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Introduction and general administration

This handbook applies to students starting in Michaelmas term 2017. The information in this handbook may be different for students starting in other years. There are separate handbooks for students of the Faculty's other postgraduate courses (MLF, MSc Taxation, DPhil, MSt Legal Research, DPhil and MSt, Socio-Legal Research).

This handbook seeks to provide information about all aspects of the BCL and MJur – options available, forms of assessment, teaching provision etc – as well as serving as a source of reference for more general information about the Faculty and the various services of the University that are likely to be of relevance to BCL and MJur students.

The Examination Regulations relating to this course will be available at the following webpage:

<http://www.admin.ox.ac.uk/examregs>

If there is a conflict between information in this handbook and the Examination Regulations then you should follow the Examination Regulations. If you have any concerns please contact Paul Burns (paul.burns@law.ox.ac.uk).

The information in this handbook is accurate as at 1 September. However, it may be necessary for changes to be made in certain circumstances, as explained at <http://www.ox.ac.uk/admissions/graduate/courses/introducing-our-courses>. If such changes are made, the Faculty will publish a new version of this handbook together with a list of the changes and students will be informed.

Mindy Chen-Wishart

Associate Dean for Graduate Studies (Taught)

Versioning

It may prove necessary over the coming months to make certain changes to this handbook. The first version of this handbook is designated BCL MJur Handbook 2017-18 Version 1. Minor alterations are indicated by subsequent iterations of Version 1 – so, Version 1.1, 1.2, 1.3 etc and in each case, the changes made in the new iteration are outlined below. Major alterations will prompt a new version of the Handbook – Version 2; and in that circumstance, you will be emailed to make you aware of the changes, which will also be summarised below and highlighted in the main text of the handbook as well.

Key contacts

For the most part, your key contacts will be your college tutors and administrators. However, on occasion you may have a need to contact the Faculty, in which case the principal contacts are:

| | | | |
|--------------------|--|--|--------|
| Mindy Chen-Wishart | Associate Dean for Graduate Studies (Taught) | mindy.chen-wishart@law.ox.ac.uk | 276358 |
| TBC | BCL/MJur Course Administrator | <u>TBC</u> | 281876 |
| Marianne Biese | Student Administration Officer | marianne.biese@law.ox.ac.uk | 281051 |

| | | | |
|------------------|----------------------------------|--|--------|
| Paul Burns | Academic Administrator | paul.burns@law.ox.ac.uk | 271495 |
| Geraldine Malloy | Graduate Studies Officer | geraldine.malloy@law.ox.ac.uk | 271496 |
| Dan Payne | Timetabling and Events Assistant | lecture.list@law.ox.ac.uk | 271491 |

Mindy is based in Merton College, while Paul, Marianne and Dan have offices in the St Cross Building. As a general rule, you should in the first instance direct queries to Paul or the Course Administrator. They can then relay them to Mindy if the matter in question requires her involvement. Geraldine is primarily involved with matters relating to graduate research students but you may have cause to contact her, particularly if you are seeking to progress to the MPhil or DPhil after the BCL/MJur. Dan deals with the lecture list so should be able to help you with any queries about the timetabling of particular events.

There are various other members of the Faculty and of its administrative staff whom you might have cause to contact at one point or another:

| | | | |
|----------------------|--|--|--------|
| Anne Davies | Dean of the Law Faculty | Anne.davies@law.ox.ac.uk | 277754 |
| Stephen Weatherill | Associate Dean for Graduate Studies (Research) | Stephen.weatherill@law.ox.ac.uk | 270786 |
| Charlotte Vinnicombe | Head of Administration and Finance | Charlotte.Vinnicombe@law.ox.ac.uk | 271560 |
| Maureen O'Neill | Director of Development | Maureen.ONeill@law.ox.ac.uk | 281198 |
| Emma Gascoigne | Personnel Officer | personnel@law.ox.ac.uk | 281622 |
| Helen Garner | Acting Bodleian Law Librarian | helen.garner@bodleian.ox.ac.uk | 271451 |

The role of the Faculty, College, and University

Students taking law programmes at Oxford are members of their college, of Oxford University generally, and of the University's Law Faculty.

At graduate level, it is the Faculty which plays the principal role in organising student's teaching and supervision, and monitoring their academic progress. It consists of all college and University staff who are involved in the teaching of law. Its members meet regularly to discuss its affairs. There are also

subject groups within the Faculty consisting of members with a particular interest in the various subjects.

Colleges provide support of a more pastoral nature, through the College Advisor, as well as accommodation and meals, sports, social, and welfare facilities. They normally have IT facilities, and a college library, with a collection of law books sufficient for most undergraduate needs. The colleges describe their arrangements and facilities in their entries on the university website (many also have their own prospectus), and, in much more detail, in the material which they supply to their own students.

The University contributes the overall academic structure within which the various programmes run (it is responsible for defining syllabuses, for example, and running official examinations). It also provides sports, welfare, careers, language teaching and IT facilities. It describes its arrangements and facilities on the University website (and in particular the information under the 'Oxford students' link on the homepage), and, in more detail, in the literature which students receive upon or after entry, such as the Student Handbook.

The administrative structure of the Faculty

From a graduate student perspective, the elements of the administrative structure which it is useful for you to be familiar with are the following:

Graduate Studies Committee

The principal body responsible for making decisions on graduate matters is the Faculty's Graduate Studies Committee (GSC), which meets in weeks one and six each term. Its membership is made up of Faculty members with particular interests in graduate studies, and student representatives for each graduate law course and for the MSc in Criminology (see Student Representation under the Feedback section below for more information about how student representatives are appointed and on what bodies they serve). GSC is chaired by the two Associate Deans for Graduate Studies (taught and research) to whom the Committee delegates certain responsibilities.

Law Faculty Board

On certain matters, GSC has the power to act autonomously; on others, it makes recommendations to the Law Faculty Board which is the governing body of the Law Faculty. The Law Board includes the Associate Deans for Graduate Studies; most other members are elected from the Faculty, and student representatives attend its meetings. The Law Board is responsible for administering and overseeing all teaching and examining in the Faculty, and for facilitating legal research. It meets twice a term in second and seventh weeks, and in the summer vacation. It is chaired by the Dean of the Law Faculty, Professor Anne Davies.

Social Sciences Division/University Education Committee

Whilst the Law Board has authority to make decisions about most student-related matters, or delegate those decisions to GSC, there are certain occasions on which it is required to seek approval from one of the Committees of the Social Sciences Division which itself may then need to refer the matter to the University Education Committee (a typical example would be the introduction of a new BCL/MJur option).

Other Committees

The MLF has its own management committee which meets twice a term and reports to GSC, and there is a Committee for Library Provision which deals with matters relating to the functioning of the Bodleian Law Library. There are also a number of Faculty committees which deal with matters less directly associated with graduate student concerns (Planning and Resource Committee, Development Committee, Personnel Committee).

Administrative Officers

The Faculty's Head of Administration and Finance (Charlotte Vinnicombe) is responsible for day-to-day administration of faculty activities and the Law Faculty Office and there are seven individuals with responsibilities for different aspects of graduate student administration: the Academic Administrator (Paul Burns) is responsible for day-to-day administration of academic affairs for graduate (and undergraduate) students; the BCL/MJur Course Administrator (TBC) is responsible for the on-course administration of BCL and MJur students; the Graduate Studies Officer (Geraldine Malloy) is responsible for the administration of research students and the progression of those students through the degree programmes; the MLF Course Administrators (Joanna McKenna and Catherine Chandler) are responsible for all matters pertaining to MLF students; and the Student Administration Officer (Marianne Biese) is responsible for certain student-related events and general course administration. In addition, Dan Payne deals with the lecture list, room bookings and other events-related matters.

Paul Burns and Geraldine Malloy can offer general advice to graduate students across all courses.

The Law Faculty and the St Cross Building

The Faculty's physical location is the St Cross Building, on the corner of St Cross Road and Manor Road (see <https://www.law.ox.ac.uk/about-us/about-faculty/location-st-cross-building> for further directions).

To find the Faculty Office, follow the flight of steps up the outside of the building to the second landing and go through the sliding door on your left. Report to reception, and you will be guided to the Faculty Office.

The building houses the administration of the Faculty, and its principal lecture and seminar rooms – the Gulbenkian Lecture Theatre, the White & Case Lecture Theatre, the Cube, and Seminar Rooms D, F and G. You will see these venues mentioned on the lecture list (see below for further details).

At the top of the building is the Bodleian Law Library. As well as holding the library's collection of legal texts, it also houses the Freshfields IT Room and the Baker & McKenzie Room – an additional seminar room. Further information about the Library is provided in the section of this handbook entitled 'Support'.

Induction events

Registration for BCL and MJur students with the Faculty begins on Monday 25 September. Induction events then run through the remainder of that week and week 0 of Michaelmas term (beginning Monday 2 October). Please refer to the WebLearn page at <https://weblearn.ox.ac.uk/portal/site/socsci/law/postgrad/subjects/induction/page/home> for the latest version of this timetable.

The Lecture List

The lecture list is published at the beginning of each term. It may be accessed at <https://www.law.ox.ac.uk/current-students/lecture-list> Corrections and changes to the timetable are

also provided on that webpage, and notified to students by email as and when they occur. **Please check this link regularly** – inevitably there are occasions when lectures are cancelled or rescheduled and information about such changes is put on this page as soon as it is available.

You are entitled to attend any lectures, classes and seminars except those where it is otherwise indicated on the lecture list. The list includes lectures and seminars designed for the undergraduate, BCL, MJur, and MSc syllabuses, and also for the Course in Legal Research Methods. Lectures on the undergraduate (“Final Honours School”) sections of the lecture list may be useful to graduate students; it is best to consult your Academic Advisor for advice.

All the faculties publish lecture lists and you may attend lectures in other faculties. There is also a “Special Lecture List” listing lectures by visiting speakers, which is circulated by way of a weekly ‘events email’ sent out by the Faculty.

Student Self Service

Student Self Service provides web access to important information that you will need throughout your academic career. You are able to register, view and update your personal and academic information throughout your studies at Oxford. For further information, see <http://www.ox.ac.uk/students/studentselfservice/>

Student Handbook

There is a generic Student Handbook that covers information which applies in common to all students; it covers information about such things as student welfare, exams, disciplinary procedures etc. It can be found at <http://www.admin.ox.ac.uk/proctors/info/>

College handbooks

Each college will have its own handbook relating to college matters of one sort or another. These will be available on your college’s webpages, though most colleges will also give you a printed copy at the start of your course.

Academic dress

The full regulations concerning academic dress can be found at <http://www.admin.ox.ac.uk/statutes/regulations/48-012.shtml> However, we would suggest you refer to information which will be provided by your college as this is likely to be more user-friendly.

Residence requirements

Information concerning residence requirements can be found at:

<https://www.ox.ac.uk/students/life/accommodation>

The basic requirement you need to be aware of is that you are expected to be in residence for the eight weeks of each academic term.

Dates of term

Information about term dates can be found at:

<http://www.ox.ac.uk/about/facts-and-figures/dates-of-term>

Key dates and deadlines

29 September: welcome for new BCL and MJur students.

6 October: deadline for sign-up for BCL/MJur options.

3 November: deadline for submission of exam entry form (see entry on entering for examinations in section entitled 'Assessment' later in this handbook).

20 April 2018: deadline for submission of essays for those taking the Jurisprudence and Political Theory option.

27 April 2018: deadline for submission of extended essay for those taking Trusts and Global Wealth Taxation option.

25 May 2018: deadline for submission of dissertations.

16 June 2018 (provisional date, to be confirmed): start of BCL/MJur examinations.

Oxford Students website

For general information about all aspects of student life – academic matters, fees, social activities, health and welfare, please refer to the University's webpage 'Oxford Students' at: <http://www.ox.ac.uk/students>

This is a very useful resource, covering information from all sorts of areas of the University's activities and is a good starting point if you have queries on almost any subject which doesn't pertain specifically to the Law Faculty itself. For more information about other useful University resources, please refer to the sections on Facilities and Support that appear later in this handbook.

Visa information

For information about all matters relating to visas, please refer in the first instance to the webpage at: <http://www.ox.ac.uk/students/visa>

Working whilst studying

The BCL and MJur are very intensive courses which make great demands on students' time. Consequently, the Faculty regards it as inadvisable for BCL and MJur students to undertake any paid work for the duration of the courses and will not employ such students as research assistants. The University's guidelines (www.admin.ox.ac.uk/edc/policiesandguidance/policyonpaidwork) permit PGT students to work for up to eight hours per week; graduate students from beyond the EU undertaking paid work should be aware of the regulations regarding working while studying and the implications for those on visas (see <http://www.ox.ac.uk/students/visa/during/work> for further details). Please also refer to the section entitled 'The Role of the Student' under 'Teaching and Learning' below for information about the amount of time students are expected to spend studying.

Funding opportunities

General information about funding, including details of fees and potential sources of funding, can be found on the University webpages at:

http://www.ox.ac.uk/admissions/postgraduate_courses/fees_and_funding/index.html

The Law Faculty also has its own scholarships and has awarded over £250,000 to postgraduate students for 2017-18. Details of these scholarships and of college scholarships for which law students are eligible can be found at: <https://www.law.ox.ac.uk/admissions/graduate-scholarships> The Graduate Studies Officer or Academic Administrator can also advise.

Graduate prizes

There are a number of named prizes available for BCL and MJur students; the list reads as follows:

Vinerian Scholarship Overall best BCL

Vinerian Scholarship Proxime Accessit (second)

Clifford Chance Prize Best Performance MJur

Clifford Chance Proxime Accessit (second)

Allen and Overy Prize in Corporate Finance Law

Clifford Chance Civil Procedure (Principles of)

Herbert Hart Prize in Jurisprudence and Political Theory

John Morris Prize in Conflict of Laws

Linklaters Prize for Principles of Financial Regulation

Littleton Chambers Prize in International and European Employment Law

Monckton Prize in Competition Law

Peter Birks Prize in Restitution of Unjust Enrichment

Planethood Foundation Prize in International Criminal Law

Ralph Chiles CBE Award in Comparative Human Rights

South Square Prize for Corporate Insolvency Law

3 Verulam Buildings Prize for Legal Concepts in Financial Law

Volterra Fietta Prize for International Law of the Sea

Winter Williams Prize in European Business Regulation

Winter Williams Prize in International Economic Law

There is also a Law Faculty prize for the best performance in each option not covered by one of the named prizes listed above.

The Course

Full titles and FHEQ levels

The BCL and MJur's full titles respectively are Bachelor of Civil Law and Magister Juris. Their FHEQ level is 7 (FHEQ stands for Framework for Higher Education Qualifications – it is used to identify the level of qualifications offered by universities in England, Wales, and Northern Ireland).

