

EXAMINATION FOR THE DEGREES OF B.C.L. AND M. JUR

REPORT OF THE BOARD OF EXAMINERS FOR 2015

1 Introduction

This report notes various aspects of this year's examinations, and raises a small number of points which the Examiners believe may be important for those who have oversight of the examination of BCL and MJur candidates in future years.

2 Timetable

The exams started on Saturday of week 8, and finished on Friday of week 10. No candidate had two papers on the same day. The papers on the first Saturday were set in the morning; papers in the first full week were set in the afternoon; those in the second full week in the morning.

3 Statistics

Attached at Appendix 1 are the numbers of entrants, distinctions and passes. Two BCL candidates and one MJur candidate failed.

The percentage of candidates gaining distinctions in the BCL was 48%. This was slightly higher than the comparable percentages in 2014 and 2013, but lower than that in 2012.

As with previous years, the number of candidates obtaining a distinction in the MJur was significantly lower, at 19%. This figure lies between the equivalent figures for the last two years. The overall numbers are considerably lower than the BCL: 10 candidates out of 52 taking the MJur obtained a distinction.

For the last two years there have been significant discrepancies between the percentages of men and women gaining distinctions. In 2013, a much higher percentage of men than women gained distinctions in both the BCL and the MJur. In 2014, 18% more men than woman gained a distinction in the BCL, but the pattern was reversed in the MJur and 24% more women than men obtained distinctions. This year, pleasingly, there was virtually no discrepancy at all in the BCL: 48% of men and 49% of women obtained a distinction. In the MJur, again, more women than men obtained a distinction (26% women compared with 14% men), although it must be noted that the overall numbers were small.

Last year, the Examiners made two other observations on the statistics. First, they were disappointed that only 13% of BCL dissertations and no MJur dissertations were awarded a mark of 70 or above. This year, markers were encouraged to reward excellent work in the dissertation in the hope of redressing this discrepancy, and 50% of the 12 dissertations submitted obtained a mark of 70 or over. Secondly, last year's Examiners drew attention to the fact that candidates in some papers achieve a considerably higher proportion of distinction marks than in others. Although there was, inevitably, some variation in proportions of distinctions between papers this year, there was no cause for concern this year.

4 Computer software

The use of Weblearn to submit draft papers, to deal with Examiners' queries on papers and to submit marks worked very well indeed. This was the first year in which Weblearn had been used to submit marks electronically, and the process was very easy and accurate.

In contrast, the exam database itself is less than ideal. Last year the Examiners commented that the computer software performed without breakdown but in a sub-par manner, and stressed the need for a wholesale upgrade. This year's Examiners would like to reiterate this, and to urge that the commission of a new database be expedited. The current database causes a great deal of extra work for the Examinations Officer. One example of this is that, in one instance, an overall mark was wrongly calculated by the database thus necessitating a manual check on the calculation of all marks.

5 Plagiarism and late submission of essays and dissertations

'Turnitin' software was used to check for plagiarism in all dissertations and all Jurisprudence and Political Theory essays, as last year. Concerns were raised with the Proctors about two submissions.

The Proctors granted two candidates an extension of the deadline for submission of the dissertation and one candidate to resubmit without academic penalty. One candidate submitted the Jurisprudence and Political Theory essays after the stipulated deadline. The Examiners were authorised by the Proctors to mark the work, and to apply a penalty in accordance with their established conventions. The Examiners did not impose a penalty in this case, because they did not think that any advantage had been obtained by the late submission.

6 Setting of papers

The Examiners checked all draft papers line by line; the papers were also sent to the External Examiner. The process yielded a substantial number of further queries on a significant number of papers. No errors of any significance came to light during the examination.

7 Information given to candidates

The Edict is attached as Appendix 2.

8 The written examinations

The Chair of Examiners attended for the first half hour of each examination, in full regalia, as did the setter or an alternate whose attendance had been agreed with the Chair of Examiners. No questions of any significance were raised by candidates during these periods.

9 Materials provided in the examination room

There was a problem with the provision of statute books in one FHS paper, which affected an MJur candidate. The candidate was given extra time to compensate for not having a statute book at the beginning of the examination. During the BCL/MJur examination period itself, the Chair of Examiners checked the provision of materials in each examination, and no problems were experienced.

The Examiners wish to note, in line with previous Examiners' reports, the expense and time involved in the provision of statutory materials by the Faculty. This year, for the third time, the Proctors agreed to a limited experiment whereby the materials in the two tax examinations were provided by the candidates themselves. The experiment again worked smoothly, and the Examiners record their thanks to Judith Freedman, Edwin Simpson and Ann Kennedy for their assistance in organising the scheme and 'inspecting' the materials (in various locations) at the start of the two relevant examinations. The Examiners, as last year, are perfectly content that candidates should continue to provide their own materials for the tax examinations in future years, and that the procedure should be extended to other courses, as appropriate.

10 Marking and remarking

In accordance with established practice, the Board held one meeting rather than two. Routine double-marking of scripts prior to the meeting included all those scripts which might, however remote the chance, be thought to have the potential to affect a candidate's classification. In addition to the prescribed swapping and sampling of marks, this meant that there was blind double marking of all papers for which a mark had been given ending in 7, 8, or 9, and every paper given a mark below 60. Where a script had been double marked, the markers submitted an agreed mark before the meeting. Papers given a mark below 50 (there were eleven such scripts) were double marked with extreme care, and were scrutinised by the External Examiner.

The Examiners would like to reaffirm the policy that, where a candidate does not answer the required number of questions, any omitted questions are given a mark of 0. Where three questions are required and only two are answered, this will usually result in an overall fail mark for the script. This is a rule, and the Examiners cannot take action in the absence of medical evidence.

11 Factors affecting performance and special examinations needs

6 candidates had adjustments made under Examination regulations for the Conduct of University Examinations, Part 12. All were given extra time and/or used special equipment to write their papers. 2 of these candidates wrote some or all of their papers in their respective colleges. 4 further candidates wrote their papers in special rooms in the Examination Schools.

9 candidates made FAP ('factors affecting performance') submissions to the Proctors relating to medical circumstances affecting their performance in examinations (6 (5%) of BCL candidates and 3 (6%) of MJur candidates). In accordance with procedure laid down by the Education Committee in Annex B to the guidance to examiners, a subset of

the Examiners (Louise Gullifer and Anne Davies) met before the marks meeting in order to consider all such certificates, and to band the circumstances into '1 indicating minor impact, 2 indicating moderate impact, and 3 indicating very serious impact'. A record was kept of these decisions and the reasons for them. This banding information was used in the marks meeting to inform the Examiners' decisions regarding the FAP submissions. The Examiners took specific and individual account all FAP submissions, and a record was kept of how the banding information was used and the outcome of the consideration with the reasons given.

12 Thanks

The internal Examiners would like to conclude by expressing their thanks to the External Examiner, Professor Karen Yeung, for her hard work and very helpful advice. Thanks are also due to Anne Davies, for the record keeping referred to in (11) above. As always, particular thanks are also due to the Examinations Officer, Julie Bass, whose professionalism, judgment and experience are invaluable. While all the Examiners are greatly indebted to her for her hard work and meticulous preparation, the greatest debt is owed by the Chair of Examiners, for whom a potentially onerous office is made both manageable and enjoyable because of Julie's support and guidance.

Louise Gullifer (Chair)
Anne Davies
Sandy Fredman
Robert Stevens
Karen Yeung (External)

Appendices to this Report: (1) Statistics; (2) Notices to Candidates; (3) Prizes and Awards; (4) Mark distribution on first reading; (5) Reports on individual papers; (6) Report of Karen Yeung, external examiner

APPENDIX 1

Statistics for the 2015 Examinations

BCL

	2015						2014						2013						2012						2011					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Dist	33	48	21	49	54	48	28	55	14	37	42	47	40	47	26	39	66	44	38	57	28	55	66	56	39	46	19	37	58	44
Pass	33	48	22	51	55	49	23	45	24	63	47	53	44	52	40	61	84	55	29	43	23	45	52	44	43	52	32	63	75	56
Fail	2	3			2	1	0		0		0		1	1	0		1	1	0		0		0		0		0		0	
Total	68		43		111		51		38		89		85		66		151		67		51		118		82		51		133	

MJur

	2015						2014						2013						2012						2011					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Dist	4	14	6	26	10	19	3	14	9	38	12	27	5	23	1	8	6	17	6	32	6	30	12	31	6	29	2	9	8	18
Pass	24	83	17	74	41	78	17	81	15	62	32	71	17	77	12	92	29	83	13	68	14	70	27	69	15	71	21	91	36	82
Fail	1	3			1	2	1	5	0		1	2	0		0		0		0		0		0		0		0		0	
Total	29		23		52		21		24		45		22		13		35		19		20		39		21		23		44	

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BCL /MJUR EXAMINATION 2015

NOTICE TO CANDIDATES

This document is traditionally known as the Examiners' Edict. It is the means by which the Examiners communicate to the candidates information about the examination. It is very important that you should read it carefully. Do not suppose from the fact that you may have seen Edicts published in previous years that you already know everything that is in this year's edition; and if you believe that you have spotted an error, please notify your college adviser without delay.

1. Examination Entry Details

It is your responsibility to ensure that your examination entry details are correct via the Student Self Service via the Oxford Student website (see www.ox.ac.uk/students/). Check the details carefully and notify any errors to your college and to the Examination Schools (via exam.entries@exams.ox.ac.uk) as soon as possible. Please note that, depending on the circumstances, changes to an entry may result in a change of option fee.

2. Timetable and Place of the Examination

All examinations will be taken at the Examination Schools in the High Street. *Sub fusc* must be worn. You are advised to reach the Schools no less than ten minutes before the stated time of the examination. A bell will be rung some minutes before the examination to give candidates time to move from the entrance of the building to the examination room. Notices in the Schools will direct candidates to the appropriate room. **Seating in the examination room will be by desk number only. Seating charts will be displayed throughout the Examination Schools reception areas in each examination location, displaying candidate and desk numbers, as well as outside individual examination rooms.** Desks and even rooms may sometimes be changed for papers taken by smaller numbers of candidates. Candidates should check on the notice board in the Schools for each paper.

The examination timetables in respect of papers available only in the BCL and MJur are appended as Schedule I to this notice, including FHS papers available to MJur

Hard copies of each candidate's personal timetable will be sent to his or her college by the Examination Schools shortly after the full timetable appears on the website and no later than two weeks before the examination begins.

No candidate is believed to have offered more than one of the papers scheduled for the same time. If you think that it is wrong, you must inform the Chair of Examiners through your college adviser without delay.

3. Examination Numbers and Anonymity and Examination Protocol

You will be informed of your examination number and you should bring to the examination room the note advising you of that number. You must **not** write your name or the name of your college on any answer book, essay or dissertation. **Use only your examination number.** Please also bring with you to each examination your University Card. This must be placed face up on the desk at which you are writing.

The Examination Protocol gives practical guidance on the conduct of the examination and is attached to this notice as Schedule II. You should read it before the start of your examinations. Please note that this document will not be placed on desks in the examination room. The Protocol also refers you to the Proctors' Disciplinary Regulations and Administrative Regulations for Candidates in Examinations. (See also paragraph 17 below).

Legibility Candidates must not write in pencil. Candidates submitting illegible scripts will be required to have them typed at their own expense. The Examiners will make every effort to identify such candidates as early as possible. Candidates who leave Oxford before 8 July 2015 do so at their own risk. On leaving Oxford, candidates should leave up-to-date contact details with their college, including a telephone number and an email address.

Rough work. If you wish to write plans or rough drafts, you may do this either in the same booklet as your answers (but cross out the rough work) or in a separate booklet (indicating that this is rough work) which must be handed in along with your answer booklets.

Handing in scripts You must remain seated at your desk until the invigilator has collected your script from you.

4. Materials in the Examination Room

In some examinations, but not for Corporate Tax Law and Policy or Personal Taxation (see further below), statutes and other materials will be placed on the desks in the examination Room, and a list of these materials was attached to the Notice previously circulated to candidates dated 13 November 2014.

Corporate Tax Law and Policy and Personal Taxation Papers only

Statutes and other source materials may only be brought into the examination room with the prior approval of the Proctors and then only subject to strict conditions. Under a pilot scheme (see Schedule IX (Appendix 1) attached Notice to Candidates for Taxation Papers dated 13 November 2014) Corporate Tax Law and Policy and Personal Taxation paper candidates will be permitted to bring into the examination room their own copies of Tolley's Yellow Tax Handbook, (2014-15), Part 1a, Part 1b, Part 1c, Part 2 and Part 3, LexisNexis (Tolleys). The following regulations will apply:

1. The copy of Tolley which you bring into the examination room must be **absolutely clean and unmarked**. As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours but must be **absolutely clean and unmarked**. These regulations will be strictly enforced. Particular attention will be paid to personal possession markings (eg your name, name of your college) which **must do no more than identify the ownership of the Tolley Handbook**.
2. Your copy of Tolley will be inspected by the examiners/invigilators in your presence at the start of the Personal Taxation and/or Corporate Tax Law and Policy paper. This will be carried out as quickly as possible. Thereafter during the examination scrutiny will be conducted as part of invigilation and will be random. Your copy of Tolley must remain **absolutely clean and unmarked** (see 1. above) **for the duration of the examination paper**.
3. In the event of any infringement or breach of regulations specified above, your copy of Tolley will immediately be confiscated and the matter reported to the Proctors. You will be permitted to continue and complete the examination paper but without access to the collection of materials in Tolley. Similarly, if for some reason you forget to bring your copy of Tolley to the examination, you will be permitted to write the paper but without access to the materials in the Tolley Handbook.
4. The Proctors will suspend the processing of the candidate's examination results while they fully investigate (including interviewing the candidate) the reported infringement or breach of the regulations. If they come to the view that a breach of the Disciplinary Regulations has occurred, the Proctors are empowered to refer the matter to the Student Disciplinary Panel. Further information about these Regulations and disciplinary procedures may also be found on <http://www.admin.ox.ac.uk/proctors>. Students who breach the Disciplinary Regulations for University Examinations may have their marks reduced, or may be failed in that examination or, in the most serious cases, may be expelled.

Attention is particularly drawn to the changes in materials in the examination room since 13 November 2014 for the following subject paper:

International Commercial Arbitration

add

LCIA Arbitration Rules

The materials in the exam room will therefore be as follows:

International Commercial Arbitration

International Arbitration: Documentary Supplement 2011-12, Gary Born, Aspen Publishers

ICC Rules of Arbitration 2012

LCIA Arbitration Rules

Legal Concepts in Financial Law

delete

Butterworths Banking Law handbook 9th edition (2014)

add

Butterworths Banking Law handbook 8th edition (2010)

Documents:

The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600)

The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993)

The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115)

The Consumer Insurance (Disclosure and Representations) Act 2012

The 2002 ISDA Master Agreement

The materials in the exam room will therefore be as follows:

Legal Concepts in Financial Law (notice previously circulated dated 26 January 2015 - see Schedule IX)

Butterworths Banking Law handbook 8th edition (2010)

Documents:

The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600)

The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993)

The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115)

The Consumer Insurance (Disclosure and Representations) Act 2012

The 2002 ISDA Master Agreement

FHS Papers available for MJur

Contract

add:

Extracts from the Consumer Protection (Amendment) Regulations 2014 (SI 2014 No. 870) which amend the Consumer Protection from Unfair Trading Regulations 2008 as regards contracts entered into on or after 1 October 2014

The extracts given are from regs 1, 2 and 3 of the 2014 Regulations, which amend (inter alia) the definitions of 'consumer', 'goods', 'product', 'trader' and 'transactional decision' in reg. 2 of the 2008 Regulations, and insert a new Part 4A (regs 27A to 27L) into the 2008 Regulations

A copy can be found on Weblearn at: [Consumer Protection \(Amendment\) Regulations 2014 extracts.pdf](#)

The materials in the exam room will therefore be as follows:

Contract

Blackstone's Statutes on Contract, Tort and Restitution, 25th (2014-15) edition, ed. Francis Rose

Contract Case list 2014-15

Extracts from the Consumer Protection (Amendment) Regulations 2014 (SI 2014 No. 870) which amend the Consumer Protection from Unfair Trading Regulations 2008 as regards contracts entered into on or after 1 October 2014

Further changes

In the event of any further emergency change in the materials available, this will be notified specifically to candidates.

Use of English dictionaries by non-native English speakers

No dictionaries are allowed in the examination room (see *Examination Regulations* 2014, Part 10, 10.7 (page 25)).

Other materials

No other books or papers whatever, and no calculators may be taken into the examination room.

5. Water and medical items in the Examination Room

You are permitted to take non-carbonated water, in a spill-proof bottle (sports cap not standard screw top), into the Examination Room. No other drinks will be permitted except on medical grounds, and with prior approval from the Proctors. Water is also available in the lobby just outside the room.

You may bring the following items into the exam room provided that you have a medical need and you have a letter of support from your College Senior Tutor or nurse:

- Insulin and silent diabetes testing kit;
- Asthma inhaler;
- Epi-pen;
- Over-the-counter and/or prescription medicines;
- Medical aids such as a wrist splint/support, back support pillow, ice pack, etc.;
- Glucose or energy drink in a clear bottle with a spill proof top (sports cap);
- Small unobtrusive snack (please note that nuts may not be taken into the exam room); Please be aware that the invigilators will remove any items of food that may cause a disturbance to other candidates, e.g. crisps, items with noisy wrappers, etc.
- Glucose tablets.

The examinations staff will require you to show the letter in support of these items, and reserve the right to confiscate any item should they deem it inappropriate to be taken into the exam room. If you are in any doubt about whether you may bring an item into the exam, please check in advance with the Exams and Assessment team (cap@admin.ox.ac.uk , 01865 (2)76917)

6. Leaving the Examination Room and failing to hand in any written work on time

No candidate may leave the examination room within half an hour of the beginning of the examination and, to avoid disturbance to other candidates, candidates may not leave the examination room in the half an hour before the end of the examination.

A candidate who is taken ill while sitting a written paper may (with the invigilator's permission) leave the room and return while the examination is in progress to resume the paper on one occasion only (and no extra time shall be allowed). If the candidate is unable to complete the paper concerned because they have been taken ill a second time, they should inform an invigilator so that the incomplete script can be handed in. It is the candidate's responsibility to obtain a medical certificate explaining how their performance in the paper concerned may have been affected by illness. The Examiners will only be made aware of any difficulties suffered by a candidate in the examination room if the candidate subsequently obtains a medical certificate and that, plus any other relevant information, is submitted to the Proctors and passed by them to the Examiners. For the procedures to be followed see paragraph 15. below.

Candidates who fail to attend a written examination paper without having obtained the prior permission of the Proctors are deemed to have failed the entire examination (not just that particular unit of the examination) unless the Proctors give instructions to the examiners about reinstating them (*Examination Regulations* 2014, pages 29-33, Part 14). This means that the names of such candidates have to be included on the results list under 'fail'. For the procedures for withdrawal (from the entire examination and a particular unit of the examination) before the examination and after the examination has started, see *Examination Regulations* 2014, pages 29-33, Part 14. A candidate may not withdraw from the examination after the written part of the entire examination is complete. The point of completion is deemed to be the conclusion of the last paper for which the candidate has entered, or the time

by which a dissertation or other written material is due to be submitted, whichever is the later. Candidates should consult their college adviser if any of these provisions apply to them.

Application to the Proctors for permission for late submission of the essays in *Jurisprudence and Political Theory* or the dissertation should be made by the candidate's college on the candidate's behalf before the submission date. Written work submitted late (even 10 minutes past the deadline) **on the prescribed date of submission but later than the prescribed time**, will be passed to the examiners for marking but the examiners may impose an academic penalty and a late presentation fee (to cover the administrative costs) will be incurred. The Proctors may, in exceptional circumstances, exercise discretion regarding the late presentation fee. Within 5 working days from the date of notification of the late submission the candidate's college on the candidate's behalf may write to the Proctors explaining the reason for the late submission. Written work submitted **after the prescribed date** without prior permission will not be released to the examiners, but will be held by the Examination Schools and the Proctors informed. The candidate's college on the candidate's behalf may write to the Proctors explaining the reason for the late submission. The Proctors may permit the candidate to continue with the remaining papers of the examination and to submit the essays in *Jurisprudence and Political Theory* or the dissertation late, but will impose a late presentation fee (to cover administrative costs). In addition, the Proctors may give leave to the examiners to impose an academic penalty, which will take the form of a reduction in the mark by up to one class (or its equivalent, ie 10 marks). In determining the amount of the reduction, the examiners will be guided by the evidence forwarded to them by the Proctors and (insofar as the following matters are dealt with by such evidence):

- (1) the degree of advantage gained by the extra time made available to the candidate relative to the time that was available to complete the thesis or other exercise by the original deadline;
- (2) the weight to be attached to the excuse given, if any, for late submission;
- (3) the candidate's performance in the thesis or other exercise relative to his or her performance in written papers or other exercises; and
- (4) the effect of any proposed reduction on the candidate's degree result as a whole.

See further *Examination Regulations* 2014 pages 30-31, paragraph 14.3. Candidates should consult their college adviser if any of these provisions apply to them.

