughtful addressing of the question seem to have paid off in the exam. Candidates who did not attempt to construct an answer which did more than quote from sources without a strong argument did not do as well.

Civil Dispute Resolution

Five students took the CDR exam and the standard was very high. The lowest mark was 68 and the average mark was over 70. There were three distinctions in total. Seven of the 10 questions were attempted including the optional problem question. Popular questions included fair trial, costs, theory of procedure, ADR and LPP. No candidate attempted the questions on the overriding objective, the history of civil procedure, and whether the rules successfully balance pursuit of the rectitude of decision with other values.

There were some exceptional answers given on the ADR and costs questions in particular. Students who performed well demonstrated an exceptional knowledge of the reading list and considered critical analysis of the principles underpinning each topic, including a willingness to seriously engage with arguments that run counter to conventional wisdom.

Commercial Law

General Comments

This paper produced some very good scripts indeed, with the best demonstrating excellent and detailed answers to the problem questions, and thoughtful and well informed answers to the essay questions, which focused precisely on the question posed. As often is the case, the main fault in the essay questions was the failure to answer the actual question. In the problem questions, weaker answers were characterised by failure to tackle all the points, by inappropriate structure and, in some cases, by lack of knowledge of the basic principles. The best problem answers also considered what the parties would actually want, and the best way to make the arguments to achieve these results.

Questions

Q1: This question was only attempted by one student.

Q2: This was a reasonably popular question, which elicited some good answers. The best considered the problems that the Regulations were designed to solve in relation to SMEs, as well as problems which remain in relation to other types of assignors.

Q3: There were relatively few answers to this question, and they were mixed in quality. The very best focused very precisely on the question posed.

Q4: Only one candidate attempted this question.

Q5: This was a fairly popular question. The weaker answers were just a general essay about the merits or demerits of the Bunkers decision, while the stronger answers focused on the point of the quotation: the extent to which the price was recoverable in situations not falling within section 49 SGA.

Q6: This was a very popular question, with most candidates showing a good grasp of the principles governing both sale of goods in bulk and sales on retention of title terms. Not all candidates spotted that the contract between C and P was probably not a contract for the sale of goods, but rather a sui generis contract (and fewer discussed the ramifications of this).

Q7: This question was less popular, but was generally well answered with candidates demonstrating a good understanding of the arguments relating to characterisation of security interests and the rules on priority. The best deployed some subtle arguments on the extent of the requirement of 'control' when considering whether B's charge was fixed or floating.

Q8: Most answers showed good understanding of the basic principles. The best answers to this question considered the various analyses which could apply to the allocation of shares of the bulk of washing machines (provided they did constitute a bulk) and considered at all points what would be best for the liquidator to do.

Q9: This was a very popular question, with most candidates showing a reasonable grasp of the law relating to the nemo dat exceptions. Some candidates did not structure their answer asset by asset, which made their points less clear. Weaker answers failed to spot the *National Employers v Jones* point in relation to the cello and failed to discuss the contractual remedies available. The possible action available to E in relation to the viola was discussed well, although very few, if any, candidates discussed whether the contract was one of sale or of services. Candidates differed in their views as to whether E was a consumer or not: liability issues were the same either way, but candidates generally dealt well with the available remedies, whichever choice they made.

Q10: Only two candidates did this question, which raised points on the intersection between agency law and the nemo dat exceptions, on the requirements of apparent authority and the status of the rule in *Ireland v Livingston* in the modern law.

Company Law

21 candidates sat this paper. The standard of answers was generally high, with candidates displaying a good understanding of the basic principles of company law. There were few disappointing scripts and some excellent ones.

The most popular problem questions were question 11 (shareholders' rights and reduction of capital) and question 12 (directors' duties, corporate opportunities, derivative actions) but all of the problem questions were tackled and were popular, with some candidates answering two or even three problem questions. The most popular essay questions were question 1 (limited liability), question 2 (majority rule and abuse of majority power), question 4 (the legal capital rules), question 6 (unfair prejudice) and question 8 (directors' duties, conflicts of interest and duty). On the whole candidates had a sound grasp of the issues in answering these questions. Weaker answers tended to provide rather generic responses to the material, not focussing closely enough on the particular question set. For example, in question 1 some candidates discussed the concept of limited liability, but did not really address the issue raised in the question of whether limited liability should be applied equally to all types of shareholders. In the problem questions, the better answers were those that took the relevant provisions of the Companies Act 2006 as their starting point, and then introduced case-law in order to illustrate and expand upon the statutory rules, whereas weaker answers tended to try to make do with only the jurisprudence. Essay questions benefitted from a critical discussion of opinions found in textbooks and articles. Those students did best who could identify strengths and weaknesses in what they had read, and could critically analyse these views in order to develop their own position.

Comparative Private Law

This was the second year that this course has been examined by the submission of extended essays. Overall, the examiners continue to consider that this form of assessment is an appropriate means of assessment for the course, with candidates being able to discuss the sources from the three laws and develop arguments in a sophisticated way not possible in a 3-hour paper.

All three of the possible questions offered to candidates were answered, with the one on contract law being significantly more popular this year than the questions on tort or property law. Owing to the small numbers of candidates, this report will focus on general points rather than seeking to set out model answers to the questions, not least given that there were a number of ways in which the questions could properly be discussed.

Overall, the standard was very good, with some outstandingly good essays. Better essays displayed the following attributes to a greater or lesser degree: attention to the particular question set; coherent and appropriate structure provided for the points made; clear, accurate and interesting use of the source material, with a fair balance between the three laws where relevant; appropriate referencing to the source material; and reflective comparison of the approaches taken by the three laws.

Competition Law and Policy

The paper comprised eight questions of which four were essay questions and four problem questions. FHS candidates were asked to answer four questions including at least two problem questions, whereas DLS students were required to answer three questions including at least one problem questions.

The first essay question required candidates to reflect on a quote drawn from the recent landmark judgement of the Court of Justice of the European Union in the case of *Intel v Commission*. This was a popular question attempted by over half of students. Answers were of a high standard.

The second essay question dealt with the topical issue of pricing algorithms and the difficulties they create for competition policy making and competition law enforcement. Only three students attempted this question making it the least popular overall.

Question three required candidates to reflect on the European approach to hardcore restrictions. Eight students attempted this question.

In question four, candidates were given the opportunity to reflect on a quote by Advocate General Jacobs, which highlighted the difficulties of interfacing competition law with property rights. The question was attempted by five students, who performed strongly.

Problem questions focused on the application of Article 101 TFEU, Article 102 TFEU, The European Merger Regulation and the enforcement of Competition law, with significant crossover in three of the questions.

Question five contained a multitude of issues including whether there were undertakings involved, jurisdiction, several potential restrictions caught by Article 102 TFEU (predominantly), and Article 101 TFEU, as well as the lawfulness of various acts carried out by the European Commission. On the whole, students performed relatively strongly on this question, which was also the most popular (with fifteen examinees attempting it).

Question six similarly cut across several areas of the course, with issues revolving around jurisdiction, Article 101 TFEU, and the European Merger Regulation. Nine Students attempted this question.

Question seven predominantly concerned issues in relation to jurisdiction, vertical restraints under Article 101 TFEU, and abuses under Article 102 TFEU. Overall, students performed strongly.

Question eight dealt predominantly with issues relating to Article 101 TFEU with students being asked to evaluate several types of potential coordination, with one of them requiring candidates to reflect on the potential application of the European Merger Regulation. The question was similar to the previous problem questions in terms of both candidate distribution and performance.

The examination was taken by 20 candidates (5 Diploma and 15 FHS). On the whole, the scripts showed a very good command of the subject and good analytical skills, with three candidates achieving a first class mark. There was a marked preference for spreading answers across both essay and problem questions. First class answers generally displayed a strong grasp of the underlying material, underscored by significant and sustained references to case law and commentary, balanced with robust analytical engagement. Weaker answers tended to miss substantial issues, neglect critical analysis and misrepresent the relevant law.

Constitutional Law

There were, as is common, a limited number of candidates for the FHS Constitutional law paper, this being 13 in total. The candidates displayed a good understanding of the subject, as attested to by the marks: most candidates scored in the upper 60s, with about 25% achieving first class marks. There was a good spread of answers across the different questions that had been set. The most popular questions were those on constitutional statutes, the rule of law, separation of powers and the HRA. The candidates, in general, displayed a good balance of positive law, combined with critical reflection.

Contract

General comments

All questions were answered by some candidates, with the most popular essay being Q7 on consideration, and the most popular problem questions being Q10 and Q11. The standard was comparable with past years.

Questions

Q1. In general, those answering this question correctly based their answers on the 2018 UKSC decision of *Morris Garner v One Step*. Insufficient attention was paid to the part of the question on account of profits in some answers. On the negotiating damages section, the better answers identified the uncertainty surrounding the third category where: "the breach of contract results in the loss of a valuable asset created or protected by the right which was infringed", especially when applied to the facts of *One Step* itself.

Q2. Few candidates answered this question. Weaker answers were primarily descriptive of the different doctrines without directly addressing the question. Stronger answers noted the commonalities and differences between the common law/equitable vitiating factors, and between these factors and the apparent equivalents under the Consumer Protection from Unfair Trading Regulations 2008 - both as to the causes of action and, especially, the remedies.

Q3. Few candidates answered this question. Some veered far from the focus here on consumer versus commercial, and standard form versus negotiated. Most spotted the way these distinctions operate in statutory controls of the contents of contracts under UCTA and CRA. The better answers also noted how these distinctions operated in common law doctrines such as interpretation, incorporation and implied terms.

Q4. There were a good number of takers for this question. The question concerned the extent to which 'good faith' as specially defined, can be interpreted as justifying the bars to the award of specific performance/injunction, the enforcement of agreed remedies, and limits on awards of damages. Some applied the definition very narrowly, and so saw good faith as accounting for relatively few of the limits on awarding the performance interest. Others who applied it broadly could therefore bring in most limitations under 'good faith'. In general disappointingly few examples were given.