The aims of the BCL and MJur

The BCL and MJur degree programmes aim to:

- bring students into advanced intellectual engagement with some of the most difficult issues in law and legal theory, an engagement distinguished by rigour, depth and conceptual sophistication, and requiring immersion in law as an academic discipline as well as informed openness to neighbouring disciplines;
- raise students to the highest level of professionalism in analysis and argument, equipping them intellectually for legal practice or work as a legal academic at the highest level, as well as for a wide range of other intellectually demanding roles;
- constitute an intense learning experience characterised by a demanding schedule of independent study, highly participative round-table seminars, and a complementary diet of close individual or small-group contact with tutors;
- (MJur only) give students from non-common-law backgrounds an opportunity to explore some of the distinctive methods, practices and doctrines of the common law.

Intended learning outcomes

The intended learning outcomes of the BCL and MJur are as follows:

- A thorough knowledge and deep understanding of between four new legal or legally-related subjects – these being subjects which, at undergraduate level, were either not studied at all, or were only studied in a more elementary way;
- A knowledge and understanding of neighbouring academic disciplines sufficient for a mature appreciation of the place of law in the world and a mature critical attitude towards law;
- A knowledge and understanding of the values and techniques of advanced legal scholarship and/or the advanced interdisciplinary study of law.

Teaching arrangements

Teaching for each BCL and MJur course option is provided by the following means:

Seminars: Seminars are organised at Faculty level and are open to all students taking the BCL/MJur courses and (in general) to any other interested postgraduate students from the Law Faculty and beyond. Many seminars are convened jointly by two or three members of the relevant subject group. Some seminars have a tradition of attracting senior academic visitors and research students in addition to BCL and MJur students. Some attract postgraduate students from other faculties (e.g. politics, philosophy). Such intellectual and international cross-pollinations are welcomed and encouraged by many subject groups. In some courses there is one core seminar series closely corresponding to the syllabus; in others the syllabus is covered by a selection of different seminar

series from which the students take their pick according to interest and intended intellectual emphasis. BCL/MJur students taking some interdisciplinary courses are encouraged to attend seminars in other relevant faculties. Every BCL/MJur seminar series is accompanied by published reading lists that are used by students in preparing for the seminars and in organising their study. Many students use the seminar reading lists as starting points for their own self-prescribed research and reading, rather than regarding the listed materials as sufficient for real mastery of the subject. However the listed materials in each course do represent the level and range of materials which the examiners are entitled to expect the students to have mastered.

At a seminar – typically one-and-a-half to two hours long – the topic will be introduced by one of the conveners, or one of the students, or sometimes an invited speaker. There will then ensue detailed and intense questioning and argument involving, so far as possible, the whole group. Depending on the course, seminars range in size from a handful to upwards of 40 participants. Conveners allow seminars to develop in a more orchestrated or spontaneous way depending on the size of the group and the nature of the material or ideas under discussion.

Tutorials: In Oxford, a tutorial is a meeting lasting at least one hour and often 90 minutes, at which a single member of the subject group meets with between one and five students. The tutorial system is the second major teaching/learning component of the BCL/MJur programme. In view of the extensive diet of seminars, BCL/MJur tutorials do not generally provide full coverage of the course: instead, the two methods of course delivery complement one another – the tutorial demanding in-depth scrutiny of a particular aspect or aspects of a field of law that have been covered in more general terms through a seminar.

Students are usually invited to nominate around four topics for tutorial discussion, typically using the seminar reading lists as the basis of preparation. Each selected tutorial topic is also typically associated with an essay question or a legal problem question (or a choice of such questions) suggested by the tutor, which might be drawn from a past examination paper or specially devised. Students will normally write an essay or problem answer for each tutorial, which is then used as the basis for tutorial discussion.

Often, although not always, tutorials are provided at or near the end of the seminar provision for the year so as to allow for consolidation and revision. **Please note that tutorials are an absolutely crucial part of the course and you are expected both to ensure that you are free to attend them at the times agreed with your tutors and to submit written work for the tutorials as required by your tutors.**

Lectures: Lectures are typically less central to the learning experience of BCL/MJur students than that of their undergraduate counterparts. However lectures are more often provided in those BCL/MJur courses in which there is a great deal of new legal information to master.

MJur students who have chosen to take an option from the undergraduate course will typically attend lectures relating to that option, but more generally, all BCL and MJur students are welcome to, and often do, attend undergraduate lectures to update and refresh their basic knowledge in subject areas in which they are now working at a more advanced level. Some BCL/MJur students also attend lectures in other faculties to assist with their grasp of neighbouring academic disciplines.

The number and mix of seminars, tutorials, and lectures varies from option to option, but in most cases, students can expect that any given option will involve something in the region of eight to sixteen seminars and/or lectures and four to six tutorials. There are one or two exceptions but in these cases, a balance will be struck between seminars and tutorials (i.e. an option involving more tutorials will involve fewer seminars).

Details of the various lectures and seminars (but not tutorials) offered by the Faculty can be found in the termly lecture list, available through your college or on the Faculty website (please note that timings may occasionally vary from term to term, for example a seminar series that runs on Thursdays in Michaelmas term may run on Tuesdays in Hilary term, though this is relatively unusual).

Information about the subjects available in the BCL and MJur (and the permissible combinations of subjects) is given at a later point in this handbook.

Timetable

Because the BCL and MJur comprise approximately 40 options, from which students can take any combination of four, it is not possible to present a single timetable applicable to all students, but it is possible to give some general guidelines about the timing of seminars and tutorials. The standard model employed by most options is as follows:

- A programme of seminars (typically two-hour sessions every week of term) during Michaelmas and Hilary terms
- One tutorial in Michaelmas term and further tutorials in Hilary and Trinity terms
- A revision class or classes during Trinity term

Some options will supplement the seminars with lectures as noted in the section on teaching above.

How to register/change your BCL/MJur option preferences

You register for your choice of courses using the Faculty's online registration system (further details of the exact process will be emailed to you during induction). Registration takes place from Wednesday to Friday of 0th week. It is possible to change courses later (any time up to the end of Michaelmas term week 4, when you submit your examination entry form through your college) but changing your course choice after week 1 will incur the risk of additional timetable clashes in Hilary term or Trinity term. Changes will also only be possible providing there is space for additional students in the option you wish to join. The Faculty Office must be informed of all option changes. If you wish to change course, we strongly recommend seeking the advice of your Academic Advisor and/or relevant Course Convenor(s) beforehand.

In exceptional circumstances, it is possible to change your options after week 4 of Michaelmas term. If you need to do this, you should contact the Academic Administrator (paul.burns@law.ox.ac.uk) who will explain the relevant procedures. Please note that changes of course after the Friday of week 1 of Hilary term are prohibited.

Course requirements and permitted combinations of courses

If you are a BCL student, you must take: either any four options from List I, or three options from List I and a dissertation (subject to the rules below).

If you are a MJur student, you may take either:

- (i) Any four options from List 1
- (ii) Three options from List 1 and one option from List 2
- (iii) Three options from List 1 and a dissertation (subject to the rules below)
- (iv) Two options from List 1, one option from List 2, and a dissertation

The timetable for BCL/MJur teaching is crowded and some combinations of courses are impossible. The impossible combinations have been chosen to minimise the number of students typically affected.

You can find the latest list of incompatible courses at:

<https://weblearn.ox.ac.uk/portal/site/:socsci:law:postgrad:subjects> (then click on BCL/MJur Course Clashes timetable).

List 1 – options available to both BCL and MJur students

The following options are available to both BCL and MJur students. The symbol * next to the course title indicates courses for which a prior knowledge of the relevant aspects of common law is necessary/desirable. MJur students are advised that they should familiarise themselves with those aspects of common law underpinning the subjects in question if they do wish to take these options.

Advanced Property and Trusts*

Overview

The course explores the foundations of property and trusts, and also developments going beyond the core topics typically explored in core or undergraduate courses. It combines conceptual and functional analysis of doctrine with more abstract theoretical enquiry. Ideas and perspectives are drawn from moral and political philosophy, history, and economics, as well as more formally legal, comparative and jurisprudential analyses. Some knowledge of the legal details of property in one or other legal system will be essential for students taking the course. Much use will be made of English law and other common law systems, but we will also draw upon civilian legal systems in our explorations. The course gives students an opportunity to study fundamental institutions of private law with wide ramifications in the social sciences and humanities. Students will be exposed to the widest possible range of research and teaching in property law and trusts drawing on visiting scholars as well as Oxford faculty. The topics discussed are all ripe for exploration as areas of future research.

Students will be provided with course materials accessible through the internet and the intranet, together with material in university and college libraries. Students will explore the reading materials and address a set of thematic questions, on which they will be asked to prepare brief notes. Seminars and lectures will be augmented with tutorials; in tutorial weeks students will be asked to prepare essays on given topics and meet in small groups with teachers for debate and discussion.

Assessment will take the form of a three hour written examination at the end of the course. Candidates will be required to answer three essay questions from a wide choice of topics, which may cut across themes covered in the course. Candidates will be expected to show a detailed knowledge of relevant theoretical debates and also applicable legal materials, including judgments in cases, and statutory and constitutional provisions. They will also need to display an ability to synthesise complex materials and to present their own analyses of the arguments.

Topics covered

The course will divide into three areas: A. Boundaries of Property (conceptual and functional analysis of property) B. Justifying Property (mainstream and novel defences and critiques of property) C. The Trust (the distinctive contribution of trust and fiduciary institutions in blurring the lines between proprietary and personal claims; trust systems in common law and civilian jurisdictions).

Convenor

Joshua Getzler

Teaching

Joshua Getzler, Luke Rostill, and various guest lecturers.

Timing of lectures/seminars/tutorials

2 lectures in MT, 2 lectures in HT.

6-8 seminars in MT, 6-8 seminars in HT, 2-3 seminars in TT.

2 tutorials in MT. 2 tutorials in HT.

Does this option require a prior knowledge of the common law?

Yes. While a common law background is not a prerequisite, some knowledge of common law doctrines of property and trusts will be necessary to cope with the material in this course. MJur students or those with a non-common law background who are prepared to put in preparatory work are welcomed; please discuss required knowledge with the lecturers before signing on.

Children, Families and the State

Overview

The aim of this option is to examine a number of the most significant issues affecting the legal regulation of children, children and their families, and families more generally.

The readings have been selected to integrate deep, theoretical debates with contemporary legal, policy, and empirical developments. We are particularly concerned to understand the embeddedness and broader impact of the governing law.

Our intention is that, after completing the option, you are uniquely empowered and challenged to both critique and reassess the value of theoretical arguments made in this context, as well as reconsider how best to address real world problems.

This option will naturally appeal to students with a particular interest in family law and human rights law. More generally, it will appeal to students interested in broader debates that affect everyday life: Do children have rights? Do parents have rights? What should we value when deciding who should be seen as 'parent' in law – genetics, caring for the child, and so forth? It will also appeal to students who enjoy blending theoretical and conceptual arguments with the practical messiness of everyday life. Finally, it will appeal to students who are interested in bringing international sources of law to bear on such problems.

Learning outcomes: Through studying this option, you will be able to:

1. Understand and critically evaluate theoretical approaches to 'rights', 'children's rights', 'welfare', and 'wellbeing';
2. Analyse the application and relevance of theoretical perspectives to topical legal issues relating to the regulation of children's lives;
3. Acquire a deep knowledge of topical legal issues that relate to the regulation of children in English law, the law of selected other jurisdictions, European and international law;
4. Appreciate and be sensitive to the value of European, international, and cross-jurisdictional legal perspectives for the improvement of the English legal approach to regulating children and their families;

Integrate and synthesise cross-disciplinary perspectives from theory, public and social policy, and empirical research, to generate enriched, holistic insights into the most significant difficulties in the legal regulation of children and their families

Topics covered

The following are some of the key substantive topics in the course:

1. Theories of children's rights;
2. International children's rights;
3. Children's welfare and wellbeing;
4. Parental responsibilities and rights;
5. Gender and family law;
6. Child abuse
7. Diversity, religion, and families.

In each topic, we will examine illustrative 'case study' case law and statutory materials from English law, other jurisdictions, and international law. This will involve considering a broader range of key theoretical, policy, and empirical materials to enable us to situate the legal debate within its complex context.

Convenor

Lucinda Ferguson

Teaching

Lucinda Ferguson, Jonathan Herring and Rachel Taylor

Timing of lectures/seminars/tutorials

5 seminars in MT, 4 seminars in HT, 3 seminars in TT.

1 tutorial in MT, 2 tutorials in HT, 1 tutorial in TT.

Does this option require a prior knowledge of the common law?

No

Civilian Foundations of Contract Law

Overview

The purpose of the course is to study the Civilian Law of Contracts, particularly the Law of Sale, as it developed from ca. 1100 AD till the end of the 19th century, with some limited comparison with the development of English law in the same period and the English use of civilian contract ideas. The Roman law of Justinian's codification, as it was picked up in the late Middle Ages, provided the basis for this development. It was the subject of mediaeval and later commentaries; study of these will show how the texts were interpreted and eventually adapted to contemporary use. Key topics are the emergence of a general contract law with some of its aspects and the law of Sale. (In previous years the course was titled 'Roman and Civilian laws of Contract').

Learning outcomes: An understanding of how modern civilian doctrines emerged from the adaptation of Roman Law texts and how the emergence from a university environment gave these doctrines their distinct scholastic flavour. An understanding of basic concepts of the general civilian idea of 'contract' and of the civilian contract of sale in particular.

Topics covered

I. The history of learned civil law from the high Middle Ages to the 19th century and its sources (classes 1 and 2). II. The emergence of a general contract concept; types of contract; the role of stipulatio; innominate contracts (classes 3 and 4). III. Aspects of contract law: Conditions, agency, error (class 5). IV. Sale contracts in particular: Formation, transfer of ownership, warranty of title (class 6); passing of risk, breach of contract, specific performance, damages (class 7); the same, ctd., and latent defects (class 8).

Convenor

Wolfgang Ernst

Teaching

Wolfgang Ernst and Mike Macnair

Timing of lectures/seminars/tutorials

4 seminars in MT, 4 seminars in HT.

1 tutorial in MT, 2 tutorials in HT, 1 tutorial in TT.

Does this option require a prior knowledge of the common law?

No

Commercial Negotiation and Mediation

Overview

The aim of this option is to (i) introduce students to a conceptual approach to negotiation and mediation (negotiations assisted by a neutral third-party) and to the most important economic, game theoretic, psychological and legal issues and findings regarding the resolution of commercial disputes by means of negotiation and mediation; (ii) develop students' skills in negotiating and mediating such disputes by engaging in role plays and other practical exercises, highlighting also the intercultural dimension of dispute resolution; and (iii) let students benefit from the experience of seasoned practitioners in the field who report on specific problems that arose during negotiated and/or mediated cases and provide feedback on students' negotiation and mediation performance. By attending the course, students will gain the theoretical insights and practical skills to resolve commercial disputes by way of negotiation and/or mediation. The course will be taught by a combination of lectures, seminars, and tutorials, and will also feature practical workshops involving negotiation and mediation role play exercises.