7. Examination Technique

If you did your undergraduate work elsewhere, and especially if you did it in another country, you are strongly advised to discuss the nature of Oxford law examinations with your college tutors and your peers. The underlying assumptions as to what constitutes a satisfactory, let alone an excellent, answer may differ substantially from those in your home jurisdiction. In particular, it is necessary to understand that the typical answer runs to three or four pages and that those marking the examination place great importance on the nature of the discussion that leads you to your final conclusion. If a question seems at first sight to admit of a satisfactory answer in one or two sentences, you must nevertheless take it as an invitation to engage in a critical discussion of the pros and cons. Even problem questions that ask you to advise one party must not be read as excluding discussion and critical comment of a kind no real party would wish to hear. These few suggestions do not in themselves give sufficient guidance. You must take advice on this matter and you must contemplate the papers set in earlier years in the light of the advice that you are given. See also the assessment standards attached as Schedule IV.

It is important to realise that the candidate is examined on the whole syllabus pertaining to any given paper, and, in particular, that a question on the paper may raise issues falling within more than one week's work.

8. Academic Integrity: avoidance of plagiarism

Plagiarism is the copying or paraphrasing of other people's work or ideas into their own work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this description. The Proctors' Disciplinary Regulations concerning conduct in examinations (*Examination Regulations* 2014, Part 19.4. and 19.5.) state that 'No candidate shall present for an examination as his or her own work any part or the substance of any part of another person's work. In any written work (whether thesis, dissertation, essay, coursework, or written examination) passages quoted or closely paraphrased from another person's work must be identified as quotations or paraphrases, and the source of the quoted or paraphrased material must be clearly acknowledged.' These provisions extend to material taken from the Internet. See further the introductory text of the guidance issued by the University's Education Committee attached as Schedule VI. Examples of plagiarism and how to avoid it are given on <http://www.admin.ox.ac.uk/epsc/plagiarism>; you are strongly advised to consult this website. Guidance is also given in the faculty's Handbook for Graduate Students

2014-15, pages 59-61. The University reserves the right to use software applications to screen any individual's submitted work for matches either to published sources or to other submitted work. Any such matches respectively might indicate either plagiarism or collusion.

In this connection, you **are required** to complete and submit with the Jurisprudence and Political Theory essay or dissertation a **Declaration of Authorship**, including acknowledgement of the University's right to check for plagiarism or collusion. Two blank Declarations of Authorship (marked 'Essays' and 'Dissertation') are attached as Schedule X. See further 9.(a) and (b) below. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2014, Page 31, Paragraph 14.11).

If the examiners believe that material submitted by a candidate may be plagiarised, they will refer the matter to the Proctors. The Proctors will suspend the candidate's examination while they fully investigate such cases (including interviewing the candidate). If they consider that a breach of the Disciplinary Regulations has occurred, the Proctors are empowered to refer the matter to the Student Disciplinary Panel. For further information see the Student Handbook 2014/15 incorporating the Proctors' and Assessor's Memorandum (paragraph 18 below).

9. Submission of Essays and Dissertations

If you are offering essays or a dissertation, you must read the following instructions very carefully. Your attention is particularly drawn to the requirements as to the number of hard copies to be submitted and the need to submit an electronic copy of your essays or dissertation to Mrs Julie Bass, Examination Officer, Faculty of Law (julie.bass@law.ox.ac.uk) for the examiners by the same deadline date as the hard copies you submit to the Examination Schools.

(a) Jurisprudence and Political Theory Essays

Jurisprudence and Political Theory will be examined through three essays. Topics for essays will be prescribed by the examiners and will be available on Weblearn by noon of Friday of eighth week of Hilary Term (13 March 2015). You may also obtain a hard copy of the essay topics from the Law Faculty Reception office, St Cross Building. You will be required to select three topics from a list of six. The three essays, which you submit, must be, in aggregate, not shorter than 5,000 words and not longer than 8,000 words. See *Examination Regulations* 2014 (for the academic year 2014-15) page 873-874. For these essays, footnotes and bibliographies are included in the word limit. Disregard of these limits may be penalised; see further (c) below. Each essay must have a cover sheet attached to it containing the title, your examination number and the number of words used in the essay. The essays must be typed and each one must be separately stapled.

Two copies of each essay must be delivered to the Clerk of the Examination Schools, addressed to the Chairman of the BCL/MJur Examiners, Examination Schools, High Street, Oxford, OX1 4BG, by noon on Friday 24 April 2015. Your examination number (not your name nor college) must be written on your essays and also on the envelope in which they are submitted. Late submission may be penalised; see paragraph 6 above. With your essays you must include a signed **Declaration of Authorship** (marked 'Essays') (see Schedule X attached and 8 (second paragraph thereof) above) which includes the statement that the essays are your own work, and that you have received no help, with the preparation of them. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2014, page 31, paragraph 14.11. To ensure anonymity, the Declaration of Authorship will be retained in safe keeping by the faculty's Examinations Officer and, unless in exceptional circumstances, the contents of the Declaration will not be disclosed to the examiners until the marks for the essays have been finally determined

By the same deadline (noon on Friday 24 April 2015) as you submit hard copies of the essays to the Examination Schools, you must also submit electronically a copy of each essay to Mrs. Julie Bass, Examinations Officer, Faculty of Law (email: julie.bass@law.ox.ac.uk) for the examiners. All essays will be checked for plagiarism using the *Turnitin* software.

(b) Dissertations

If you are offering a dissertation you must read very carefully the requirements set out in the *Examination Regulations* 2014 (for the academic year 2014-15) pages 873. The requirements set out there are not repeated here. The examiners draw particular attention to the word limit and to the requirement that every dissertation must include a table of cases with page references. Disregard of these matters will be penalised; see further below.

Dissertations must be typed, and the number of words must be stated on their first page. There is a common approved format for all law dissertations and theses. It is attached as Schedule V. You must ensure that your

examination number, but neither your name nor the name of your college, appears on the dissertation. If bound copies that you submit do bear your name on the spine, or on the title page, or elsewhere, you must mask the name with tape or in some other effective manner. You must hand in the two copies of your dissertation to the Clerk of the Examination Schools in a sealed envelope. Your examination number and the words “BCL Dissertation” or “MJur Dissertation”, as appropriate, must be written on the envelope. Dissertations must be delivered by noon on Friday 29 May 2015 (Friday of fifth week of Trinity Term). Late submission may be penalised; see paragraph 6 above. Submission of a dissertation the title or subject matter of which is different from that approved by the Law Board may also be penalised; see the *Examination Regulations* 2014, page 35, Part 16.6. (also quoted in 9.(c) below). With the two copies of your dissertation (in the same envelope) you must include (i) a signed statement that, except where otherwise indicated, the dissertation is entirely your own work, and (ii) a second statement indicating which part or parts of the dissertation have formed or will form part of a submission in accordance with the requirements of another course at this or another university. To assist you, these statements have been incorporated into the template **Declaration of Authorship** (marked ‘Dissertation’) for completion (see Schedule X and 8. (second paragraph thereof) above). Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2014, page 31, paragraph 14.11. To ensure anonymity, the Declaration of Authorship will be retained in safe keeping by the faculty’s Examinations Officer and, unless in exceptional circumstances, the contents of the Declaration will not be disclosed to the examiners until the mark for the dissertation has been finally determined. (NB The Declaration of Authorship replaces the statements mentioned in *Examination Regulations* 2014 page 873, lines 38-42 and can therefore be submitted instead of the statements but if you decide to submit the statements you must also submit the Declaration of Authorship).

At the same time (by noon on Friday 29 May 2015) as you submit hard copies of the dissertations to the Examination Schools, you must also submit electronically a copy of the dissertation to Mrs. Julie Bass, Examinations Officer, Faculty of Law (email: julie.bass@law.ox.ac.uk) for the examiners. All dissertations will be checked to confirm the word count and to check for plagiarism, using the *Turnitin* software.

Basis of assessment – the examiners draw attention to the provision in the *Examination Regulations* 2014, page 873, that they are obliged to judge the extent to which a dissertation affords evidence of significant analytical ability on the part of the candidate.

The Education Committee have introduced a policy of giving written feedback for dissertations of 5,000 words or over. This will be in the form of a written report sent to candidates via the candidate’s college, within six weeks after the release of the results.

(c) Exceeding the word limits (Jurisprudence and Political Theory essays and dissertations)

The *Examination Regulations* 2014, page 35 say:

‘Submission of Theses or other Exercises

- 16.6. (i). Where a candidate for any University Examination in which a thesis (or other exercise) may be, or is required to be, submitted as part of that Examination presents a thesis (or other exercise) which exceeds the word limit prescribed by the relevant statute, or regulation, the examiners, if they agree to proceed with the examination of the work, may reduce the mark by up to one class (or its equivalent [ie., 10 marks]).
- (ii) Where a candidate submits such a thesis (or other exercise), the title or subject matter of which differs from that which was approved by the supervisory body concerned, the examiners (if they agree to proceed with the examination of the work) may similarly reduce the mark by up to one class (or its equivalent).’

The Examiners are naturally bound by this. It is necessary, however, to give guidance on the meaning of a ‘word’ in this context. Because of the manner in which word count software operates, legal citations often inflate the count. The examiners have therefore determined that an allowance of an extra 3% should be permitted to candidates (should they wish to use it) above the figure of 8,000 for essays and 12,500 for dissertations as stipulated in the *Examination Regulations*. The word count that appears on the dissertation/essays must be the actual word count produced by the software. The word count for dissertations must include all footnotes and endnotes, but not any bibliography. The word count for essays must include all footnotes and bibliography (see also section 9(a) above). For dissertations you must ensure that any automatic

word-count on the word-processing program you use is set to count footnotes and endnotes and for essays is set to count all footnotes and bibliography. See also paragraph 6. (last paragraph thereof) above.

10. Prizes

A list of prizes is given in attached: Schedule VIII

11. The Question Papers

An examiner will be present during the first half an hour of each examination paper to address any question concerning the paper.

The number of questions set in each examination paper and the rubric of each paper are given in the attached Schedule VII. Attention is also drawn to the following notices about the scope of certain papers and changes in the form of certain papers from last year:

- (a) **Comparative Corporate Law (previously known as Comparative and European Corporate Law)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Nine questions will be set. Candidates should answer three questions.
- (b) **Comparative Equality Law (last examined in 2012-13)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight questions will be set. Candidates should answer three questions.
- (c) **Corporate Tax Law and Policy (previously known as Corporate and Business Taxation)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Nine questions will be set. Candidates should answer three questions.
- (d) **Criminal Justice, Security and Human Rights (previously known as Criminal Justice and Human Rights)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight questions will be set (previously ten), four (previously six) in Part A and four in Part B. Candidates should answer three questions, including at least one from Part A and at least one from Part B
- (e) **European Private Law: Contract (last examined in 2012-13)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight questions will be set. Candidates should answer three questions.
- (f) **Evidence** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Nine questions will be set (previously eight, three in section 1 and five in section 2). Candidates should answer three questions (previously candidates answered three questions, including at least two from section 2).
- (g) **International Criminal Law (new in 2014-15)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight questions will be set. Candidates should answer three questions.
- (h) **International Law and Armed Conflict** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight questions will be set, four in Part A and four in Part B. Candidates should answer three questions, including at least one question from Part A and at least one question from Part B. (Previously eight questions were set. Candidates answered three questions).
- (i) **Law in Society** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight (previously ten) questions will be set. Candidates should answer three questions.
- (j) **Legal Concepts in Financial Law (new in 2014-15)**(notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)
Eight questions will be set, two of which will be problem questions but choice of questions will be unrestricted. Candidates should answer three questions.
- (k) **Medical Law and Ethics (last examined in 2012-13)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)

Eight questions will be set. Candidates should answer three questions.

- (l) **Private Law and Fundamental Rights (new in 2014-15)** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)

Eight questions will be set. Candidates should answer three questions.

- (m) **Restitution of Unjust Enrichment** (notice previously circulated to candidates dated 1 December 2014 – see Schedule IX)

Eleven questions will be set, three of which will be problem questions. Candidates should answer four questions, including at least one problem question. (Previously eight questions were set, two of which were problem questions but choice of questions was unrestricted. Candidates answered three questions.)

FHS Papers available for MJur

- (n) **Contract** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)

Twelve questions will be set, five of which will be problem questions. MJur candidates should answer four questions, including at least two problem questions.

The Consumer Rights Bill 2014 will not be examined even if it is enacted and comes into force before the cut-off date (Friday of week 4 Hilary Term 2015). A copy will not be provided in the examination room and it is not in the statute book provided. Its provisions may be referred to in discussing future reforms.

- (o) **Tort** (notice previously circulated to candidates dated 13 November 2014 – see Schedule IX)

Twelve questions will be set, five of which will be problem questions. MJur candidates should answer four questions including at least two problem questions.

The Social Action, Responsibility and Heroism Bill 2013 will not be examined even if it is enacted and comes into force before the cut-off date (Friday of week 4 Hilary Term 2015). A copy will not be provided in the examination room and it is not in the statute book provided. The Consumer Rights Bill 2014 will not be examined even if it is enacted and comes into force before the cut-off date. A copy will not be provided in the examination room and it is not in the statute book provided.

12. Marking Conventions

Scripts are marked on the University scale from 1 to 100. In practice a mark above 75 is very rarely seen, and a mark of 80 would indicate an utterly exceptional script. In the BCL or MJur marks of 70 and above are Distinction marks and marks of 50 – 69 are pass marks. Marks of 49 or below are fail marks. The assessment standards are shown in the paper attached as Schedule IV.

It is important to appreciate that the classification conventions set out here are not inflexible rules. The examiners have a residual discretion to deal with unusual cases and circumstances. Subject to that caveat, the conventions that will normally be applied are as follows:

- (a) For the award of the degree of BCL or MJur there must be no mark lower than 50. A mark lower than 50 but of 40 or above may be compensated by very good performance elsewhere, but a mark of 39 or below is not susceptible of compensation. The dissertation counts as one paper for these purposes.
- (b) For the award of a Distinction in the BCL or MJur a candidate must secure marks of 70 or above on two or more papers. The dissertation counts as one paper for these purposes. In addition, there must be no other mark lower than 60.

Candidates will not lose marks on account of linguistic and stylistic infelicities which do not affect the substantive merits of the answers.

13. Incomplete Scripts

The mark for a completely absent answer in any script will be zero, and the mark for a part answer, or a “skimped”, “rushed final”, “short” or “weak” answer, will be such a mark above zero as is appropriate, relative to more successful answers, in terms of the quality of what has been written, and the extent to which it covers the question.

The overall mark for a script will be arrived at by averaging the number of marks, including zeros, over the number of questions that should have been answered on the paper.

If a candidate completes the correct number of questions, but fails to answer a question which is compulsory (eg where the candidate does not answer a problem question as required by the rubric of that paper), marks will be deducted and this may affect the final result. It is therefore of the utmost importance that candidates comply with the rubric of the paper and answer the number and type of questions stipulated.

Candidates who write answers in note form may also expect to have their overall mark for the paper reduced.

14. Release of Results

Candidates will be able to view their results (both overall classification and individual paper mark) within the Student Self Service via the Oxford Student website (<https://www.students/>). The Examiners hope that this facility will be available on Monday 20 July 2015 but if possible on Friday 17 July 2015 (depending on the final Examiners meeting and the Examination Schools). Results will not be available over the telephone from the Examination Schools or from the Law Faculty Office. Once results have been released within the Student Self Service, candidates will be sent an automatic e-mail to say their results are available to view. The results will also be available through candidates' colleges; your college office will advise you on how you may obtain them.

15. Candidates with special examination needs

The Proctors have authority to authorise alternative arrangements for candidates who for medical or other sufficient reasons are likely to have difficulty in writing their scripts or completing the Examination in the time allowed. Such arrangements must be made at the time of submission of the examination entry form (end Week 4 Michaelmas Term 2014). If this applies, you should consult the appropriate college officer, (usually the Senior Tutor). See further *Examination Regulations* 2014 pages 26-28, Part 12.

Emergency examination adjustment:

In cases of acute illness when a Doctor's certificate is necessary, but when there is no time prior to the start of the exam to obtain one (i.e. the issue has occurred on the examination day or the night before), the request for alternative arrangements may be accompanied by a statement from either the College Nurse, Dean or Senior Tutor. Examples may include acute onset stomach issues, migraine, or panic attack, leading to a request for a delayed start, permission for toilet breaks in first and last 30 minutes, or move to College sitting. A Doctor's certificate must follow and should be provided within 7 days of the initial request.

16. Factors affecting performance in an examination

If your performance in any part of the Examination is likely to be, or has been, affected by factors such as illness, disability, bereavement etc, of which the Moderators have no knowledge, you may, through their College, inform the Proctors of these factors. Usually this will involve submitting a medical certificate to the Proctors, in which as much detail as possible should be recorded by the certifying doctor to explain your case. The Proctors will pass this information to the Chair of Examiners if, in their opinion, it is likely to assist the Examiners in the performance of their duties. See further *Examination Regulations* 2014, pages 28-29, Part 13. The examiners cannot take account of any special circumstances other than those communicated by the Proctors (see also paragraph 5 above). Candidates are advised to check with the appropriate college officer that any medical certificate for submission is complete (eg covers each paper where the candidate was affected by illness). The medical certificate must provide explicit detail about the factors that are likely to have affected your performance in the examination. The Proctors will accept submission made after the final meeting of the Examiners **only in exceptional circumstances** and if received within three months of the publication of results. Every effort should be made to ensure that medical certificates or other documentation are passed on to the Proctors as soon as possible.

17. Appeals from Decisions of the Proctors and Examiners

For the procedures for appeals from the decisions of the Proctors, see *Examination Regulations* 2014, Part 18.1, page 39. The appeal must be made by you or by your college within 14 days of the date of the Proctors' decision. If this applies to you, you should consult your college adviser or the Senior Tutor. For appeals from the decisions of the examiners, see *Examination Regulations* 2014, Part 18.2, page 39. If you wish to raise a query or make a

complaint about the conduct of your examination you should urgently consult the Senior Tutor in your college. Queries and complaints must not be raised directly with the examiners, but must be made formally to the Proctors through the Senior Tutor on your behalf, and no later than 3 months after the notification of the results. The Proctors are not empowered to consider appeals against the academic judgment of examiners, only complaints about the conduct of examinations. Further information about complaints procedures may be found in the Student Handbook 2014/15 incorporating the Proctors' and Assessor's Memorandum, particularly section 5.2 and 9 (see paragraph 18 below).

18. *Student Handbook 2014/15* (incorporating the **Proctors' and Assessor's Memorandum)**

Please see also *Student Handbook 2014/15* (incorporating the **Proctors' and Assessor's Memorandum**) sections 5, 7.3 and 9.4 (<http://www.admin.ox.ac.uk/proctors/info/pam/>).

Professor A. Davies
Professor S. Fredman
Professor L. Gullifer (Chair)
Professor R. Stevens
Professor K. Yeung (external), King's College London

9 March 2015

Schedule I – Examination Timetable
Schedule II – Examination Protocol
Schedule III – Materials in the Examination Room
Schedule IV – Assessment Standards
Schedule V – Format of Theses in the Faculty of Law
Schedule VI – Academic Integrity; avoidance of plagiarism
Schedule VII – Format and Rubric of Examination Papers
Schedule VIII – List of Prizes
Schedule IX – Notices previously circulated to candidates
Schedule X – Blank Declarations of Authorship for essays and for dissertation



SCHEDULE I

TRINITY TERM 2015

Degree of Bachelor of Civil Law

Saturday	20 June	09:30	Principles of Civil Procedure International Dispute Settlement
Monday	22 June	14:30	Principles of Financial Regulation International Economic Law Commercial Remedies
Tuesday	23 June	14:30	International and European Employment Law Constitutional Theory Law and Society in Medieval England Corporate Finance Law European Private Law: Contract
Wednesday	24 June	14:30	Comparative Corporate Law Transnational Commercial Law Restitution of Unjust Enrichment International Criminal Law
Thursday	25 June	14:30	Criminal Justice, Security and Human Rights Conflict of Laws Law in Society The Law of Personal Taxation Comparative Human Rights
Friday	26 June	14:30	International Law and Armed Conflicts Intellectual Property Law Punishment, Security and the State
Monday	29 June	09:30	Legal Concepts in Financial Law Comparative Equality Law International Commercial Arbitration

Tuesday	30 June	09:30	Competition Law Comparative Public Law Advanced Property and Trusts
Wednesday	01 July	09:30	Corporate Tax Law and Policy International Law of the Sea Medical Law and Ethics
Thursday	02 July	09:30	Private Law and Fundamental Rights Evidence Corporate Insolvency Law European Business Regulation (the law of the EU's internal market)
Friday	03 July	09:30	Philosophical Foundations of the Common Law

Candidates are requested to attend at the EXAMINATION SCHOOLS, High Street, Oxford, OX1 4BG.



TRINITY TERM 2015

Degree of Magister Juris

Monday	01 June	09:30	Contract
Tuesday	02 June	09:30	Tort
Friday	05 June	09:30	Administrative Law
Saturday	06 June	09:30	Trusts
Wednesday	10 June	09:30	European Human Rights Law
Thursday	11 June	09:30	Constitutional Law
Friday	12 June	14:30	Company Law
Saturday	20 June	09:30	Principles of Civil Procedure International Dispute Settlement
Monday	22 June	14:30	Principles of Financial Regulation International Economic Law Commercial Remedies
Tuesday	23 June	14:30	International and European Employment Law Constitutional Theory Law and Society in Medieval England Corporate Finance Law European Private Law: Contract
Wednesday	24 June	14:30	Comparative Corporate Law Transnational Commercial Law

Restitution of Unjust Enrichment
International Criminal Law

Thursday	25 June	14:30	Criminal Justice, Security and Human Rights Conflict of Laws Law in Society The Law of Personal Taxation Comparative Human Rights
Friday	26 June	14:30	International Law and Armed Conflicts Punishment, Security and the State Intellectual Property Law
Monday	29 June	09:30	Legal Concepts in Financial Law Comparative Equality Law International Commercial Arbitration
Tuesday	30 June	09:30	Comparative Public Law Advanced Property and Trusts Competition Law
Wednesday	01 July	09:30	Corporate Tax Law and Policy International Law of the Sea Medical Law and Ethics
Thursday	02 July	09:30	Private Law and Fundamental Rights Corporate Insolvency Law European Business Regulation (the law of the EU's internal market)
Friday	03 July	09:30	Philosophical Foundations of the Common Law

Candidates are requested to attend at the EXAMINATION SCHOOLS, High Street, Oxford, OX1 4BG.