Q5. Answers were good on the problems solved by the LRFCA 1943, but less good on remaining problems. Most mentioned the uncertainty over how 'just expenses' are determined under s1(2); few if any mentioned the fact that s1(2) fails to expressly take account of the payor's wasted expenses in performance of the contract, that any deduction for wasted expenses cannot exceed the sum paid or due, or the precise problems with fixing the 'just sum' raised by BP v Hunt.

Q6. Most who answered this question spotted that it required discussion of the problems with determining when contracts are void or voidable for mistaken identity. Surprisingly many (wrongly) discussed unilateral mistake as to terms, but omitted discussion of common mistaken assumptions or the policy concern with protecting the rights of third parties in good faith.

Q7. A popular question. Generic essays on the consideration doctrine did badly. Candidates needed to construct the issues from the quotation and address them. Surprisingly, some answers failed to address the most recent developments in the CA in MWB v Rock, and what choices a future SC must make.

Q8. This focused on the law protecting consumers and should have been pretty straightforward given the availability of statutes in the examination. While some answers were very good indeed, others were sketchy or omitted important aspects of the problems raised.

Q9. This concerned the remedies both of the promisee (Ely) and of the third party (Frank). The main omission and/or errors concerned (i) the duress by Frank: s3(4) CRTPA allows the promisor (Gavin) to rely on defences that would have been available if Frank was a party to the contract; (ii) the exemption clause engages UCTA if Ely sues but not if Frank sues because of s7(4) CRTPA. In this and other problem questions some candidates assumed that the consumer legislation applied in situations where the contracting parties were clearly acting in the course of a business; candidates should always consider carefully when they start to tackle a problem question whether the parties are consumers or not.

Q10. The issues that distinguished the best answer concerned (i) the details of the remedies: rescission, damages for misrepresentation, and damages for breach of contract; (ii) a proper (rather than a cursory) application of s3 Misrepresentation Act; (iii) was there a mistake of term known to the other party? (iv) or rectification of the contract?

Q11. A fairly straightforward and popular question. The main issues missed or mistaken were: (i) the assumption without discussion that Blackpool's duty to consider applied; (ii) past consideration in the case of Quentin; (iii) the 'lockout agreement' in the case of Ray.

12. Many answers failed to assess whether the breaches cumulatively deprived the aggrieved party of substantially all the benefits expected, and a few did not handle well the alternative scenario raising the issue of affirmation.

Copyright, Patents and Allied Rights & Copyright, Trade Marks and Allied Rights

General

In 2018-2019 two intellectual property papers were offered: Copyright, Patents & Allied Rights (CP), taken by 12 candidates, and Copyright, Trade Marks & Allied Rights (CTM), taken by 17 candidates. Both papers were answered to a high standard overall, with a number of scripts awarded a first-class mark.

a) Copyright

The copyright section was attempted by all candidates. While all essay questions were attempted, Q4 (human rights) was relatively less popular.

For Q1 (outer limits for protectable works) candidates were required to critically assess the approach in *Levola* as well as explore the unanswered questions left behind. Better answers contrasted the Advocate General's approach with the CJEU's and drew inspiration from both international as well as comparative law sources to identify outer limits for protectable works. Those narrowly focusing on closed versus open list systems did not fully address the question.

As regards Q2 (whether hyperlinking infringes the communication to the public right), most candidates answered this well, drawing on CJEU case law expanding both ingredients: an act of communication and one to a (new) public. Better answers flagged up how mental intention or subjective knowledge requirements, borrowed from a secondary infringement context, were inappropriately infiltrating a strict liability test. A few answers were exceptionally good.

Q3(a) (Draft Art 13 of the DSM Directive) required candidates to assess whether the appropriate legislative balance was struck, to compel online platforms to do more to address a 'value gap', or would fuzzy obligations instead lead to incoherence. More thoughtful answers considered whether enhanced blocking and filtering obligations, implemented by algorithms, will amount to abuse by rightholders and fraudsters; whether legitimate uses including free speech interests will get squeezed out; and whether compliance costs will rise along with a general monitoring obligation being introduced through the back door. Q3(b) addressed the other major dimension of artificial intelligence: should copyright law recognise some form of authorship for works created by algorithms and why should it do so? More perceptive answers drew on foundational copyright justifications, as well as bespoke provisions of UK copyright law for computer generated works.

Q4 (does copyright restrict the exercise of fundamental rights) clearly signalled that the analysis contained in the recent trilogy of opinions by Advocate Generals was relevant. In particular, the AGOs considered the methodology for balancing conflicting interests in order to arrive at conclusions which would help address specific disputes before a court. Unfortunately some candidates chose to ignore this steer, answering the question based on first principles and general features of copyright law, producing less coherent answers in the process.

In relation to problem questions, candidates were roughly evenly divided across both Q9 (chefs) and Q10 (messy student rooms and zombie apocalypses). For Q9 whether copyright subsists in catchphrases as literary works and whether tattoos qualify as protectable works were addressed admirably well. Recent case law on TV formats as dramatic works was neglected while the extent to which the look of plated food could be protected attracted responses of variable quality. Photographic copyright in relation to the messy room in Q10 – and originality in particular – was generally handled well. Whether the mess itself qualified as conceptual art was approached more speculatively, whereas the own intellectual creation test and intentionality offers a clear steer here. Disaggregating the components of the guidebook and identifying what was being protected proved challenging to some, as did applying 'substantial part' infringement analysis. However defences such as review, criticism and parody were applied perceptively across both copyright problems.

b) Patents

The patent section was attempted by 12 candidates. There was an even spread across the questions selected in the essay section of the paper, with only one of the problem questions being attempted.

In Q5, candidates were expected to explore theoretical and justificatory arguments for dosage regime patents, with reference to case law and use of examples. Generally, candidates showed a good grasp of the law of novelty and were able to engage in the broader protection of medicaments debate. Better responses offered a more nuanced analysis, addressing the medical treatment exclusion, differences between second medical use and dosage regime inventions, and potential difficulties in assessing infringement.

Q6 invited candidates to approach the patentability of (a) computer-implemented inventions or (b) inventions using a non-fertilised human ovum. Part (b) was not attempted. In Part (a), less successful answers rehashed pre-digested arguments, offering little more than a doctrinal comparison between

the UK and EPO approaches to software patents. Most successful candidates explored the second part of the question by, inter alia, considering whether there is a need for patent protection, the manifold applications of software inventions (e.g., development of mobile phone standards and new products) and competition-related concerns (e.g., holdup, royalty stacking).

Q7 required candidates to evaluate the UK Supreme Court's judgment in *Warner-Lambert v Generics*. Answers were of a high standard, with most candidates addressing (i) the role of plausibility as a policy lever against armchair inventions and speculative claiming; and/or (ii) difficulties associated with infringement of second medical use patents. Better responses engaged with the policy concerns underpinning the Supreme Court's decision, exploring the tension between patents as incentives to medical research and access to medicaments through a strong generics industry.

Q8 proved the most popular, with some of the highest scoring answers. Most candidates considered the development of purposive construction under prior UK law and potential implications of the UK Supreme Court's judgment in *Actavis v Eli Lilly*. Better answers broached the rationale underlying protection of equivalents (e.g., justificatory theories) and the limits of purposive construction, while also suggesting doctrinal devices that could constrain a full-blown doctrine of equivalents. Comparative law analysis with reference to prosecution history estoppel, in the United States, and the *Formstein* defence, in Germany, as possible means to achieve more balanced protection, was rewarded.

Q11 was not attempted.

Q12 dealt with the patentability of a content filtering system run by artificial intelligence. While answers were generally of a high standard, a few candidates (i) overlooked the subject matter assessment and (ii) failed to address the differences between the UK and EPO approaches to computer-implemented inventions. Better answers offered a more structured analysis of novelty and inventive step, applying the appropriate legal tests, while also considering whether the algorithm being omitted from the application (but subsequently published in a specialist journal) would pose an issue of sufficiency. Candidates drawing on elements of the question to explore secondary indicia in the assessment of inventive step (e.g. marriage of skills, longfelt want, unsuccessful attempts) were rewarded.

c) Trade Marks

The trade marks section was attempted by 17 candidates. While all essay questions were attempted, Q5 (registering three-dimensional marks) proved the most popular, resulting in several first-class answers. Some candidates productively challenged the premise of the question, arguing that the gap between association and reliance could be bridged through sensible interpretation, thereby retaining the viability of consumer surveys. Others defended the stricter reliance approach while indicating why non-traditional marks ought to be treated with caution, because they rarely stand alone and often function as secondary marks, in addition to words or logos. More tactically astute candidates pointed out ways around the challenges posed by KitKat, including combining words or logos with shapes to play the inherent distinctiveness card more successfully.

Only two candidates attempted Q6 (freedom of expression implications for trade marks).

Three candidates attempted Q7 (dilution), which requires candidates to assess whether the harm to the claimant's mark in blurring is sufficiently measurable and meaningful to distinguish it from pure free riding, which instead focuses on whether the defendant gains an unjustified benefit from the unauthorised use.

Q8 (likelihood of confusion) required candidates to assess whether the test for measuring confusion is increasingly moving away from real world consumer perception, being instead developed through formal presumptions and heuristic rules of thumb. Better answers used specific sites of debate, such as the relevance of consumer surveys, the plausibility of initial interest confusion, or the extent to which sponsorship confusion can be presumed, to answer this question.

In relation to problem questions, candidates tended to favour Q11 (three trade mark registration applications) over Q12 (infringement and relative grounds of opposition). For Q11 more challenging

issues included assessing a non-traditional mark such as gameplay based on whether it is used as a mark, distinctive and possible to represent adequately; the boundary between distinctive and descriptive for the sound mark; similarity of marks analysis, the dissimilarity of products as well as the impact of the repute of the prior right. In Q12 candidates were expected in part (a) to conduct an analysis of composite marks under sign similarity, consider the implications of a core element being non-distinctive, separate out the different contexts of use, consider the ingredients for double identity, confusion as well as dilution and finally consider defences. In part (b) they were required to assess in appropriate detail whether all the essential characteristics of a shape have substantive value.