Topics covered

1. Disputes and methods of dispute resolution
2. Communication (theory) and disputes
3. Rationality and irrationality in disputing
4. Negotiation analysis

5. Negotiation dynamic and management
6. Negotiation strategy and design
7. Mediation structure, function, and forms
8. Roles and (legal) rules in mediation
9. Mediation process and mediator's techniques
10. Consumer dispute resolution and Algorithmic Dispute Resolution

Convenor

Horst Eidenmueller

Teaching

Horst Eidenmueller, Dan Awrey, Genevieve Helleringer, Andreas Hacke, Naomi Creutzfeldt

Timing of lectures/seminars/tutorials

6 lectures in MT, 4 lectures in HT.

2 seminars in MT, 4 seminars in HT.

2 tutorials in MT, 2 tutorials in HT, 1 tutorial in TT.

Negotiation Workshops (1 day) in MT and HT, Mediation Training (2 days) in TT.

Does this option require a prior knowledge of the common law?

No

Commercial Remedies*

Overview

This course aims to provide an in-depth understanding of remedies in a commercial context, interpreting that phrase in a wide sense. So it will cover remedies for civil wrongs (i.e., breach of contract, tort and equitable wrongs) but will exclude any direct consideration of damages for personal injury and death. The course will build on knowledge which all law undergraduates ought to have and will enable students to look in greater depth at matters dealt with at undergraduate level. The approach will be avowedly traditional in that the focus will be on case analysis and doctrine. As with the Restitution of Unjust Enrichment course, with which this will dovetail, the anticipation is that developments at the cutting edge of the law will be constantly debated. An important and novel aspect of the course will be to consider claims at common law and equity alongside one another, so as to see the similarities and differences.

Learning outcomes: a comprehensive understanding of remedies for civil wrongs in a commercial context.

Topics covered

Compensatory damages, gain based awards, injunctions, specific performance, punitive damages, equitable relief against forfeiture, penalty clauses, the action for the agreed sum, interest awards, limitation, election, termination for breach, account in equity and equitable compensation

Convenor

Robert Stevens

Teaching

Robert Stevens, Sandy Steel, Fred Wilmot-Smith, Sam Williams, Timothy Liao

Timing of lectures/seminars/tutorials

4 lectures in TT.

4 seminars in MT, 8 seminars in HT.

1 tutorial in MT, 3 tutorials in HT.

Does this option require a prior knowledge of the common law?

No, but some basic understanding of contract, tort and trusts is helpful

Comparative and Global Environmental Law

Overview

Environmental law is the law of environmental problems. As issues such as climate change, air quality and the VW emissions scandal highlight, environmental problems raise operational and conceptual challenges for governments, businesses and communities. These challenges are often centre stage and not easily contained or managed. The failure to adequately deal with environmental problems has been disastrous for communities, businesses and governments.

Having legal expertise in environmental law matters, but environmental problems involve a level of complexity lawyers are not often used to. They involve many different people, changing physical conditions, a range of different socio-political values, and knowledge of them is often limited. Traditional legal doctrines and concepts have not been developed with problems like this in mind. As this is the case, environmental law has evolved as a complex body of law at the national and international level through adapting legal ideas and developing new concepts to respond to these problems.

This course aims to foster legal expertise in this area through a comparative study of environmental law techniques. Particular attention is given to: understanding environmental problems and the types of legal issues they give rise to; developing skills in navigating environmental legislation and case law; developing an appreciation for the interaction between local, national, international and transnational regimes; and developing a sophisticated appreciation for legal reasoning in this area.

This course will be of interest to: students who are wanting to deepen their environmental law knowledge through in-depth comparative study; students exploring law and society interrelationships; and students who want to develop their skills for dealing with environmental law in different areas of legal practice. No prior knowledge is needed to do the course.

Topics covered

After an introductory overview, the course covers a range of topics clustered into three themes (markets, assessment, and legal institutions).

Markets: environmental protection and trade; commercial property transactions; emissions trading schemes; and chemicals regulation.

Assessment: Climate change, water and air quality, environmental impact assessment, risk assessment, and nature conservation.

Legal Institutions: Courts, property, rights, principles.

Convenor

Liz Fisher

Teaching

Liz Fisher, Sanja Bogojevic and Sue Bright

Timing of lectures/seminars/tutorials

7 seminars in MT, 7 seminars in HT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT. Collection followed by one revision seminar.

Does this option require a prior knowledge of the common law?

No

Comparative Corporate Law

Overview

The course consists of a comparative study of major areas of the company laws of the UK, continental Europe (in particular, Germany) and the United States as well as an assessment of the work done by the European Union in the field of company law.

The three areas or jurisdictions selected for comparative study have, collectively, had a very significant impact on the development of company law throughout the world. An understanding of these thus assists students in understanding both the content of, and influences upon, many others. The approach taken is both functional and comparative, looking at a series of core problems with which any system of corporate law must deal, and analysing, from a functional perspective, the solutions adopted by the systems in question. The course seeks to situate these solutions in the underlying concepts and assumptions of the chosen systems, as these often provide an explanation for divergences. To this end, the course begins with a contextual overview of 'systems' of corporate governance, which material is then applied in the following seminars on more substantive topics. Such a comparative study is intended to enable students to see their own system of company law in a new and more meaningful light, and to be able to form new views about its future development. Finally, a study of the ways in which the European Union is developing company law within its boundaries is also important, not only as illustrating, by a review of the harmonisation programme, the benefits to be derived from a comparative study in practice, but also because it shows new ways in which corporate vehicles can be developed to meet particular policy objectives.

The course assumes students have knowledge of the basic structure of corporate laws, such as would be gained from an undergraduate course (regardless of jurisdiction).

Learning outcomes: an understanding of (1) the functions of corporate law, (2) the reasons why it may differ across jurisdictions, and (3) the operation of corporate law in the UK, US, and EU, together with a capacity to apply that knowledge to other jurisdictions.

Topics covered

The functions of corporate Law– Corporate Law and Ownership Structures – Convergence and persistence in Corporate Law and its Evolution – Boards – Shareholders – Related Party Transactions

– Creditor’s interests – Employees and Corporate Law – Takeovers – Enforcement – Emerging markets
– Regulatory Competition and European Corporate Law – Corporate Law and Innovation

Convenor

Luca Enriques

Teaching

Luca Enriques, Paul Davies, Georg Ringe, Horst Eidenmueller, Jeremias Prassl and John Armour (on leave in MT and HT)

Timing of lectures/seminars/tutorials

6 lectures in MT, 6 lectures in HT, 2 lectures in TT.

6 seminars in MT, 6 seminars in HT, 2 seminars in TT.

1 tutorial in MT, 2 tutorials in HT, 1 tutorial in TT.

Does this option require a prior knowledge of the common law?

No

Comparative Equality Law

Overview

The right to equality is ubiquitous in human rights instruments in jurisdictions throughout the world. Yet the meaning of equality and non-discrimination are contested. Is equality formal or substantive, and if the latter, what does substantive equality entail? Which groups should be protected from discrimination and how do we decide? How do we capture conceptualisations of equality in legal terms and when should equality give way to other priorities, such as conflicting freedoms or cost? The aim of this course is to examine these and other key issues through the prism of comparative law. Given the growing exchange of ideas across different jurisdictions, the comparative technique is a valuable analytic tool to illuminate this field. At the same time, the course pays attention to the importance of social, legal and historical context to the development of legal concepts and their impact.

The first half of the course approaches the subject thematically, while the second half of the course addresses individual grounds, ending with a consideration of remedial structures. Theory is integrated throughout the course, and the relationship between grounds of discrimination and other human rights is explored. The course will be predominantly based on materials from the US, Canada, South Africa, India, the UK, EU, and ECHR, although some materials from other Commonwealth countries or individual European countries will be included. International human rights instruments are also examined. Employment related discrimination is generally dealt with in the International and European Employment Law course. The course does not require previous knowledge of equality or discrimination law. Students are encouraged to participate in the activities of the Oxford Human Rights Hub, which is directed by Professor Fredman. Guest seminars organised by the Oxford Human Rights Hub take place on alternative Tuesdays at lunchtime during term time. The Hub website features daily blogs on cutting edge new developments in human rights and equality law, and students on the course are encouraged both to read and to contribute to the blog. The Hub also produces webinars and podcasts on pressing current issues in comparative human rights and equality law.

Convenor

Sandra Fredman

Teaching

Sandra Fredman and Barbara Havelkova

Timing of lectures/seminars/tutorials

7 seminars in MT, 7 seminars in HT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Comparative Human Rights

Overview

Human rights issues are both universal and contested. As human beings, we should all have human rights; yet there remains deep disagreement about the meaning and application of human rights. Courts in different jurisdictions face similar human rights questions; yet the answers often differ. At the same time, there is a growing transnational conversation between courts, with cases in one jurisdiction being discussed and cited in other jurisdictions. This course uses comparative methodology to examine the ways in which central human rights questions are addressed in different jurisdictions. On the one hand, the shared language of human rights suggests that there should be similar solutions to comparable problems. On the other hand, there are important differences between legal institutions, socio-economic development, history and culture.

The course uses comparative human rights jurisprudence to examine these issues. Our main materials are judgments in different courts and the fascinating ways in which these difficult questions are decided. We are not a course in theory, but we use theory to understand the jurisprudence of different courts. We also use case-law to revisit our theory, even if this means radically different understandings of what a human right is. The course is unusual in that we contest the division between socio-economic rights and civil and political rights. So when we address the right to life and security, we look at capital punishment and abortion as well as the right to health, housing and welfare. When we look at liberty rights, such as freedom of expression, we also look at the right to education. We are primarily court-centred, but we also take a critical look at a court-centred approach, by considering what constraints this might place on human rights, and by comparing to non-legal methods. This is a comparative course, rather than an international human rights course – so we look at a number of jurisdictions – English speaking and within the common law – but we also look at international instruments for the substance of the rights.

Teaching for this subject comprises of seminars and tutorials. In general the seminars aim to encourage extensive class participation and extended high-level discussion of particular topics of importance. Tutorials provide the opportunity to write essays and discuss essay and examination technique. The course as a whole aims to contribute to the legal education of the student by providing the opportunity for comparative study, during which the appropriateness and utility of comparative legal techniques will be considered.

Learning outcomes: an understanding of theoretical concepts of human rights and of how those concepts relate to legal concepts and are applied in different jurisdictions.

Students are encouraged to participate in the activities of the Oxford Human Rights Hub, which is directed by Professor Fredman. Guest seminars organised by the Oxford Human Rights Hub take place on alternative Tuesdays at lunchtime during term time. The Hub website features daily blogs on cutting edge new developments in human rights and equality law, and students on the course are encouraged both to read and to write for the blog. The Hub also produces webinars and podcasts on pressing current issues in comparative human rights and equality law and will be launching its first online course on Strategic Litigation and the Right to Education this autumn.

Convenor

Sandra Fredman

Teaching

Sandra Fredman and Nick Bamforth

Timing of lectures/seminars/tutorials

7 seminars in MT, 7 seminars in HT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Comparative Public Law

Overview

Judicial protection against unlawful (and sometimes lawful) legislative and administrative acts or rules is of concern to individuals and companies in a variety of contexts. This course covers the central aspects of procedural and substantive judicial review under the public law of England, France and the European Union. The course will consider these issues against the constitutional framework which exists in the three systems. Throughout the course the emphasis will be on making comparisons between the different systems. To facilitate this each of the topics studied will be analysed within the same week's work.

The principal course objective is to enable students to acquire knowledge and understanding of the law in this area, and to be able to discuss at an advanced level elements of public law as they are evolving in England, France, and in the EU.

It is possible to undertake the course exclusively on the basis of English language materials, but the ability to read French is an advantage, since some of the secondary sources on French law are only available in the French language. There are, however, translations of the French case law used in the course.

Teaching is primarily through lectures and seminars. Tutorials will be available in Hilary and Trinity term. The structure of the course is as follows. In Michaelmas term and the first half of Hilary Term there will be lectures which deal with the central aspects of procedural and substantive review in the systems studied. The lectures are designed to lay the foundations for seminar discussion that will take place in the second half of Hilary term, and the first two weeks of Trinity term. The lectures and

seminars will cover the following topics: the constitutional foundations of the three systems; procedural review; review for jurisdictional error; improper purposes; irrationality; proportionality; legitimate expectations; equality; and fundamental rights; damages actions, including damages for losses caused by lawful governmental action; standing and remedies.

Learning outcomes: an understanding of public law of England, France, and the EU within the context of their respective constitutions and a capacity to make comparisons between aspects of/developments in the law within each of these entities.

Convenor

Paul Craig

Teaching

Paul Craig, Alison Young and Sophie Boyron

Timing of lectures/seminars/tutorials

3 hours of lectures per week in MT, and for the first half of HT.

4 seminars in second half of HT, 2 seminars in TT.

4 tutorials in HT/TT.

Does this option require a prior knowledge of the common law?

No

Competition Law

Overview

The objective of the course is to provide students with an understanding of this area of law, together with the ability to subject it to critical legal and economic analysis. The course aims to cover the main substantive laws relating to competition within the EC, including the control of monopoly and oligopoly; merger control; anti-competitive agreements; and other anti-competitive practices.

The emphasis is placed predominantly on EU competition law to reflect the importance it assumes in practice. UK competition law is also taught, both because of its value in providing a comparative study of two systems of competition law and because of its importance to the UK practitioner. The antitrust laws of the USA and competition laws of other jurisdictions are also referred to by way of comparison.

Visiting speakers: There is a programme of visiting speakers details of which are found on the CCLP website.

Learning outcomes: a comprehensive understanding of the core principles of Competition Law and its application in the EU, UK and elsewhere. At the end of the course, students should be able to critically reflect upon the law, economic and legal principles underpinning competition law enforcement

Convenor

Aidan Robertson QC

Teaching

Aidan Robertson QC and guests

Timing of lectures/seminars/tutorials

7 seminars in MT, 7 seminars in HT.

2 tutorials in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Conflict of Laws

Overview

The Conflict of Laws, or Private International Law, is concerned with private (mainly commercial) law cases, where the facts which give rise to litigation contain one or more foreign elements. A court may be asked to give relief for breach of a commercial contract made abroad, or to be performed abroad, or to which one or both of the parties is not English. It may be asked to grant relief in respect of an alleged tort occurring abroad, or allow a claimant to trace and recover funds which were fraudulently removed, and so on. In each case, the court must decide whether to apply laws of English or foreign origin to determine the matters in dispute. This exercise in identifying the law applicable is the second of three areas around which this course in the Conflict of Laws is centred. Prior to this comes the issue of jurisdiction; that is, when an English court will find that it has, and will exercise, jurisdiction over a defendant who is not English, or over a dispute which may have little to do with England or with English law. Closely allied to this is the question of what, if anything, may be done to impede proceedings which are underway in a foreign court but which (in the view of one of the parties or of the court) really should not be there at all. The remaining third of the course is concerned with the recognition and enforcement of foreign judgments, to determine what effect, if any, these have in the English legal order.