SCHEDULE II

BCL/MJUR EXAMINATIONS 2015

EXAMINATION PROTOCOL

NB This is an unofficial practical guide to conduct and procedures in the Examination Schools. In addition, you should before the examination familiarize yourself with the Proctors' Disciplinary Regulations for Candidates in Examinations (see *Examination Regulations* 2014, Part 19, pages 40-41) **and the Proctors' Administrative Regulations for Candidates in Examinations** (see *Examination Regulations* 2014, Part 20, pages 41-42).

1. Please check that you are seated at the right seat in the examination room. This will be identified by desk number, not by name.
2. In order to prevent impersonation of examination candidates, during every written paper you must display your University Card face up on the desk at which you are writing.
3. Do not turn over the examination paper or begin writing until you are told you may do so.
4. Do not open any material/statute book provided on the desk until the start of the examination.
5. You may remove gowns, jackets and ties during the examination, but you must be correctly dressed in *subfusc.* before you leave the examination room.
6. Do not put your name or college on any answer book. Write only BCL or MJur Examinations and your examination number in the spaces provided.
7. Do not write any notes on your answer book before the start of the examination.
8. Please read the instructions on the front of your answer book and observe them.
9. For the Taxation papers you may for your use take into the examination room an **absolutely clean and unmarked** copy of Tolleys Yellow Tax Handbook (Tolley). As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours, but must be **absolutely clean and unmarked**. These conditions will be strictly enforced. The Tolley Handbook should be placed on the right hand side of your desk and may be inspected at any time before or after the beginning of the examination. Full details of the Proctors' regulations and the procedures for enforcing them are given in the Examiners' Edict, section 4.
10. There are no dictionaries allowed in the examination room.
11. You may not leave the examination room before 30 minutes after the beginning of the examination, nor in the last 30 minutes of the examination.
12. You are permitted to take non-carbonated water, in a spill-proof bottle (sports cap not standard screw top), into the Examination Room. No other drinks will be permitted except on medical grounds, and with prior approval. Water is also available in the lobby just outside the room.
13. You are permitted to bring a watch, a wallet/small purse and a small packet of sweets (e.g. polos) into the examination room, all of which are subject to inspection. You are advised to remove any noisy wrappers and packaging prior to entering the exam, chocolate/snack bars and chewing gum are not allowed.
14. You may bring the following items into the exam room provided that you have a medical need and you have a letter of support from your College Senior Tutor or nurse:
 - Insulin and silent diabetes testing kit;
 - Asthma inhaler;
 - Epi-pen;
 - Over-the-counter and/or prescription medicines;
 - Medical aids such as a wrist splint/support, back support pillow, ice pack, etc.;
 - Glucose or energy drink in a clear bottle with a spill proof top (sports cap);

- Small unobtrusive snack (please note that nuts may not be taken into the exam room); Please be aware that the invigilators will remove any items of food that may cause a disturbance to other candidates, e.g. crisps, items with noisy wrappers, etc.
- Glucose tablets.

The examinations staff will require you to show the letter in support of these items, and reserve the right to confiscate any item should they deem it inappropriate to be taken into the exam room. If you are in any doubt about whether you may bring an item into the exam, please check in advance with the Exams and Assessment team (eap@admin.ox.ac.uk , 01865 (2)76917)

15. A candidate who is taken ill while sitting a written paper may (with the invigilator's permission) leave the room and return while the examination is in progress to resume the paper on one occasion only (and no extra time shall be allowed). If the candidate is unable to complete the paper concerned because they have been taken ill a second time, they should inform an invigilator so that the incomplete script can be handed in.
16. Diabetic students are permitted to take Silent blood testing kits, and glucose drinks (e.g. Lucozade) and/or glucose tablets (e.g. Dextro energy tablets) in case of hypoglycaemia into the Examination room, provided your Senior Tutor has informed the Examinations Team in advance. Insulin syringes/supplies and asthma inhalers remain permissible.
17. Do not bring mobile telephones or any other electronic devices into the examination room.
18. Do not bring any papers or personal belongings, such as coats and bags, into the examination room. All articles or equipment to be used in an examination must be carried into the examination room in a transparent bag. Non-transparent bags must be offered for inspection and, unless special permission is given by an invigilator, must be deposited at the place designated for the deposit of bags and other personal belongings.
19. If you require more paper, a drink of water or to visit the toilet please listen carefully to the instructions from the invigilator at the beginning of the exam to indicate your requirement.
20. Shortly before the end of the examination, you will be given an oral notice of the time remaining. At the end of the examination you will be orally notified to stop writing. If you have used more than one book, you must tag the books together using the tag provided.
21. At the end of the examination you must remain seated at your desk until the invigilator has collected your script from you.
22. At the end of the examination, please obey all instructions of the Proctors and their assistants and disperse quickly. In order to avoid nuisance to other members of the public, the Proctors' rules clearly prohibit you from assembling for any purpose in the entrance of the Examination Schools or on the streets outside. The Proctors' Code of Conduct for post-examination celebrations is available on <http://www.admin.ox.ac.uk/proctors>.

SCHEDULE III

BCL/MJUR EXAMINATIONS 2015

MATERIALS IN THE EXAMINATION ROOM 2015

I. HONOUR SCHOOL OF JURISPRUDENCE/DIPLOMA IN LEGAL STUDIES/MAGISTER JURIS

Administrative Law

Administrative Law Case List 2014-15

Commercial Law

Blackstone's Statutes on Commercial and Consumer Law, 20th (2011-12) edition, ed. Francis Rose
Commercial Law Case list 2014-15
The Companies Act 2006 (Amendment of Part 25) Regulations 2013
Consumer Rights Bill sections 1 – 32

Company Law

Butterworths Company Law Handbook, 27th (2013) edition
Company Law Case List 2014-15

Comparative Private Law (previously known as Comparative Law of Contract)

Translations of Extracts from national and European instruments, as compiled by the teaching group and distributed in the course

Constitutional Law

Constitutional Law Case List 2014-15

Contract

Blackstone's Statutes on Contract, Tort and Restitution, 25th (2014-15) edition, ed. Francis Rose
Contract Case list 2014-15
Extracts from the Consumer Protection (Amendment) Regulations 2014 (SI 2014 No. 870) which amend the Consumer Protection from Unfair Trading Regulations 2008 as regards contracts entered into on or after 1 October 2014

European Human Rights Law

Blackstone's International Law Documents, 11th (2013) edition, pages 45–65
European Human Rights Case List 2014-15

European Union Law

Blackstone's EU Treaties and Legislation, 25th (2014-15) edition, ed Nigel Foster, OUP
European Union Law Case list 2014-15

Family Law

Blackstone's Statutes on Family Law, 23rd (2014-15) edition

Family Law Case List 2014-15

Land Law

Sweet and Maxwell's Statutes Series, Property Law 8th (2002) or 9th (2003) or 10th (2004) edition

Land Law Case List 2014-15

Documents:

Consumer Credit Act 1974 ss 140A-140C;

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 Art 60C(2);

Mortgage Repossessions (Protection of Tenants etc) Act 2010 (in full).

Public International Law

Blackstone's International Law Documents, 11th (2013) edition,

Tort

Blackstone's Statutes on Contract, Tort and Restitution, 25th (2014-15) edition, ed. Francis Rose

Tort Case List 2014-15

Trusts

Sweet and Maxwell's Statutes Series, Property Law, 8th (2002) or 9th (2003) or 10th (2004) edition

Charities Act 2011, sections 1-5

Trusts Case List 2014-15

II. BACHELOR OF CIVIL LAW/MAGISTER JURIS

Commercial Remedies

Blackstone's Statutes on Contract, Tort and Restitution, 25th (2014-15) edition, ed. Francis Rose

Comparative Public Law

Blackstone's EU Treaties and Legislation, 25th (2014-15), ed Nigel Foster, OUP

Competition Law

Blackstone's UK and EU Competition Documents, 7th (2011) edition, ed. Middleton OUP

Conflict of Laws

Documents on Conflict of Laws:

Civil Jurisdiction and Judgments Act 1982, sections 32-34

Civil Procedure Rules Practice Direction 6B, para 3

Rome II Regulation (Regulation (EC) 864/2007)

Rome I Regulation (Regulation (EC) 593/2008)

Brussels I Regulation (recast) (Regulation (EU) 1215/2012)

Defamation Act 2013, s 9

Corporate Tax Law and Policy (previously known as Corporate and Business Taxation)

Tolley's Yellow Tax Handbook, (2014-15), Part 1a, Part 1b, Part 1c, Part 2 and Part 3, LexisNexis

(NOTICE TO CANDIDATES FOR PERSONAL TAXATION and CORPORATE TAX LAW

AND POLICY PAPERS MATERIALS IN THE EXAMINATION ROOM –REGULATIONS

(dated 19 November 2014))

Corporate Finance Law

Butterworths Company Law Handbook, 27th (2013) edition

Corporate Insolvency Law

Butterworths Company Law Handbook, 27th (2013) edition

European Business Regulation

Blackstone's EU Treaties and Legislation, 25th (2014-15) edition, ed Nigel Foster, OUP

Documents on European Business Regulation:

Council Regulation (EC) 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty OJ 1999 L83/1;

Council Regulation (EU) No 734/2013 of 22 July 2013 amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty OJ 2013 L204/15

Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty OJ 2014 L187/1;

Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks, OJ 2008 L299/25;

Directive 2005/89/EC [2005] OJ L33/22 (electricity security of supply)

Directive 2009/72/EC [2009] OJ L211/55 (electricity internal market)

Directive 2009/73/EC [2009] OJ L211/94 (natural gas internal market)

Regulation 713/2009/EC [2009] OJ L211/1 (ACER)

Regulation 714/2009/EC [2009] OJ L211/15 (network access for cross-border electricity)

Regulation 715/2009/EC [2009] OJ L211/36 (access to natural gas transmission networks)

Regulation 994/2010/EU [2010] OJ L295/1 (security of gas supply)

Directive 85/374 on liability for defective products, OJ 1985 L210/29

Directive 93/13 on unfair terms in consumer contracts, OJ 1993 L95/29

Directive 2005/29 on unfair business-to-consumer commercial practices in the internal market, OJ 2005 L149/22

Directive 2011/83 on consumer rights, OJ 2011 L304/64

Evidence

Blackstone's Statutes on Evidence, 12th (2012) edition (ISBN: 978-0-19-965630-1)

European Private Law: Contract

Study Group on a European Civil Code and Research Group on EC Private Law, Principles, Definitions and Model Rules on European Private Law: Draft Common Frame of Reference (DCFR) - Outline Edition (Munich: Sellier, 2009)

Translations of Extracts from national statutes and European instruments in the area of contract law as compiled by the teaching group and distributed in the course pack ('Statutory Materials I & II')

European Private Law: Tort (new in 2014-15)

(Course not available in 2014-15)

Intellectual Property Law (previously known as European Intellectual Property Law)

Blackstone's Statutes on Intellectual Property, 12th (2014) edition

Documents on:

Copyright, Designs and Patents Act 1988, Chapter III (as amended) ("Acts Permitted in Relation to Copyright Works")

Unfair Commercial Practices Directive, Directive 2005/29/EC of 11 May 2005, O.J. L. 149/22 (June 11, 2005)

Charter of Fundamental Rights of the European Union

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)

Title X ("Jurisdiction and Procedure in Legal Action Relating to Community Trade Marks") of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version)

Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection, OJ L 361/1 of 31/12/2012

Agreement on a Unified Patent Court, Council Document 16351/12 of 11/1/2013

International Commercial Arbitration

International Arbitration: Documentary Supplement 2011-12, Gary Born, Aspen Publishers

ICC Rules of Arbitration 2012

LCIA Arbitration Rules

International Criminal Law (new in 2014-15)

Documents on the Laws of War, 3rd (2000) edition, Roberts and Guelff,

International Dispute Settlement

Blackstone's International Law Documents, 11th (2013) edition

Tams & Tzanakopoulos (eds) The Settlement of International Disputes: Basic Documents (Hart, 2012) (ISBN - 9781849463034)

Documents:

UNCITRAL Model Law on International Commercial Arbitration

New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards

International Economic Law

The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations, 1999, Cambridge University Press

International Law and Armed Conflict

Documents on the Laws of War, 3rd (2000) edition, Roberts and Guelff,

International Law of the Sea

Blackstone's International Law Documents, 11th (2013) edition

Legal Order of the Oceans, 2009, Hart Publishing

Legal Concepts in Financial Law (new in 2014-15)

Butterworths Banking Law handbook 8th edition (2010)

Documents:

The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600)

The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993)

The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115)

The Consumer Insurance (Disclosure and Representations) Act 2012

The 2002 ISDA Master Agreement

Personal Taxation

Tolley's Yellow Tax Handbook, (2014-15), Part 1a, Part 1b, Part 1c, Part 2 and Part 3, LexisNexis
(NOTICE TO CANDIDATES FOR PERSONAL TAXATION and CORPORATE TAX LAW
AND POLICY PAPERS MATERIALS IN THE EXAMINATION ROOM –REGULATIONS
(dated 19 November 2014))

Transnational Commercial Law

Transnational Commercial Law: Primary Materials (2007) ed. Sir Roy Goode, Herbert Kronke,
Ewan McKendrick and Jeffrey Wool (OUP)
Uniform Rules for Demand Guarantees (URDG 758)
Unidroit Principles of International Commercial Contracts 2010
ICC Arbitration Rules 2012
UNCITRAL Arbitration Rules 2010

APPENDI X 1

IMPORTANT – FOR IMMEDIATE ATTENTION AND TO BE RETAINED FOR FUTURE REFERENCE

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJur) 2014-15

NOTICE TO CANDIDATES FOR

PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY (PREVIOUSLY KNOWN AS CORPORATE & BUSINESS TAXATION) PAPERS

MATERIALS IN THE EXAMINATION ROOM –REGULATIONS

Before choosing either Personal Taxation or Corporate Tax Law and Policy you were told that you will need to use the current edition of Tolleys Yellow Tax Handbook (Tolley) during the course, and to become familiar with the arrangement of documents in these volumes. In 2012-13 a pilot scheme was run successfully under which candidates for Corporate & Business Taxation and/or Personal Taxation were permitted under certain conditions to take into the examination room their own copy of the current edition of Tolleys Yellow Tax Handbook (Tolley). In 2013-14 the Faculty was given permission for the pilot scheme to run for a further three year period. Consequently the scheme will operate in 2014-15. The purpose of this Notice is to bring immediately to your attention full details of the regulations which apply to the scheme and the procedures for their enforcement. **It is essential that you note and obey the following:**

5. The copy of Tolley which you bring into the examination room must be **absolutely clean and unmarked**. As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours but must be **absolutely clean and unmarked**. These regulations will be strictly enforced. Particular attention will be paid to personal possession markings (eg your name, name of your college) which **must do no more than identify the ownership of the Tolley Handbook**.
6. Your copy of Tolley will be inspected by the examiners/invigilators in your presence at the start of the Personal Taxation and/or Corporate Tax Law and Policy paper. This will be carried out as quickly as possible. Thereafter during the examination scrutiny will be conducted as part of invigilation and will be random. Your copy of Tolley must remain **absolutely clean and unmarked** (see 1. above) **for the duration of the examination paper**.
7. In the event of any infringement or breach of regulations specified above, your copy of Tolley will immediately be confiscated and the matter reported to the Proctors. You will be permitted to continue and complete the examination paper but without access to the collection of materials in Tolley. Similarly, if for some reason you forget to bring your copy of Tolley to the examination, you will be permitted to write the paper but without access to the materials in the Tolley Handbook.

8. The Proctors will suspend the processing of the candidate's examination results while they fully investigate (including interviewing the candidate) the reported infringement or breach of the regulations. If they come to the view that a breach of the Disciplinary Regulations has occurred, the Proctors are empowered to refer the matter to the Student Disciplinary Panel. Further information about these Regulations and disciplinary procedures may also be found on <http://www.admin.ox.ac.uk/proctors>. Students who breach the Disciplinary Regulations for University Examinations may have their marks reduced, or may be failed in that examination or, in the most serious cases, may be expelled.

Mr R. Bagshaw
Director of Examinations
19 November 2014

SCHEDULE IV

BCL/MJUR EXAMINATIONS 2015

Assessment Standards

Distinction

For the award of a Distinction in the BCL or MJur a candidate must secure marks of 70 or above on two or more papers. The dissertation counts as one paper for these purposes. In addition, there must be no mark lower than 60 on any paper

Distinction answers are those that represent an excellent level of attainment for a student at BCL/MJur level. They exhibit the following qualities:

- acute attention to the question asked;
- a deep and detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- excellent synthesis and analysis of materials, with no or almost no substantial errors or omissions, and coverage of at least some less obvious angles;
- excellent clarity and appropriateness of structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- advanced appreciation of theoretical arguments concerning the topic, substantial critical facility, and personal contribution to debate on the topic.

Pass

For the award of the degree of BCL or MJur there must be no mark lower than 50. However, a mark lower than 50 but of 40 or above may be compensated by very good performance elsewhere but a mark of 39 or below is not susceptible of compensation. The dissertation counts as one paper for these purposes.

Pass answers represent a level of attainment which, for a student at BCL/MJur level, is within the range acceptable to very good. They exhibit the following qualities:

- attention to the question asked;
- a clear and fairly detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- good synthesis and analysis of materials, with few substantial errors or omissions;

- a clear and appropriate structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- familiarity with theoretical arguments concerning the topic, and (especially in the case of high pass answers) a significant degree of critical facility.

Fail

A mark of less than 50, but note that marks between 40 and 49 (inclusive) may be compensated by strength on other papers (see Pass above).

Qualities required for a pass answer are absent.

Dissertations

In assessing the optional dissertation examiners are particularly instructed by the Examination Regulations to judge “the extent to which a dissertation affords evidence of significant analytical ability on the part of the candidate”.

SCHEDULE V

BCL/MJUR EXAMINATIONS 2015

Format of Theses in the Faculty of Law

1. 'Thesis' here includes not only the writing submitted for the DPhil, MLitt, MPhil, or MSt, but also the essay which is submitted by a Probationer Research Student for a Qualifying Test, Confirmation of Status, and dissertations offered in the examination for the BCL or MJur. It does not include essays set by way of examination for the BCL or MJur.
2. Every thesis must include an abstract not exceeding 300 words. The abstract must contain no footnotes. The abstract must appear immediately after the title page. Its format is governed by regulations 7 to 10 below.
3. Every thesis must contain a table of contents. The table of contents must state the titles of the chapters and their principal sub-divisions. The table of contents must be indexed to the pages where the chapters and first-level sub-headings begin. If required, a table of abbreviations should follow the table of contents.
4. Every thesis which mentions cases and statutes must contain separate tables of cases and statutes. Unless there are very few cases and/or statutes, divide the tables into separate sections for separate jurisdictions. Arrange EC cases in chronological and numerical order. Any other tables should follow, eg tables of other primary legal sources (official papers treaties, UN documents, etc), and of tables and/or diagrams provided in the text. The tables must be indexed, so that each entry shows on what pages the case or statute in question is mentioned.
5. A bibliography listing secondary sources (articles, books, monographs etc) in alphabetical order must appear at the end of the thesis. It should include all such sources cited in the thesis. It need not be indexed.
6. The order of the thesis should be: title page, abstract, table of contents, table of abbreviations, table of cases, table of statutes, tables of other primary legal sources, table of diagrams and tables, main body of thesis, any appendices, bibliography. An index is not required. If there is one, it must come after the bibliography.
7. All footnotes and appendices are included in the word count. The abstract, the table of contents, the table of cases, the table of statutes, the bibliography, any headers or footers, and any index are not included in the word count.
8. The thesis must be written in English.
9. The thesis must use A4 paper.
10. The thesis must be word-processed using size 12 font on one side of the paper only, with a margin of 32 to 38 mm on the left hand side. Variations of font size may be used for headings, sub-headings, and footnotes.

11. The lines in the main text must be double spaced (8mm).
12. The first line of every paragraph must be indented unless the paragraph immediately follows a heading or sub-heading, or an indented footnote.
13. Quotations must use single inverted commas, saving double inverted commas for use for quotes within quotes. Quotations longer than three lines must be presented as a double-indented, single-spaced paragraph with no further indentation of the first line. Such double-indented quotations must not use quotation marks.
14. Endnotes must not be used. Footnotes must be internally single spaced with double spacing between the notes.
15. The thesis must comply with OSCOLA (the Oxford Standard for Citation of Legal Authorities: <http://denning.law.ox.ac.uk/published/oscola.shtml>), or another useful standard for citation. You should consult your supervisor if you wish to depart from OSCOLA.
16. The thesis must be bound in a soft or hard cover. NB For BCL and MJur Dissertations, any form of binding – e.g. Spiral binding – is sufficient.
17. Where the thesis is offered as part of an examination which is assessed anonymously, it must not at any point divulge the identity of the candidate or the candidate's college.
18. The word limits for theses in law are as follows: **D Phil**: minimum 75,000, maximum 100,000; **M Litt**: minimum 40,000, maximum 50,000; **M Phil and M St**: minimum 25,000, maximum 30,000; **Confirmation of Status**: minimum 20,000, maximum 30,000; **QT Part B (for M Litt)**: minimum 5,000, maximum 6,000; **dissertation in MSc in Criminology and Criminal Justice**: minimum 12,000, maximum 15,000; **dissertation in BCL or M Jur**: minimum 10,000, maximum 12,500.
19. These regulations cover only the form of the thesis to be submitted. They do not purport to cover other matters. In particular they do not cover the manner of submission, the number of copies to be submitted, the documents required to accompany submission, or the further requirements applicable to some theses in respect of the final submission of a hard-bound copy to the Bodleian Library.
20. Appendices are not forbidden but are strongly discouraged. If you do include one or more appendices, you must ensure that the thesis remains within the word limit. Appendices are **not** excluded from the word count.