Criminal Law

General Comment

There were nine scripts. Two achieved Firsts. The rest achieved Upper Seconds. While the examiners were reasonably happy with the quality of the scripts produced, they felt it worth re-emphasising several points made in previous reports.

Problem Questions:

The time available for completing the paper is very short and thus there is no need for candidates to write out the facts or give general introductions to answers to problem questions. Instead candidates should be encouraged to dive straight into applying the relevant law to the facts of the problem.

Good answers to problem questions should engage in detail with the intricacies of leading cases. They should discuss legal rules relevant to the question posed, while omitting those that are irrelevant. They should clearly and precisely state and apply relevant rules to the facts of the problem.

Essays:

Candidates must always answer the essay question before them, and not the essay question they hoped to be asked.

Good answers to essay questions include discussion of relevant academic literature. But they do not simply repeat the views of lecturers or writers of textbooks or articles. They engage critically with those views, their merits and demerits, and explain how they apply to the issues raised by the question.

Questions

Part A

Question 1: This question concerned criminal liability for inadvertence, and invited candidates to consider whether—and if so when—such liability might be justified. Candidates were expected to take note of the fact that English law does not obviously take a consistent approach: while those inadvertent to risks cannot be reckless under the House of Lords' decision in *G*, inadvertence to *V*'s lack of consent does not preclude liability under the SoA 2003, nor does inadvertence to the risk of death preclude liability for gross negligence manslaughter. The best answers grappled with whether always requiring advertence would make the criminal law under-inclusive, and whether liability for inadvertence might exist without the law becoming over-inclusive.

Question 2: This was a reasonably popular question. The best answers distinguished between excusatory and justificatory versions of the necessity defence, and between best interests and lesser evils variants of the latter. They discussed the concerns which have led the Court of Appeal to deny the existence of any general defence, and drew on academic literature to ask whether—and if so how—those concerns could be met. Less good answers failed to do one or more of these things.

Question 3: Candidates were invited to evaluate the Supreme Court's decision in *Jogee*, and to consider whether the abolition of joint enterprise liability in fact creates the dilemma posed in the quotation. This invitation was largely declined.

Question 4: This question was answered by several candidates. The best engaged with the recent work of the Law Commission, and with other academic commentary, while offering positive proposals of their own for reform. Disappointingly, some candidates who answered the question made no mention at all of the Law Commission.

Question 5: There were some good answers to this question, which took up the opportunity both to ask whether Lord Steyn's remark accurately states the law, and to ask what the relevant law ought to be. Several candidates misstated the *Woollin* direction in at least one respect. Some misspelled the name of the case. The best answers used a range of secondary literature to inform the argument offered.

Question 6: To answer this question well, candidates needed to clearly and accurately identify the conditions under which different types of intervention break causal chains. They also needed to consider the rationale for imposing such conditions, and whether that rationale in fact justifies the conditions that currently exist. Few candidates opted to take up this challenge.

Question 7: This question was not popular. It invited candidates to consider the mens rea requirements for inchoate liability under the Serious Crime Act 2007, as well as the required mens rea for conspiracy and attempts. As many complete offences can be committed recklessly—and as this is almost entirely uncontroversial—the question also required candidates to ask why inchoate liability might be thought to be different. (And to further ask whether, if such a difference exists, this difference justifies more stringent mens rea requirements in all cases.)

Part B

Question 8: This question required knowledge of offences created by the Criminal Damage Act 1971 and by the Offences Against the Person Act 1861. The best candidates saw the need to engage carefully with the definition of recklessness in both contexts, and with cases such as *G* and *Parker*.

Question 9: This question required knowledge of the partial defences to murder, and of the rules governing consent to non-fatal and sexual offences. The best candidates engaged in detail with cases such as *Konzani* and *Clinton*. Less good answers omitted these cases, or misidentified their implications.

Question 10: This question required knowledge of the law of complicity (including the Supreme Court decision in *Jogee*). It also required that candidates discuss self-defence (including the householder provisions found in the Criminal Justice and Immigration Act 2008) and duress (including the rules concerning prior association discussed in *Hasan*). A number of candidates handled these issues well.

Question 11: This question required detailed knowledge of the law of causation, including the rules that determine when causal contributions are salient, and those that determine when intervening events break causal chains. It also raised issues of intoxication. Though there were some good answers, others were insufficiently well-acquainted with the case-law on these topics.

Criminology & Criminal Justice

Nineteen candidates took this paper, three of whom sat the DLS paper, answering three, rather than four questions. Six papers were marked by the second assessor, representing the range of marks and including any borderline papers.

The agreed marks ranged from 62% (low upper second class) to 73% (first class), with 8 candidates' marks at or above 70%.

The first class answers were well written, critically engaged with the academic literature, rather than simply describing it, and showed a good understanding of the theoretical perspectives underpinning arguments raised within the literature or by criminal justice professionals.

Those papers that were awarded an upper second class mark showed sufficient attention to detail and a sound knowledge of policy, practice and academic debate, but may have had occasional errors or inaccuracies or were not sufficiently well grounded in a strong theoretical framework. None of the papers were poor and all showed a good appreciation of criminal behaviour, and criminal justice policy and practice. Some questions were more popular than others; for example, questions on victimization and victims' roles in criminal justice proved to be popular as did questions about disadvantage and discrimination in the criminal justice process. Questions on sentencing tended to attract slightly higher grades, suggesting a sophisticated understanding of guidelines to structure discretion.

Environmental Law

The overall quality of the exam papers in this subject was solid. Students in their answers revealed they had a sound grasp of environmental law and doctrine. All questions on the paper were answered. Stronger answers were those that paid acute attention to the question asked - not only the wording of the questions, but also the legal significance of what was being asked. The general command of legal detail by candidates was impressive, with stronger answers displaying a deep understanding of legal regimes and the relevant legal reasoning. Stronger answers also included carefully crafted critical analysis where appropriate.

EU Law

The general standard in the EU law paper was good, with many candidates securing 2.1-level marks in the mid to upper 60s, and approximately 20% achieving first class marks. The most popular questions were those on competence, standing, horizontal direct effect of directives, and supremacy. There were, by way of contrast, few takers for the question concerning the democratic deficit, or the second problem question that dealt with free movement of persons. Most candidates achieved a good balance between discussion of the positive law, the policy issues and the accompanying academic literature. Candidates should nonetheless be mindful, as always, of answering the question that has been set, and ensuring that they do so in full. This can be exemplified by answers to the popular question 1, on competence, where many candidates limited their discussion exclusively to the problems associated with Article 114 TFEU, without considering competence issues that arise in relation to other Treaty articles.

Family Law

General Comments

The standard of answers on this year's paper was generally good, with very few weak scripts. Almost all candidates demonstrated a detailed understanding of the law and a considered approach to the literature and underlying theoretical debates. The weakest scripts tended to be those that did not engage with the detail of the law, particularly in relation to legislative provisions. Whilst the overall standard was high, relatively few candidates seemed to have reflected deeply on the subject themselves and as a result there were relatively few truly original answers.

Questions

Question 1: This was a topical question and attracted a good number of answers, almost all in support of the analysis contained in the quotation. Candidates tended to have a good knowledge of the substantive law, although some of the weaker answers were rather less clear on the current process for divorce. The best answers reflected on the empirical research as to how divorce operates in practice and considered the wider literature on the role of the state in regulating the breakdown of adult relationships.

Question 2: This was the most popular question on the paper and was generally answered well. Many candidates were able to demonstrate a strong knowledge of the statutory provision in question and the detailed case law concerning its interpretation. As the question was concerned with the 'risk of significant harm' many candidates focused on the meaning of 'likely' in section 31(2) Children Act 1989 and gave particular attention to the problems concerning the burden of proof and treatment of uncertain perpetrators. The strongest answers contained thoughtful analysis of the term 'unwarranted obstacles' and considered the extent to which obstacles to protecting children from risk were justified.

The best candidates also considered the extent to which any such obstacles were a creation of judicial interpretation, as opposed to being an inherent feature of the legislative framework.

Question 3: This was another popular question. Most candidates were able to give a good, detailed analysis of the case law and statutory provision. The best candidates gave a careful analysis of the approach in *White v White*, with thoughtful attention to the role of 'equality' in the judgment and subsequent case law.

Question 4: This was also a topical question and was extremely popular. Some of the weaker answers had misunderstood the decision of the Supreme Court in *Steinfeld and Keidan*, with some candidates asserting that the decision had itself made civil partnerships available to different sex couples. The strongest answers gave careful attention to the relationship between the institutions of civil partnership and marriage and to the theoretical literature concerning the regulation of adult relationships.

Question 5: This question was answered by a relatively small number of candidates and received too few answers for detailed comment.

Question 6: This was a moderately popular question. Most answers gave a good account of the legal framework and the courts' approach to allegations of domestic abuse. The best answers went beyond the black letter law and also considered the empirical literature on the approach of the 'family justice system' to such cases.

Question 7: This question received too few answers for detailed comment.

Question 8: This was a popular question, which attracted a mixed set of answers. A surprising number of candidates simply set out the rules for allocation of legal parental status without analysing whether these rules achieved the aim set out in the question. Stronger answers gave a careful analysis of what might be meant by the 'best available parents' and whether discovering such parents should be the 'sole aim' of the law on allocation of legal parental status.

Question 9: This question received some very good answers that gave a careful analysis of the impact of children's rights both in litigation brought by, or on behalf of, children and outside of that context, for example through obligations imposed on public authorities. These answers also considered the wider theoretical literature on whether articulating children's interests through the language of rights benefits children. Weaker answers tended to rehearse the rights vs welfare debate without always explaining its relevance to the question.

Question 10: The strongest answers to this question demonstrated very good understanding of the development of legal approaches to domestic abuse and the academic critiques of its meaning. Candidates also took the opportunity to consider further obstacles to effective protection of victims.