In England, the subject has had an increasingly European dimension, not only in relation to the jurisdiction of courts and the recognition and enforcement of judgements but also for choice of law as it applies to contractual and non-contractual obligations.

The purpose of the course is to examine the areas studied by reference to case law and statute, and to aim at acquiring an understanding of the rules, their operation and inter-relationship, as would be necessary to deal with problems arising in practice in litigation with a cross border element. Those taking the course will gain an understanding of the concepts and practical applications of private international law as it applies in legal systems around the world.

Topics covered

- (1) Jurisdiction in civil and commercial matters
- (2) Choice of law, with particular reference to the law applicable to contractual and non-contractual obligations and property
- (3) The recognition and enforcement of foreign judgments

Convenor

Andrew Dickinson

Teaching

Andrew Dickinson, Adrian Briggs and Edwin Peel

Timing of lectures/seminars/tutorials

4 lectures in MT, 3-4 lectures in HT.

4 seminars in MT, 6 seminars in HT.

1 tutorial in MT, 4 tutorials in HT.

Revision class/tutorial in TT.

Does this option require a prior knowledge of the common law?

No

Constitutional Theory

Overview

The course is concerned with the theory of the nature, authority and legitimacy of constitutions. Topics include the historical origins and development of constitutional concepts; methods of separating the powers of governmental agencies; the ideal of the rule of law; institutional consequences of theories of democracy; the structure and function of legislatures and techniques for limiting their powers; the role of courts in review of legislation and executive action; the structure and operation of executive agencies; the framing and interpretation of written constitutions; the role of citizens and institutions in times of constitutional emergency; the nature and appropriate constitutional protection of basic rights; federalism and the constitutional implications of multiculturalism.

Learning outcomes: an understanding of the theory of the nature, authority and legitimacy of constitutions.

Convenor

Nick Barber

Teaching

Nick Barber, Adam Perry, Paul Yowell and Richard Ekins

Timing of lectures/seminars/tutorials

8 seminars in MT, 4 seminars in HT.

Tutorials will take place throughout the year.

Does this option require a prior knowledge of the common law?

No

Corporate Finance Law

Overview

The limited company is a hugely popular business vehicle, and the primary reason for this is its ability to act as a successful vehicle for raising business finance and diversifying financial risk. All companies need to raise money in order to function successfully. It is these "money matters" which are at the heart of corporate law, and an understanding of the ways in which companies can raise money, and the manner in which their money-raising activities are regulated, is central to an understanding of how companies function. The aims of the course are (a) to explain the complex statutory provisions governing the issue and marketing of corporate securities, against the background of business transactions; (b) to explore the fundamental legal propositions around which corporate finance transactions are usually organised and (c) to examine the means by which money is raised by borrowing and quasi-debt and different methods of securing debt obligations. Technical issues will therefore be placed in their economic and business context. There is a strong emphasis on the policy issues underlying the legal rules. The course focuses on the forms of corporate finance and on the structure and regulation of capital markets. The course also examines the attributes of the main types of securities issued by companies and the legal doctrines which are designed to resolve the conflicts of interests between shareholders and creditors. Consideration is given to the EU directives affecting the financial markets, especially the manner in which they have been implemented into English law. Many of the issues arising are of international importance and the course examines the harmonisation of these matters within the EU.

This course will be of interest to any student wishing to develop a knowledge of corporate law, as well as to those who are corporate finance specialists. No prior knowledge of the subject is required, nor is it necessary to have studied company law, though this will be of significant advantage. Those with no knowledge of company law will need to do some additional background reading prior to the start of seminars, and advice can be given on this issue.

Learning outcomes: an understanding of the means by which companies raise money and the laws which govern those activities.

Topics covered

An introduction to debt and equity financing; legal capital rules and equity financing; the regulation of the capital markets: disclosure; the regulation of the capital markets: market abuse; crowdfunding; takeovers and schemes of arrangement; contractual creditor protection; proprietary creditor protection; transferred debt; multiple lenders; Private Equity.

Convenor

Jennifer Payne

Teaching

Jennifer Payne, Louise Gullifer and Richard Salter

Timing of lectures/seminars/tutorials

Lectures: MT and HT

Seminars: MT and HT

Tutorials: MT and HT (with a revision seminar in TT)

Does this option require a prior knowledge of the common law?

Those without prior knowledge of the common law are welcome, especially if they have prior knowledge of corporate finance in their own jurisdictions, but they must be prepared to engage with case law and with UK statutes where appropriate.

Corporate Insolvency Law*

Overview

The insolvency of a company gives rise to a number of fascinating questions. Why are formal (state-supplied) procedures needed for the treatment of distressed companies? When should such procedures be triggered, and for whose benefit should they be conducted? To what extent should they be geared towards the rescue of the company or its business? What rights should those to whom the company is indebted - its creditors - have over the conduct of the proceedings? In what order of priority should their claims be paid? How should the managers of the distressed company be dealt with, in and outside of formal insolvency proceedings?

In this course, students explore these questions in three ways: first, by reading and evaluating theoretical and empirical literature on the purpose and design of corporate insolvency laws in general; second, by a close study of the formal insolvency and restructuring procedures available under English law, considering their operation in both purely domestic cases and in those with one or more cross-border elements; third, by exploring some of the core features of the insolvency laws of other jurisdictions, with a view to evaluating the procedures available under English law from a comparative and functional perspective.

Students taking the course can thus expect to acquire:

- an advanced understanding of English corporate insolvency law;
- knowledge of some of the core features of the corporate insolvency laws of other jurisdictions, including US, German and French law;
- knowledge of the core features of European corporate cross-border insolvency law (particularly the European Insolvency Regulation), as well as of other legal rules that influence the treatment of cross-border insolvencies in English courts;
- advanced understanding of seminal literature on the purpose and design of corporate insolvency laws, and the ability to draw on this literature to critique the laws studied in the course, or any other corporate insolvency system.

Many students taking the course intend to embark upon or continue a career in corporate or commercial law, where an advanced understanding of English corporate insolvency law (on which the insolvency laws of many other jurisdictions are modeled) is particularly valuable. However the course has also proven to be of interest to students who are interested more generally in understanding the purposes of mandatory corporate law rules, and their impact on the cost and availability of finance. No prior knowledge of corporate insolvency law is required, nor is it necessary to have studied company law, though the latter is of some advantage.

Topics covered

The framework and objectives of corporate insolvency law; the treatment of assets and claims; the *pari passu* and anti-deprivation rules; director liability; transaction avoidance; corporate rescue; restructuring; EU cross-border insolvency law; non-EU cross border insolvency law; comparative corporate insolvency law.

Convenor

Kristin van Zwieten

Teaching

Kristin van Zwieten, Horst Eidenmueller, Gabriel Moss QC, Jennifer Payne and Nick Segal.

Timing of lectures/seminars/tutorials

7 lectures in MT, 4 lectures in HT.

7 seminars in MT, 4 seminars in HT.

1 tutorial in MT, 2 tutorials in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

Students who are familiar with common law methods will be at an advantage in reading the cases on the reading list. We do however have M Jur students successfully taking the course each year.

Corporate Tax Law and Policy

Overview

Are multi-national companies escaping taxation through artificial tax planning, transfer mis-pricing and profit shifting? Where should they be paying tax and on what basis? Should we abolish corporation tax altogether and find some other way to tax business?

Recent action by the G20, OECD, and EU, prompted by debates in the media, by politicians and pressure groups, illustrates that tax is not just a technical area. It raises ethical, political, constitutional and economic questions of fundamental importance. But it is also an area where lack of understanding of the underlying law can result in distorted policy discussions.

This course looks at both the law and the policy aspects of taxation and brings them together to create a more complete understanding of both. Tax law is central to all businesses and of significance to many business transactions. It is also critical for public finance. The course focuses on the taxation of domestic and multi-national businesses and integrates a rigorous examination of the law with the economic and other questions underpinning and arising from it. It uses UK tax law as a starting point and for case studies leading to comparative and theoretical discussions.

The course is thus suitable both for those with an interest in these broad questions as well as those wishing to specialise in and become tax or corporate law practitioners. This is a law course so no maths is needed- no calculations! It is designed to accommodate students from a variety of backgrounds and jurisdictions, whether or not they have studied tax before. Students with knowledge of taxation in the UK or other jurisdictions are encouraged to introduce material into seminars upon which we build, but others will bring other perspectives.

The course is suitable for BCL, MJur and MLF students and can be taken successfully with a range of different courses. No prior study of tax law, company law or economics is required. Students will need to read many types of material and consider how policy issues and technical law interact. UK tax law is statute based, so legislation must be studied, and also case law. Readings from public finance and accounting literature will be recommended on some topics: these will be accessible without specialist knowledge. **In 2017-18 the intention is to provide a pack of legislative materials so there will be no need to buy legislation books.**

The syllabus is wide and the subject fast moving, so the precise focus may vary from year to year. The examination format allows students to focus on areas and approaches that interest them, although the entire course must be studied to gain a complete overview and understanding.

The teaching consists of seminars spread over Michaelmas and Hilary terms (with one or two in Trinity). Some will include presentations from teachers and others will be more participatory, with notice given so that all can take part. Guest lectures will be given by distinguished practitioners and academics. Most materials are available electronically. Background reading is recommended (see introductory list on Weblearn) and more detailed lists will be posted on Weblearn as the course proceeds. There are four tutorials given by the three course lecturers - one in MT and three later in the year. Written work is set and marked for each tutorial.

Learning outcomes: a technical and contextual policy understanding of the taxation of domestic incorporated and unincorporated businesses and multi-national corporations

Topics covered

Central themes are

- **The tax base.** What should be taxed and when? If we tax profit, how should this be defined? What are the alternatives?
- **The unit of taxation.** Who should be taxed? The individual? The single company? The corporate group? The ultimate shareholders? Consumers?
- How are taxes at each level integrated with each other? What are the special problems of small business taxation?
- What distortions and problems are encountered in corporation tax especially corporate financing, and how are these used in tax planning?
- How should taxation be allocated between jurisdictions in the light of increasing mobility of capital and technological developments? What is the role of national governments, double taxation treaties, the EU, the UN, the OECD?
- What are 'tax avoidance' and 'fairness' in a business context? How should tax systems and design approach these issues?
- How is the OECD's Base Erosion and Profit Shifting project changing the operation of international taxation? Is more radical reform needed?

Convenor

Judith Freedman

Teaching

Judith Freedman, Glen Loutzenhiser, John Vella

Guest lecturers to include Michael Devereux, Richard Collier, Philip Baker QC, David Goldberg QC and Jonathan Peacock QC.

Timing of lectures/seminars/tutorials

Seminars of 1.30 hours on Wednesdays at 5pm and Thursdays at 11am MT and HT and one or two in TT (for details see Faculty timetable)

One tutorial towards the end of MT (time tba)

Three tutorials in TT (times tba)

The tutorials will be given by one of the three main lecturers.

Does this option require a prior knowledge of the common law?

No

Criminal Justice, Security and Human Rights

Overview

This course adopts a comparative and normative approach to human rights, criminal justice and security. It covers the development of human rights principles in relation to the criminal justice system and security more broadly (with a particular reference to counter-terrorism), in a range of relevant jurisdictions (*inter alia*: Australia, Canada, Colombia, Kenya, India, Israel, UK, USA, South Africa, Zimbabwe, Namibia, the European Convention on Human Rights, the European Union, and the Inter-American Court). After beginning with a general look at the themes of national security, rights balancing and exceptionalism theory, the course examines a number of discrete topics in terms of the theoretical underpinnings of the particular right, the reasoning adopted by the courts, and the implications for criminal justice and security policy.

Learning outcomes: an understanding of human rights issues in the context of the criminal justice system and the pursuit of national security.

Topics covered

Among topics examined are: the principles of proportionality and legality; the effect of positive obligations on security and criminal justice; the relationship between policing and the right to life; targeted killing in the context of counter-terrorism; the right to privacy in relation to mass surveillance; the prohibition on torture, inhuman and degrading treatment in the context of policing, counter-terrorism, criminal trials, and the principle of non-refoulement; the protection of personal liberty with respect to counter-terrorism and imprisonment; the relationship between fair trial procedures, intelligence gathering and secrecy; and prisoners' rights.

Convenor

Liora Lazarus

Teaching

Liora Lazarus, Miles Jackson and Jessica Blackburn

Timing of lectures/seminars/tutorials

6 2 hour seminars in MT, 6 2 hour seminars in HT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

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

Overview

This course examines the legal basis of the "level playing field" of the internal market of the European Union, covering the law of free movement across borders (goods, establishment and services), as well

as competence to regulate the internal market, with special reference to the function of harmonisation of laws.

Learning outcomes: to enable students to acquire knowledge and understanding of the law in relation to the above subject matter, and to be able to discuss critically at an advanced level the legal and policy issues arising therefrom - including in particular the relationship between the judicial and the legislative contributions to the making of the EU's internal market.

Topics covered

Some or all of selected topics in public procurement, consumer law, company law, intellectual property, state aids and energy law will be addressed.

Convenor

Stephen Weatherill

Teaching

Stephen Weatherill, Sanja Bogojevic, Angus Johnston, Connor Quigley QC, Stefan Enchelmaier

Timing of lectures/seminars/tutorials

8 seminars in MT, 8 seminars in HT, 2 seminars in TT.

2 tutorials in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

European Private Law: Contract

Overview

This course explores the law of contract comparatively, using as its focus English contract law and the contract laws of national jurisdictions in continental Europe, set against the backdrop of the approximation of the national private laws of the European Union's Member States and attempts over the last two decades to harmonise contract law in Europe. The course involves a deep comparative study of contract law, and is aimed equally at students with a common law or a civil law background, and indeed from any jurisdiction, within or outside Europe.

The modern 'Europeanisation' of private law has two dimensions. The first is extremely relevant to legal practice. It concerns the implications of existing legislation and case-law emanating from the organs of the EU for national private laws of Member States. Within the UK, the understanding of the implications of EU law for English private law has a particular contemporary significance in light of the decision in the 2016 referendum that the UK should leave the EU. Although the full repercussions of that referendum are yet to be worked out, the broader question of the impact of EU law on national private laws remains. The second dimension of 'Europeanisation' is of a more scholarly nature. It relates to a number of academic proposals for common European rules and principles in the area of private law (such as the so-called 'Draft Common Frame of Reference'), based on thorough comparative research and drawing on the common European legal heritage. European Private Law therefore combines issues from at least three branches of legal scholarship, ie European Law, (national) Private Law and Comparative Law.