SCHEDULE VI

What is plagiarism?

Plagiarism is the copying or paraphrasing of other people's work or ideas into your own work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this definition. Collusion is another form of plagiarism involving the unauthorised collaboration of students (or others) in a piece of work.

Why does plagiarism matter?

Plagiarism is a breach of academic integrity. It is a principle of intellectual honesty that all members of the academic community should acknowledge their debt to the originators of the ideas, words, and data which form the basis for their own work. Passing off another's work as your own is not only poor scholarship, but also means that you have failed to complete the learning process. Deliberate plagiarism is unethical and can have serious consequences for your future career; it also undermines the standards of your institution and of the degrees it issues.

Why should you avoid plagiarism?

There are many reasons to avoid plagiarism. You have come to university to learn to know and speak your own mind, not merely to parrot the opinions of others - at least not without attribution. At first it may seem very difficult to develop your own views, and you will probably find yourself paraphrasing the writings of others as you attempt to understand and assimilate their arguments. However it is important that you learn to develop your own voice. You are not necessarily expected to become an original thinker, but you are expected to be an independent one - by learning to assess critically the work of others, weigh up differing arguments and draw your own conclusions. Students who plagiarise undermine the ethos of academic scholarship while avoiding an essential part of the learning process. The Proctors regard [plagiarism in examinations](#) as a serious form of cheating for which offenders can expect to receive severe penalties.

You should not avoid plagiarism for fear of disciplinary consequences, but because you aspire to produce work of the highest quality. Once you have grasped the principles of source use and citation, you should find it relatively straightforward to steer clear of plagiarism. Moreover, you will reap the additional benefits of improvements to both the lucidity and quality of your writing. It is important to appreciate that mastery of the techniques of academic writing is not merely a practical skill, but one that lends both credibility and authority to your work, and demonstrates your commitment to the principle of intellectual honesty in scholarship.

What to avoid

The necessity to reference applies not only to text, but also to other media, such as computer code, illustrations, graphs etc. It applies equally to published text drawn from books and journals, and to unpublished text, whether from lecture handouts, theses or other students' essays. You must also attribute text or other resources downloaded from web sites. An [example of plagiarism](#) has also been set out to illustrate how to avoid plagiarism.

There are various forms of plagiarism and it is worth clarifying the ways in which it is possible to plagiarise:

Verbatim quotation without clear acknowledgement

Quotations must always be identified as such by the use of either quotation marks or indentation, with adequate citation. It must always be apparent to the reader which parts are your own

independent work and where you have drawn on someone else's ideas and language.

Paraphrasing

Paraphrasing the work of others by altering a few words and changing their order or by closely following the structure of their argument, is plagiarism because you are deriving your words and ideas from their work without giving due acknowledgement. Even if you include a reference to the original author in your own text you are still creating a misleading impression that the paraphrased wording is entirely your own. It is better to write a brief summary of the author's overall argument in your own words than to paraphrase particular sections of his or her writing.

This will ensure you have a genuine grasp of the argument and will avoid the difficulty of paraphrasing without plagiarising. You must also properly attribute all material you derive from lectures.

Cutting and pasting from the Internet

Information derived from the Internet must be adequately referenced and included in the bibliography. It is important to evaluate carefully all material found on the Internet, as it is less likely to have been through the same process of scholarly peer review as published sources.

Collusion

This can involve unauthorised collaboration between students, failure to attribute assistance received, or failure to follow precisely regulations on group work projects. It is your responsibility to ensure that you are entirely clear about the extent of collaboration permitted, and which parts of the work must be your own.

Inaccurate citation

It is important to cite correctly, according to the conventions of your discipline. Additionally, you should not include anything in a footnote or bibliography that you have not actually consulted. If you cannot gain access to a primary source you must make it clear in your citation that your knowledge of the work has been derived from a secondary text (e.g. Bradshaw, D. Title of Book, discussed in Wilson, E., Title of Book (London, 2004), p. 189).

Failure to acknowledge

You must clearly acknowledge all assistance which has contributed to the production of your work, such as advice from fellow students, laboratory technicians, and other external sources.

This need not apply to the assistance provided by your tutor or supervisor, nor to ordinary proofreading, but it is necessary to acknowledge other guidance which leads to substantive changes of content or approach.

Professional agencies

You should neither make use of professional agencies in the production of your work nor submit material which has been written for you. It is vital to your intellectual training and development that you should undertake the research process unaided. Under [Statute XI](#) on University Discipline, all members of the University are prohibited from providing material that could be submitted in an examination by students at this University or elsewhere.

Auto-plagiarism

You must not submit work for assessment which you have already submitted (partially or in full) to fulfil the requirements of another degree course or examination, unless this is specifically provided for in the special regulations for your course.

What happens if you are suspected of plagiarism?

The regulations regarding conduct in examinations apply equally to the ‘submission and assessment of a thesis, dissertation, essay, or other coursework not undertaken in formal examination conditions but which counts towards or constitutes the work for a degree or other academic award’. Additionally, this includes the transfer and confirmation of status exercises undertaken by graduate students. Cases of suspected plagiarism in assessed work are investigated under the disciplinary regulations concerning conduct in examinations. Intentional or reckless plagiarism may incur severe penalties, including failure of your degree or expulsion from the university.

If plagiarism is suspected in a piece of work submitted for assessment in an examination, the matter will be referred to the Proctors. They will thoroughly investigate the claim and summon the student concerned for interview. If at this point there is no evidence of a breach of the regulations, no further action will be taken. However, if it is concluded that an intentional or reckless breach of the regulations has occurred, the Proctors will refer the case to one of two disciplinary panels. More information on disciplinary procedures and appeals is available on the [Student Conduct section](#) of the Student Gateway.

If you are suspected of plagiarism your College Secretary/Academic Administrator and subject tutor will support you through the process and arrange for a member of Congregation to accompany you to all hearings. They will be able to advise you what to expect during the investigation and how best to make your case. The [OUSU Student Advice Service](#) can also provide useful information and support.

Does this mean that I shouldn't use the work of other authors?

On the contrary, it is vital that you situate your writing within the intellectual debates of your discipline. Academic essays almost always involve the use and discussion of material written by others, and, with due acknowledgement and proper referencing, this is clearly distinguishable from plagiarism. The knowledge in your discipline has developed cumulatively as a result of years of research, innovation and debate. You need to give credit to the authors of the ideas and observations you cite. Not only does this accord recognition to their labours, it also helps you to strengthen your argument by making clear the basis on which you make it. Moreover, good citation practice gives your reader the opportunity to follow up your references, or check the validity of your interpretation.

Does every statement in my essay have to be backed up with references?

You may feel that including the citation for every point you make will interrupt the flow of your essay and make it look very unoriginal. At least initially, this may sometimes be inevitable. However, by employing good citation practice from the start, you will learn to avoid errors such as sloppy paraphrasing or unreferenced quotation. It is important to understand the reasons behind the need for transparency of source use. All academic texts, even student essays, are multi-voiced, which means they are filled with references to other texts. Rather than attempting to synthesise these voices into one narrative account, you should make it clear whose interpretation or argument you are employing at any one time (whose ‘voice’ is speaking). If you are substantially indebted to a particular argument in the formulation of your own, you should make this clear both in footnotes and in the body of your text, before going on to describe how your own views develop or diverge from this influence. On the other hand, it is not necessary to give references for facts that are common knowledge in your discipline. If you are unsure as to whether something is considered to

be common knowledge or not, it is safer to cite it anyway and seek clarification. You do need to document facts that are not generally known and ideas that are interpretations of facts.

Does this only matter in exams?

Although plagiarism in weekly essays does not constitute a University disciplinary offence, it may well lead to College disciplinary measures. Persistent academic under-performance can even result in your being sent down from the University. Although tutorial essays traditionally do not require the full scholarly apparatus of footnotes and referencing, it is still necessary to acknowledge your sources and demonstrate the development of your argument, usually by an in-text reference. Many tutors will ask that you do employ a formal citation style early on, and you will find that this is good preparation for later project and dissertation work. In any case, your work will benefit considerably if you adopt good scholarly habits from the start, together with the techniques of critical thinking and writing described above. As junior members of the academic community, students need to learn how to read academic literature and how to write in a style appropriate to their discipline. This does not mean that you must become masters of jargon and obfuscation; however the process is akin to learning a new language. It is necessary not only to learn new terminology, but the practical study skills and other techniques which will help you to learn effectively. Developing these skills throughout your time at university will not only help you to produce better coursework, dissertations, projects and exam papers, but will lay the intellectual foundations for your future career. Even if you have no intention of becoming an academic, being able to analyse evidence, exercise critical judgement, and write clearly and persuasively are skills that will serve you for life, and which any employer will value.

Unintentional plagiarism

Not all cases of plagiarism arise from a deliberate intention to cheat. Sometimes students may omit to take down citation details when copying and pasting, or they may be genuinely ignorant of referencing conventions. However, these excuses offer no protection against a charge of plagiarism. Even in cases where the plagiarism is found to have been unintentional, there may still be a penalty. It is your responsibility to find out the prevailing referencing conventions in your discipline, to take adequate notes, and to avoid close paraphrasing. If you are offered induction sessions on plagiarism and study skills, you should attend. Together with the advice contained in your subject handbook, these will help you learn how to avoid common errors. If you are undertaking a project or dissertation you should ensure that you have information on plagiarism and collusion. If ever in doubt about referencing, paraphrasing or plagiarism, you have only to ask your tutor. There are some helpful [examples](#) of plagiarism-by-paraphrase and you will also find extensive advice and useful links in the [Resources section](#).

All students will benefit from taking the [online courses](#) which have been developed to provide a useful overview of the issues surrounding plagiarism and practical ways to avoid it.

The best way of avoiding inadvertent plagiarism, however, is to learn and employ the principles of good academic practice from the beginning of your university career. Avoiding plagiarism is not simply a matter of making sure your references are all correct, or changing enough words so the examiner will not notice your paraphrase; it is about deploying your academic skills to make your work as good as it can be.

Plagiarism Quiz

These statements describe a variety of practices on the plagiarism spectrum. Working from the top down, decide which is the first one that would not count as plagiarism. Would it be problematic for any other reason?

- Copying a paragraph verbatim from a source without any acknowledgement.
- Copying a paragraph and making small changes (e.g. replacing a few verbs, replacing an adjective with a synonym). The source is given in the references.
- Cutting and pasting a paragraph by using sentences of the original but omitting one or two, and putting one or two in a different order, without quotation marks; in-text acknowledgment e.g. (Jones, 1999) plus inclusion in the list of references.
- Composing a paragraph by taking short phrases of 10 to 15 words from a number of sources and putting them together, adding words of your own to make a coherent whole; all sources included in the list of references.
- Paraphrasing a paragraph with substantial changes in language and organisation; the new version will also have changes in the amount of detail used and the examples cited; in-text acknowledgement and inclusion in the list of references.
- Quoting a paragraph by placing it within quotation marks, with the source cited in the text and the list of references.

(This quiz was developed by Jude Carroll of Oxford Brookes University and is based upon an exercise in 'Academic writing for graduate students', J.M. Swales and C.B. Feak, University of Michigan, 1993.)

Examples of plagiarism

The following examples demonstrate some of the common pitfalls to avoid; they should be of use even to non-historians. However, you should consult your subject handbook and course tutor for specific advice relevant to your discipline. The referencing system used here is that prescribed by the History Faculty for the use of writers of theses.

Source text

From a class perspective this put them [highwaymen] in an ambivalent position. In aspiring to that proud, if temporary, status of 'Gentleman of the Road', they did not question the inegalitarian hierarchy of their society. Yet their boldness of act and deed, in putting them outside the law as rebellious fugitives, revived the 'animal spirits' of capitalism and became an essential part of the oppositional culture of working-class London, a serious obstacle to the formation of a tractable, obedient labour force. Therefore, it was not enough to hang them – the values they espoused or represented had to be challenged.

(Linebaugh, P., *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), p. 213. [You should give the reference in full the first time you use it in a footnote; thereafter it is acceptable to use an abbreviated version, e.g. Linebaugh, *The London Hanged*, p. 213.]

Plagiarised

1. Although they did not question the inegalitarian hierarchy of their society, highwaymen became an essential part of the oppositional culture of working-class London, posing a serious threat to the formation of a biddable labour force. (This is a patchwork of phrases copied verbatim from the source, with just a few words changed here and there. There is no reference to the original author and no indication that these words are not the writer's own.)
2. Although they did not question the inegalitarian hierarchy of their society, highwaymen exercised a powerful attraction for the working classes. Some historians believe that this hindered the development of a submissive workforce. (This is a mixture of verbatim copying and acceptable paraphrase. Although only one phrase has been copied from the source, this would still count as plagiarism. The idea expressed in the first sentence has not been attributed at all, and the reference to 'some historians' in the

second is insufficient. The writer should use clear referencing to acknowledge all ideas taken from other people's work.)

3. Although they did not question the inegalitarian hierarchy of their society, highwaymen 'became an essential part of the oppositional culture of working-class London [and] a serious obstacle to the formation of a tractable, obedient labour force'.¹ (This contains a mixture of attributed and unattributed quotation, which suggests to the reader that the first line is original to this writer. All quoted material must be enclosed in quotation marks and adequately referenced.)
4. Highwaymen's bold deeds 'revivified the "animal spirits" of capitalism' and made them an essential part of the oppositional culture of working-class London.¹ Peter Linebaugh argues that they posed a major obstacle to the formation of an obedient labour force. (Although the most striking phrase has been placed within quotation marks and correctly referenced, and the original author is referred to in the text, there has been a great deal of unacknowledged borrowing. This should have been put into the writer's own words instead.)
5. By aspiring to the title of 'Gentleman of the Road', highwaymen did not challenge the unfair taxonomy of their society. Yet their daring exploits made them into outlaws and inspired the antagonistic culture of labouring London, forming a grave impediment to the development of a submissive workforce. Ultimately, hanging them was insufficient – the ideals they personified had to be discredited.¹ (This may seem acceptable on a superficial level, but by imitating exactly the structure of the original passage and using synonyms for almost every word, the writer has paraphrased too closely. The reference to the original author does not make it clear how extensive the borrowing has been. Instead, the writer should try to express the argument in his or her own words, rather than relying on a 'translation' of the original.)

Non-plagiarised

1. Peter Linebaugh argues that although highwaymen posed no overt challenge to social orthodoxy – they aspired to be known as 'Gentlemen of the Road' – they were often seen as anti-hero role models by the unruly working classes. He concludes that they were executed not only for their criminal acts, but in order to stamp out the threat of insubordinacy.¹ (This paraphrase of the passage is acceptable as the wording and structure demonstrate the reader's interpretation of the passage and do not follow the original too closely. The source of the ideas under discussion has been properly attributed in both textual and footnote references.)
2. Peter Linebaugh argues that highwaymen represented a powerful challenge to the mores of capitalist society and inspired the rebelliousness of London's working class.¹ (This is a brief summary of the argument with appropriate attribution.)

You will find examples from other universities in the Resources section. You can gauge your understanding with a variety of online tests, or by undertaking the [Oxford online courses](#).

SCHEDULE VII

FORM AND RUBRIC OF EXAMINATION PAPERS IN THE BCL AND MJUR EXAMINATIONS 2015

Advanced Property and Trusts

Nine questions will be set. Candidates should answer three questions.

Commercial Remedies

Eight questions will be set, three of which will be problem questions. Candidates should answer three questions, including at least one problem question.

Comparative Corporate Law (previously known as Comparative and European Corporate Law)

Nine questions will be set. Candidates should answer three questions.

Comparative Equality Law (last examined in 2012-13)

Eight questions will be set. Candidates should answer three questions.

Comparative Human Rights

Eight questions will be set. Candidates should answer three questions.

Comparative Public Law

Eight questions will be set. Candidates should answer three questions.

Competition Law

Eight questions will be set, four of which will be problem questions. Candidates should answer three questions, including at least one problem question.

Conflict of Laws

Eight questions will be set. Candidates should answer four questions.

Constitutional Theory

Eight questions will be set. Candidates should answer three questions.

Corporate Tax Law and Policy (previously known as Corporate and Business Taxation)

Nine questions will be set. Candidates should answer three questions.

Corporate Finance Law

Nine questions will be set, four in Part A and five in Part B. Candidates should answer three questions, including at least one from Part A and at least one from Part B.

Corporate Insolvency Law

Nine questions will be set. Candidates should answer three questions.

Criminal Justice, Security and Human Rights (previously known as Criminal Justice and Human Rights)

Eight questions will be set (previously ten), four (previously six) in Part A and four in Part B. Candidates should answer three questions, including at least one from Part A and at least one from Part B

European Business Regulation (the law of the EU's internal market)

Nine questions will be set. Candidates should answer three questions.

European Private Law: Contract (last examined in 2012-13)

Eight questions will be set. Candidates should answer three questions.

Evidence

Nine questions will be set (previously eight, three in section 1 and five in section 2). Candidates should answer three questions (previously candidates answered three questions, including at least two from section 2).

Intellectual Property Law (previous to 2013-14 known as European Intellectual Property Law)

Nine questions will be set, three questions in Part A, three questions in Part B and three questions in Part C. Candidates should answer three questions, one from Part A (Trade Mark and Unfair Competition), one from Part B (Patent and Confidential Information) and one from Part C (Copyright and Related Rights). One question in each Part (A, B and C) will be a problem question. Candidates should answer at least one question overall that is a problem question. Candidates will be required to answer Part A question, Part B question and Part C question in a **separate answer booklet** (or booklets).

International Commercial Arbitration (new in 2013-14)

Eight questions will be set. Candidates should answer three questions.

International Criminal Law (new in 2014-15)

Eight questions will be set. Candidates should answer three questions.

International Dispute Settlement

Eight questions will be set. Candidates should answer three questions.

International Economic Law

Eight questions will be set. Candidates should answer three questions.

International and European Employment Law

Eight questions will be set. Candidates should answer three questions.

International Law and Armed Conflict

Eight questions will be set, four in Part A and four in Part B. Candidates should answer three questions, including at least one question from Part A and at least one question from Part B. (Previous to 2014-15 eight questions were set. Candidates should answer three questions).

International Law of the Sea

Eight questions will be set. Candidates should answer three questions.

Law and Society in Medieval England

Ten questions will be set. Candidates should answer three questions.

Law in Society

Eight (previously ten) questions will be set. Candidates should answer three questions.

Legal Concepts in Financial Law (new in 2014-15)

Eight questions will be set, two of which will be problem questions but choice of questions will be unrestricted. Candidates should answer three questions.

The Law of Personal Taxation

Eight questions will be set, two of which will be problem questions. Candidates should answer three questions, including at least one problem question.

Medical Law and Ethics (last examined in 2012-13)

Eight questions will be set. Candidates should answer three questions.

Philosophical Foundations of the Common Law

Eight questions will be set. Candidates should answer three questions.

Principles of Civil Procedure

Nine questions will be set. Candidates should answer three questions

Private Law and Fundamental Rights (new in 2014-15)

Eight questions will be set. Candidates should answer three questions.

Principles of Financial Regulation

Nine questions will be set. Candidates should answer three questions.

Punishment, Security and the State

Eight questions will be set. Candidates should answer three questions.

Restitution of Unjust Enrichment

Eleven questions will be set, three of which will be problem questions. Candidates should answer four questions, including at least one problem question. (Previously eight questions were set, two of which were problem questions but choice of questions was unrestricted. Candidates answered three questions.)

FHS Papers available for MJur**Administrative Law**

Ten questions will be set. MJur candidates should answer four questions.

Company Law

Twelve questions will be set, four of which will be problem questions. MJur candidates should answer four questions, including at least one problem question.

Constitutional Law

There will be ten questions of which MJur candidates should answer four questions.

Candidates are asked to note that some questions may involve a greater degree of mixing of topics than has been the norm in past papers.

Contract

Twelve questions will be set, five of which will be problem questions. MJur candidates should answer four questions, including at least two problem questions.

The Consumer Rights Bill 2014 will not be examined even if it is enacted and comes into force before the cut-off date (Friday of week 4 Hilary Term 2015). A copy will not be provided in the examination room and it is not in the statute book provided. Its provisions may be referred to in discussing future reforms.

European Human Rights Law

Ten questions will be set, one of which will be a problem question, but choice of questions will be unrestricted. MJur candidates should answer four questions.

Tort

Twelve questions will be set, five of which will be problem questions. MJur candidates should answer four questions including at least two problem questions.

The Social Action, Responsibility and Heroism Bill 2013 will not be examined even if it is enacted and comes into force before the cut-off date (Friday of week 4 Hilary Term 2015). A copy will not be provided in the examination room and it is not in the statute book provided. The Consumer Rights Bill 2014 will not be examined even if it is enacted and comes into force before the cut-off date. A copy will not be provided in the examination room and it is not in the statute book provided.