Question 11: Candidates tended to demonstrate a good understanding of the restrictions on legal aid and the impact on family justice. Many answers also demonstrated a careful consideration of the literature on discretion and on private ordering. A number of candidates limited their answer to financial disputes despite the clear reference to disputes concerning children. Good candidates were able to consider both of these contexts and assess whether different considerations applied in cases directly concerning the interests of children.

Question 12: This was a moderately popular question and received some very good answers, which reflected carefully on the impact of the presumption in the case law and in private settlements. That said, a surprising number of candidates did not discuss the statutory provision in any detail, leading to some rather vague answers that did not consider the requirements of the presumption or the circumstances in which it must be applied.

History of English Law

Five candidates took the paper. A good coverage of topics was attempted. Several candidates opted to write on the nature of common law precedent, the development of consideration in contract, the

unfolding actions and changing operation of trespass, action on the case, and nuisance law, and the run up to and effect of the Statute of Uses. The earlier material on proprietary relations was less popular this year. The best papers showed a pleasing grasp of the detail of primary materials and the tenor of scholarly debate. Strong candidates made interesting linkages between the historical materials and current doctrinal controversies. Weaker candidates offered fewer tangible examples and tended to paraphrase lectures and textbooks.

Human Rights Law

18 candidates took this paper, 7 candidates obtained a mark at or above 70%. The lowest overall mark was 64% and the highest mark was 73%.

8 candidates answered the problem question and four of these obtained first class marks between 76% and 72%. Candidates who did less well on the problem question tended to pick up on only some of the issues flagged, or made basic errors of analysis on some points. Candidates who did very well picked up on all the issues and dealt with them in a balanced way across the problem.

The essays were generally evenly distributed across the options, though the weaker answers tended to reproduce their tutorial essays (ignoring the question set). The best essay answers displayed extensive knowledge, reflective and critical argument, a clear analytical structure, and a well-honed response to the question set. The weaker essay answers tended to be highly descriptive, and failed to take into account the academic literature on the field. Alternatively, those answers focused too exclusively on one academic point, leading to unbalanced argument.

Generally, there were no major confusions on the questions. One exception was question 4, where a number of candidates failed to distinguish between the legislature and the executive when considering the factors relating to judicial deference.

International Trade

The majority of candidates performed 'solidly', with no outstanding papers but none that was disastrous, either. Given the low number of candidates it was unsurprising that some questions found few or no takers.

Question 1

This general and rather predictable question was attempted by only a very small number of candidates. Better answers showed some awareness of the Hamburg and Rotterdam Rules, contrasting these with the Hague Rules. All candidates pointed out the problems caused to the Hague regime by containerisation. Faute nautique was discussed surprisingly little.

Question 2

This question had no takers.

Question 3

This demanding question was dealt with well by a number of candidates. Better answers pointed out that privity causes issues in two main ways in international trade: some third parties, such as indorsees of bills of lading, may seek to enforce the obligations of carriers while others, such as stevedores, may seek the protection of the exclusions and limitations contained in the contract of carriage. Weaker answers recycled arguments prepared for the contract paper (focusing on the Burrows/Stevens debate) while stronger answers considered the possibility of a unified solution.

Question 4

Most answers to this question focused not so much on the fraud exception but on the (related) problems of forged or ineffective documents being tendered (i.e. the problem in *The American Accord*). Given that it was possible to interpret the question in this way (even though it was not its intended meaning), this was not penalised. However, most answers relied heavily on Professor Goode's criticisms of *The American Accord* and were, as such, rather derivative.

Question 5

Again, a question with few takers. The best answers took the quote apart and analysed the differences between the documentary aspects of fob contracts and cif contracts.

Question 6

There were a number of good answers to this popular question, most identifying possible claims against the stevedores and raising the (relevant) question whether these would be servants or agents of the carrier. The 'arrived ship' problems were also dealt with well in general, while only a minority of candidates considered whether unauthorised deck stowage might amount to a deviation.

Question 7

This was a popular question. Most answers dealt with the 'bulk' issues and the solution in ss. 20A and 20B SGA 1979 well. Unfortunately overselling was generally considered only within the context of s. 20A, with the *nemo dat* exception in s. 24 overlooked by most candidates.

Question 8

This question (which focused on the distinction between time and bareboat charters, with relief against forfeiture being available for breach of the latter but not the former) had no takers.

Question 9

This was a popular question. Most candidates had no difficulty dealing with the *Gill & Duffus* issues in (a), the relevance of *Panchaud Freres* to (b) and the *American Accord* problem in (c).

Question 10

Again, a popular question. Most candidates discussed, correctly, whether the damage to the haggis was caused by water or inadequate packaging and whether triggering the sprinkler system could be described as fault in the management of the ship. Unfortunately many candidates overlooked the deviation issues raised by the question.

Jessup Moot Public International Law

This was the third year for this option, open to students competing in the Jessup Moot. Assessment comprised submission of written work - the Memorial - and a written examination (2 questions in 1.5 hours, requiring response to one question from Part A and one question from Part B). Once again performance by students in this option was outstanding, with 100% of students (six candidates in total) achieving a First Class mark overall. Performance in both elements of assessment was clearly strong given the overall results, with the submitted Memorials in particular of very high quality. In the written examination, final marks on the scripts were exclusively in the Upper Second and First Class range, with the best scripts providing strong evidence of wide reading and an understanding of the subject extending well beyond the core syllabus.

Jurisprudence

Candidates tackled a broad range of questions – with the exception of question 10, all questions were chosen by numerous candidates.

Questions four, six and seven proved particularly popular. Whereas some answers to those three questions were excellent and resulted in high marks, many, rather similar answers appeared to be

based on inferior secondary literature (rather than the primary philosophical literature discussed in the lectures and, presumably, the tutorials), and prepared in advance as blanket treatments of the broad topics in question. Answers such as this still varied in quality and in degree of engagement with the precise terms of the question, but rarely exhibited any originality or genuine depth and rarely resulted in marks higher than low 2.1.

On the whole, candidates tended to pay reasonable, although not always acute attention to the precise terms of the questions. Thus, for example, where a question included two propositions and invited discussion of the relationship between them, it was not uncommon for candidates to discuss both propositions, but neglect (or treat incidentally or by way of a brief comment right at the end) the issue of the relationship between them, which should have been central to the thesis offered and the focus of attention all the way through.

Among those candidates who did engage fully with the questions and strove to rise to the precise challenges they set, it was pleasing to see, as is appropriate for a philosophical subject, answers to the same question which have very little in common (in terms of the overall thesis offered, the examples relied upon, agreement or disagreement with particular stances in the established debate in the literature, etc.) similarly resulting in first class marks. Having said that, despite the good number of first class marks, very few scripts sustained the same high level of argumentation and insight over both questions, and all the overall first class marks were towards the low end of the first class range.

Labour Law

Fourteen candidates sat the examination. There were 5 marks of 70 or above, and 5 further marks of 65 or above. In general, the standard was very high. All questions were attempted by at least one candidate except question 12, which asked what reforms should be considered following a Brexit. Perhaps the candidates could not think of any. Question 1 asked how best to approach the decision to classify contracts as contracts of employment or contracts for services. As well as the approach of the courts, the best answers reflected on what judicial method would produce the most predictable and accurate answers. Question 2 produced good answers, though candidates could have discussed further the measure of damages for wrongful dismissal and some barely considered the role of injunctions against dismissal. Question 3 invited a detailed discussion of the precedents on the statutory concept of a worker, which was not always done, for the candidates preferred to focus solely on cases involving the gig economy, about which they were very knowledgeable. Question 4 on direct discrimination attracted the very best answers to individual questions in the examination; the answers not only subjected the conflicting decisions on the meaning of the legal concept to analysis but also raised deeper critical questions about the structure of the law of discrimination. Question 5 was not popular and the cases were not well known. Answers to Question 6 demonstrated a good familiarity with the law of the national minimum and some candidates produced an impressive in depth critique of the handling of on call workers in the legislation and the courts. Question 7 was not popular and candidates did not address thoroughly the general issue of regulatory design that 'one size does not fit all'. The focus of question 8 was on the statutory concept of dismissal, but candidates spent little time on complex topics such as the contrast between dismissal and resignation, dismissal and agreed termination, frustration, and constructive dismissal, preferring to write instead about the range of reasonable responses test of fairness that was in fact the main issue in question 9. Answers to question 9 were a bit thin on the Human Rights aspect of the question. Answers to question 10 produced long and detailed answers. Answers to questions 11 (a) and (b) tended to answer a different, more general question, about legal protection for a right to strike, so they were not sufficiently focussed on the particular aspects of the right to strike raised in those questions. Attempts to answer 11 (b) were particularly weak because candidates did not seem to be familiar with the statutory framework of unfair dismissal law relating to strikes.

Land Law

Question 1: This was a popular question attracting a range of answers. Most candidates were able to define the *numerus clausus* principle and discuss it by reference to leading cases such as *Hill v Tupper* and *Keppell v Bailey*. The best answers were able to discuss economic and doctrinal justifications for the principle. The examiners were surprised by the number of candidates who confined their answers to the issue of recreational easements.

Question 2: This was one of the most popular questions on the paper. On the severance aspect of the question, most candidates were able to list the modes of severance. Better answers could discuss methods of severance that were unrelated to intention, as well as the possibility of unilateral declarations of intention to sever. Most candidates dealt with the creation aspect well and were able to discuss the role of presumptions.

Question 3: This attracted few answers. Most answers discussed the role of adverse possession in establishing title and evaluated its utility in the context of a registered system where it has become common to speak of "title by registration". Few answers went beyond this to look at other uses of adverse possession, such as its role in resolving boundary disputes.

Question 4: Weaker answers focussed solely on overriding interests, with better answers being able to discuss rectification and the recent cases on mistake. Many answers to this question overlooked the fact that overriding interests are not a form of "un-protected interest" within the language of the 2002 Act.