The course attempts to combine these disciplines by approaching particular problems from a European point of view as well as from the angle of various national private laws, thus necessarily adopting a comparative approach. The lecture series accompanying the course seeks to elucidate the different facets of European Private Law in a broader perspective by examining its historical foundations in the *ius commune* ('the past'), the development of national private law systems and their interaction with today's EU law ('the present') and the political and constitutional prospects for further harmonisation ('the future'). The main part of the course consists of eight seminars devoted to a number of specific substantive issues taken from the law of contract, one of the core areas of private law in Europe and beyond. These are studied, as far as possible, with reference to primary materials, ie legislation and case law. Examples from national legal systems will mainly be drawn from English, French and German law. If, however, another legal system offers an interesting and original solution, this will also be taken into account. All the required reading is in English.

This approach already indicates that the course does not aspire to cover the whole of contract law with all its, say, constitutional and procedural implications, in all European legal systems, but is necessarily of a more topical nature, with a focus on selected core jurisdictions. The search is for – common or diverging – solutions to legal problems arising in all legal systems (including EU law and various proposals for further harmonisation, and taking into account reforms within national systems, notably the reform of the German law of obligations in 2002 and the reform of the French law of contract in 2016). These are looked at both from a technical point of view and with respect to the underlying principles, so that a balance is struck between the discussion of 'black letter' law and general policy issues. Participants will thus be in a position to evaluate existing national laws, and European/EU contract law, the potential for further harmonisation and the methodological implications of such a process.

Learning outcomes: to enable students to acquire knowledge and understanding in the area of comparative contract law, in a European context, and to discuss and assess critically at an advanced level the legal and policy issues arising therefrom. Participants may expect to gain a deeper understanding of the nature of contract law, basic knowledge of the major European traditions in this area of the law, the ability to master a wide range of strongly heterogeneous sources, and an awareness of harmonisation projects at EU level.

Topics covered

The seminars will cover the pre-contractual stage; the formation of contract, its content and performance; consequences of non- or malperformance; and selected aspects of third party involvement.

The lecture series accompanying the course is on 'European Private Law: Past, Present, and Future'.

There are also lectures on selected topics in the new French law of contract, and on the German remedial regime.

Convenor

John Cartwright

Teaching

Seminars: John Cartwright, Birke Häcker

Lectures: Birke Häcker, Simon Whittaker and John Cartwright

Timing of lectures/seminars/tutorials

16 lectures in MT.

8 seminars in MT.

1 tutorial in MT, 3 tutorials in HT.

Does this option require a prior knowledge of the common law?

No

Human Rights at Work

Overview

This course examines how the idea of human rights guides, constitutes, and regulates the legal rules and standards governing employment and work. This examination of the foundation of labour law in human rights is intended to consider the need to guarantee basic protections for workers against the pressures arising from various aspects of globalisation.

The human rights to be considered are found in (a) international law such as the UN Declaration of Human Rights and the ILO's Declaration of the Fundamental Rights of Workers; (b) the Charter of Fundamental Rights of the EU and other measures of EU law; (c) the treaties of the Council of Europe including the European Charter of Fundamental Rights and the European Social Charter; (d) the Human Rights Act 1998 in the United Kingdom; and (e) occasional comparisons with the judicial interpretation of the fundamental rights protected in the constitutions of nation states.

The course also critically examines the various mechanisms for protecting these rights, which range from judicial enforcement of directly enforceable rights, through international conventions, to self-regulation through corporate codes of conduct.

The human rights to be considered during the course will include: freedom of association, the right to strike, the right to privacy, freedom of religion, freedom from slavery, forced labour and trafficking, the right to work, job security and property rights in jobs, and equality rights across various grounds including sex, race, age, disability, sexual orientation and religion. These rights will be studied in depth to illustrate the complex interplay between international, European, and national norms, and between various forms and sources of protection.

Learning outcomes: students will acquire a knowledge of the human rights found in international and transnational laws and standards that are applicable to employment and the workplace, and the institutions and enforcement mechanisms that protect those labour rights; students will learn about the strengths and weakness of reliance on human rights law for the protection of labour standards and workers' interests.

The course does not presuppose that students should have taken an undergraduate labour law or employment law course. Nor does it presuppose that students should have studied human rights law, international law or EU law. The course will be taught in a varied format, including seven seminars in Michaelmas Term and seven in Hilary Term. There will be tutorials to back up the seminars, each student receiving to up to four tutorials from a wide menu. These tutorials are offered throughout the academic year, in order to give practice in writing essays in this subject.

Any students who would like to discuss this course further are encouraged to contact one of the members of the teaching group.

Topics covered

Labour Rights as Human Rights. The Sources of Workers' Rights: ECHR (and Human Rights Act), EU Charter, European Social Charter, ILO Declaration, and UN Conventions. Employee Status and Labour Rights. Freedom of Association. The Right to Strike. The Right to Privacy. Freedom of Expression. Migrant Workers, Modern Slavery, Trafficking, Gangmasters. The Right to Work. Trade Agreements and Labour Rights. Business, Corporate Codes, and Human Rights. Job Security and Property Rights in Jobs. Equality Rights (1). Equality Rights (2).

Convenor

Hugh Collins

Teaching

Hugh Collins, Anne Davies, Jeremias Prassl, Mark Freedland, Sandy Fredman and Catherine Costello

Timing of lectures/seminars/tutorials

7 seminars in MT, 7 seminars in HT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Intellectual Property Law (TBC)

International Commercial Arbitration

Overview

In a world of increasing global trade and commerce, arbitration has become the preferred mechanism for resolving transnational commercial disputes. As global transactions have expanded, they also have become more complex. Scholars, arbitrators and courts around the globe have developed highly sophisticated solutions to respond to these challenges, making international commercial arbitration one of the most fascinating developments in the law. The course will study international commercial arbitration within its international and national legal frameworks.

Starting with the study of international instruments such as the New York Convention, the course will then examine how different national legal systems have treated international commercial arbitration. The course aims to focus on a comparison of the approaches taken by US courts and the national courts of Europe. International commercial arbitration often exposes marked differences between the common and the civil law, yet the body of law being created in common and civil law jurisdictions forms an arbitral '*ius commune*' – a common body of a globally applicable international arbitration law. In order to explore the real or perceived advantages of international commercial arbitration over transnational litigation, the course intends to examine the problems commonly associated with transnational litigation such as service of process, jurisdiction, *lis pendens* and recognition of judgments. Moreover, the course aspires to introduce the theoretical foundations of international commercial arbitration and to discuss the repercussions international commercial arbitration may have for national legal orders. The course will cover every stage in an arbitral proceeding from the arbitration agreement, the arbitral proceeding to the arbitral award and its recognition and enforcement.

Learning outcomes: an understanding of the way international commercial arbitration applies across both common and civil law jurisdictions and knowledge of the theoretical foundations of this body of law and its potential advantages over transnational litigation.

Topics covered

1. Alternative Dispute Resolution (ADR) and International Commercial Arbitration
2. Separability / Competence-Competence
3. Enforcement of International Arbitration Agreements
4. Applicable Law and Arbitral Seat
5. Formation of the Arbitral Tribunal and Procedural Rules
6. Annulment of Arbitral Awards
7. Enforcement of Arbitral Awards
8. Investor-State Arbitration
9. Sociology of Arbitration

Convenor

Horst Eidenmueller

Teaching

Horst Eidenmueller, Andreas von Goldbeck, Genevieve Helleringer and Andreas Hacke.

Timing of lectures/seminars/tutorials

7 lectures in MT, 2 lectures in HT, 6 Senior Practitioners' Lectures in HT.

8 seminars in MT.

2 tutorials in MT, 2 tutorials in HT.

Does this option require a prior knowledge of the common law?

No

International Criminal Law

Overview

One of the most significant developments in international law and international relations during the past quarter century has been the emergence of a new international legal order based on a robust concept of international criminal justice. With the establishment of a number of international and hybrid national-international criminal courts to try those accused of genocide, crimes against humanity, and other violations of international law, the international community has demonstrated a commitment to ensuring accountability and upholding the rule of law. At the same time, when and how international criminal law is enforced, the role of international justice in relation to ongoing conflicts and post-conflict societies, and the future of international criminal justice remain the subject of intense debate. This seminar will provide a historical perspective on the rise of international criminal justice as well as an overview of a number of discrete topics in international criminal law and justice, including the bodies of law applied in international criminal tribunals, the challenges involved in creating a functioning and effective international criminal justice system, and key developments in international criminal law. The focus of the seminar will be on the work of the first two international criminal courts of the modern era, the tribunals for the former Yugoslavia and for Rwanda, and less on the permanent International Criminal Court. The International Criminal

Court will form a subject of a few seminars but its jurisprudence is still too limited for us to focus upon. The course will consist of both subject and case discussion of jurisprudence on genocide, crimes against humanity, war crimes and modes of liability.

These seminars will start with discussion of the principal historical and topical development of international criminal law combined, wherever possible, with the principal case law. As we proceed, more and more time will be devoted to the discussion of case law/jurisprudence. Students will be lead discussants of topics and cases and are kindly requested to select cases and topics for their presentations as soon as possible.

All sources used are easily accessible on the Internet. Here are the principal non-case sources: Hague Convention No. IV on Laws and Customs of War on Land 1907, Nuremberg Charter 1945, Geneva Conventions for the Protection of Victims of War, 1949, Nos. III and IV, and Additional Protocols I and II to the Geneva Conventions, 1977.

The Statutes of the ICTY and the ICTR and listed provisions of the ICC Statute are required reading. It is recommended that these materials as well as the common clauses of the Geneva Conventions listed below in this syllabus and Additional Protocols I and II be read before the seminar or during the early stages of the seminar.

The classes will be given mostly every second week of each term as listed herewith. Fridays, 11 am-1 pm; Mondays, 11 am-1 pm. All classes will be given in the Old Library in All Souls.

Topics covered

- Nuremberg and its legacy: from Nuremberg to The Hague
- Introduction to the ICTY, the ICTR and the MICT: Nuts and bolts of *ad hoc* criminal tribunals
- Challenges facing the ICTY
- Thresholds of applicability of common articles 2 and 3 of the Geneva Conventions and of Additional Protocols I and II to the Geneva Conventions
- Nexus of crimes with armed conflicts
- Principle of legality and the role of customary international law
- International criminalization of internal atrocities
- International/non-international armed conflicts in the jurisprudence of the *ad hoc* Tribunals
- The Humanization of the law of war (and common clauses of the Geneva Conventions)
- International humanitarian law and international criminal law
- Enforcement of human rights through international criminal tribunals and human rights standards in the jurisprudence of international criminal tribunals and the European Court of Human Rights
- The MICT model of international criminal tribunals
- Rule of law and international criminal tribunals
- War Crimes
- The *ad hoc* Tribunals and the development of the law of genocide
- The *ad hoc* Tribunals and the development of the law of crimes against humanity
- Rape in the jurisprudence of the *ad hoc* Tribunals
- Supervisor Responsibility

Modes of liability, including aiding and abetting

Convenor

Judge Theodor Meron

Teaching

Judge Theodor Meron, Miles Jackson and Talita Dias

Timing of lectures/seminars/tutorials

6 seminars in MT, 6 seminars in HT and 6 seminars in TT.

2 tutorials in HT and 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

International Economic Law

Overview

This course introduces students to the principles and institutions of international economic law. It focuses primarily on the institutions and substantive law of the World Trade Organisation (WTO), including notably the WTO dispute settlement mechanism and its substantive jurisprudence, and the main WTO Agreements, including those dealing with goods (GATT), services (GATS), the environment, subsidies, intellectual property rights, and other WTO agreements that are indispensable for a knowledge of the theory and practice (by governments, corporations, NGOs, and lawyers) of the subject area. In addition to introducing participants to the major legal disciplines under the GATT/WTO and the basic principles and core concepts of the GATT/WTO (based on in-depth study of the relevant GATT/WTO case law), the course considers the underlying philosophy of free trade and a number of the controversies concerning the future evolution of the WTO and its relationship to globalisation, regionalism, and the attempt by States to achieve other policy objectives (such as protection of the environment).

The course also examines aspects of international investment arbitration, especially compared to WTO dispute settlement.

No prior knowledge of international law or economics is necessary. Students without such knowledge will be directed to basic reading in these fields.

Learning outcomes are an understanding of the philosophy of free trade and the law of the WTO, and the institutions responsible for its governance (including WTO dispute settlement).

Convenor

Dan Sarooshi

Teaching

Dan Sarooshi and Greg Messenger

Timing of lectures/seminars/tutorials

Seminars in MT and HT.

Tutorials in MT, HT, and TT.

Does this option require a prior knowledge of the common law?

No

International Law and Armed Conflict

Overview

This course examines a range of international law issues that arise in relation to armed conflict. The course will be divided into four parts.

The first part of the course will consider the international legal issues relating to whether and when States are entitled to use armed force. In this part of the course, we will examine the prohibition of the use of force contained in the UN Charter as well as the principle of non-intervention in the affairs of other States. We will also devote considerable attention to the exceptions to the prohibition on the use of force, in particular, the right of self-defence in international law. Questions to be considered include the criteria for a lawful response in self-defence, the scope of the right of self defence in response to attacks by non-State groups, and the legality of anticipatory/pre-emptive self defence. This part of the course will also consider other possible exceptions to the prohibition on the use of force such as protection of nationals abroad, as well as the doctrines of humanitarian intervention and responsibility to protect.

The second part of the course considers the use of force within the scheme for collective security set up by the UN Charter – We will examine the powers of the Security Council to authorize the use of force by states and to establish peace-keeping operations.

The third part of the course examines international humanitarian law, i.e, the law that applies during an armed conflict. We will address the distinction between the law applicable in international armed conflicts and that applicable in non-international armed conflicts. We also consider the extent to which transnational violence between States and non-State groups should be considered an armed conflict to which international humanitarian law applies. In this part, we will explore both the “Geneva law” relating to the humanitarian protection of victims of war and the “Hague law” relating to the means and methods of warfare. In particular, we will examine the law relating to the detention, prosecution and treatment of combatants and civilians and in situations of armed conflict. We then turn to the law that applies to the conduct of hostilities, examining in particular the rules relating to targeting and to weaponry.

The fourth and final part of the course will consider the extent to which international human rights law applies in time of armed conflict, the relationship between human rights and international humanitarian law, and questions of responsibility for violations of human rights or humanitarian law. In considering issues of responsibility, we will focus on how questions of responsibility arise and are determined in cases where operations conducted by state agents are authorized by, or carried out as part of the activities, of an international organization (the UN, NATO, etc). Is the international organization responsible, is the state responsible or is there a shared responsibility?