Trusts

Fourteen questions will be set, four of which will be problem questions. MJur candidates should answer four questions including at least one problem question.

SCHEDULE VIII

PRIZES IN THE BCL/MJUR EXAMINATIONS 2015

The Examiners have discretion to award the following prizes:

Allen and Overy Prizes

Best performance in the Corporate Finance Law paper

Best performance in the Corporate Insolvency Law paper

Clifford Chance Prizes

Best overall performance in the MJur. One proxime accessit

Best performance in the Principles of Civil Procedure paper

Gray's Inn Tax Chambers Prize

Best performance in the Law of Personal Taxation paper

Herbert Hart Prize

Best performance in the Jurisprudence and Political Theory paper

John Morris Prize

Best performance in the Conflict of Laws paper

KPMG Prize

Best performance in Corporate Tax Law and Policy

Law Faculty Prizes for Best performance in:

Advanced Property and Trusts

Comparative Public Law;

Commercial Remedies;

Comparative Equality Law;

Constitutional Theory;

Criminal Justice, Security and Human Rights;

Comparative Corporate Law

European Private Law: Contract;

International Dispute Settlement;

International Commercial Arbitration;

International Criminal Law;

International and European Employment Law;

International Law and Armed Conflict;

International Law of the Sea;

Intellectual Property Law;

Law and Society in Medieval England;

Law in Society;

Legal Concepts in Financial Law;

Philosophical Foundations of the Common Law;

Principles of Financial Regulation;

Private Law and Fundamental Rights;

Punishment, Security and the State;

Monckton Chambers Prize

Best performance in the Competition Law paper

Peter Birks Prize

Best performance in the Restitution of Unjust Enrichment paper

Ralph Chiles CBE Prize

Best performance in Comparative Human Rights

Rupert Cross Prize

Best performance in the Evidence paper

Vinerian Scholarship

Best overall performance in the BCL. One proxime accessit

Winter Williams Prizes

Best performance in the International Economic Law paper

Best performance in the European Business Regulation (the law of the EU's internal market) paper

SCHEDULE IX

BCL/MJUR EXAMINATIONS 2015

NOTICES PREVIOUSLY CIRCULATED TO CANDIDATES

1. 7 October 2014 - **PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY (PREVIOUSLY KNOWN AS CORPORATE & BUSINESS TAXATION) 2014-15, NOTICE TO STUDENTS TAKING THE ABOVE PAPERS - MATERIALS FOR THE COURSE AND IN THE EXAMINATION ROOM**
2. 13 November 2014 – **NOTICE TO CANDIDATES - Format and Rubric of Examination Papers, Change to the convention for the award of Pass, Materials available in the Examination Room.**
3. 19 November 2014 - **NOTICE TO CANDIDATES FOR PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY PAPERS MATERIALS IN THE EXAMINATION ROOM – NEW REGULATIONS**
4. 1 December 2014 - **FOR THE ATTENTION OF CANDIDATES OFFERING THE COMMERCIAL REMEDIES AND/OR RESTITUTION OF UNJUST ENRICHMENT PAPERS**, Amendments to Notice to Candidates dated 13 November 2014, Format and Rubric of Examination Papers, A. Schedule (Materials in the Examinations Room).
5. 26 January 2015 - **FOR THE ATTENTION OF CANDIDATES OFFERING THE LEGAL CONCEPTS IN FINANCIAL LAW PAPER**, Amendments to Notice to Candidates (dated 13 November 2014), C. Materials in the Examinations Room.
6. 7 April 2015 - **FOR THE ATTENTION OF CANDIDATES OFFERING THE TRANSNATIONAL COMMERCIAL LAW PAPER**, Amendment to Notice to Candidates (dated 9 March 2015), 1. The Question Papers and Schedule VII Form and Rubric of Examination Papers in the BCL and MJur Examinations 2015
7. 2 June 2015 - **PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY PAPERS, MATERIALS IN THE EXAMINATION ROOM – REGULATIONS AND INSTRUCTIONS, FINAL REMINDER OF ARRANGEMENTS**

URGENT - TO BE KEPT FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJUR) 2015

**PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY (PREVIOUSLY
KNOWN AS CORPORATE & BUSINESS TAXATION) 2014-15**

**NOTICE TO STUDENTS TAKING THE ABOVE PAPERS - MATERIALS FOR THE
COURSE AND IN THE EXAMINATION ROOM**

If you are taking Personal Taxation or Corporate Tax Law and Policy, you will need to use the current edition of Tolleys Yellow Tax Handbook (Tolley) during the course and to become familiar with the arrangement of documents in these volumes.

In 2012-13 a pilot scheme was run under which candidates for Corporate & Business Taxation and/or Personal Taxation were permitted under certain conditions to take into the examination room their own copy of the current edition of Tolleys Yellow Tax Handbook (Tolley volumes). Their copy had to be 'absolutely clean and unmarked'. To assist with navigation amongst an extension collection of materials, tabbing with coloured tabs, which also had to be 'absolutely clean and unmarked' was permitted. In 2013-14 the scheme was given permission for the pilot to run for a further three year period. It is therefore essential that you keep your own copy of Tolley volumes 'absolutely clean and unmarked'. You need the 55th edition and should buy this now as there will be another edition in Spring of 2015 and the 55th edition may not be available.

The Faculty has secured a deal with the publisher of Tolley to buy this book for £28 rather than its price which is £129.95. The Faculty will therefore purchase a copy on your behalf and you may then purchase this from the Faculty at the £28 price. Once the books arrive you will be notified, and will need to come to the Faculty to pick up your copy and pay the £28. Payment will be by cheque, made out to Faculty of Law, University of Oxford

*Judith Freedman
Pinsent Masons Professor of Taxation Law;
Worcester College Oxford OX1 2HB*

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJUR) 2015

NOTICE TO CANDIDATES

**Format and Rubric of Examination Papers
Change to the convention for the award of Pass
Materials available in the Examination Room**

The purpose of this circular is to give you advance notice of the format and rubric of examination papers in the BCL and MJur examinations in 2015, a change to the convention for the award of a Pass, and information as to the materials which will be available in the examination room in certain subjects.

Usually the format and rubric of a paper is the same as in the previous year (and past examination papers are available on the web at www.oxam.ox.ac.uk), but there are several new subjects, subjects that did not run in 2014 but are running in 2015 and changes affecting some existing subjects. Details of the materials available in the examination room in 2015 are given in the attached Schedule.

A. Format and Rubric of Examination Papers.

List I – BCL and MJur

Comparative Corporate Law (previously known as Comparative and European Corporate Law)

Nine questions will be set. Candidates should answer three questions.

Comparative Equality Law (last examined in 2012-13)

Eight questions will be set. Candidates should answer three questions.

Corporate Tax Law and Policy (previously known as Corporate and Business Taxation)

Nine questions will be set. Candidates should answer three questions.

Criminal Justice, Security and Human Rights (previously known as Criminal Justice and Human Rights)

Eight questions will be set (previously ten), four (previously six) in Part A and four in Part B. Candidates should answer three questions, including at least one from Part A and at least one from Part B

European Private Law: Contract (last examined in 2012-13)

Eight questions will be set. Candidates should answer three questions.

Evidence

Nine questions will be set (previously eight, three in section 1 and five in section 2). Candidates should answer three questions (previously candidates answered three questions, including at least two from section 2).

International Criminal Law (new in 2014-15)

Eight questions will be set. Candidates should answer three questions.

International Law and Armed Conflict

Eight questions will be set, four in Part A and four in Part B. Candidates should answer three questions, including at least one question from Part A and at least one question from Part B. (Previously eight questions were set. Candidates answered three questions).

Law in Society

Eight (previously ten) questions will be set. Candidates should answer three questions.

Legal Concepts in Financial Law (new in 2014-15)

Eight questions will be set, two of which will be problem questions but choice of questions will be unrestricted. Candidates should answer three questions.

Medical Law and Ethics (last examined in 2012-13)

Eight questions will be set. Candidates should answer three questions.

Private Law and Fundamental Rights (new in 2014-15)

Eight questions will be set. Candidates should answer three questions.

Restitution of Unjust Enrichment

Further information will follow in a subsequent Notice to Candidates.

List II – MJur only**Comparative Private Law (previously known as Comparative Law of Contract (last examined in 2012-13))**

There will be nine questions, six in Part A (Obligations) and three in Part B (Property and Trusts). MJur candidates should answer three questions, including at least one question from Part A and at least one question from Part B. Problem questions may be asked but it will not be mandatory to answer a particular number of problem questions (previously candidates answered four questions and choice of questions was unrestricted).

Contract

Twelve questions will be set, five of which will be problem questions. MJur candidates should answer four questions, including at least two problem questions.

The Consumer Rights Bill 2014 will not be examined even if it is enacted and comes into force before the cut-off date (Friday of week 4 Hilary Term 2015). A copy will not be provided in the examination room and it is not in the statute book provided. Its provisions may be referred to in discussing future reforms.

Tort

Twelve questions will be set, five of which will be problem questions. MJur candidates should answer four questions including at least two problem questions.

The Social Action, Responsibility and Heroism Bill 2013 will not be examined even if it is enacted and comes into force before the cut-off date (Friday of week 4 Hilary Term 2015). A copy will not be provided in the examination room and it is not in the statute book provided. The Consumer Rights Bill 2014 will not be examined even if it is enacted and comes into force before the cut-off date. A copy will not be provided in the examination room and it is not in the statute book provided.

B. Change to the convention for the award of Pass

The Law Board has approved a change to the convention for the award of Pass.

The previous version stated:

‘For the award of the degree of BCL or MJur there must be no mark lower than 50. A mark lower than 50 but greater than 40 may be compensated by very good performance elsewhere, but a mark of 40 or below is not susceptible of compensation’.

This has now been **replaced** by the following (amendment underlined):

For the award of the degree of BCL or MJur there must be no mark lower than 50. A mark lower than 50 but of 40 or above may be compensated by very good performance elsewhere, but a mark of 39 or below is not susceptible of compensation.

C. Materials in the Examination Room

Please see attached Schedule.

Mr R. Bagshaw
Director of Examinations
13 November 2014

UNIVERSITY OF OXFORD

FACULTY OF LAW

MATERIALS IN THE EXAMINATION ROOM 2015

I. HONOUR SCHOOL OF JURISPRUDENCE/DIPLOMA IN LEGAL STUDIES/MAGISTER JURIS

Administrative Law

Administrative Law Case List 2014-15

Commercial Law

Blackstone's Statutes on Commercial and Consumer Law, 20th (2011-12) edition, ed. Francis Rose
Commercial Law Case list 2014-15

The Companies Act 2006 (Amendment of Part 25) Regulations 2013

Consumer Rights Bill sections 1 – 32

Company Law

Butterworths Company Law Handbook, 27th (2013) edition

Company Law Case List 2014-15

Comparative Private Law (previously known as Comparative Law of Contract)

Translations of Extracts from national and European instruments, as compiled by the teaching group and distributed in the course

Constitutional Law

Constitutional Law Case List 2014-15

Contract

Blackstone's Statutes on Contract, Tort and Restitution, 25th (2014-15) edition, ed. Francis Rose
Contract Case list 2014-15

European Human Rights Law

Blackstone's International Law Documents, 11th (2013) edition, pages 45–65

European Human Rights Case List 2014-15

European Union Law

Blackstone's EU Treaties and Legislation, 25th (2014-15) edition, ed Nigel Foster, OUP (ISBN: 978-0-19-967852-5)

Family Law

Blackstone's Statutes on Family Law, 23rd (2014-15) edition

Family Law Case List 2014-15

Land Law

Sweet and Maxwell's Statutes Series, Property Law 8th (2002) or 9th (2003) or 10th (2004) edition
Land Law Case List 2014-15

Documents:

Consumer Credit Act 1974 ss 140A-140C;

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 Art 60C(2);

Mortgage Repossessions (Protection of Tenants etc) Act 2010 (in full).

Public International Law

Blackstone's International Law Documents, 11th (2013) edition,

Tort

Blackstone's Statutes on Contract, Tort and Restitution, 25th (2014-15) edition, ed. Francis Rose

Tort Case List 2014-15

Trusts

Sweet and Maxwell's Statutes Series, Property Law, 8th (2002) or 9th (2003) or 10th (2004) edition

Charities Act 2011, sections 1-5

Trusts Case List 2014-15

II. BACHELOR OF CIVIL LAW/MAGISTER JURIS

Commercial Remedies

Blackstone's Statutes on Contract, Tort and Restitution, 24th (2013-14) edition, ed. Francis Rose

Comparative Public Law

Blackstone's EU Treaties and Legislation, 25th (2014-15), ed Nigel Foster, OUP

Competition Law

Blackstone's UK and EU Competition Documents, 7th (2011) edition, ed. Middleton OUP

Conflict of Laws

Documents on Conflict of Laws:

Civil Jurisdiction and Judgments Act 1982, sections 32-34

Civil Procedure Rules Practice Direction 6B, para 3

Rome II Regulation (Regulation (EC) 864/2007)

Rome I Regulation (Regulation (EC) 593/2008)

Brussels I Regulation (recast) (Regulation (EU) 1215/2012)

Defamation Act 2013, s 9

Corporate Tax Law and Policy (previously known as Corporate and Business Taxation)

Tolley's Yellow Tax Handbook, (2014-15), Part 1a, Part 1b, Part 1c, Part 2 and Part 3, LexisNexis
(students take own copies into exam room)

Corporate Finance Law

Butterworths Company Law Handbook, 27th (2013) edition

Corporate Insolvency Law

Butterworths Company Law Handbook, 27th (2013) edition

European Business Regulation

Blackstone's EU Treaties and Legislation, 25th (2014-15) edition, ed Nigel Foster, OUP (ISBN: 978-0-19-870954-1)

Documents on European Business Regulation:

Council Regulation (EC) 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty OJ 1999 L83/1;

Council Regulation (EU) No 734/2013 of 22 July 2013 amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty OJ 2013 L204/15

Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty OJ 2014 L187/1;

Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks, OJ 2008 L299/25;

Directive 2005/89/EC [2005] OJ L33/22 (electricity security of supply)

Directive 2009/72/EC [2009] OJ L211/55 (electricity internal market)

Directive 2009/73/EC [2009] OJ L211/94 (natural gas internal market)

Regulation 713/2009/EC [2009] OJ L211/1 (ACER)

Regulation 714/2009/EC [2009] OJ L211/15 (network access for cross-border electricity)

Regulation 715/2009/EC [2009] OJ L211/36 (access to natural gas transmission networks)

Regulation 994/2010/EU [2010] OJ L295/1 (security of gas supply)

Directive 85/374 on liability for defective products, OJ 1985 L210/29

Directive 93/13 on unfair terms in consumer contracts, OJ 1993 L95/29

Directive 2005/29 on unfair business-to-consumer commercial practices in the internal market, OJ 2005 L149/22

Directive 2011/83 on consumer rights, OJ 2011 L304/64

Evidence

Blackstone's Statutes on Evidence, 12th (2012) edition (ISBN: 978-0-19-965630-1)

European Private Law: Contract

Study Group on a European Civil Code and Research Group on EC Private Law, Principles, Definitions and Model Rules on European Private Law: Draft Common Frame of Reference (DCFR) - Outline Edition (Munich: Sellier, 2009)

Translations of Extracts from national statutes and European instruments in the area of contract law as compiled by the teaching group and distributed in the course pack ('Statutory Materials I & II')

European Private Law: Tort

(Course not running in 2014-15)

Intellectual Property Law (previously known as European Intellectual Property Law)

Blackstone's Statutes on Intellectual Property, 12th (2014) edition

Documents on:

Copyright, Designs and Patents Act 1988, Chapter III (as amended) ("Acts Permitted in Relation to Copyright Works")

Unfair Commercial Practices Directive, Directive 2005/29/EC of 11 May 2005, O.J. L. 149/22 (June 11, 2005)

Charter of Fundamental Rights of the European Union

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)

Title X ("Jurisdiction and Procedure in Legal Action Relating to Community Trade Marks")
of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark
(codified version)

Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December
2012 implementing enhanced cooperation in the area of the creation of unitary patent protection,
OJ L 361/1 of 31/12/2012

Agreement on a Unified Patent Court, Council Document 16351/12 of 11/1/2013

International Commercial Arbitration

International Arbitration: Documentary Supplement 2011-12, Gary Born, Aspen Publishers
ICC Rules of Arbitration 2012

International Criminal Law

Documents on the Laws of War, 3rd (2000) edition, Roberts and Guelff,

International Dispute Settlement

Blackstone's International Law Documents, 11th (2013) edition

Tams & Tzanakopoulos (eds) The Settlement of International Disputes: Basic Documents (Hart,
2012) (ISBN - 9781849463034)

Documents:

UNCITRAL Model Law on International Commercial Arbitration

New York Convention on the Recognition and Enforcement of Foreign Arbitral
Awards

International Economic Law

The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations, 1999,
Cambridge University Press

International Law and Armed Conflict

Documents on the Laws of War, 3rd (2000) edition, Roberts and Guelff,

International Law of the Sea

Blackstone's International Law Documents, 11th (2013) edition

Legal Order of the Oceans, 2009, Hart Publishing

Legal Concepts in Financial Law

Butterworths Banking Law handbook 9th edition (2014)

Personal Taxation

Tolley's Yellow Tax Handbook, (2014-15), Part 1a, Part 1b, Part 1c, Part 2 and Part 3, LexisNexis
(students to take own copies into exam room)

Transnational Commercial Law

Transnational Commercial Law: Primary Materials (2007) ed. Sir Roy Goode, Herbert Kronke,
Ewan McKendrick and Jeffrey Wool (OUP)

Uniform Rules for Demand Guarantees (URDG 758)

Unidroit Principles of International Commercial Contracts 2010

ICC Arbitration Rules 2012

UNCITRAL Arbitration Rules 2010

**IMPORTANT – FOR IMMEDIATE ATTENTION AND TO BE RETAINED
FOR FUTURE REFERENCE**

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJur) 2014-15

NOTICE TO CANDIDATES FOR

**PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY (PREVIOUSLY
KNOWN AS CORPORATE & BUSINESS TAXATION) PAPERS**

MATERIALS IN THE EXAMINATION ROOM –REGULATIONS

Before choosing either Personal Taxation or Corporate Tax Law and Policy you were told that you will need to use the current edition of Tolley's Yellow Tax Handbook (Tolley) during the course, and to become familiar with the arrangement of documents in these volumes. In 2012-13 a pilot scheme was run successfully under which candidates for Corporate & Business Taxation and/or Personal Taxation were permitted under certain conditions to take into the examination room their own copy of the current edition of Tolley's Yellow Tax Handbook (Tolley). In 2013-14 the Faculty was given permission for the pilot scheme to run for a further three year period. Consequently the scheme will operate in 2014-15. The purpose of this Notice is to bring immediately to your attention full details of the regulations which apply to the scheme and the procedures for their enforcement. **It is essential that you note and obey the following:**

9. The copy of Tolley which you bring into the examination room must be **absolutely clean and unmarked**. As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours but must be **absolutely clean and unmarked**. These regulations will be strictly enforced. Particular attention will be paid to personal possession markings (eg your name, name of your college) which **must do no more than identify the ownership of the Tolley Handbook**.
10. Your copy of Tolley will be inspected by the examiners/invigilators in your presence at the start of the Personal Taxation and/or Corporate Tax Law and Policy paper. This will be carried out as quickly as possible. Thereafter during the examination scrutiny will be conducted as part of invigilation and will be random. Your copy of Tolley must remain **absolutely clean and unmarked** (see 1. above) **for the duration of the examination paper**.
11. In the event of any infringement or breach of regulations specified above, your copy of Tolley will immediately be confiscated and the matter reported to the Proctors. You will be permitted to continue and complete the examination paper but without access to the collection of materials in Tolley. Similarly, if for some reason you forget to bring your copy of Tolley to the examination, you will be permitted to write the paper but without access to the materials in the Tolley Handbook.

12. The Proctors will suspend the processing of the candidate's examination results while they fully investigate (including interviewing the candidate) the reported infringement or breach of the regulations. If they come to the view that a breach of the Disciplinary Regulations has occurred, the Proctors are empowered to refer the matter to the Student Disciplinary Panel. Further information about these Regulations and disciplinary procedures may also be found on <http://www.admin.ox.ac.uk/proctors>. Students who breach the Disciplinary Regulations for University Examinations may have their marks reduced, or may be failed in that examination or, in the most serious cases, may be expelled.

Mr R. Bagshaw
Director of Examinations
19 November 2014

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJUR) 2015

SUPPLEMENTARY NOTICE TO CANDIDATES

FOR THE ATTENTION OF CANDIDATES OFFERING THE
COMMERCIAL REMEDIES
AND/OR
RESTITUTION OF UNJUST ENRICHMENT
PAPERS

Amendments to Notice to Candidates dated 13 November 2014

A. Format and Rubric of Examination Papers

B. Schedule (Materials in the Examinations Room)

A. Format and Rubric of Examination Papers

The format and rubric of the Restitution of Unjust Enrichment paper for 2015 has been changed from the previous year (2014). The number of questions has been increased from 8 to 11, the number of questions to be answered has increased from 3 to 4, and at least one problem question should now be answered. (Previously eight questions were set, two of which were problem questions but choice of questions was unrestricted. Candidates answered three questions.) Past examination papers are available on the web at www.oxam.ox.ac.uk.

The Format and Rubric of the Restitution of Unjust Enrichment paper for the examinations in 2015 will therefore be as follows:

Restitution of Unjust Enrichment

Eleven questions will be set, three of which will be problem questions. Candidates should answer **FOUR** questions, including at least **ONE** problem question.