Question 5: This question was the least popular on the paper. The few answers it attracted dealt with the question well.

Question 6: Another unpopular question. The few answers it attracted were mainly done well, with most candidates being able to discuss the leading cases, as well as the debate on whether human rights are enforceable against private owners in addition to claims against public authorities.

Question 7: This was a very popular question. In relation to part (a) we were surprised that several candidates were unfamiliar with the Mexfield decision and were therefore unable to discuss the potential 90-year lease under s. 149 LPA 1925. Better answers considered the acquisition issues that arise from a 90-year lease. Most candidates were able to discuss the equitable lease in part (b), although some candidates were less assured in dealing with the actual occupation issue. Part (c) was generally done well.

Question 8: This was a popular question that attracted a range of answers. Candidates tended to lose marks for cursory treatment of Regency Villas, with many answers failing to compare the residential nature of the property in the question with the recreational purpose in Regency Villas. Several also missed the issue that some of the easements appeared to require a positive act. Most candidates could discuss Betsy's acquisition of an easement under s. 62, but several answers missed the fact that Nigel's claim for an implied reservation. Weak answers suggested that Nigel had an implied easement over Gary's land, despite the absence of a grant.

Question 9: This was fairly popular and attracted a range of answers. Several candidates lost marks as they confined their discussion to schemes of development and made no attempt to consider Emily's acquisition by annexation.

Question 10: This attracted few answers. Most were able to consider the main issues, including the nature of G & H's interest, and the effect of H's leaving the property having made no contribution. Weaker answers considered severance without first reaching a firm view on how G & H held the equitable interest. The best answers were able to discuss occupation rent by reference to the case law.

Question 11: This attracted a range of answers. The examiners were surprised by the cursory treatment of proprietary estoppel principles, with several candidates assuming that the elements of the claim were made out. Many candidates did not consider the relevance of the change of circumstances. Several candidates also missed s.116, the third party issue and the question of whether Kendra was in actual occupation.

Media Law

General Comments

In the 2018-19 academic year, 30 students took Media Law. Seven candidates gained first class marks, twenty-two gained upper second class marks, and one gained a lower second class mark. The

scripts demonstrated a good understanding of the subject and the key debates. Candidates showed an ability to critically assess the detail of the law and underlying policy issues. The weaker scripts tended to offer rehearsed essays on the particular topics. The stronger scripts would engage with the question and go beyond the treatment of the subject in the textbook and lectures, drawing on the secondary literature and a wider range of cases or examples.

Questions

Q1. Reputation and Article 8. Most candidates compared the threshold for engaging Art 8 with the serious harm test under s.1 of the Defamation Act 2013. Candidates also looked at the compatibility of the public interest defence and asked whether discursive remedies could move away from an 'all or nothing' approach. Some of the stronger answers also considered whether *Bonnard* was compatible with the balance required by Articles 8 and 10.

Q2. Political speech. A very broad question, on which candidates could have drawn on a number of topics. Most tended to focus on privacy law, looking at the balancing test and the role model argument. Some went beyond that topic and looked at secrecy law and broadcast regulation. Many candidates also did well to link the issues with the underlying rationale for media freedom.

Q3. Age verification and adult websites. The essay was generally very well done. Despite the system not yet being in force, candidates were familiar with the key issues and debates. Most notably, candidates looked at the issues of privacy engaged by the age verification requirements. The question provoked a range of perspectives, from the highly critical to those defending the law. A number of good scripts also compared age verification with alternative forms of control (while avoiding a pre-prepared obscenity law essay).

Q4. Open justice. Unlike previous years, this topic proved to be relatively popular. Many candidates looked at the underlying policy considerations. In particular, candidates discussed the economic (or lack of) incentives for court reporting. Many scripts also considered the alternatives, such as televising the courts, subsidising the media and greater rights for citizen journalists. More candidates could, however, have engaged with the detail of the law to illustrate some of the limits on open justice (though some candidates did this very well using the example of the family courts or s.4 reporting restrictions).

Q5. Secrecy. The answers to this broad essay showed an understanding of the key criticisms of the Official Secrets Act 1989, particularly the debate about a public interest defence and the alternatives proposed by the Law Commission. A smaller number looked at the categories of information protected under the 1989 Act. Some stronger scripts did a good job in discussing the Freedom of Information Act 2000, in particular looking at the exemptions and the veto.

Q6(a). Broadcast regulation. A relatively small of candidates attempted this essay. The weaker scripts offered a rehearsed essay on broadcast versus print regulation. The better scripts focused more carefully on impartiality rules, looking at the rationale for the control, the weakness in impartiality as a standard, and the challenge posed by the digital media.

Q6(b). Print regulation. The essay called for candidates to discuss some distinct issues in relation to newspaper regulation. As well as having knowledge of the general framework for print regulation, the essay required some knowledge of the specific issues covered in the self-regulatory codes. Many candidates did this well and referred to IPSO's decision in *Elgy* and the limits of the discrimination clause. Some referred to the clause on accuracy, and others looked at broader issues (such as the reporting of terror attacks and the *Kerslake Report*). The best essays were able to explain how the regulatory body's approach to these specific issues connects with the broader framework for self-regulation (such as the regulator's independence or connection with the industry).

Q7. The duty of care on digital platforms. Despite the regulation of the big tech companies being one of the biggest current issues in media law, relatively few candidates attempted this question. Those that did made good points focusing on the definition of harm and comparing regulation with the current system of intermediary liability.

Q8. Source protection. All the candidates answering this question did a good job in assessing the protection offered under s.10 of the Contempt of Court Act 1981. The very best scripts went beyond

s.10 and also considered whether a source could be identified without forcing the journalist to break the promise (for example under the Investigatory Powers Act 2016). Some of the stronger scripts also considered whether there could be any remedy when a journalist voluntarily reveals the identity of a source.

Q9(a). Privacy problem question. A small number of candidates attempted the problem question. The facts raised a set of issues including the ruling in *Richard v BBC*, the public domain, liability for sharing a link, and the anonymity of bloggers. In addition to identifying the relevant issues and law, the best scripts used the detail in the problem to compare and distinguish the facts from the leading cases.

Q9(b). Privacy. Most candidates showed a good knowledge of the key decisions, including *Richard*. A number used recent examples to discuss the potential chilling of good faith discussion of alleged wrongdoings.

Q10. Contempt of Court. A fairly straightforward essay on contempt of court, asking candidates to consider the policy of deterrence. Most were familiar with the argument that a number of developments in the law have given considerable latitude to the media. The best scripts avoided a rehearsed essay, and explained the implications of the developments for the policy of deterrence.

Medical Law and Ethics

This year's Medical Law and Ethics examination proved challenging for candidates. As the extended essay format is now familiar, the examiners set questions of appropriate difficulty that would require candidates to offer a deep analysis of the case law and ethical issues studied in the course. Essays were marked in the knowledge that students are now well-acquainted with the extended essay format and were given substantial preparation for it, and also had four days in which to produce their essays. The results were disappointing, as many candidates resisted the direction they had been given throughout the course to focus acutely on the questions asked, and to draw together two topics in a way that enabled sophisticated engagement with the issues. Most tended instead to deal with the two topics separately, which prevented them offering the kind of creative exploration of the questions for which the examiners were hoping. There was also a strong tendency to resist responding to what the questions had actually asked, with candidates often instead presenting overviews of the material covered in the course with some bookending paragraphs designed to fit the material to the question. This approach was almost invariably unsuccessful. The extended essay is not a knowledge-demonstration exercise where candidates merely need outline what they have covered from the relevant parts of the reading list, and candidates who took this approach did not fare well. Rather, the extended essay is an opportunity to use what has been learned in the course to offer an argument or exploration that focuses sharply on the precise question asked. Only a small number of papers did so, but where students took on the questions head-on, supporting their answers with reference to the material while still formulating their own perspectives, they were rewarded appropriately. We hope future candidates will be much more bold and intellectually creative in their approach to examination. Future candidates are also encouraged to use simple, direct language, and to move beyond textbook sources.

Moral & Political Philosophy

There were 17 candidates for Moral and Political Philosophy. The work in the examination was generally of a strong standard, though there were few outstanding scripts. As usual, the paper was divided into Part A (moral philosophy, 8 questions) and Part B (political philosophy, 4 questions). Candidates had to answer at least one question from each part, and the overwhelming majority chose two questions from Part A. Answers were spread over all of the questions, though there were no takers for question 1 (objectivity) and only a few for question 2 (amoralism). As previous reports have emphasised, the stronger answers were those that focussed on the specific question set, and argued over its merits. Weaker answers provided a general exposition of the general topic, with only limited attention on the question. Question 4 for instance raised a question about the centrality of rational agency to Kant's moral theory. Good answers explained the role of rational agency in Kant's theory with reference to both the Formula of Universal Law and the Formula of Humanity, and either defended or criticised Kant's claims that rationality is the sole basis for morality. Question 10, on whether freedom encompasses the right to give up one's freedom, required a discussion of when and why freedom is valuable (if it is), and what it would mean to have the 'right' to renounce it.

Personal Property

The overall performance of students in this paper was very good. Of the 12 who sat it, three were awarded firsts, eight got 2:1s, and there was one 2:2. As in previous years, the paper contained six essay and four problem questions, with students being required to answer any four questions. Although every question was tackled, question 1 (choses in action as property) had only two takers, while question 5 (security interests in goods) had only one. The most popular questions were question 7 (problem question on gifts) and question 8 (problem question on manufacture, accession and mixtures). Given the small number of candidates, it is difficult to say anything general about student performance, save that the best performing candidates drew on their knowledge of Land Law and Trusts to make good comparisons with the law of Personal Property.