Learning outcomes: an understanding of the laws which determine whether and when States are entitled to use armed force, and which apply during an armed conflict (including international human rights law).

Topics covered

International Law, Jus Ad Bellum, International Humanitarian Law

Convenor

Miles Jackson

Teaching

Miles Jackson

Akis Papastavridis

Antonio Coco

David Turns

Timing of lectures/seminars/tutorials

Seminars: Mondays 13:00 – 15:00.

Tutorials: 2 in MT; 1 in HT; 1 in TT.

Does this option require a prior knowledge of the common law?

No

International Law of the Sea

Overview

The oceans are critical to State interests and human prosperity, being a highway for commerce, a shared resource and a conduit for threats to security. They cover 70% of the earth's surface, account for 90% of the world's international trade and provide 40% of the protein consumed in the developing world.

In this context, the law of the sea is assuming a new prominence in international affairs, from questions of environmental protection and offshore resource exploitation, to legal contests over polar resources and sea lanes rendered more accessible by global warming, and even regarding the risk of maritime terrorism and smuggling weapons of mass destruction. This course will approach the law of the sea in the context of these new developments and concerns. It provides a comprehensive grounding in the subject, combining the study of maritime zones (such as the territorial sea, Exclusive Economic Zone, Continental Shelf and High Seas), with the study of the main bodies of law regulating users of the seas (such as navigation, fishing, pollution and military activities). It also aims to enhance general international law knowledge as the teaching relates the problems of the law of the sea to other relevant areas of general international law, including sources, the law of treaties, and principles of state responsibility.

The teaching consists of weekly two hour seminars in the Michaelmas and Hilary terms. In Trinity term, there is one two-hour revision seminar, one three-hour mock examination class, and one two-hour examination feedback class.

Learning outcomes: to understand the core principles, law, and institutions of the international law of the sea and to place this legal framework in its policy context; to be able to approach critically and analytically the rules, policies, and principles of this area of international law; and to be able to identify and resolve legal problems involving the public international law of the sea.

Topics covered

The history of the making of the law of the sea and drafting a 'constitution' for the oceans; introduction to zones under coastal state jurisdiction (internal waters, territorial sea, contiguous zone, and regimes of passage); exploration and exploitation of the living and non-living resources of the exclusive economic zone; the continental shelf and its outer limits; maritime boundary delimitation; global and regional approaches to the protection of the marine environment (including the Arctic & Antarctic); protection of marine species and habitat; conservation of marine biodiversity, including in areas beyond national jurisdiction; fisheries and the scourge of illegal, unreported and unregulated fishing; the deep seabed and regulation of its resources; the regulation of energy activities at sea; piracy, maritime security and enforcement at sea; shared responsibility and the law of the sea; dispute settlement.

Convenor

Catherine Redgwell

Teaching

Catherine Redgwell, Efthymios Papastavridis, Ilias Plakokefalos.

Timing of lectures/seminars/tutorials

8 seminars in MT, 8 seminars in HT, 3 classes in TT (1 revision seminar, 1 mock exam. session and one exam. feedback class)

2 tutorials in MT, 2 tutorials in HT.

Does this option require a prior knowledge of the common law?

No

Jurisprudence and Political Theory

Overview

This course explores a range of topics in legal and political philosophy. These include the concept and the nature of law; the explanation of legal rights and obligations; the normative significance of institutional actions and practices; the question whether the law has an essential function or purpose; the relation of legality to the use of organized force; the individual's moral duties that obtain because of the law; the individual's moral rights against his or her government; and the nature and justification of political authority. Key political ideas, including equality, liberty, and autonomy, are also included, as are questions about the nature and source of reasons and the character of philosophical explanation. Discussion of these topics strives for analytical precision, and often proceeds by critically examining advanced work in progress by members of faculty and others. (Much of Dworkin's *Law's Empire*, Raz's *The Morality of Freedom*, and Finnis's *Aquinas*, was earlier presented and discussed in this course's seminars.)

The seminars do not necessarily cover all of the topics mentioned in the syllabus, and of those covered some may be covered in much greater depth than others. Nevertheless the syllabus gives a good general indication of the field to which the seminars and the eventual list of examination essay topics relate.

The course is a philosophy course, and in that sense is a specialist rather than a generalist pursuit. Through it students may expect to develop some of the skills and dispositions of professional philosophers. An acquaintance with some undergraduate-level jurisprudence is presupposed; those who enter on this course without having formally studied jurisprudence may prepare themselves by reading some of the following or comparable works: Hart, *The Concept of Law*, Dworkin, *Taking Rights Seriously* or *Law's Empire*, Raz, *The Authority of Law*. But this list should not lead anyone to think that, in the course itself, the topics to be discussed are narrowly 'jurisprudential' or that the authors to be read are narrowly 'Oxford'. Students with an Oxford Jurisprudence background, and others, could prepare for the course by careful reading of (for example) Rawls, *A Theory of Justice*, Dworkin, *Justice for Hedgehogs*, Raz, *The Morality of Freedom*, or Nagel, *Equality and Partiality*.

Seminars specifically designed for students on this course are regularly convened by Professors J Dickson, T A O Endicott, P Eleftheriadis, J M Finnis, J Gardner, L Green, A M Honore, and N Stavropoulos. However, those taking the paper are also encouraged to participate in seminars and lectures taking place elsewhere in the university, particularly in some of those advertised on the Philosophy Lecture List. Those who are not conversant with the basics of political philosophy, in particular, should consider whether to attend lectures on the undergraduate courses in Ethics (see the Philosophy Lecture List) and the Theory of Politics (see the Politics Lecture List). Lectures from the undergraduate Jurisprudence course in the Law Faculty would also help those who need to be more familiar with the basics of legal philosophy.

This course is among those supported with detailed material on the Legal Philosophy in Oxford website.

Learning outcomes: an understanding of fundamental questions concerning the nature of law and key ideas in political theory; a capacity to approach legal and political issues from a philosophical perspective.

Convenor

Nicos Stavropoulos

Teaching

Julie Dickson, James Edwards, Pavlos Eleftheriadis, Timothy Endicott, John Finnis, Leslie Green, and Nicos Stavropoulos.

Timing of lectures/seminars/tutorials

14 seminars in MT, 24 seminars in HT.

4 tutorials in HT.

Does this option require a prior knowledge of the common law?

No

Law and Society in Medieval England

Overview

This course offers an in-depth study of core areas of family, property, and obligations law in later thirteenth and early fourteenth century England and their relationships - through legislative and judicial change and legal writing - to the medieval society of which they were part.

The materials studied are statutes, case reports, and treatises and instructional literature from the period, together with the modern academic literature on the topics. All the sources used are provided in translation, so that knowledge of Latin and French is not required. Prior knowledge of the history of English law is not required.

Topics covered

The topics covered are: law and the family; family settlements; lordship and ownership; property remedies; the enforcement of tenurial obligations; debts and securities; contracts, leases and property management; wrongs; problems of jurisdiction.

Convenor

Mike Macnair

Teaching

Mike Macnair

Timing of lectures/seminars/tutorials

3 seminars in MT, 4 seminars in HT, 1 seminar in TT.

1 tutorial in MT, 2 tutorials in HT, 1 tutorial in TT

Does this option require a prior knowledge of the common law?

No

Since the course studies the beginnings of the common law, and the law studied is sharply different from modern law, prior knowledge of common law is not required.

Law in Society

Overview

Considering law in society means asking a number of questions: What does law do? Where does it come from? What forms does it take? How do we understand its meaning and significance? Socio-legal scholars discuss the role of law in providing stability to private relations, law as the foundation of social order, and law as an instrument for directing society and solving social issues. They also investigate the social origins of different laws. Anthropologists may be more interested in the forms that law takes, and matters of meaning and symbolism. Asking these questions ultimately leads scholars to address the issue (whether explicitly or implicitly) of what law is. Using empirical studies as the basis for such enquiries is what largely distinguishes these projects from those of legal philosophers.

The first part of the course (4 weeks in MT) introduces some of the main sociological thinkers to have addressed these questions, including Durkheim (the notion of law as a mirror of social life and the basis of social solidarity), Weber (law as an instrument of the ruler), as well as Hart (and what he calls 'descriptive living sociology'). We will use case studies, along with the writings of more recent scholars, to assess the relevance of their approaches for contemporary scholarship and social issues.

The second part of the course (8 weeks in HT) uses anthropological and historical case studies to address the same questions. The focus is largely on understanding the different systems of law found in other societies and historical periods. How are we to approach the laws and legal processes

of non-literate societies, for example, or the codes of medieval European kings, or the feuding relations of contemporary Tibetan pastoralists? What do they mean and do, and where do they come from? On what grounds can we even define them as 'law'? We also consider contemporary studies on the western world, including research on court use, the appeal of human rights, and new forms of transnational law. The diversity of such cases challenges us to ask what unites them as examples of law. Studying what is unfamiliar can help us to reflect on the parameters and cultural specificity of our own concepts of law, and students will be encouraged to think constructively and critically about familiar legal phenomena and their universal application.

Learning outcomes: a conceptual understanding of the role law plays within society and its relations with other aspects of society (attained through study of the relevant scholarship in this area); and an understanding of how these issues play out in a variety of societal contexts.

Topics covered

General approaches to law in society

Durkheim

Weber

Hart

Law in non-western societies

Order and disputes

Legal pluralism

Rules and categories

Meaning and power

Human rights

Law beyond the state

Legalism: morality and aspiration

Convenor

Fernanda Pirie

Teaching

Fernanda Pirie and Jessie Blackbourn

Timing of lectures/seminars/tutorials

4 seminars in MT, 8 seminars in HT.

1 tutorial in MT, 1–2 tutorial(s) in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Legal Concepts in Financial Law

Overview

The purpose of this course is to explore the most significant legal concepts and private law issues encountered in commercial finance and in commercial and investment banking. This is particularly topical, as many of these issues have been brought into sharp focus by the recent financial crisis.

Students will be introduced to the various concepts in contract, property and fiduciary law which are used to allocate, manage and transfer risk in transactions on capital markets and in commercial banking. They will also be invited to consider the legal nature of property, money and payment, and the conceptual basis for corporate personality and limited liability. By examining a range of transactions, and critically considering relevant case law and legislation in the light of market practice, this course will provide a deep understanding of the part that private law plays in the operation of financial markets. Transactional structures covered will include loans, guarantees, documentary credits and first demand bonds, security, debt issues on the capital markets (and other intermediated securities), derivatives and structured finance.

The focus will be on English law, although the law of other jurisdictions (particularly common law jurisdictions) will be studied where appropriate for criticism and comparison. Whilst the course will primarily be a doctrinal law course, involving close study of cases and legislation and analysis of their underlying principles, the reading lists will contain a significant amount of secondary material examining wider policy issues, different theoretical approaches and possible legal reform.

The course will be taught in eleven seminars, each supported by lectures, and four tutorials. Teaching will be by Professor Louise Gullifer and Mr Richard Salter QC, with input from others practising in this area of law.

Learning outcomes: a knowledge of some of the more topical and/or complex issues in the banking and financial field (the particular topics selected reflecting the research and professional interests of the teaching team) and a comprehensive understanding of the part that private law plays in the operation of financial markets.

Topics covered

See above

Convenor

Louise Gullifer

Teaching

Louise Gullifer and Richard Salter QC

Timing of lectures/seminars/tutorials

Lectures and seminars throughout MT and HT, with four tutorials spread over MT, HT and TT and a revision class in TT.

Does this option require a prior knowledge of the common law?

No. Students taking the course are urged to go to the classes introducing English contract law and equity for civil lawyers which will be run at the beginning of MT.

Medical Law and Ethics

Overview

The Medical Law and Ethics course provides students with the opportunity to develop a critical understanding of the legal and ethical difficulties that arise in the provision of health care. The primary focus will be on UK law, but the issues to be covered have global relevance and we encourage students to contribute insights from other jurisdictions wherever possible. Students must be prepared to read many types of material and to consider how legal, ethical and policy issues interact. There are no prerequisites for this course.

Learning outcomes: a critical understanding of the legal and ethical difficulties that arise in the provision of health care.

Topics covered

Topics to be covered include consent to treatment, abortion, ownership of body parts and organ donation, death and dying, medical negligence, and the legal regulation of human reproduction. As the course progresses, we will also encourage students to be aware of the current issues in medical research and healthcare provision that are being reported in the media.

Convenor

Jonathan Herring

Teaching

Jonathan Herring, Imogen Goold, Cressida Auckland, Camilla Pickles, Charlotte Elves, Heloise Robinson, Marie Tidball, Hugh Series.

Timing of lectures/seminars/tutorials

Seminars and tutorials will be in MT and the first half of HT

Does this option require a prior knowledge of the common law?

No

Philosophical Foundations of the Common Law*

Overview

This course explores the philosophical principles which may be thought to underlie the major doctrines in each of the branches of the common law with which it is concerned – contract, tort, and the criminal law – as well as the relationships between them.

Do notions such as personal autonomy, causation, intention, justice, harm... (etc.), which figure in all three areas, lend them genuine doctrinal unity, or do these branches of the law represent different (complementary or conflicting) moral or political principles? For example: can one or other of them be understood as embodying principles of corrective justice, while the others are based on considerations of distributive justice? Does the law, in these areas, reflect moral concerns, pursue efficiency or some other goal, or is it the case that no underlying principles can be discerned? Are there interesting theoretical links between analogous doctrines or concepts to be found in these branches of the law, such as remedies, defences, excuses, freedom? -These are some of the issues explored in this course.

The course presupposes some knowledge of the basic doctrines of contract, tort, and criminal law, but not necessarily in much detail.

The main teaching is by seminars. Four tutorials are also provided, and these are arranged centrally via the seminars. The course is among those supported with detailed material on the Faculty's Jurisprudence website <https://www.law.ox.ac.uk/research-and-subject-groups/legal-philosophy-oxford>

Learning outcomes: a knowledge of the concepts underlying the principal areas of English common law, an understanding of relevant philosophical debate concerning those areas, and a theoretical overview of the common law as a whole.

Topics covered

What is a crime? What is a contract? What is a tort? What are the relationships between those branches of the law? What is the rationale underpinning remedies for breach of contract, remedies in tort, punishment in criminal law? What are the philosophical foundations and what are the appropriate limits of the freedom of contract, and what are the appropriate limits of the criminalisation of conduct? How central and meaningful is the concept of intention in criminal law, or the doctrine of intention to form legal relations in contract? Is tort law based on retributive justice? Are defences in tort analogous to defences in criminal law? Etc.

Convenor

Dori Kimel

Teaching

Dori Kimel, Grant Lamond, James Edwards, Mindy Chen-Wishart, Hugh Collins, Sandy Steel, James Goudkamp

Timing of lectures/seminars/tutorials

8 seminars in MT, 8 seminars in HT, 4 seminars in TT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

Basic knowledge of the main doctrines of contract law, tort law and criminal law is helpful.