B. Materials available in the Examination Room

Commercial Remedies

In the Notice to Candidates (dated 13 November 2014) it is stated that Commercial Remedies: Blackstone's Statutes on Contract, Tort and Restitution, 24th (2013-14) edition, ed. Francis Rose will be provided in the Examination Room. The Blackstone's Statutes on

Contract, Tort and Restitution, 25th (2014-15) edition will now be provided in the Examination Room. Please make the following amendment to the Notice to Candidates:

Commercial Remedies – replace Blackstone’s Statutes on Contract, Tort and Restitution, 24th (2013-14) edition, ed. Francis Rose **with** Blackstone’s Statutes on Contract, Tort and Restitution, 25th (2014-15) edition ed. Francis Rose

The materials will therefore be as follows:

Commercial Remedies

Blackstone’s Statutes on Contract, Tort and Restitution, 25th (2014-15) edition ed. Francis Rose

Mr R. Bagshaw
Director of Examinations
1 December 2014

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJUR) 2015

SUPPLEMENTARY NOTICE TO CANDIDATES

**FOR THE ATTENTION OF CANDIDATES OFFERING THE LEGAL CONCEPTS IN
FINANCIAL LAW PAPER**

Amendments to Notice to Candidates (dated 13 November 2014)

C. Materials in the Examinations Room

C. Materials available in the Examination Room

Legal Concepts in Financial Law

In the Notice to Candidates (dated 13 November 2014) it is stated that Legal Concepts in Financial Law: Butterworths Banking Law handbook 9th edition (2014) will be provided in the Examination Room. The Butterworths Banking Law handbook 8th edition (2010) will **now** be provided together with the following additional material: The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600); The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993); The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115); The Consumer Insurance (Disclosure and Representations) Act 2012; and The 2002 ISDA Master Agreement'. Please make the following amendment to the Notice to Candidates:

Legal Concepts in Financial Law

– **delete** Butterworths Banking Law handbook 9th edition (2014)

– **add** Butterworths Banking Law handbook 8th edition (2010)

Documents:

The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600)

The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993)

The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115)

The Consumer Insurance (Disclosure and Representations) Act 2012

The 2002 ISDA Master Agreement

The materials will therefore be as follows:

Legal Concepts in Financial Law

Butterworths Banking Law handbook 8th edition (2010)

Documents:

The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600)

The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993)

The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115)

The Consumer Insurance (Disclosure and Representations) Act 2012

The 2002 ISDA Master Agreement

Professor L. Gullifer
Chair of BCL and MJur Examiners
26 January 2015

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJUR) 2015

THIRD SUPPLEMENTARY NOTICE TO CANDIDATES

**FOR THE ATTENTION OF CANDIDATES OFFERING THE TRANSNATIONAL
COMMERCIAL LAW PAPER**

Amendment to Notice to Candidates (dated 9 March 2015)

**11. The Question Papers and
Schedule VII Form and Rubric of Examination Papers in the BCL and MJur Examinations
2015**

In the Notice to Candidates (dated 9 March 2015) the form and rubric for the Transnational Commercial Law paper was omitted from section 11. The Question Papers and from Schedule VII Form and Rubric of Examination Papers for the BCL and MJur Examinations 2015.

Please make the following addition to section 11. The Question Papers and to Schedule VII of the Notice to Candidates (dated 9 March 2015):

Add:

Transnational Commercial Law

Eight questions will be set. Candidates should answer three questions, including at least one marked with an asterisk.

Professor L. Gullifer
Chair of BCL and MJur Examiners
7 April 2015

**IMPORTANT – FOR IMMEDIATE ATTENTION AND TO BE RETAINED
FOR FUTURE REFERENCE**

FACULTY OF LAW

**BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJur) 2014-
15**

THIRD NOTICE TO CANDIDATES FOR

**PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY
PAPERS**

**MATERIALS IN THE EXAMINATION ROOM – REGULATIONS AND
INSTRUCTIONS**

FINAL REMINDER OF ARRANGEMENTS

- 1. Notice to Candidates dated 19 November 2014 – see attached (also attached to Second Notice to Candidates dated 27 April 2015)**

It is very important to reread this Notice and familiarise yourself with its terms **before you attend at the Examination Schools**. You may **not** take the Notice into the examination room, and it will **not** be read out or referred to by the Invigilator before the start of the examination paper.

- 2. Approved transparent plastic bags**

Transparent plastic bags available from the Faculty Office have been approved for carrying the volumes of Tolley's Yellow Tax Handbook into the examination room (see Second Notice to Candidates dated 27 April 2015).

These are the only bags you may use; substitutes will not be permitted and using substitutes will breach the Proctors' Disciplinary Regulations.

The transparent bags will be removed from your desk, and may be collected at the end of the examination.

- 3. Your own copy of Tolley's Yellow Tax Handbook**

You are reminded that Tolley volumes will **not** be provided in the examination room for candidates who do not take in their own copies.

Professor L. Gullifer
Chair BCL/MJur Examiners
2 June 2015

IMPORTANT – FOR IMMEDIATE ATTENTION AND TO BE RETAINED FOR FUTURE REFERENCE

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJur) 2014-15

NOTICE TO CANDIDATES FOR

PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY (PREVIOUSLY KNOWN AS CORPORATE & BUSINESS TAXATION) PAPERS

MATERIALS IN THE EXAMINATION ROOM –REGULATIONS

Before choosing either Personal Taxation or Corporate Tax Law and Policy you were told that you will need to use the current edition of Tolleys Yellow Tax Handbook (Tolley) during the course, and to become familiar with the arrangement of documents in these volumes. In 2012-13 a pilot scheme was run successfully under which candidates for Corporate & Business Taxation and/or Personal Taxation were permitted under certain conditions to take into the examination room their own copy of the current edition of Tolleys Yellow Tax Handbook (Tolley). In 2013-14 the Faculty was given permission for the pilot scheme to run for a further three year period. Consequently the scheme will operate in 2014-15. The purpose of this Notice is to bring immediately to your attention full details of the regulations which apply to the scheme and the procedures for their enforcement. **It is essential that you note and obey the following:**

13. The copy of Tolley which you bring into the examination room must be **absolutely clean and unmarked**. As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours but must be **absolutely clean and unmarked**. These regulations will be strictly enforced. Particular attention will be paid to personal possession markings (eg your name, name of your college) which **must do no more than identify the ownership of the Tolley Handbook**.
14. Your copy of Tolley will be inspected by the examiners/invigilators in your presence at the start of the Personal Taxation and/or Corporate Tax Law and Policy paper. This will be carried out as quickly as possible. Thereafter during the examination scrutiny will be conducted as part of invigilation and will be random. Your copy of Tolley must remain **absolutely clean and unmarked** (see 1. above) **for the duration of the examination paper**.
15. In the event of any infringement or breach of regulations specified above, your copy of Tolley will immediately be confiscated and the matter reported to the Proctors. You will be permitted to continue and complete the examination paper but without access to the collection of materials in Tolley. Similarly, if for some reason you forget to bring your copy of Tolley to the examination, you will be permitted to write the paper but without access to the materials in the Tolley Handbook.
16. The Proctors will suspend the processing of the candidate's examination results while they fully investigate (including interviewing the candidate) the reported infringement or breach of the regulations. If they come to the view that a breach of the Disciplinary Regulations has occurred, the Proctors are empowered to refer the matter to the Student Disciplinary

Panel. Further information about these Regulations and disciplinary procedures may also be found on <http://www.admin.ox.ac.uk/proctors>. Students who breach the Disciplinary Regulations for University Examinations may have their marks reduced, or may be failed in that examination or, in the most serious cases, may be expelled.

Mr R. Bagshaw
Director of Examinations
19 November 2014

SCHEDULE X

BACHELOR OF CIVIL LAW/MAGISTER JURIS

DECLARATION OF AUTHORSHIP

Name (in capitals): Examination number:

College (in capitals):

Three Jurisprudence and Political Theory essays

Word count: Essay 1:..... Essay 2:..... Essay 3:.....

There is extensive information and guidance on academic good practice and plagiarism on the University website: www.admin.ox.ac.uk/epsc/plagiarism.

Please tick to confirm the following:

I am aware of the University's disciplinary regulations concerning conduct in examinations and, in particular, of the regulations on plagiarism (see Schedule IV – *Examination Regulations* 2014, Part 19). ☐

I have read and understood the Education Committee's information and guidance on academic good practice and plagiarism at www.admin.ox.ac.uk/edc/goodpractice. ☐

The three essays I am submitting are entirely my own work and have been written without any assistance. ☐

None of the three essays have been submitted, either wholly or substantially, for another degree of this University, or for a degree at any other institution. ☐

I have clearly in each essay indicated the presence of all material quoted from other sources and all paraphrased material with appropriate references. ☐

I have not copied from the work of any other candidate. I have not used the services of any agency providing specimen, model or ghostwritten work in the preparation of this thesis/dissertation/extended essay/assignment/project/other submitted work. (See also section 2.4 of Statute XI on University Discipline under which members of the University are prohibited from providing material of this nature for candidates in examinations at this University or elsewhere: <http://www.admin.ox.ac.uk/statutes/352-051a.shtml#Toc28142348>.) ☐

The electronic copy of each of the three essays I am submitting is identical in content with the two hard copies of the same essay I am submitting. ☐

I agree that the electronic copy of my essays will be made available to the examiners to confirm the word count and to check for plagiarism (see paragraph 8 of Notice to Candidates). I agree that the Faculty of Law may retain the two hard copies and the electronic copy of each essay until the publication of my final examination result.

Candidate's signature: Date:

Please submit this Declaration of Authorship in the envelope in which you submit the hard copies of your essays. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2014, page 31, paragraph 14.11).

DISSERTATION

BACHELOR OF CIVIL LAW/MAGISTER JURIS DECLARATION OF AUTHORSHIP

Name (in capitals): **Examination number:**
College (in capitals):
Title of Dissertation:
.....
Word count:

There is extensive information and guidance on academic good practice and plagiarism on the University website: www.admin.ox.ac.uk/epsc/plagiarism.

Please tick to confirm the following:

I am aware of the University's disciplinary regulations concerning conduct in examinations and, in particular, of the regulations on plagiarism (see Schedule IV – *Examination Regulations* 2014, Part 19). ☐

I have read and understood the Education Committee's information and guidance on academic good practice and plagiarism at www.admin.ox.ac.uk/edc/goodpractice. ☐

The dissertation I am submitting is entirely my own work and, except where otherwise indicated, has been written without any assistance. ☐

The dissertation has not been submitted, either wholly or substantially, for another degree of this University, or for a degree at any other institution. ☐

I have clearly indicated the presence of all material quoted from other sources and all paraphrased material with appropriate references. ☐

I have acknowledged appropriately any assistance I have received. ☐

I have not copied from the work of any other candidate. I have not used the services of any agency providing specimen, model or ghostwritten work in the preparation of this thesis/dissertation/extended essay/assignment/project/other submitted work. (See also section 2.4 of Statute XI on University Discipline under which members of the University are prohibited from providing material of this nature for candidates in examinations at this University or elsewhere: <http://www.admin.ox.ac.uk/statutes/352-051a.shtml#Toc28142348>.) ☐

The electronic copy of the dissertation I am submitting is identical in content with the two hard copies I am submitting. ☐

I agree that the electronic copy of my dissertation will be made available to the examiners to confirm the word count-and to check for plagiarism (see paragraph 8 of Notice to Candidates). I agree that the Faculty of Law may retain the two hard copies and the electronic copy until the publication of my final examination result.

Candidate's signature: Date:

Please submit this Declaration of Authorship in the envelope in which you submit the hard copies of your essays. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2014, page 31, paragraph 14.11).

APPENDIX 4

Raw Marks Statistics, BCL/MJur 2015 Marks distributions on first reading, as percentages

Paper name	Av. Mark	Number sitting	----- Mark rangers (%) -----					
			49/less	50/54	55/59	60/64	65/69	70/over
Advanced Property and Trusts	66.5	15					100	
BCL Dissertation	67.6	12			8	8	33	50
Commercial Remedies	66.6	52	2		8	17	38	35
Comparative Corporate Law	67.8	12				8	42	50
Comparative Equality Law	67.3	19				16	47	37
Comparative Human Rights	67.5	13			8	8	54	31
Comparative Public Law	66.4	18		6	6	6	44	39
Competition Law	64.8	19	5			37	32	26
Conflict of Laws	62.4	27	7	7	7	41	19	19
Constitutional Theory	66.2	20			5	20	50	25
Corporate Tax Law and Policy	63.6	10	10		10	10	30	40
Corporate Finance Law	66.8	25				24	40	36
Corporate Insolvency Law	68.1	12				17	50	33
Criminal Justice, Security and Human Rights	64.0	9	11			22	44	22
European Business Regulation	66.2	18				39	28	33
European Private Law: Contract	65.7	10			10	20	50	20
Evidence	67.0	7				14	57	29
Intellectual Property Law	65.4	22	5			32	36	27
International and European Employment Law	68.3	9				22	22	56
International Commercial Arbitration	66.4	24			4	29	33	33
International Criminal Law	67.8	12				25	25	50
International Dispute Settlement	65.8	14				36	29	29
International Economic Law	64.1	14	7		7	36	21	29
International Law and Armed Conflict	66.8	27		4	4	19	30	44
International Law of the Sea	67.8	8				13	63	25
Jurisprudence and Political Theory Essays	64.0	19	5	11	11	16	16	37
Law and Society in Medieval England	66.5	6				50	17	33
Law in Society	68.3	8				13	38	50
Legal Concepts in Financial Law	68.7	13				8	46	46
Medical Law and Ethics	64.1	22	5	5	9	27	32	23

Raw Marks Statistics, BCL/MJur 2015
Marks distributions on first reading, as percentages

Paper name	Av. Mark	Number sitting	----- Mark rangers (%) -----					
			49/less	50/54	55/59	60/64	65/69	70/over
MJur Dissertation	65.7	11				18	73	9
Philosophical Foundations of the Common Law	65.5	13				38	38	23
Principles of Civil Procedure	68.2	25					64	36
Principles of Financial Regulation	65.2	16				50	38	13
Private Law and Fundamental Rights	65.4	16			6	44	13	38
Punishment, Security and the State	65.5	6			17		67	17
Restitution of Unjust Enrichment	64.7	36			14	33	33	19
The Law of Personal Taxation	67.5	2				50		50
Transnational Commercial Law	65.4	7			14	14	43	29

APPENDIX 5

INDIVIDUAL REPORTS

ADVANCED PROPERTY AND TRUSTS

Comments on individual questions:

1. Most answers were able to give a perfectly adequate account of relative title and absolute title systems. Where answers were lacking was in the critical analysis of these systems. Few answers, for instance, asked whether the low evidential requirements for proving ‘ownership’ in absolute title systems means that such systems start to resemble relative title.

2. This was not a popular question, but tended to attract strong answers. The better answers examined the way in which Honore’s incidents could be said to “derive” from the right to exclude.

3. This was a fairly popular question. Weaker answers did little more than offer an account of the *numerus clausus*. Stronger answers were able to evaluate the strength of the various justifications for the principle. The best answers were able to ask, in light of these justifications, whether there was a need for the principle in systems that require notice (through, for instance, registration) of new rights.

4 & 5. These questions attracted many answers that did little more than offer an account of the various theories mentioned in the questions. There was not much by way of critical analysis of these theories. Few answers were able to deploy case law to test the explanative force of these theories.

6. The first part of this question (the Edelman quote) was one of the most popular on the paper. Again, weaker answers merely explained and expanded upon the quote. The best answers were able to rigorously test the coherence of the Edelman thesis against other doctrines, such as exclusion clauses and remedies for breach of fiduciary duties.

7. Weaker answers tended to list various types of trust that did not appear to have a beneficial interest, such as charitable trusts and private purpose trusts. Better answers were able to investigate other controversial categories of trusts, such as discretionary trusts, and probe whether a beneficial interest could be said to exist here. The best answers were able to link these issues to theoretical explanations for the basis of trusts, and provide compelling criticism, for instance, of the ‘dual ownership’ thesis.

8. This was a fairly popular question and attracted a number of strong answers. Most candidates were able to discuss the tension between settlor control and the beneficiary’s interest. Surprisingly, some candidates omitted to explain the facts and decision in *Saunders v Vautier*, which meant that they failed to provide any context for their discussion. The best answers not only discussed the case, but also considered alternative interpretations of the judgment and its overall status as an authority.

9. This was the least popular question on the paper. Not enough candidates attempted the question to be able to make general comments.

General comments:

We found that whilst most candidates were able to offer perfectly adequate accounts of the various theories and doctrines referred to in the question, there was a marked absence of detailed critical analysis of these theories. In particular, we were a little disappointed at the lack of case law deployed by candidates in testing the status of these theories.

COMMERCIAL REMEDIES

The standard this year was generally high, with at least half a dozen outstanding scripts. All questions attracted some answers, although the final problem (**Q8** Account, Dishonest Assistance, Compensation in Equity, Limitation) attracted the fewest. It may be that this is explicable on the basis that it sought to combine legal and equitable issues in a single problem. The examiners will be alive to trying more of this in the future,

Q1 (penalties, relief against forfeiture) proved understandably popular given the recent developments within the law of penalties. Unfortunately some answers were let down by insufficient knowledge of the law in relation to forfeiture.

Q2 Was taken by too many to be an opportunity to give a pre-prepared answer on *AIB v Redler*. The better answers did not confine the discussion so narrowly.

Q3 (gain based and punitive awards) again attracted too many pre-prepared answers on one topic or the other, without trying to address the extent to which similar principles do or should underlie both awards

Q4 Attracted many good answers, the better addressing the question of the evil the 'legitimate interest' restriction is supposed to address.

Q5 Was generally well done, with the better answers showing a detailed understanding of what had been said in *Coventry v Lawrence* and its significance.

Q6 Whilst popular was disappointing. First too many candidates failed to spot that whenever a problem starts with a date from 6 or so years ago, that is a strong hint that a problem of limitation arises. Second there was a failure to discuss some of the subtleties in the problem (eg what if the claimant only intends to re-erect the sculpture if damages are awarded?). The general impression was one of rushed answers without sufficient reflection.

Q7 Was the most popular problem, and a gratifying familiarity with the cases on the sale of goods was revealed.

COMPARATIVE CORPORATE LAW

Eighteen candidates (six MLF, six MJur and six BCL) attempted this paper. The overall standard of the scripts was very high. Eight candidates obtained first class marks, and the average mark was 68%. There was a pleasing absence of any really weak scripts. With the exception of question 5, all questions were attempted, with questions 1, 6, 7 and 8 proving the most popular.

Answers to question 1 took a variety of different approaches, reflecting the breadth of the question. The best answers were able not only to outline shareholder rights and describe the growth of hedge fund activism in the three relevant jurisdictions, but also to explore possible causal linkages between changes in these two things.

Questions two and three attracted only a few answers, but were generally done well.

The better answers to question 4 focused on the role of a shareholder vote in the context of a related party transaction. Unfortunately some weaker answers simply described the operation of the business judgment rule.

No candidate attempted question 5.

Question 6 yielded a number of careful reviews of the law and practice relating to derivative actions in the three jurisdictions. Better answers offered a clear comparative evaluation as well as simply a description.

Perhaps predictably, question 7 provoked a wide range of different responses, most of which were very well-argued.

Question 8 was the most popular, being attempted by 13 candidates. Whilst most were able to offer a good review of the different degrees of creditor protection recognised by the three core jurisdictions, the best answers were those which engaged directly with the question's assertion that creditor protection is marginalised by managerial power.

One candidate answered question 9.

COMPARATIVE EQUALITY LAW

The standard of performance in this year's exam was, on the whole, very high. The best candidates wrote theses-driven essays that closely addressed the question asked (including the second part of a two-pronged question), used material from multiple jurisdictions as well as theoretical literature, and had a coherent structure.

1. This challenging question, one that required a high level of original thinking, was surprisingly popular. The responses tended to be either very good or quite off the mark. The poorer responses treated this as an opportunity to rehearse debates that had little to do with the public-private divide. The best essays interpreted the question in different ways. Some of these approaches included attending to the choice of duty-bearers in the law, or the treatment of sex discrimination, or the dilemmas posed by religion.
2. This was a popular question, dealt with reasonably competently. Many candidates, however, failed to adequately distinguish coherence of the distinction between direct and indirect discrimination from its normative attraction.
3. This was the second-most popular question. Most students persuasively argued that the goals of discrimination law cannot be reduced to countering past disadvantage. Many who did badly on this question did so because they failed to pay sufficient attention to the role of grounds.
4. Another very popular question. The main problem in the weaker essays was a failure to distinguish between freedom of religion and religion as a protected characteristic in discrimination law.
5. Only one candidate attempted this question. This candidate answered it very well, by connecting the blameworthiness of discrimination to the direct-indirect discrimination distinction.
6. A reasonably popular question. A surprisingly large number of students failed to properly address the second half of the question: whether one's position on symmetry with respect to sex discrimination has implications for the symmetric protection of other grounds.

7. A less popular question, which mostly produced standard textbook style responses. Most candidates knew the material on justifications well, but only few had a strong thesis to drive their answers.
8. This was the most popular question of the paper. Since the question required a judgment over the 'best' jurisdictional approach, candidates were expected to have something to say about all the major jurisdictions studied in the course (this is consistent with the general guideline requiring reference to *at least* two jurisdictions). The second half of the question was only rarely addressed properly.