Public International Law

The overall performance by students in this paper was very good, with 85% of students achieving an Upper Second or First Class mark (there were 5 firsts), and 15% of candidates achieving a Lower Second mark. As in previous years, the paper contained a mixture of problem questions (3) and essay questions (6). Although not required to do so, the overwhelming majority of candidates elected to answer at least one problem question, with questions focussing on dispute settlement (question 7) and the use of force and responsibility (question 9) once again proving the most popular amongst them. Also popular were the essay questions on sources (question 4), jurisdiction (question 3) and immunity (question 5). Less popular was question 1 (non-State actors and international law-making) and question 6 (human rights, law of the sea, or WTO law). As in previous years, the weaker answers are those which tended to provide a general description of the topic or topics covered by the question without focussing on the specific issues raised. For example, weaker answers to question 3 failed to distinguish between prescriptive and enforcement jurisdiction, while those to question 2 failed to address the compliance/responsibility dimension. The best answers to both essay and problem questions were those which made good use of case law and academic authority, thereby providing analysis that demonstrably went beyond the lecture and basic textbook material.

Roman Law (Delict)

Seven students took the exam, two of them DLS students. There were two firsts (one from a DLS student), i.e. 28.6% (down from 43%), three upper 2.1s and one lower 2.1. The overall average came out at 67, slightly down from last year's 67.86. The lowering of the average seems due to the fall in firsts and the fact that those did not go up into the upper tail-end, at 70 and 72 respectively. None of the 2.1 candidates scored a First in any of the questions. Students were willing to pick more problem questions than required (Q1 to Q4). There were no discernible favourites among the questions, and answers spread over all the delicts. The overall standard was pleasing indeed: candidates demonstrated a good command of the set texts and familiarity with the relevant secondary literature; First class answers offered clear and sophisticated engagement with the questions posed, combining detailed doctrinal analysis with sensitive reference to historical context and to the broader conceptual underpinnings of the civil law of wrongs.

Taxation Law

As in prior years there were 8 questions (6 essays and 2 problems) which gave considerable choice since the students all cover all of the core material in lectures, seminars and tutorials. Q2 (essay question on tax avoidance), Q1 (essay question on fairness), Q3 (essay question on taxing wealth) and Q7 (problem question on employment taxation) were the most popular. Q5 (essay question on trusts), Q6 (essay on employment taxation) and Q8 (problem on badges of trade with some capital gains and inheritance tax) were less popular. Most of the candidates attempted at least one of the problems—although not required to do so.

Q1 on tax policy invited candidates to consider whether fairness should be the main criterion for evaluating a tax. Better answers explained what is generally meant by fairness in a tax policy context and why it is important, but also the difficulties it raises. The other main criteria for good tax policy design should also have been considered – at least briefly – and many did so. The best answers noted the importance of evaluating a tax and benefit system as a whole and the difficult trade-offs that arise between the different criteria. Q2 concerned the Ramsay line of cases and the UK's General Anti-Abuse Rule (GAAR). The answers to this question were largely of a very good quality with candidates demonstrating a good understanding of this fascinating yet confused and confusing line of

cases. The better answers explained that whilst the formulation of the Ramsay Approach is now settled there are significant difficulties in its application. Some candidates devoted too little time to the GAAR in their answers. Q3 consisted of two parts. The first part asked whether wealth should be taxed. The second part asked whether the UK inheritance tax and capital gains tax regimes are effective in taxing wealth and, if not, what reform should be made. The better answers struck the right balance between the two parts, but also made connections between the two. There is a vast literature on the policy aspects of this question and the best answers displayed an impressive knowledge of it. Q4 concerned the distinction between employed and self-employed status for tax purposes, but the particular focus was on the desirability of a statutory employment definition. Candidates were expected to cover the policy question from different angles, bringing out the strengths and weaknesses of such a proposal. The best answers made impressive use of the various reports (eg the Taylor Review and the Office of Tax Simplification) and the academic literature on this issue. Q5 was on capital gains and inheritance taxation of trust property. Candidates were expected to provide a good blend of statutory rules and engagement with the literature (eg the Meade and Mirrlees Reports). The better answers managed this. Q6 consisted of two separate questions. Question (a) concerned the rules for deducting travelling expenses of the employed and self-employed. Question (b) focused on the word 'necessarily' in section 336 of the Income Tax (Earnings and Pensions) Act 2003. This was the least popular essay question but it was answered well by all candidates who attempted it.

Q7 was very popular. The facts raised a wide range of employment tax issues. The best answers identified the right issues and were able to set out their tax consequences with great precision, making excellent use of both the relevant statutory provisions and case law. As noted above, Q8 was not very popular. The facts invited the candidates to analyse the borderline between trading, on the one hand, and disposing of capital property, on the other—and the ramifications that followed from that determination, including the possible availability of principal residence relief. The problem also raised some small inheritance tax points. The best answers displayed, in particular, a broad and informed discussion of the Badges of Trade case law.

Tort

General Comments

There were some very good scripts. But the assessors' opinion was that the overall standard of scripts towards the middle of the curve was rather uninspiring. Too frequently, the assessors were left concerned that a candidate's knowledge of a leading case was entirely based on having read a secondary summary, and too many candidates wrote essays that failed to discuss any scholarly perspectives in detail.

Questions

Q. 1. This essay question – about the approach that courts should use when deciding whether a defendant owed a duty of care to a claimant – was the most popular essay by some distance, and the third most popular question on the paper: (selected by more than 60 per cent of candidates). Most of those who answered it diagnosed that the current approach will prove harder to operate in practice than its judicial proponents have suggested, but higher marks were awarded to those who could provide more detailed and convincing descriptions of the difficulties. Only a few candidates chose to re-visit the facts of 'classic' appellate precedents in order to illustrate the sorts of problems that they anticipated, indeed some did not discuss the facts of any cases at all, and concepts such as 'policy' were sometimes invoked without identification of any concrete 'policies' that have influenced the courts.

Q. 2. This question required discussion of a relatively narrow issue – the clarity of the tests used to determine whether a product is 'defective' for the purposes of Part I of the Consumer Protection Act 1987. (It was selected by approximately 20% of candidates.) Those who were familiar with the reasoning used in the handful of relevant leading cases tended to do well, though not all considered when legal rules will be sufficiently clear – sufficient for what?

Q. 3. This was the second most popular essay question (35% of candidates). It invited discussion of whether the courts should extend the situations where there can be negligence liability for purely economic losses. Many of those who answered it suggested that the most likely extensions would

involve some relaxation of the requirements for a Hedley Byrne-style duty, or the imposition of a duty on builders to those who subsequently acquire the buildings that they have built. Most answers supported the retention of something close to the current position, and marks tended to reflect the depth and detail in the justifications put forward.

Q. 4. This essay question was intended to provide an opportunity to link the remedies available after commission of a tort to the legitimate goals of tort law, but very few candidates chose to answer it (4% of candidates). The best answers recognised that various non-compensatory measures of damages are sometimes awarded, or that the quantification of 'compensation' involves normative choices.

Q. 5. This essay question (selected by 14% of candidates) was intended to provide an opportunity to discuss the rationale for the doctrine of contributory negligence and the defence of illegality, and whether the law relating to either should be reformed. Answers to it were generally satisfactory, but several candidates who were convinced beyond doubt that the doctrine of contributory negligence was 'fair' found it difficult to explain what (if anything) is achieved by depriving victims of sufficient compensation to meet their needs.

Q. 6. On the whole, most (of the 12% of) candidates who chose this question seemed more confident in setting out the supposed downside of abolishing tort liability for negligently-inflicted personal injuries (frequently echoing Professor Burrows) than in identifying the possible gains to society from an efficient no-fault compensation scheme.

Q. 7. This essay question, about the relationship between the restrictions placed on the tort of causing loss by unlawful means in *OBG Ltd v Allan* (2007) and subsequent development of the tort of unlawful means conspiracy, attracted relatively few answers (5% of candidates), but most of those who selected it had clear and interesting points to make about the purported justifications for the differences, and how these related to the overall mission of the economic torts.

Q. 8. (Problem question. Mainly causation issues.) This question (selected by 60%) caused some of the candidates who selected it considerable difficulties, partly (it seems) because it required candidates to consider how far rules about causation developed in personal injury cases are applicable in cases involving physical damage to property. (Not all candidates appreciated that the problem involved physical damage to property – some, mistakenly, described physical injuries to a horse as an instance of 'pure economic loss'.) Two of the incidents in the question raised severe causation problems for the claimant, and the assessors hoped that candidates might evaluate possible strategies for circumventing these: some did so, but a few did not. (For example, many of those who mentioned that *Allied Maples* appears to permit claims for loss of a chance in some circumstances were confident that it would not help a claimant in a case involving physical damage to property following veterinary negligence, but explanations for this conclusion tended to be thin. Similarly, whilst the view that *Fairchild* could not help the claimant was widely held, fewer candidates were confident about the conditions for the applicability of the 'Fairchild doctrine'. The conditions for a conclusion that a defendant's wrong made a 'material contribution' to a claimant's damage were also sometimes misremembered.) A third incident involved a physical injury inflicted on a horse which reduced its value permanently, followed by death of the horse in an unrelated incident: almost all candidates applied *Jobling* to this situation and awarded its owner no more than loss of the horse's potential earnings during the window of time between injury and death – the alternative view, that a claim for a reduction in value of damaged property crystallises at the time of the damage, was generally overlooked altogether rather than evaluated.

Q. 9 (Problem question. Mainly issues of vicarious liability and, possibly, non-delegable duties.) This question was selected by 25% of candidates and proved relatively successful in dividing those who selected it: higher marks went to those who knew more about (and applied more convincingly) the guidance in the case law concerning when a relationship will be considered sufficiently 'akin to employment', when a tort will be considered sufficiently 'closely connected' to an employment relationship, and when a non-delegable duty will be owed.