Principles of Civil Procedure

Overview

The aim of the course is to acquaint students with the fundamental principles of Civil Procedure. These principles are not specific to England but are common to all advanced systems of law. The operation and implications of these principles is discussed against the background of English law and the jurisprudence of the European Court of Human Rights. A short introduction to English civil procedure is provided so that students not familiar with the English system could soon acquire a working knowledge. However, students coming from other jurisdictions are encouraged to consider how the principles and the ideas discussed in classes apply to their own systems.

All classes involve active student participation. The course consists of approximately 1 lecture, 16 seminars (most of 2 hours duration), 4 guest seminars and 4 tutorials. The lecture and seminars are

normally held in Michaelmas and Hilary Terms and the guest seminars in Trinity Term. The introductory lecture on the English civil justice system is given by Professor Stuart Sime, and the seminars will be principally given by Dr Higgins and Professor Zuckerman. Dr Ferguson gives seminars on ADR.

The guest seminars are given by visiting scholars, practitioners and judges from England and abroad in conjunction with Dr Higgins and Professor Zuckerman.

Tutorials are given in all three terms. Tutorials will be taken with Dr Higgins.

Learning outcomes: a comprehensive knowledge of the principles which underpin the laws governing the adjudication of civil lawsuits.

Topics covered

Each year the course will cover 10 topics from the following list (there will be student input into the topics covered):

1. General theory of civil adjudication, procedural justice and its relationship to the rule of law
2. The right to an independent and impartial tribunal
3. The principle of, and derogations from, open justice including super injunctions and anonymity orders
4. The Overriding Objective of the CPR and courts' approach to case management and procedural default
5. Interim remedies including interim injunctions and freezing orders
6. The right of access to evidence and disclosure rules
7. Legal professional privilege
8. Public Interest immunity and closed material proceedings
9. Expert evidence
10. Summary adjudication
11. Collective redress (class actions)
12. Appeals
13. Finality of litigation
14. Costs and funding
15. Alternative dispute resolution, including arbitration and mediation

Convenor

Andrew Higgins

Teaching

Andrew Higgins, Adrian Zuckerman, Lucinda Ferguson, Robert Sharpe and various other visitors.

Timing of lectures/seminars/tutorials

1 lecture in MT. 8 seminars in MT, 8 seminars in HT, 4 seminars in TT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Principles of Financial Regulation

Overview

Financial regulation is subject to rapid change, and its optimal content is hotly debated. This course will introduce you to the underlying principles which various forms of financial regulation seek to implement. Students completing this course will be able to understand the regulatory goals of market efficiency, investor protection, the safety and soundness of financial institutions, and the promotion of financial stability and competition, along with the principal regulatory strategies that are employed to try to achieve these objectives in relation to financial markets and institutions.

Learning outcomes: an understanding of the functions of the financial system and the primary financial markets and institutions through which these functions are performed; an understanding of the core principles and objectives which govern financial regulation; an understanding of the regulatory strategies for achieving these objectives and the policy debates that surround them; the capacity to assess critically new developments in financial regulation and their implementation in novel contexts.

Topics covered

The functions of the financial system

The objectives of financial regulation

Consumer protection regulation

Securities regulation

Information intermediaries

Market structure

Banking regulation

Shadow banking regulation

Bank governance

Macroprudential regulation

Convenor

Dan Awrey

Teaching

Dan Awrey, Luca Enriques, Jeff Gordon and John Armour.

Timing of lectures/seminars/tutorials

8 lectures in HT, 3 lectures in TT.

8 seminars in HT, 3 seminars in TT.

4 tutorials in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Private Law and Fundamental Rights

Overview

The enactment of the Human Rights Act 1998 and the adoption of the Charter of Fundamental Rights of the EU as a binding treaty has provoked new questions about the relation between fundamental rights and the legal principles and rules elaborated in fields of private law, principally contract, tort, and property. Questions that have been raised include: Is private law based on or derived from fundamental rights? Can fundamental rights provide a source for new private law rights and obligations? Does the enactment of fundamental rights in a legal order collapse the distinction between public and private law, and if so, what are the consequences for theories of law? Do fundamental rights have the same meaning in a horizontal dispute between private parties? How should the fundamental rights of private parties be balanced against each other? As well as examining these broad questions, the course critically examines and assesses the case-law concerning the impact of fundamental rights on contract law, tort law, property law and other fields of private law. Cases and examples are drawn primarily from the common law in the UK and decisions of the Court of Justice of the EU and the European Court of Human Rights, but selective comparisons from other jurisdictions are occasionally introduced.

Learning outcomes: the course will permit graduate students to draw on, develop, and deepen their existing knowledge of private law and constitutional or human rights law. It will require considerable previous knowledge in private law and fundamental rights law. It will build on that knowledge in part by combining or integrating it in a new way, but more fundamentally in offering a fresh perspective on these materials. The course will require both careful analysis of legal reasoning in case law, but also more jurisprudential reflection on the relation between private law and fundamental rights. Comparative law material (mostly from European countries and the EU itself) will provide additional perspectives.

Topics covered

After some introductory materials regarding the relevant laws governing fundamental rights, the course is divided into four roughly equal parts: the law of tort and fundamental rights; the law of contract and remedies in private law and fundamental rights; property law and intellectual property law and fundamental rights; and a final group of seminars that consider general issues such as whether the insertion of fundamental rights into private law causes unnecessary disruption to the law, or causes private law to look more favourably on the interests of weaker parties.

Convenor

Hugh Collins

Teaching

Hugh Collins, Roderick Bagshaw, Donal Nolan, Dorota Leczykiewicz, Alison Young, Susan Bright, Mindy Chen-Wishart, James Goudkamp

Timing of lectures/seminars/tutorials

7 seminars in MT, 7 seminars in HT, 2 seminars in TT.

1 tutorial in MT, 2 tutorials in HT, 1 tutorial in TT.

Does this option require a prior knowledge of the common law?

No

Regulation

Overview

Regulation is at the core of how modern states seek to govern the activities of individual citizens as well as corporate and governmental actors. Broadly defined it includes the use of legal and non-legal techniques to manage social and economic risks. While regulation is traditionally associated with prescriptive law, public agencies and criminal as well as administrative sanctions, the politics of the shrinking state and deregulation have meant that intrusive and blunt forms of legal regulation have given way at times to facilitative, reflexive and procedural law which seeks to balance public and private interests in regulatory regimes. Policy debates have addressed whether there is actually too much, too little or the wrong type of regulation.

This course examines what role different forms of law play in contemporary regulatory regimes. It thereby analyses how legal regulation constructs specific relationships between law and society and how legal regulation is involved in mediating conflicts between private and public power. The first section of the course critically examines key conceptual approaches for understanding regulation. How can economic reasoning be employed in order to justify legal regulation? Does a focus on institutions help to understand the operation of regulatory regimes? What rationalities, and hence 'governmentalities' are involved in regulating through law? What role do emotions, such as trust in experts, play in regulatory interactions? The second section of the course examines specific regulatory regimes against the background of the conceptual frameworks explored in the first section. This second section discusses 'regulation in action' in specific fields of current significance, such as: - the regulation of the legal profession, - the regulation of emissions trading regimes, including the carbon market in the EU - the regulation of the provision of health care in the UK and the US, - the regulation of water, – as well as the regulation of cyberspace. The course thus provides an opportunity for students to examine the pervasive phenomenon of regulation with reference to different disciplinary perspectives, in particular law, sociology, politics and economics and to gain detailed knowledge of substantive regulatory law in specific fields of current relevance.

The course is taught through 16 two hour seminars - which provide opportunities for active student participation – over Michaelmas and Hilary terms. Four tutorials spread over Michaelmas, Hilary and Trinity terms will also support students' exam preparation. The 3 hour written examination at the end of the course involves essay questions.

The convenor of the course is Dr Bettina Lange and the course is taught by a small group of faculty members. If you have any questions about the contents, approach or teaching methods of this course

do not hesitate to contact me: bettina.lange@csls.ox.ac.uk, Centre for Socio-Legal Studies, Social Science Building, Manor Road.

Convenor

Bettina Lange

Teaching

Bettina Lange, Chris Decker, Joao Lloreto Moreira and Justine Pila.

Timing of lectures/seminars/tutorials

8 seminars in MT, 8 seminars in HT.

1 tutorial in MT, 1 tutorial in HT, 2 tutorials in TT.

Does this option require a prior knowledge of the common law?

No

Restitution of Unjust Enrichment*

Overview

Restitution of Unjust Enrichment is concerned with how and when a claimant can compel a defendant to surrender an enrichment gained at the claimant's expense. Long neglected, the subject has in recent years been one of the most exciting in the postgraduate curriculum. It draws its cases from areas of the law which have resisted rational analysis, largely because they have tenaciously preserved the language of an earlier age.

Common lawyers found themselves unable to escape from money had and received, money paid, and quantum meruit, while those on the chancery side became defensively fond of the unsolved mysteries of tracing and trusts arising by operation of law. In the result, down to earth questions about getting back money and value in other forms have been made to seem much more difficult than they need be. The aim of any course on restitution must be to understand what has really been going on and to play back that understanding to the courts in accessible modern language.

This course is concerned only with restitution of unjust enrichment. Restitution for wrongs is not part of the course and is dealt with in the Commercial Remedies course.

Learning outcomes: an understanding of the laws by which a claimant can compel a defendant to surrender an enrichment gained at the claimant's expense.

Topics covered

Enrichment, At the Expense Of, Unjust Factors, Defences, Responses

Convenor

William Swadling

Teaching

William Swadling, Andrew Burrows, Robert Stevens, Helen Scott, and Fred Wilmot-Smith.

Timing of lectures/seminars/tutorials

1 lecture in MT.

8 seminars in MT, 4 seminars in HT.

Tutorials in HT and TT, depending on tutor

Does this option require a prior knowledge of the common law?

Yes, although students with a civilian background have studied this subject successfully in the past.

Roman Law (Delict)

Overview

The principal aim of Roman Law (Delict) is to understand the law of delict as it was in the high classical period, of the late second and early third centuries AD. The course focuses on analysing set texts from the *Institutes* and *Digest* and the outlook, ideas and methods of the great Roman jurists who wrote them. A secondary aim is comparative: to understand the modern law of civil wrongs better in the light of what was achieved by the classical jurists. In practice, this invites conceptual engagement with fundamentals of the law of delicts/torts, aided by comparison with modern cases.

The course caters to those interested in making use of their classical background or in developing the knowledge of Roman law they acquired by taking an introductory Roman Law course. Prior engagement with Roman law is, however, not essential. In the past, students have indeed welcomed this course as a first immersion into Roman/Civilian legal thought. The course is also open, as an option, to Oxford undergraduates (with a different exam), which creates additional opportunities for intellectual exchanges.

Knowledge of Latin is not necessary; sensitivity to the philological aspects of the original texts, when relevant, is. The set texts are provided in a translation adapted to its use in this course. In the examination, there will be questions requiring candidates to comment on selections from the set translated texts.

Learning outcomes: an understanding of the concepts of the Roman law of private wrongs and of the ideas and methods of classical jurists, and a capacity to reflect on their influence on English common law. Basic acquaintance with research tools of roman law research.

Topics covered

The first half of the course engages with the nature and place of delict, furtum (theft), iniuria (insult/contempt), noxa and pauperies (liability for the conduct of those in power and of animals) and quasi-delict; the second half of the course is devoted to close study of damnum iniuria (loss and unlawful damage to property).

Convenor

Wolfgang Ernst

Teaching

Wolfgang Ernst and Helen Scott

Timing of lectures/seminars/tutorials

4 seminars in MT, 4 seminars in HT.

2 tutorials in MT, 2 tutorials in HT, 1 tutorial in TT.

Does this option require a prior knowledge of the common law?

No

Trusts and Global Wealth Taxation*

Overview

This course covers selected topics within (a) UK Income Tax; Capital Gains Tax; Inheritance Tax and other methods of taxing capital, and their particular application to trusts; (b) general responses to tax avoidance; (c) the classification in UK tax terms of foreign entities similar to trusts such as foundations, usufructs and anstalts and the tax analysis of trusts established under different laws (Memec principles; Baker v Archer-Shee etc.); (d) the use of foreign entities including trusts in succession planning where wealth is spread geographically and there may be conflict of law issues to consider; and (e) certain other related international issues (such as the taxation of foreign domiciled individuals and their trusts generally and connecting UK tax factors including situs of assets and residence).

Candidates will not be examined on the details of the Finance Bill or Act of the year of examination. Candidates are advised not to offer this paper unless they have studied the law of Trusts in their first law degree course.

Topics covered

Income Tax comprises: (i) principles of the general charge to tax; (ii) taxation of settlors, trustees and beneficiaries, including focus on the taxation of foreign domiciled individuals and non-residents and connecting factors to the UK. Capital Gains Tax comprises: (i) general charge to tax on individuals both foreign and UK domiciled; (ii) disposals and acquisitions of assets in general; (iii) gifts and settlements including non-resident trusts; (iv) disposal on death; (v) computation of gains and losses in general (but not the rules relating to leasehold interests, or wasting assets); (vi) exemptions; (vii) foreign element including the taxation of foreign domiciled individuals, offshore trusts and residential property held by non-residents. Inheritance Tax comprises: (i) brief historical background; (ii) general charge to tax on individuals and basic concepts; (iii) settled property; (iv) reliefs and exemptions; (v) brief survey of valuation; (vi) foreign element including taxation of foreign domiciled individuals; the taxation of enveloped UK residential property; domicile, residence, source and situs issues more generally.

Convenor

Edwin Simpson

Teaching

Edwin Simpson (Faculty of Law) and Emma Chamberlain (Pump Court Tax Chambers).

Timing of lectures/seminars/tutorials

16 hours of lectures in MT; 8 hours of lectures in HT (Edwin Simpson)

22 hours of intensive lectures/seminars on Fri/Sat (HT8) and Fri/Sat (TT0) (Emma Chamberlain)

1 tutorial in MT; 3 tutorials in HT/TT.

Does this option require a prior knowledge of the common law?

It is desirable but not essential to have studied (or to be studying) the law of Trusts if taking this course.

List 2 – options available to MJur students only

The following options are taken from the BA in Jurisprudence syllabus and are only available to MJur students, who can only take one option from this list.

Administrative Law

Examination Regulations

Questions will not be set on the law of local government or of public corporations except as illustrating general principles of administrative law.

Candidates will be required to show a sufficient knowledge of such parts of the general law of the constitution as are necessary for a proper understanding of this subject.

Syllabus

Administrative Law is concerned primarily with judicial control of the activities of the executive branch of government. The main topics covered are: (1) the grounds on which decisions and rules made by the executive can be challenged in the court - some of these relate to the substance of the decision or rule and others to the procedure by which it was made; (2) the remedies which can be obtained by applicants challenging administrative decisions; (3) the liability of public authorities in contract and tort.