COMPARATIVE PUBLIC LAW

The paper was, on the whole, done well this year, with a generally high standard across the questions and a pleasing distribution of answers across the questions set. However, in a marked contrast to previous years, some candidates experienced difficulties with timing issues, particularly as concerns completing the last essay question, and there was more of a marked disparity between the marks of the BCL and M Jur candidates. As in previous years, the better placed candidates were able to use their knowledge of the three legal systems to provide a detailed argument in response to the question, showing not only an excellent depth and breadth of knowledge but also a clear normative evaluation.

Question 1, examining the review for error of law and error of fact, produce a good set of answers with candidates demonstrating a good knowledge of the legal systems studied and better candidates demonstrating a pleasing ability to draw comparisons and provide a normative evaluation of whether a pragmatic approach should be taken to the division between law and fact in the systems studied. Question 2 produced a good set of answers, with better placed candidates providing a detailed evaluation of other justifications for differences between the legal systems concerning the content of procedural fairness, in addition to the potential explanation of a distinction between inquisitorial and adversarial approaches. Question 3 was also fairly popular, with candidates demonstrating a pleasing ability to contrast functional and doctrinal comparisons, particularly between the French and the English legal systems, as well as recognising how the same legal doctrine may be approached differently across the three legal systems. The better candidates were able to make suggestions for modifications across the three legal systems drawing on these differences. Question 4 was not as popular as some of the other questions. Candidates demonstrated a very good ability to assess the extent to which the narrower approach to standing requirements in the EU was based on its different aims and purposes, or whether it was a function of the nature of the EU legal system. Question 5 was a popular question, with candidates showing a pleasing ability to evaluate how far the three legal systems differentiated between human rights adjudication and other actions for judicial review. Candidates were also aware of recent developments in this regard in English law with better candidates being able to provide detailed evaluations of the extent to which courts should treat human rights decisions differently. Question 6 was one of the most popular questions, with candidates showing an excellent ability to assess recent developments in the application of proportionality in France and England, drawing extensively on EU law to demonstrate how each legal system may benefit from different aspects of the application of proportionality in EU law. Question 7 was less popular, but those tackling it produced excellent answers explaining how what may appear to be clear divergences in theory – e.g. as regards the connection between illegality and liability and the acceptance, or otherwise, of non-fault liability – may not be as divergent as they first appear when we analyse the precise requirements of liability and their practical application. Question 8 was the least popular question. Candidates who tackled this demonstrated a good knowledge of theories surrounding the conception and function of judicial review, particularly in English law.

COMPARATIVE HUMAN RIGHTS

In marking this examination, the examiners paid particular attention to the extent to which candidates were able to answer the question, structure their argument, make use of a wide range of materials, appropriately use comparative law methodology and provide a critique of their own. Generally, the examiners were impressed at the quality of answers, particularly, in the focus on the question asked and the appropriate use of comparative materials to structure the response. The questions were formulated in a way which required candidates to integrate the theoretical framework developed at the beginning of the course into their understanding of the comparative jurisprudence, and many candidates succeeded in doing so. There were some excellent responses, which also developed an argument addressing the question in a critical and innovative way. Some of the weaker candidates were somewhat bland and descriptive and a small number were inaccurate in their portrayal of the basic material. But overall, candidates displayed a high level of knowledge, an ability to apply theory to substantive materials and an interest and enthusiasm in the subject.

COMPETITION LAW

The paper comprised eight questions of which four were essay questions and four problem questions. Candidates were asked to answer three questions including at least one problem question.

The first essay question focused on the European Commission's approach to exclusivity rebate systems by dominant undertakings. It explored the relationship between the Guidance Paper on Article 102 TFEU and the General Court's judgements in Tomra and Intel. The second question addressed the Commission's use of commitment decisions under Article 9, Regulation 1/2003. The third question considered the adequate level of intervention and the claim that the application of EU competition law protects small businesses rather than efficient competition. The fourth essay question considered the (elusive) dividing line between 'object' and 'effect' violations.

The four problem questions covered the enforcement of Article 101 TFEU, Article 102 TFEU, the European Merger Regulation and UK Competition Law. The majority of answers to problem questions were of very high standard and included references to market definition and structure, to the substantive provisions and to enforcement considerations.

Overall, exam papers this year were of a high standard. As in the previous years, the majority of candidates tackled problem questions. The examination was taken by 23 candidates (BCL, MJUR, MLF and MSC), 4 of whom achieved a first class mark.

CONFLICT OF LAWS

After some discussion in the teaching group regarding the balance of candidates' choices between essay and problem questions, the rubric for the paper retained its usual format: eight questions equally divided between essays (Q.1-4) and problem questions (Q.5-8).

Almost one half of candidates chose to follow the well-trodden path of answering problem questions only, albeit with mixed success. On the whole, the standard of papers was rather disappointing, particularly at the top end, with only 5 of the 27 candidates considered deserving of

a Distinction mark (18%, well below the corresponding percentage - 32% - in 2014). Many candidates found difficulty in demonstrating a good level of knowledge and technical understanding across four questions.

In the problem questions, which proved equally popular, a fair number fell into the traps of failing to pay sufficient attention to the facts of the problem and of assuming that the second of two parts of a problem added little or nothing of substance to the first and could be dispelled in a sentence or two. Candidates encountered especial difficulties in analysing the effect of newer legislative developments in the area of jurisdiction, in particular the adjustments to the Brussels I Regulation's *lis pendens* mechanisms when a choice of court agreement is engaged (Q.5) and section 9 of the Defamation Act 2013 (Q.8). Many failed to appreciate that Q.7 raised issues concerning both the Regulation and common law enforcement regimes.

Of the essays, those on *renvoi* and the common law fraud exception to recognition/enforcement proved the most popular; the broader reforms question on jurisdiction and the law applicable to contractual or non-contractual obligations attracted fewer answers.

CONSTITUTIONAL THEORY

The overall standard of answers was high. As ever, those who answered the precise question set did much better than those who addressed the topic in general. The very best answers showed evidence of careful analysis and original thinking. Most questions were answered by several candidates, but questions about subsidiarity, judicial review, and constitutional interpretation proved particularly popular.

CORPORATE TAX LAW AND POLICY

Of the class of 17 students this year, 10 were BCL/MJur students, the remaining students being from the MLF programme. Of the 10 BCL/MJur students, 4 were awarded a distinction, and 3 further students obtained marks of 65 and above. This is a pleasingly high standard overall. At their best, the papers showed evidence of wide reading as well as detailed knowledge of particular areas. The best answers integrated technical and policy knowledge well. Those few with lower marks sometimes did not address the question asked, but this was rare.

All the questions on the paper were attempted but there was, as usual, a marked preference for essays over problems, despite the fact that example problem questions had been practiced in tutorials. Those who did attempt the problems obtained good marks for them. EU and OECD tax developments are an increasing focus of attention for those taking this course, and were generally well handled. The popular essay question on the differing tax treatment of debt and equity was well done on the whole, displaying some knowledge of the practical problems with examples as well as of the theory.

The MLF students were an asset to the class throughout the year and 5 of the 7 were awarded marks of 65 and above in this paper (one of which was a distinction).

CORPORATE FINANCE LAW

As in the previous year, the paper was divided into separate debt and equity sections and candidates were required to answer at least one question from each section. Encouragingly, there were no cases of candidates failing to observe this requirement, which was introduced to prevent candidates from opting solely for equity questions, as a small number had done in the past.

Overall, the paper was answered with a high level of competence, though with rather few outstanding papers. That said, there were some impressive exam performances at the very top end. The overall average mark for the paper was 66.8, with the marks ranging between 62 and 73.

In relation to the debt questions, it was encouraging to see candidates attempting a broader range of questions (in contrast to the previous year, in which virtually every candidate attempted the same debt question!). None of the questions should have come as a surprise to the candidates with the particular focus of each question having been duly flagged up in the seminars or the tutorials. As a result, each question attracted at least one first-class answer, with the top answer to Question 3 being particularly impressive. The statistics for the debt questions were as follows: Question 1 attracted 13 answers with an average mark of 65.2; Question 2 attracted 8 answers with an average mark of 67.8; Question 3 attracted 10 answers with an average mark of 67.9; and Question 4 attracted 4 answers with an average mark of 66.3.

As far as the equity questions were concerned, Questions 5–7 attracted a reasonable number of takers, whereas the final two questions on the paper were barely touched. Once again, all of the questions were amply flagged up during the course of the year, so ought not to have come as a surprise. The low level of answers was particularly surprising of Question 8 given that an almost identical question had been the focus of the revision class in Trinity Term. Unsurprisingly, therefore, those few candidates who tackled the question produced compelling answers for which they were suitably rewarded. The statistics for the equity questions were as follows: Question 5 attracted 11 answers with an average mark of 67; Question 6 attracted 14 answers with an average mark of 66.8; Question 7 attracted 11 answers with an average mark of 66.4; Question 8 attracted 2 answers with an average mark of 70; and Question 9 attracted 2 answers with an average mark of 67.5. As with the debt questions, each equity question attracted at least one first-class answer, although it was the top answers to Questions 5 and 6 in particular that impressed.

CORPORATE INSOLVENCY LAW

The quality of this year's scripts was high. 33.33% of candidates scored a first, and the remainder scored good upper second-class marks.

Question 1: This question was not answered.

Question 2: This was a popular question. All students who answered it had a good understanding of the treatment of pre-insolvency entitlements under English liquidation law (although this was of course not sufficient, since the question required students to evaluate whether English law ensures “adequate” respect for pre-insolvency entitlements). Most answers focused on the position of the holders of security and reservation of title interests, and beneficiaries under a trust. Better answers also queried what is meant by ‘respect for pre-insolvency entitlements’ in the case of an unsecured creditor, interrogating the proceduralist account of the rationale for a *pari passu* distributional rule.

Question 3: This question required students to analyse the judicially developed anti-deprivation principle from a functional perspective, and then to consider whether its functions were already adequately performed by statutory provisions in the Insolvency Act 1986 – in particular, its transaction avoidance provisions. As such, a demonstrated understanding of the case law that has contributed to the development of the ADP was not sufficient to score highly in this question.

Question 4: This was a very popular question. Most answers demonstrated a good understanding of the theoretical literature on risk-shifting in the vicinity of insolvency, and the English rules that can be characterised as strategies to constrain this. Those students who integrated material from the comparative insolvency law topic scored particularly highly.

Question 5: This was a very popular question. It required more than a comparison of the Australian rule described and the English equivalent(s): students were also asked to ‘critically analyse’ the English treatment of preferences. When ‘comparing’, an understanding that effects-based tests tend to feature an ‘ordinary course of business’ exception would have assisted some candidates. In ‘critically analysing’, better answers drew on theoretical literature on the purpose of preference rules, considered from an *ex ante* and *ex post* perspective.

Question 6: This question invited discussion of the history of the Enterprise Act 2002 reforms and analysis of their impact in practice, with particular reference to pre-packaged administrations. Better answers drew on empirical literature to explain the operation of administrative receivership and administration in practice, and on theoretical literature to query whether “creditor democracy” was a goal to strive for.

Question 7: This question required students to demonstrate (with reference to the theoretical literature in the course materials) their understanding of the functions of formal restructuring procedures, and to deploy this to critically analyse the features of the English scheme of arrangement procedure.

Question 8: This question was not answered.

Question 9: This question required a close treatment of the case law on the development of common law powers of assistance, supported by an understanding of the particular challenges that arise in cross-border corporate insolvencies. Those students who did answer this question did so exceptionally well, typically beginning by explaining the role for judicial assistance in cross-border cases before critiquing the current position under English law (as expounded in *Singularis*) on the scope and availability of common law powers of assistance.

CRIMINAL JUSTICE, SECURITY AND HUMAN RIGHTS

This year 9 candidates took this paper. Two were awarded firsts. One came close to the first class borderline, and another failed. The remaining scripts ranged between 64% and 68%.

None of the questions answered stood out from others in terms of levels of performance, or in terms of candidate choices. Candidates were clearly well prepared in the areas they chose to focus on, and the questions were broadly set to allow candidates time to develop their ideas.

The best candidates paid close attention to a wide array of sources from a range of jurisdictions. Their answers were very clearly argued, and incorporated a careful reading of the case law, other primary materials as well as academic critique. Candidates who answered the question directly

were also well rewarded, as were those who embraced ambiguity and complexity in their answers. Examiners also welcomed candidates drawing on discussion from seminars and tutorials.

Candidates who answered the question with a sub-set of sources (either exclusively based on case law or on secondary literature), or who failed to cover the number of jurisdictions requested by the question in equal depth, did less well in their answers. This was also the case for candidates who failed to rise above the material to produce a clear and coherent argument in relation to the question set.

EUROPEAN BUSINESS REGULATION

In general, the examiners were pleased with the way in which candidates engaged with this paper, utilising the breadth of the materials studied in the course effectively when developing answers to questions. Clearly, very few had confined themselves to studying or revising a very narrow range of topics, and this ambition was duly rewarded: issues from energy, consumer law, State aid and IP were often introduced astutely to develop answers to more general questions or to add nuance and comparison within more topic-specific questions. There were also very few weak answers: where lower marks were awarded on some questions, this was usually because a candidate had not engaged clearly and directly with the specific question set, but rather had offered a general answer on the core (and sometimes related) topics without clearly explaining how this was addressing the particular issues raised by the given question. Happily, this tendency was very rare, and at the top end there were some very strong efforts, showing both wide-ranging reading and an ability to engage in detail with some finely-grained issues of legal analysis and practical/policy implications.

Every question attracted at least one attempt, with **q.7** on EU consumer law proving the most popular. Strong answers were able to focus closely on the question and employ a range of primary and secondary legal materials to develop an organised and critical response. So, for example, **q.7** saw answers at the top end able to deconstruct the notion of the ‘consumer’ and show evidence for the presence of different notions in the case law of the Court and legislative oeuvre of the EU, offering both an assessment and critical comments about how these notions have been developed and applied, and might be taken forward and made more coherent in future. Similarly, the strongest answers to **q.6(a)** were able not only to list the detailed criteria developed by the Court concerning repackaging, but also to offer criticisms of their detail and practical application; and the most effective attempts at **q.5** (another popular question) were able to take on the quotation’s implications critically, using not just the Court’s case law but also legislative efforts to assess the extent to which coherent governance of the internal market has been, and could be, achieved. Finally, candidates who went beyond the immediate context of renewable energy and free movement in **q.2** and were able to discuss the broader range of case law concerning mandatory requirements and directly discriminatory national measures scored more highly than those who did not, and those who could also place the role of such mandatory requirements into the broader context of the operation of Article 34 TFEU and the role of the Court under the Treaties were well rewarded. Overall, this was a most pleasing set of answers.

EUROPEAN PRIVATE LAW: CONTRACT

There were ten papers, nine of which were written by MJur candidates. Eight questions were offered, and all of these were attempted. Those most frequently chosen concerned pre-contractual liability, the doctrine of *cause* and its ‘functional equivalents’, good faith and supervening circumstances. The standard of the answers was generally high. The best candidates stood out

because they properly engaged with the questions, referred to primary sources in order to substantiate their arguments and displayed the ability to connect the topics covered with broader questions of contract law and comparative law at large.

EVIDENCE

There has been a shift this year in giving more prominence to questions addressing fundamental issues in evidence law, such as the justification for imposing a burden of proof on the accused in criminal cases, or the desirability of restricting the accused's right of silence. Candidates responded well. A good proportion of them showed serious engagements with the question and demonstrated wide knowledge, well beyond the reading list materials. Answers were almost evenly spread between the 9 questions, though question 4, requiring detailed knowledge of the hearsay rule, attracted only one answer. Of the 7 candidates taking the exam, no one obtained a lower mark than 64 and 2 scripts were awarded a distinction.

INTERNATIONAL COMMERCIAL ARBITRATION

This year's paper featured the usual broad variety of topics. Again there was a clear preference for the questions on separability and competence-competence, effects and enforcement of an arbitration agreement, and different approaches to the enforcement of annulled awards.

In general, there was a good standard of performance in this paper. The examiners were pleased to see some very high quality scripts where candidates convincingly employed their own views with skill and precision. Stronger candidates showed wide reading, independent thoughts and critical analysis across the syllabus. Each question invited candidates to consider a range of issues from particular angles. Some mediocre scripts failed to pay adequately close attention to the exact question set, listing authorities and repeating well-rehearsed, in advance prepared general points rather than developing arguments addressing the question or quote.

There were 24 candidates who attempted this paper. All scripts were second-marked.

INTERNATIONAL CRIMINAL LAW

As this was the first discrete course offered in Oxford on international criminal law, it was, in some respects, somewhat experimental. We were pleased therefore at the high level of knowledge and sophistication manifested by the answers to the examination questions which were rather difficult and required a good understanding of theoretical issues and the case law of international criminal tribunals, as well as of procedural and evidentiary rules and their impact on prosecutorial strategy.

Twelve students took the examination. No student was marked below 60 and 6 students obtained marks in the 70s.

INTERNATIONAL AND EUROPEAN EMPLOYMENT LAW

There were nine candidates in this subject, and the quality of responses was high, and as to be expected of a small cohort of bright, well-prepared and highly motivated graduate students. This was reflected in the fact that five candidates achieved marks of 70 or above. The best two papers in particular were of exceptional quality. The most popular questions were employment policy/atypical work, migration status and labour rights, working time, and the transnational regulation of the right to strike. The best scripts were characterised by a clear line of argument, deep familiarity with the primary legal materials and the secondary literature, and a willingness to explore the variations in the approaches of different legal orders to particular regulatory problems where this was relevant to the question. The more successful candidates also displayed an appreciation of the highly contested nature of many of the core concepts in international and European employment law, such as ‘employment policy’ or ‘integrated’ human rights reasoning. This theoretically sophisticated analysis was informed by knowledge of the contemporary labour market contexts in Europe and other regions, and the ways in which that context has altered in the wake of the economic crisis.

INTERNATIONAL DISPUTE SETTLEMENT

The scripts this year were good, the great majority of them being focused, informed, and clearly written. Almost every question in the paper (apart from Q2) was attempted by at least one candidate. The distribution of answers however was relatively uneven, though somewhat more even than last year. The uneven distribution is due to certain questions in the paper being similar to those discussed during tutorials. This is to some extent natural, as only four tutorials are given, and candidates tend to congregate around more familiar topics in the exam.

As in the previous year, problem questions were included in the paper (2 out of 8), and both were attempted by a significant number of candidates despite some hesitation in answering problem questions indicated during the academic year. Many answered them very well – and without the incidence of pre-prepared answers tacked on to broadly relevant questions found in some essay answers – suggesting that candidates should not be afraid to test their ability to apply their knowledge to the simulated real-life situations presented in problem questions. Approximately 1 in 4 scripts scoring a First. The best scripts overall were those where candidates were able to discern differences in the fact pattern or phrasing of the essay question and tailor their analysis accordingly.

INTERNATIONAL ECONOMIC LAW

The level of performance of the students who wrote the International Economic Law examination paper was outstanding: a very significant proportion of students in the subject obtained a Distinction class mark.

Among those who obtained a high 2:1 class mark (above 65%), there were a number of students who were just under the Distinction level. These students may likely have achieved a higher, possibly Distinction class, mark if they had been more consistent in employing an analytical, as opposed to a descriptive, approach to the material being considered in their answers. Moreover, several answers read as being formulaic, general essays on the topic of the question rather than being a specific answer to the question being asked, and as such were marked down. These exceptions do not however detract from the overall excellent performance of students in this subject.

INTERNATIONAL LAW AND ARMED CONFLICT

This was the first year in which the exam for this course was divided into two parts. Part A contained questions dealing with the topics covered in the first part of the course, i.e the law relating to the use of force by states and by the United Nations. The questions in Part B related to international humanitarian law and the application of human rights law in armed conflict. Candidates were required to answer at least one question from each part and the split in the paper does not seem to have caused any significant problems for candidates. All the questions on the paper were attempted by at least one candidate with Questions 1 and 7 being the most popular questions. Indeed practically every candidate answered at least one of those two questions, with a large proportion answering both. The quality of answers were on the whole exceedingly satisfactory and the fact that 12 out of 27 papers obtained distinction marks is evidence of how good the answers were. Close attention was paid by the bulk of candidates to the terms of the question and candidates tended to direct their answers, as one should expect, to the precise question asked of them rather than engaging in general exposes of the topic within which the question was situated. As always, the best answers were those that not only gave focussed answers but which were able to structure those in a coherent and logical order, use primary material (cases, treaties etc) and the secondary literature appropriately. Overall, this was done to great satisfaction.

INTERNATIONAL LAW OF THE SEA

This course ran again in 2014/15, as it did in 2013/14, but it did not run in 2012/13. This year 8 candidates sat the examination. The quality of answers was very good overall, demonstrating clear evidence of a detailed knowledge of the key legal instruments, case law, and academic authority. Stronger answers were those in which candidates applied that knowledge carefully in addressing the questions asked. Almost all questions (apart from Q5 on the deep seabed), including the 2 (out of 8) problem questions, were attempted at least once, with the problem questions proving particularly popular, despite their length. 1 in 4 scripts scored a mark of 70 or above and no scripts were marked below 60.

INTELLECTUAL PROPERTY LAW

The standard of answers on the papers was generally very high across the board. Six of twenty-two students received distinctions (one student failed to complete all parts of the paper, resulting in one aberrant mark). Candidates were required to answer at least one problem question, but the majority of candidates answered two problem questions and one essay question.