Q. 10 (Problem question. Dangerous activities, dangerous premises, secondary psychiatric injury.) This was the most popular question on the paper (selected by nearly 80% of candidates). Many of the issues in this question were relatively straightforward. Four that caused problems for a significant number of candidates were: – (1) how to deal with the question whether an occupier was responsible

qua occupier for an incident that was (at least partly) attributable to the dangerous practices of a contractor who was working on the premises, where the occupier had invited a visitor to come onto the premises and participate in the practices; candidates who wholly overlooked this issue lost marks as a result; (2) how to deal with a notice which told the visitor that 'entry is at your own risk'; a surprising number of candidates treated this as an (ineffective) warning of danger; (3) when, if ever, liability can be excluded at common law, and which statutory provisions – today – are relevant to the effectiveness of such an exclusion; and (4) assumptions that only one potential defendant could be sued, overlooking the possibility of joint and several liability. Very few candidates recognised that the question whether they had found a breach with respect to one of the victims who suffered a physical injury might be relevant to whether they could find a breach of any duty that might be owed to a secondary psychiatric victim.

Q. 11 (Problem question. Private nuisance, and adjacent claims, e.g. public nuisance, *Rylands v Fletcher*.) This question was also popular (selected by approximately 75% of candidates), and elements of it – e.g. the general conditions of liability in private nuisance – were dealt with confidently and competently by most candidates. Where a candidate scored a relatively low mark this was frequently because they had identified an obstacle to a potential claim but had no alternatives to suggest (e.g. the claimant could not recover for her personal injury in the tort of private nuisance, so ... public nuisance? negligence?), or because some basic condition of liability was overlooked (most commonly, how an occupier was to be made responsible for the behaviour of others on its premises). One point in the problem question that was frequently mishandled involved a College gardener failing to clear up a substance on premises which subsequently escaped and caused problems for a neighbour: some candidates believed that if the gardener's omission involved a breach of her obligation to the College then this would be sufficient to ground a claim by the neighbour (!?) and others assumed (without citing doctrine or authority) that gardeners owe general duties to take positive steps to look after the interests of neighbouring occupiers.

(A general point. But Q. 11, more than any other, seemed to encourage candidates to make confident but unfounded assertions about facts that the setter had chosen not to disclose. For example, most candidates identified that a claimant in the problem might be able to claim in private nuisance if she had been granted a lease of premises, but not if she only had a contractual licence to occupy without exclusive possession; some, however, then continued – 'she probably has a tenancy' or 'I believe she only has a licence' – without revealing the source of their beliefs about the (fictitious) dealings between a (fictitious) Professor and a (fictitious) University. Clearly one problem for a candidate who is prone to making such assertions is that they are unlikely to provide advice as to how the claimant should proceed if their beliefs about deliberately unspecified facts are incorrect.)

Q. 12 (Problem question. Defamation.) Only a few candidates attempted this question (7% of candidates). Those who methodically worked through the conditions for liability and the conditions for the applicability of the pertinent potential defences were rewarded with high marks.

Trusts

General Comments

The general standard of this year's scripts was reasonably good, though there were few outstanding scripts. It was disappointing to discover that a not insignificant number of candidates had failed to grasp basic concepts and that a sizeable number had a superficial understanding of important cases—these candidates often recognised that particular cases were relevant, but had no knowledge, or only a superficial understanding, of the facts of the cases and the reasoning of the judges. Consequently, these candidates were unable to properly assess the significance, justifiability, or scope of the cases and it was not possible, therefore, for them to provide a credible critical analysis of the law. Moreover, many candidates discussed a topic in general terms and failed to directly address the question. It appeared to the examiners that numerous candidates had simply wheeled out in the examination an answer that had been prepared earlier, seemingly oblivious to the wording of the question that the examiners had actually decided to ask. The best answers, on the other hand, paid very close attention to the question asked; had a deep, comprehensive and detailed knowledge and understanding of the relevant law; and were able to draw on, develop, and examine theoretical and critical perspectives.

Questions

Q1. This was a fairly popular question though, on the whole, it was not answered well. Many answers were, or gave the impression of being, muddled as a result of a failure to consider with sufficient clarity the central concepts in the question ('property right in the subject matter'; 'beneficial owner'). A decent analysis of whether a beneficiary of a trust has a property right in, or is the beneficial owner of, the subject matter must consider, among other things, the nature of property rights and the meaning of the term 'beneficial owner'. The best answers were appropriately thorough and analytical in their treatment of these matters. Weaker answers simply surveyed the case law, stating which cases pointed towards a trust beneficiary's right as being 'proprietary'.

Q2. This was a popular question and attracted many good answers. Most candidates were able to describe and examine the beneficiary principle and the relevant case law, though too few properly analysed the content and status of the decision in *Re Denley*. With respect to whether the law is in need of reform, many candidates examined the issue of 'enforceability', but few discussed other arguments for or against reform. Further, too many candidates seemed unaware that the term 'purpose trust' refers to a trust without beneficiaries, rather than a trust created for a purpose (as all express trusts are).

Q3. This question attracted very few answers, which was disappointing given the practical and theoretical significance of the topic.

Q4. This was a very popular question which attracted some excellent, and many mediocre, answers. Most candidates were able to describe, usually in imprecise terms and with some inaccuracies, three or four analyses of 'Quistclose trusts'; and most provided some critical analysis, though the analysis often lacked depth and completeness. The nebulousness of the answers left the examiners with the impression that many candidates had prepared for a question on this topic by studying textbooks, revision guides or academic blogs and had overlooked, or given insufficient attention to, the reports of the cases. The best answers not only exhibited a deep and detailed understanding of the case law, but also considered what Lord Millett might have had in mind when he referred to 'conventional equitable principles.'

Q5. This was also a popular question and it attracted a range of answers. While most candidates were able to describe, with varying degrees of accuracy and exactness, the so-called 'fraud theory' and 'dehors the will theory', many candidates had a shallow understanding of the case law (including the leading cases).

Q6. This was a fairly popular question. While most answers considered the relevance and effect of section 4(2) of the Charities Act 2011, the best answers examined, with reference to the relevant case law, whether it is possible to distinguish a presumption of public benefit from an assumption that a purpose that falls within one of the categories of charitable purposes is for the benefit of the community.

Q7. This was another popular question. Weaker answers briefly outlined and evaluated *Re Rose and Pennington v Waine* but failed to provide a sustained and detailed examination of the case law. The best answers considered the rationale behind the rule in *Milroy v Lord* and provided a sophisticated analysis of the circumstances in which this rule is departed from as well as the circumstances in which it should be.

Q8. This was a very popular question. While there were some excellent answers, there were far too many weak answers, which simply parroted the well-known views of academic commentators and failed to notice, let alone examine, the full breadth and subtleties of the case law.

Q9. Attracted very few answers.

Q10. This question attracted relatively few answers and was not generally answered well. Weaker answers suffered from relying almost exclusively on a few pieces of academic commentary, without showing direct engagement with the case law. Better answers considered directly what it might mean to say that a constructive trust is not really a trust.

Q11. This was a fairly popular question. Most candidates were able to apply the law on tracing through mixed funds, though few considered whether it is necessary, for this purpose, to distinguish current accounts from savings accounts. The best answers considered this and also provided a sound analysis of the status and scope of *Brazil v Durant* and properly applied the law on knowing receipt, dishonest assistance and bona fide purchase.

Q12. This was one of the most popular questions and attracted a wide range of answers. The best candidates were able, with respect to each provision, to properly construe Sandeep's expressed intention. Weaker answers, on the other hand, tended to simply assume that, in each provision, Sandeep had expressed an intention to create a trust. With respect to part (a), some candidates appeared to think that Sandeep must have intended to create either a fixed trust or a discretionary trust and totally overlooked the possibility that the provision would give rise to both a fixed trust and a discretionary trust. Weaker candidates also tended to discuss rules relating to administrative unworkability and *Re Tuck* at great length at the expense of more salient points. The best candidates were also able to identify and apply, with respect to each provision, the relevant test of certainty of objects.

Q13. This question was answered by a number of candidates. With respect to Bill, most candidates recognised the importance of s 53(1)(b) of the Law of Property Act 1925 and were able to discuss the relevant case law. With respect to Dawn and Susan, most candidates were able to: (a) explain the effect of the *Re Pryce* line of cases; (b) examine the applicability of the Contract (Rights of Third Parties) Act 1999; and (c) consider whether there was a trust of the benefit of the covenant. Weaker answers overlooked the significance of the terms of the deed of covenant between Jon and Kate. The best answers, on the other hand, recognised the importance of these and also provided a sound critical analysis of the *Re Pryce* line of cases.

Q14. This was a fairly popular question that attracted some very strong answers. Most candidates recognised that *Vandervell v IRC* was relevant to part (a) and that *Oughtred v IRC* and *Neville v Wilson* were relevant to part (b). The best candidates analysed the relationship between *Vandervell* and *Grey v IRC* in connection with part (c), and examined *Re Vandervell (No 2)* in connection with part (d).

Finally, the examiners note that some candidates used peculiar acronyms in their answers without explaining what they stood for. It is understandable that candidates wish to save time, but it is wholly futile for candidates to develop their own acronyms and to use them without explaining what they mean.

9. COMMENTS ON THE PERFORMANCE OF IDENTIFIABLE INDIVIDUALS AND OTHER MATERIAL WHICH WOULD USUALLY BE TREATED AS RESERVED BUSINESS

(Redacted for publication)

NAMES OF MEMBERS OF THE BOARD OF EXAMINERS

Prof D Nolan (Chair)
Mr N Bamforth
Prof E Fisher
Prof E Peel
Mr W Swadling
Ms R Taylor
Dr A Tzanakopolous
Dr P Yowell
Mr J Lee (External)
Prof B McFarlane (External)

APPENDIX 1 – EXTERNAL EXAMINERS’ REPORTS
EXTERNAL EXAMINER REPORT FORM 2019

External examiner name:	Ben McFarlane	
External examiner home institution:	University College London	
Course examined:	Jurisprudence FHS and DLS	
Level: (please <i>delete as appropriate</i>)	Undergraduate	

Please complete both Parts A and B.