In Part A (Trade Marks), slightly less than half the candidates attempted the problem question, with the rest of the attempts being evenly divided between the two essay questions, ensuring a good spread of answers. For the essay on blurring, candidates critically engaged with the question of whether there is any psychological harm resulting from an association between two signs, while paying less attention to identifying the nature of the harm (uniqueness, or image, or goodwill, or distinctiveness). While the essay question was explicitly restricted to blurring, a few candidates deviated into a discussion on free riding and tarnishment. The essay on the functionality exclusions for shapes attracted some very high quality answers. The more ambitious candidates identified (i) the residual problems with the interpretation of 'exclusively necessary to produce a technical result' as well as the attempt in Hauck to (ii) formulate a broader policy vision of the exclusions, (ii) expand the 'nature of the goods' provision; and (iv) provide guidance for shapes

which add ‘substantial value’. Finally, for the problem question, while some issues were comprehensively addressed, others such as identifying the type of mark (colour or position or entirely *sui generis*?), systematically applying the functionality exclusions, or querying whether association is the same as acquired distinctiveness were relatively underdeveloped.

In Part B (Patents) around three quarters of all candidates attempted the problem question (question 6). While the level was generally good, not all papers applied the relevant provisions to the facts with equal precision. Weaker papers tended to state results without giving any reasons. The problem had two parts: validity and infringement. Some students did extremely well on the validity analysis: they solved the priority problem, distinguished correctly between novelty and inventive step and assessed correctly the potential anticipations. Even most of the better papers, however, failed to grasp the difference between (i) prior foreign applications which had already been published, (ii) unpublished EPO applications (see Art 54 (3) EPC) and (iii) unpublished national applications. Weaker papers did not address the priority issue or only discussed some of the anticipations. In the infringement analysis, some candidates discussed the equivalence issue rather well whereas others gave very superficial answers. Only very few candidates recognized that the use of a claimed invention consisting of the elements A + B + C with an additional feature (A + B + C + D) is a clear case of infringement, not an issue of equivalents. Three students answered question 4. One candidate pointed out the theoretical and practical difficulties of taking human rights into account when granting patents, whereas the others did not distinguish clearly between the impact of human rights and the impact of ethics. Two students attempted question 5. They both analysed the tension between standardization and patent protection very well and gave a good critical appraisal of potential solutions.

In Part C (Copyright), half of the candidates attempted the essay question on categories of work (Question 7), while very few answered Question 8 (on exceptions and limitations). All those candidates tackling Question 7 showed a very good grasp of the relevant case law from the Court of Justice (starting with the evolution of *Infopaq* through *BSA* and beyond) that might call into question the resilience of categories of works of authorship, but the best answers also noted the range of ways in which categories continue to be relevant within the statutory scheme despite that case law. Most of the essays on Exceptions (Question 8) set out well the different types of exception found in UK law and in the European *acquis*. Candidates were however expected also to consider in some form the congruence of the UK law with that *acquis* and critically engage with the approach that the Court of Justice has taken to the interpretation of exceptions. Answers to the problem question on Copyright (Question 9) were very good and showed very solid knowledge of the Court of Justice case law on hyperlinking and communication to the public, though some skated over the preliminary question of which works existed and who owned them. (The question specifically asked about rights owned by one party and thus ownership was crucial). The best answers on infringement connected the fact pattern to the questions left open after *Svensson*, the meaning of new technical means in *TV Catch Up*, and the Court’s ambivalence of the relevance of commerciality in its treatment of communication to the public.

LAW AND SOCIETY IN MEDIEVAL ENGLAND

Six candidates took this paper. All but one had no prior knowledge of English legal history. The scripts all achieved respectable marks of over 60% and two reached Distinction level. No candidates answered questions 6 (on the creation of royal remedies for the recovery of land), 8 (on the writing requirement in covenant) or 9 (on the extension of the availability of the action of account). Four out of six candidates answered question 3 (on the legal protection of heirs against

the abuses of guardians) but the highest overall standard was achieved by those candidates who answered question 10 (on the relationship between the statutes of Acton Burnell and Merchants).

LAW IN SOCIETY

A lively group of eight students made for some stimulating seminar discussions. In the exam, two or three questions were, as usual, particularly popular, but overall there was a good spread, with only one question not being attempted by any candidate. The marks given to all the essays on six of the eight scripts were clustered between 68 and 70. This is unusually close and somewhat surprising, given the diversity of the students' backgrounds—as normal, they came from a broad range of countries, educational and legal traditions—and also the marks given for their tutorial essays. These exam essays were well structured, clearly argued, and made good use of empirical examples, indicating careful preparation and engagement with the topic and good familiarity with the readings. It was quite hard to be sure about the prize-winner and I might have expected one or two candidates to have achieved a slightly higher mark overall. However, one paper stood out as having slightly more breadth in terms of the examples used and somewhat tighter arguments.

JURISPRUDENCE AND POLITICAL THEORY (ESSAYS)

Candidates were asked to write essays on three out of six questions. Three of these concerned central issues in jurisprudence, the rest some classic topics in wider political philosophy. The overall standard of the essays was very good, with several being outstanding.

Questions 1-4 (about the way the action of institutions make the law what it is; the possible role of political ideals in the theory of law; the paradox of authority; and the justification of authority) were more popular than the remaining two (whether justice regulates only institutional as opposed to personal choices; resource egalitarianism and perfectionism). Most essays were competent or better, showing understanding of the key issues and familiarity with recent literature. Those candidates attempting Q1 generally wrote sophisticated essays. Some of the essays attempting Q6 (resource egalitarianism and perfectionism) were weak, missing one or the other dimension of the question, or assuming rather than defending the truth of their conclusions in favour or against perfectionism.

All essays were submitted to *Turnitin*. Four essays scored well above 25% on Turnitin's similarity index. All of these, as well as several more that scored in the high teens, included passages copied verbatim or nearly verbatim from other sources. Extensive copying of others' work, whether or not correctly credited, is a robust predictor of weak performance.

LEGAL CONCEPTS IN FINANCIAL LAW

This was the first year that this course has run. The students were provided with a mock exam, which several of them wrote, as well as detailed guidance on what to expect in the exam and how to prepare for it. Revision classes were held in groups of up to 10 (half the class), as well as the usual tutorials. The exam took the form of 8 questions, of which two were non-compulsory problem questions. It was sat by 5 MLF students, 2 MJur students and 11 BCL students.

The general standard of the scripts was good. There were 6 scripts marked at 70 or above, 10 between 60 and 69 and one below 60.

Question 1: money

This was very well done indeed, with some very thoughtful answers. Most answers considered whether Benjamin's definition correlated with other theories; the best ranged more widely, and looked at subjects such as Bitcoin and how the theories would work in troubled economies.

Question 2: property rights

While this question was popular, it was poorly answered in many cases where candidates failed to focus on the actual question posed. The question concerned the contractual variation of property rights, yet many candidates considered at some length contractual subordination of unsecured claims or variation of other personal rights. Others concentrated on the nature of equitable property rights, which was also only tangentially related to the question.

Question 3: financial collateral

This was easily the most popular question and was answered by nearly every candidate. There were many excellent answers. The best focused on the concept of dispossession, and how it related to the balance between market efficiency and safety, and took a view on the problems with English law and how best to overcome them. Weaker answers tended to be a more general discussion of the Financial Collateral Directive, which were not so focused on the specific point of the question.

Question 4: securitisation

This was less popular, and the answers, though well informed, tended to be rather descriptive. The best focused on the attributes of legal concepts involved as well as their use. Weaker scripts failed to identify or discuss the relevant legal concepts, and were largely descriptive.

Question 5: set-off

This was another popular question, with a wide range of quality of answers. The best focused on the limits on set-off, critically assessing the current ones and suggesting others. Weaker answers were much more general and much less well informed.

Question 6: intermediated securities

This, though not popular, was answered very well, with some really excellent discussion. The best discussed a variety of vulnerabilities, including problems where the holding chains involved a number of jurisdictions.

Question 7: interest rate swap problem

Several candidates attempted this problem, with rather mixed results. The best demonstrated clarity and accuracy in applying the relevant; weaker answers tended to miss out points, such as consideration of the suspensive effect of the terms of ISDA Master Agreement, or be inaccurate in the application of the relevant legal principles.

Question 8: syndicated loan problem

There was a similar pattern to the (few) answers to this problem. The best applied the law very accurately and fully to the facts of the problem, while weaker candidates did not. For example, failing to analyse correctly the legal effect of the fact that the guarantor was a director of the borrowing company at the time when the facility was drawn down

MEDICAL LAW AND ETHICS

There was a much wider range in the calibre of the scripts this year than previously, ranging from ones showing a high degree of originality, wide reading and close critical attention to the intersections of ethical and legal issues, to a failure and a bare pass. Candidates who had abided by advice in the seminars to study and revise topics across the syllabus were well prepared to deal with the open form of the examination questions, and were rewarded accordingly; those who focused too narrowly on a handful of topics had cause to rue that strategy. There was a large group of answers awarded marks in the mid to low 60s which focused on the ethical dimensions of the question at the expense of the law, or vice versa.

PHILOSOPHICAL FOUNDATIONS OF THE COMMON LAW

As usual, the paper was composed of one question on each of the three main themes of the course (contract theory, tort theory, and criminal law theory), a question on causation, a general question on any or all areas of the common law, and three ‘crossover’ questions (contract-tort, contract-criminal law, criminal law-tort). The efforts at the lower end of the achievement scale appeared to reflect the imprudence of revising just two of the three main themes – usually tort and crime – and ‘dropping’ the rest. Candidates who opt for that strategy leave themselves, in effect, with no real choice of questions to answer – in the tort-crime example, they have to answer the question on tort theory, the question on criminal law theory, and the crossover question on tort and criminal law – and, frequently, with an insufficient range of ideas to sustain a whole paper, so that one or two lines of argument end up being offered in various permutations throughout the script.

Thankfully, that folly has only affected a small number of scripts. The overall quality of the rest was good, with candidates demonstrating the ability to engage with the questions on their precise terms, a sound grasp of the literature, and the willingness to answer the questions by way of offering an original analysis and a genuine thesis.

PRINCIPLES OF CIVIL PROCEDURE

9 questions were set and pleasingly all 9 questions were answered. Questions 1 (case management) 5 (closed material proceedings) and 6 (apprehension of judicial bias) were particularly popular. It was on these three questions that the quality of answers differed most markedly with some truly outstanding answers demonstrating a thorough understanding of the case law, statutes and rules whilst developing an original and nuanced argument.

As with previous years many candidates demonstrated knowledge beyond the reading list including the use of comparative law and inter-disciplinary research such as law and psychology and behavioural economics. On the downside, however, too many candidates regurgitated pre-prepared essays without engaging, or only cursorily engaging, with the question asked.

PRINCIPLES OF FINANCIAL REGULATION

A total of 48 candidates (32 MLF, seven BCL and nine MJur) took this paper. The average mark was 66, the same as last year. Nine candidates (19%) obtained marks of 70 or above, slightly fewer than last year.

Question 1 was popular, being attempted by 23 candidates. The question's deliberately wide framing was an invitation to compare and contrast the role of disclosure in relation to securities markets with that in relation to consumer financial products. Whilst better answers did this very effectively, a number of weaker answers seemed to ignore the role played by disclosure in relation to consumer finance, focusing exclusively on securities regulation.

Question 2 attracted only a few answers. Whilst each of these discussed the potential for interference with consumer autonomy by 'product regulation', only the best answers linked this to a discussion of MiFID II's product approval process requirement.

Question 3 was generally solidly done. Most answers were able to assess critically the definition offered of 'shadow banking'. However many candidates struggled to extend this to an assessment of the extent to which banking regulation should be extended to the shadow banking sector.

Predictably, Question 4 attracted a large number of answers, being attempted by 36 candidates. Better answers were able to discuss the full range of Basel III innovations—not just capital adequacy—and to offer a critical assessment.

Question 5 was answered by four candidates.

Many candidates answered question 6, which yielded a wide range of opinions regarding the wisdom of implementing structural regulation. Most candidates were able to defend their views effectively.

Question 7 produced a number of very thoughtful answers. Unfortunately several weaker answers suggested—incorrectly—that credit rating agencies face no threat of liability at all.

Question 8 attracted few takers, but those who chose to attempt it generally did so well.

As respects question 9, which proved popular, all candidates were able to give an effective summary of the goals of bank resolution regimes. However surprisingly few were able to relate this to other linked areas of bank regulation, in particular capital adequacy and macro-prudential oversight.

PRIVATE LAW AND FUNDAMENTAL RIGHTS

This was the first year of this course. The examination paper followed the standard pattern of 8 essay questions. Of the 16 students sitting the examination, three were MJur students. The standard of achievement was high, with 5 (BCL) students obtaining marks of 70% or above, and only one script below 60%. The highest mark for individual questions was 75%, and the lowest was 56%. The top paper received a mark of 73% overall, and the lowest 58%. All questions on the examination paper were attempted. The most popular question was question 2, attempted by 10 candidates, which concerned the relation between the common law of negligence and the Human Rights Act. Another popular question concerned the development of a tort of privacy based on article 8 of the European Convention on Human Rights. Although all candidates produced a satisfactory performance, the weaker scripts mostly confined their discussion to a review of the relevant case law without introducing much by way of either critical assessments of

the judicial reasoning in those cases or consideration of broader themes and theories such as the relation between public and private law, the idea of grounding private law in human rights, and complexities of the process of the purported balancing of competing human rights.

PUNISHMENT, SECURITY AND THE STATE

There were six candidates for this examination and the standard was generally high, though only one candidate achieved a Distinction.

The answers were generally of a high quality and gave evidence that the candidates had engaged effectively with the syllabus, read widely, and thought hard about the issues raised. Particularly pleasing was evidence of real engagement with the various academic debates, particularly in penal theory and the security literature. Most questions were answered by at least one candidate; the most popular were questions 2 and 7a.

The answers were generally well written, clearly structured and the best pursued a clear line of argument in response to the question set. Most scripts revealed that the candidates had acquired a good level of understanding, had read widely and thought carefully about the main academic debates. The really good answers engaged with the questions set directly and drew effectively on their reading to provide insightful answers. Most included wide-ranging discussion of the key issues and substantiated their arguments with pertinent references to empirical research evidence, substantive examples (for example, of germane legislative or policy developments), and to relevant academic literatures. All the scripts suggested a good level of understanding of the key concepts, intellectual concerns and controversies addressed during the course.

RESTITUTION OF UNJUST ENRICHMENT

For the first time in a number of years, the format of the Restitution paper reverted to four questions out of 11, with four problem questions and a requirement for candidates to do at least one. All candidates coped with the change of format, with no rubric infringements occurring. Once again, however, the biggest complaint of the examiners was a failure by many candidates to interrogate the question asked. Instead, candidates simply trotted out their prepared answers, which, though often adequate, failed to achieve top marks. This was particularly noticeable in question 1, which many saw as purely about ‘leapfrogging’, and wrote out their prepared answers accordingly. Although relevant, there was far more to the question than this. Likewise, with question 2, a quote from Birks, which raised the question whether an enrichment with ‘no explanation’ had to be given up. Almost all answers were stock responses to the absence of basis vs unjust factors debate; very few candidates bothered to ask what ‘no explanation’ meant, or whether it had any normative force. In other words, the quote itself was ignored, with the question being seen merely as a trigger for the presentation of yet more prepared essays. The same happened with question 3, a quote from Goff and Jones, which spoke of non-consensual ‘transfers’ of value. Once again, candidates wrote general answers about ignorance as an unjust factor, with little attempt to ask how there can be any ‘transfer’ in the case of, say, simple theft.

So far as the problem questions were concerned, the chief criticism here was a failure of candidates to hone in on the precise issues raised. So, for example, question 9 raised issues concerning mistaken gifts. Although the facts concerned a payment of money from one person to another, many candidates spent pages and pages asking whether the payment of money could be seen as an enrichment, and, if so, whether it could be seen to be at the expense of the payor. These

issues should have just been taken as given, with candidates moving instead straight to the contentious parts of the question. More specifically, a worrying point about question 10(a) on frustration was that few candidates seemed to be aware of the Law Reform (Frustrated Contracts) Act 1943, or the decision in *Appleby v Myers* (1867). Indeed, there was a general lack of knowledge of failure of consideration as a whole.

THE LAW OF PERSONAL TAXATION

There were three candidates. Each script attained a satisfactory standard, or better.

TRANSNATIONAL COMMERCIAL LAW

There were just seven students who took this course this academic year, so that it is difficult to make any representative comments about individual questions. Among essay questions, questions 1, 2 and 5 were, predictably, the most popular. It was pleasing that, in answering problem questions, most candidates were able to spot those issues that were central to the course, such as the applicability of the *lex mercatoria* as the law governing a contract (question 7) or the status of the Uniform Customs and Practice even where not expressly incorporated into a credit (question 8).

Overall, the standard was quite high, with a number of Distinctions and no particularly poor scripts.

APPENDIX 6

Report of the External Examiner

Title of Examination:		B.C.L and M.Jur.
External Examiner Details	Title:	Professor
	Name:	Karen Yeung
	Position:	Professor of Law
	Home Institution:	The Dickson Poon School of Law, King's College London

Please complete both Parts A and B.

Part A					
		<i>Please (✓) as applicable*</i>	Yes	No	N/A
A1	Did you receive sufficient information and evidence in a timely manner to be able to carry out the role of External Examiner effectively?	x			
A2	Are the academic standards and the achievements of students comparable with those in other UK higher education institutions of which you have experience?	x			
A3	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 3(c) of the Guidelines for External Examiner Reports].</i>	x			
A4	Does the assessment process measure student achievement rigorously and fairly against the intended outcomes of the programme(s)?	x			
A5	Is the assessment process conducted in line with the University's policies and regulations?	x			
A6	Have issues raised in your previous reports been responded to and/or addressed to your satisfaction?				See note below
<p>* If you answer "No" to any question, please provide further comments in Part B. Further comments may also be given in Part B, if desired, if you answer "Yes" or "N/A".</p> <p>A6. I was advised by a letter dated 21.1.15 from the Associate Head for Education the Social Science Division, Prof Margaret Stevens, that the disparity in the distribution of distinctions between women and men on the BCL in the 2013-14 academic year</p>					

was a matter referred to the Faculty's Equality and Diversity Committee. I have not been advised of any further action since that time.

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?*

As I mentioned my 2013-14 report, the BCL and MJur degrees have an outstanding reputation amongst postgraduate law degrees, and attract postgraduate students of a very high calibre from across the globe, who are encouraged to pursue academic inquiry at the highest level. The academic standards and achievements of students on the BCL and MJur are clearly comparable with those in other UK higher education institutions concerning the expected standards of performance and achievement for a postgraduate degree in law with which I have had experience.

- 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).*

Almost half the candidates reading for the BCL degree were awarded a Distinction, with the remaining candidates achieving a Pass degree other than two candidates who failed to achieve the results necessary to be awarded the degree. The proportion of Distinctions awarded to candidates reading for the M Jur degree was considerably lower, with approximately 20% of candidates obtaining a Distinction, one failing candidate and the remaining candidates achieving a Pass degree. The higher proportion of Distinctions awarded for the BCL relative to the M Jur was largely in line with previous years' performance, reflecting the different orientations of the degrees and the different cohorts which they typically attract: those with undergraduate degrees from common law backgrounds and from English-speaking countries read for the BCL, whilst those from civil law jurisdictions and for whom English is not their first language read for the M Jur. Yet because the majority of courses offered to students taking these degrees are predominantly rooted in the common law, it is not surprising that students with a first degree from a common law jurisdiction and for whom English is their native language achieve a proportionately higher level of performance compared to those taking the M Jur.

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 assessment processes that I witnessed were exemplary in their rigor and fairness, demonstrating due compliance with all institutional regulations and guidance. Appropriate measures were taken to ensure that all candidates were made aware of the relevant rules and procedures of examination in a readily accessible form, as well as being provided with the official guidelines governing the examination process.

Where individual cases called for careful application of the University's regulations and guidance, the Examiners maintained a keen awareness of the need to ensure that the rules were applied fairly and consistently whilst ensuring that any relevant and exceptional circumstances of specific candidates were duly considered.

It was clear from my attendance at the Final Marks Meeting that each and every individual case warranting specific

consideration was properly considered whilst the Examiners kept firmly in mind the need to ensure equality of treatment across all candidates. The Examiners were also careful in seeking to identify systematic discrepancies between different papers within the degree, and within the degree across time. In cases where potential concerns were identified, these were duly noted and referred to the appropriate Faculty committee for further consideration.

Care was also given to compiling data to identify similarities and differences in performance across gender. It was pleasing to see that the proportion of Distinctions awarded to male and female candidates taking the BCL was roughly equal (50%) while for the M Jur, approximately 25% of female candidates taking the degree obtained a Distinction, while only 14% of male candidates obtained a Distinction. The three failing candidates across the two degrees were male.

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?

No.

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 conduct of the entire examination process was, in my view, exemplary. I was once again impressed with the extent to which the Examiners were conscious of the need to ensure that decisions on individual cases were firmly grounded in authority and precedent. In the process of deciding each case, the Examiners were vigilant to identify any concerns that might warrant broader, systematic consideration at the policy level and to ensure that such concerns were communicated to the relevant institutional body in an appropriate and timely manner.

In terms of innovation relating to assessment, I would recommend that the University explore the possibility of using examination software such as Exam4 (<http://www.exam4.com>) which enables candidates to type their examination answers on their laptop computers, enabling markers to receive uniform, legible papers which would eliminate a considerable burden for markers associated with attempting to decipher candidates' poor handwriting. Software of this kind is widely used in North American law examinations, reportedly with considerable ease and success. The BCL and M Jur programmes would be well suited to running a pilot study in order to explore the viability of this software which could be of very considerable benefit both to candidates and markers.

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.