Part A					
		<i>Please (✓) as applicable*</i>	Yes	No	N/A / Other
A1.	Are the academic standards and the achievements of students comparable with those in other UK higher education institutions of which you have experience?		Yes		
A2.	Do the threshold standards for the programme appropriately reflect the frameworks for higher education qualifications and any applicable subject benchmark statement? <i>[Please refer to paragraph 6 of the Guidelines for External Examiner Reports].</i>		Yes		
A3.	Does the assessment process measure student achievement rigorously and fairly against the intended outcomes of the programme(s)?		Yes		
A4.	Is the assessment process conducted in line with the University's policies and regulations?		Yes		
A5.	Did you receive sufficient information and evidence in a timely manner to be able to carry out the role of External Examiner effectively?		Yes		
A6.	Did you receive a written response to your previous report?		Yes		
A7.	Are you satisfied that comments in your previous report have been properly considered, and where applicable, acted upon?		Yes		
<p>* If you answer “No” to any question, you should provide further comments when you complete Part B. Further comments may also be given in Part B, if desired, if you answer “Yes” or “N/A / Other”.</p>					

Part B

B1. Academic standards

- a. *How do academic standards achieved by the students compare with those achieved by students at other higher education institutions of which you have experience?*

Evidence of some outstanding performances at the top end with some students achieving excellence across a very wide range of subjects. Evidence of some particularly strong performances in coursework assessments.

- b. *Please comment on student performance and achievement across the relevant programmes or parts of programmes (those examining in joint schools are particularly asked to comment on their subject in relation to the whole award).*

I should mention here the DLS. The Examiners formalised the approach taken last year to the award of Distinctions in the DLS and that approach again was applied consistently and allowed sufficient recognition of some impressive DLS performances.

B2. Rigour and conduct of the assessment process

Please comment on the rigour and conduct of the assessment process, including whether it ensures equity of treatment for students, and whether it has been conducted fairly and within the University's regulations and guidance.

The process was conducted rigorously and fairly and equity of treatment for students was clearly an overriding concern for Examiners.

B3. Issues

Are there any issues which you feel should be brought to the attention of supervising committees in the faculty/department, division or wider University?

I am sure the Faculty Examinations Committee is already aware of this, but the timing of the departure of the previous Examinations Officer clearly caused real difficulties for her successor and the Chair of the Exam Board in administering the examinations process. Those difficulties were overcome due to very hard work and did not affect the students in any way, but clearly such a situation should not be allowed to arise again.

B4. Good practice and enhancement opportunities

Please comment/provide recommendations on any good practice and innovation relating to learning, teaching and assessment, and any opportunities to enhance the quality of the learning opportunities provided to students that should be noted and disseminated more widely as appropriate.

I recommended in my previous external examiners report that convenors of modules should be more actively involved in checking draft examination papers, and that change was made this year and seemed to me to work well.

A question did arise as to how best to combine two separate marks to create an overall module mark, particularly where one mark involved group assessment. Where just one mark is given, the difference between eg a mark of 70 and 72 is not generally significant, as it is a First class

mark in any case, but of course that difference may be significant when the mark has to be combined with another to create the overall Module mark. It is important that markers in such cases have guidance as to the gradations of First class mark, or are at least reminded of the significance of the mark (this is particularly important in relation to the Jurisprudence mini-option as there are a large number of markers of mini-options). Where one of the components of the overall mark is a group assessment, it may be worth specifying that a minimum standard has to be achieved in the individual part of the assessment if the marks are to be combined to an overall mark in a higher class than the individual mark: eg an individual mark of 64, combined with a group assessment mark of 75 would on the current scheme give rise to an overall mark of 70, and some thought should be given as to whether this is a suitable outcome.

B5. Any other comments

Please provide any other comments you may have about any aspect of the examination process. Please also use this space to address any issues specifically required by any applicable professional body. If your term of office is now concluded, please provide an overview here.

I made a suggestion in my previous report as to how the candidates' mark profiles might be considered at the Exam Boards. The Chair of the Exam Board considered this suggestion and explained why it was not adopted, and I am happy with that explanation. I should say too that I was again impressed with the efforts made to ensure that students were not adversely affected by the lack of compulsory second marking of all scripts.

Signed:	Ben McFarlane
Date:	7 October 2019

Please ensure you have completed parts A & B, and email your completed form to: external-examiners@admin.ox.ac.uk, and copy it to the applicable divisional contact set out in the guidelines.

EXTERNAL EXAMINER REPORT FORM 2019

External examiner name:	JAMES LEE	
External examiner home institution:	King's College London	
Course(s) examined:	FHS in Jurisprudence	
Level: (please <i>delete as appropriate</i>)	Undergraduate	

Please complete both Parts A and B.

Part A					
		<i>Please (✓) as applicable*</i>	Yes	No	N/A / Other
A1.	Are the academic standards and the achievements of students comparable with those in other UK higher education institutions of which you have experience?		✓		
A2.	Do the threshold standards for the programme appropriately reflect the frameworks for higher education qualifications and any applicable subject benchmark statement? <i>[Please refer to paragraph 6 of the Guidelines for External Examiner Reports].</i>		✓		
A3.	Does the assessment process measure student achievement rigorously and fairly against the intended outcomes of the programme(s)?		✓		
A4.	Is the assessment process conducted in line with the University's policies and regulations?		✓		
A5.	Did you receive sufficient information and evidence in a timely manner to be able to carry out the role of External Examiner effectively?		✓		
A6.	Did you receive a written response to your previous report?				✓
A7.	Are you satisfied that comments in your previous report have been properly considered, and where applicable, acted upon?				✓
<p>* If you answer "No" to any question, you should provide further comments when you complete Part B. Further comments may also be given in Part B, if desired, if you answer "Yes" or "N/A / Other".</p>					

Part B

B1. Academic standards

- c. ***How do academic standards achieved by the students compare with those achieved by students at other higher education institutions of which you have experience?***

The standards are very impressive and compare very favourably with other higher education institutions.

- d. Please comment on student performance and achievement across the relevant programmes or parts of programmes and with reference to academic standards and student performance of other higher education institutions of which you have experience (those examining in joint schools are particularly asked to comment on their subject in relation to the whole award).*

Student performance is generally very strong, and candidates rise to the challenge of the Final Honours Schools. Performance in the different subjects displays some variety but it is still of a suitably high standard. I would note that exact comparability is a little difficult since I am not aware of any other Law School that adopts the Oxford approach of Mods after two terms and Finals after nine.

B2. Rigour and conduct of the assessment process

Please comment on the rigour and conduct of the assessment process, including whether it ensures equity of treatment for students, and whether it has been conducted fairly and within the University's regulations and guidance.

I was impressed with the care that was applied by the Board throughout the process. There is vigorous and rigorous scrutiny of the exam papers upon submission, and I regard the process as excellent practice, although it is resource-intensive. I should encourage the Faculty to ensure that exam setters/teaching teams engage constructively with comments from the scrutiny meetings – there was some variance in the extent to which comments were acted upon. I am generally in favour of allowing some latitude to individual teams, but where concern is raised over the length of a question, it should be reflected upon very carefully by the team.

The marking process is very fair and again a lot of effort goes into the process, with mark breakdowns and averages for each marker, and steps taken where anomalies appear. It seems that the best practice amongst marking teams is to meet, calibrate and reflect at several stages in the marking process: it was clear that some markers had engaged positively with these reflections.

The University regulations were meticulously applied by all concerned at every stage of the process, as far as I could discern.

B3. Issues

Are there any issues which you feel should be brought to the attention of supervising committees in the faculty/department, division or wider University?

I would make just a few points here.

- 1) The marks breakdown suggested that there is some difference in not just average mark but mark spread amongst the optional modules. I appreciate that some modules will have low numbers and it might be thought that comparisons are invidious. But if there is a pattern over several years, it is good for all involved to reflect. I am not seeking to be prescriptive, nor suggest that Oxford follow the trend elsewhere to consider categorical marking, calibration meetings, indicative benchmarks for classifications. It is important to counteract

student perceptions about subjects or individuals being harsh or more generous markers. There are many very good students in the cohort, and they should all be able to do well.

- 2) In terms of mitigating circumstances, I would suggest that further guidance is issued to students over a) what will and will not count as a mitigating circumstance and b) what can and cannot be done in terms of taking action in respect of mitigating circumstances where they are accepted. In my judgment, the processes and policies are generally suitable and in line with the sector: however, it seemed apparent from some correspondence that not all students fully appreciate the terms and limits. Looking at clearer communication would reduce the risk of students being disappointed.
- 3) I would continue to encourage the Faculty to consider greater variety in assessment, including considering dissertations.
- 4) It would be helpful if Externals could please also access the draft exam papers via Weblearn like internal examiners, as there were some password issues this year.
- 5) It should be emphasised to invigilators that it is important that any issues during the course of an examination are reported upon, with forms filled out at the time.

B4. Good practice and enhancement opportunities

Please comment/provide recommendations on any good practice and innovation relating to learning, teaching and assessment, and any opportunities to enhance the quality of the learning opportunities provided to students that should be noted and disseminated more widely as appropriate.

The high standard of student performance demonstrates the high standard of teaching and the Oxford education experience more broadly. The diversity of topics covered reflects the research interests of the Faculty and exposes students to a range of disciplines of their choosing within the wide field of law.

The care and attention applied by examiners and the Board at every stage of the process.

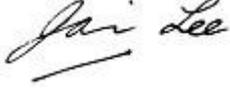
B5. Any other comments

Please provide any other comments you may have about any aspect of the examination process. Please also use this space to address any issues specifically required by any applicable professional body. If your term of office is now concluded, please provide an overview here.

The Exams team, other members of the Board and especially the Chair deserve commendation and gratitude for their efforts this year.

The course meets the expectations of the relevant legal professional regulators, in my judgement.

I apologise for the delay of submission of this final report, which I drafted shortly after the Boards in the summer but failed to submit because of my own oversight.

Signed:	
Date:	4 th October 2019

Please ensure you have completed parts A & B, and email your completed form to: external-examiners@admin.ox.ac.uk and copy it to the applicable divisional contact set out in the guidelines.