Some tutors also deal with tribunals, public local inquiries, next steps agencies, contracting out and public sector ombudsmen. Some of these topics are the subject of lectures, which also occasionally deal with more theoretical aspects of the subject.

Coverage

See statement under examination regulations above. Students will be expected to know the general principles of the European Convention on Human Rights jurisprudence so far as they affect judicial review, natural justice, remedies and damages actions. Questions will not be asked which require a detailed knowledge of the meaning of a particular Convention right.

Learning outcomes

Learning outcomes: a knowledge of administrative law within the context of the English common law system.

Commercial Law

Part of the fascination of commercial law springs from its responsiveness to the changing needs of the business community. Through the ingenuity of those in business and their legal advisers new instruments and procedures are constantly being devised which have to be tested for their legal effect against established principles of the law of property and obligations.

The core of the course involves a rigorous examination of personal property law in the context of commercial transactions, together with contractual issues of central importance to commercial

transactions. The first part of the course looks at basic principles of commercial transactions, such as assignment, agency and possession as well as issues related to the sale of goods, such as implied terms, transfer of property and title disputes with third parties. The last part of the course looks at real security in personal property, including priorities (between secured interests) and the characterisation of, and justification for, real security.

A feature of the whole course is that the student learns how a desired legal result can be achieved, or a legal hazard avoided, by selection of an appropriate contract structure.

Though students will be expected to analyse statutory materials as well as case law, a distinguishing feature of the course is its concentration on fundamental concepts and their application in a commercial setting. The course thus offers an intellectual challenge and provides a good foundation for those contemplating practice in the field of commercial law.

The course is taught by Dr Thomas Krebs, Professor Louise Gullifer, Professor Hugh Beale and Professor Peter Watts. Teaching is by a combination of tutorials (arranged by your college tutor), and seminars given in Michaelmas and Hilary Terms. Lectures are also given in Michaelmas and Hilary Terms.

Learning outcomes: a knowledge of personal property law in the context of commercial transactions and of contractual issues of principal relevance to commercial transactions.

Contract

Examination regulations

Candidates will be required to show a knowledge of such parts of the law of restitution of unjust enrichment as are directly relevant to the law of contract. Questions may be set in this paper requiring knowledge of the law of tort.

Syllabus

The syllabus comprises the general principles of the law governing contracts. It is not concerned with special rules governing specific types of contracts, such as sale, carriage or employment, except where these are significant for the general principles, though it is concerned with aspects of the law governing consumer contracts. The principal topics normally discussed are: (a) the rules relating to the formation of agreements (including certainty of intention and the requirement of intention to create legal relations); (b) the doctrine of consideration and promissory estoppel; (c) the contents of a contract and the rules governing the validity of contract terms (especially exemption clauses and unfair terms in consumer contracts); (d) the nature and effects in a contractual context of mistake, misrepresentation, duress, undue influence and unconscionability; (e) the principle of privity of contract and its principal exceptions; (f) performance and breach, including the right to terminate for failure in performance and the effects of wrongful repudiation; (g) the doctrine of frustration and its effects; (h) remedies for breach of contract by way of damages, action for the agreed sum, specific performance and injunction, and restitutionary damages/an account of profits.

Coverage

See statement under Examination Regulations above. The teaching is based on the assumption that questions will not be asked on contracts that are illegal or contrary to public policy or on gaming and wagering contracts; and that detailed knowledge will not be expected of formality requirements, agency, assignment or contractual capacity.

Learning outcomes

A comprehensive understanding of the general English law of contract.

Copyright, Patents and Allied Rights

It is commonplace to say that we live in an age in which expressive, informational and technological subject matter are becoming increasingly important. Intellectual property is the primary means by which the law seeks to regulate such subject matter. It aims to promote innovation and creativity, and in doing so to support solutions to global environmental and health problems, as well as freedom of expression and democracy. It also seeks to stimulate economic growth and competition, accounting for its centrality to EU Internal Market and international trade and development policies. And it is of enormous and increasing importance to business. According to the Hargreaves Report of 2011, for example, “[e]very year in the last decade, investment by UK business in intangible assets has outstripped investment in tangible assets: by £137 billion to £104 billion in 2008. Global trade in IP licences alone is worth more than £600 billion a year: five per cent of world trade and rising.”

In Copyright, Patents and Allied Rights we introduce two of the central intellectual property regimes. Copyright protects authorial works and recordings/transmissions of them (such as music and films), and patents protect inventions of industrial and commercial value (such as biotech, medical and computer products and processes). We ask why we have these regimes and how they operate at a national and European level. The course should have broad appeal, including for those interested in the arts and entertainment industries, technology, research and development, unfair competition, medical law and ethics, European harmonisation, and science and technology.

NOTE: MJur and DLS students are welcome to take this course. The course may not be taken in conjunction with Copyright, Trade Marks and Allied Rights.

Learning outcomes: an understanding of intellectual property law with specific reference to copyright and patents, and of various applications of this area of law.

Copyright, Trade Marks and Allied Rights

It is commonplace to say that we live in an age in which expressive, informational and technological subject matter are becoming increasingly important. Intellectual property is the primary means by which the law seeks to regulate such subject matter. It aims to promote innovation and creativity, and in doing so to support solutions to global environmental and health problems, as well as freedom of expression and democracy. It also seeks to stimulate economic growth and competition, accounting for its centrality to EU Internal Market and international trade and development policies. And it is of enormous and increasing importance to business. According to the Hargreaves Report of 2011, for example, “[e]very year in the last decade, investment by UK business in intangible assets has outstripped investment in tangible assets: by £137 billion to £104 billion in 2008. Global trade in IP licences alone is worth more than £600 billion a year: five per cent of world trade and rising.”

In Copyright, Trade Marks and Allied Rights we introduce two of the central intellectual property regimes. Copyright protects authorial works and recordings/transmissions of them (such as music and films), and trade marks protect signs that indicate the commercial origin of goods and services (such as the Nike name and swoosh logo). We ask why we have these regimes and how they operate at a national and European level. The course should have broad appeal, including for those interested in the arts and entertainment industries, brand management, the consumer society, unfair competition, and European harmonisation.

NOTE: MJur and DLS students are welcome to take this course. The course may not be taken in conjunction with Copyright, Patents and Allied Rights.

Learning outcomes: an understanding of intellectual property law with specific reference to copyright and trade marks, and of various applications of this area of law.

Criminology and Criminal Justice

Criminology and Criminal Justice offers students an opportunity to study crime and the ways in which offenders are dealt with by the criminal justice system. It enables students to explore the nature of crime and its control by examining the issues at stake using the resources of legal and criminological inquiry. It also offers students the chance to think about crime as a social phenomenon and to use criminological research and analysis to explore how the criminal justice operates in practice. Particular emphasis is placed upon the differential impact of the criminal justice system on members of visible minorities. The course follows the criminal process from the initial report of a crime through the various branches of criminal justice, including the police, the Crown Prosecution Service, sentencing, prisons and parole.

The course is structured as follows: 18 lectures, four classes and 4 tutorials.

Lectures, classes and tutorials are provided by several academics from the Law Faculty who are also members of the Centre for Criminology.

More information about the Centre for Criminology, including the All Souls Criminology Seminar Series, can be found on the Centre's website.

Learning outcomes: an understanding of crime and the means by which society seeks to control crime from a legal and criminological perspective.

Environmental Law

This course is an introduction to the subject of environmental law and covers the main areas of substantive UK (with the focus on England) and – as far as applicable – EU environmental law. Environmental law is concerned with the law relating to the protection of the environment and includes areas such as planning law, pollution control law, nature conservation, environmental impact assessment as well as waste law which have been significantly shaped in the past also by EU law, such as the provisions on the free movement of goods. Environmental law therefore builds on the core subjects of Administrative Law and EU law. It also applies legal concepts from other areas such as criminal law and tort law.

The course will take into consideration the socio-political context in which environmental law operates and it will explore the innovative, complex and ever expanding case law and legislation on the subject.

A major theme of the course is an exploration of the type of challenges that environmental problems provide for law and legal reasoning. In the last decade environmental law has given rise to difficult legal questions including:

1. what should be the rights of citizens to legally challenge ‘public’ environmental decision-making?
2. what should be the limits of discretion placed on administrative decision-makers in their pursuit of environmental protection?
3. how should environmental protection be balanced with other social and economic goals?
4. what are the best means of achieving environmental protection?

Learning Outcomes: knowledge of the substantive legal aspects of environmental law in the UK; understanding of the complexity of environmental problems and how that complexity affects the application of the law; knowledge of how environmental law relates to core legal areas, particularly administrative law and EU law where relevant.

In the light of Brexit the course will provide a really interesting opportunity to think about the direction that environmental law in the UK may and can take in the future. Will a distinct 'UK approach' towards environmental law (re-)emerge, despite the fact that environmental law in the UK in the past has been significantly shaped by both general and specific EU environmental and energy law?

European Union Law

(May not be taken in conjunction with Constitutional Principles of the EU, or European Business Regulation from list I)

Examination Regulations

Comprises:

A. The basic structure and functions of the institutions; the aims of the EU; law-making; the composition and jurisdiction of the Court of Justice; the penetration of EU law into national legal orders.

B. Free movement of persons and services.

C. Free movement of goods.

Syllabus

The law of the European Union is based largely on the Treaty on European Union and the Treaty on the functioning of the European Union, and legislation made under the Treaties by the Council, the Parliament, and the Commission. The case law of the European Courts is of considerable importance and looms large in the study of EU law. EU law takes immediate effect in English Law, and is enforceable by English courts. EU law raises issues of intrinsic theoretical interest, and considerable practical importance. No linguistic expertise is necessary, since EU legislation and case law are published in all official EU languages, including English.

The Oxford course deals with: (i) the institutions of the EU, including the jurisdiction of the Court of Justice and General Court; (ii) the essential features of the EU law, and its incorporation into national law; (iii) the principle of free movement of persons and services within the EU; and (iv) the rules governing the free movement of goods within the EU. Study of the institutions entails consideration of the majority voting rules used by the Council in making EU legislation, and examination of the roles of the Commission and European Parliament in decision-making. Emphasis is placed on the scope of the law-making competence of the institutions, in particular as regards the internal market, and on the principle of subsidiarity, which is intended to act as a brake on the exercise of such competence. Most of the course, however, is concerned with the nature and operation of rules of EU law rather than with institutional matters.

The 'general part' of the course covers such matters as the aims and policies of the European Union, the sources and supremacy of EU law, its direct effect before national courts and its impact on domestic legal rules, procedures and remedies, including the principle of State Liability for breach of EU Law. The court of final recourse in matters of EU law is the Court of Justice of the European Union. It has jurisdiction, e.g., to give preliminary rulings on references from national courts (references are

an increasingly common occurrence in the U.K.), and to review the legality of EU legislation. Such matters receive detailed treatment in the course.

The free movement of persons aspect of the course presents a combination of social and commercial law. The rights of EU employed and self-employed persons to free movement and non-discrimination graphically illustrate the significance of the EU legal system for such persons, while at the same time being of considerable significance to commercial undertakings and their advisors. General principles applicable to mutual recognition of qualifications are covered, as are the Directives on establishment and service provision by lawyers. All nationals of Member States are also “EU Citizens” and this status is of increasing importance as regards rights of free movement, residence and equality. The syllabus also includes study of EU rules on the free movement of goods. These have been given wide-ranging effect by the European Court and have given rise to considerable litigation in English courts, which have made many references to the European Court.

A more detailed breakdown of the sections appearing in the Examination Regulations reads as follows:

(A) 1. The basic structure and functions of the EU. 2. The aims of the EU: free trade, customs union, internal market, economic community. 3. Law-making within the EU: (a) composition, functions and inter-relation of the main institutions involved in law-making; (b) forms of law-making; (c) competence of the institutions to make law, in particular to regulate the internal market under Article 114 TFEU, and the application of the principle of subsidiarity. 4. The Court of Justice (and General Court): (a) composition, powers and style; (b) suits against Member States; procedure and effect; (c) suits against EU organs: (i) review of legality: grounds (including general principles of EU Law); locus standi; (ii) suit for inaction; (iii) plea of illegality; (iv) non-contractual liability; (d) Preliminary rulings. 5. The general principles of EU Law, including fundamental rights; the Charter of Fundamental Rights. 6. Direct effect of EU Law: conditions for and consequences of norms having direct effect within Member States; including effects on national rules on procedures and remedies, State liability.

(B), (C) The free movement of persons, services and goods, and the principle of non-discrimination on grounds of nationality. 1. The free movement of goods; quantitative restrictions and measures having equivalent effect. Exceptions on grounds of public policy, public health etc., and mandatory requirements in the general interest. 2. The free movement of workers, non-discrimination, entry to and residence in the Member States, the right to seek work in other Member States, eligibility for employment in other Member States, equality in social and tax advantages and rights of members of the family. Mutual recognition of qualifications (principles from case law plus legislation on lawyers’ qualifications). Exceptions on grounds of public policy, public security and public health, and mandatory requirements in the general interest. 3. The Right of Establishment and Freedom to provide services, including non-discrimination. Entry and residence for self-employed persons in the Member States. Mutual recognition of qualifications (see above). Exceptions on grounds of public policy, public security and public health, and mandatory requirements in the general interest. 4. European Citizenship, rights to entry and residence and non-discrimination, other rights of European Citizens.

Coverage

The examiners may set questions on any of the topics listed above.

Learning outcomes

A knowledge of EU law which directly impinges on the law of England and Wales, and of the institutions of the EU; an understanding of aspects of EU law which have no direct impact on the law of England and Wales but which are of relevance from a comparative perspective.

Family Law

This course focuses on the legal regulation of individuals' intimate personal and family lives. The fact that the definition of 'family' itself is both highly contested and much assumed offers some insight into the hotly contested nature of much of Family Law.

Studying Family Law often involves taking a legal concept or underpinning idea with which most have some familiarity from daily life, such as marriage, divorce, parenthood, or children's rights, and then exploring exactly how the law regulates that subject and why. Key issues are examined within their historical, social, economic, and theoretical context. For example, what is the purpose of the consanguinity restrictions on marriage and should those have been extended to civil partnership? What does it mean to say a child is a rights-holder? If we cannot offer a coherent account, is there no such thing as 'children's rights'? Why do so many people believe the 'common law marriage myth'? Should the courts and Parliament care that these people think that legal benefits and obligations exist when they do not? The syllabus lists the precise topics covered.

Our focus is on the substantive law, though an awareness of the family justice system in practice adds an important additional perspective to key debates. We currently examine through essay questions only so as to enable students the opportunity to devote sufficient attention to the interplay between law and the larger social and policy issues that are critical to an in-depth understanding of the Family Law field.

Family law is inter-disciplinary in terms of the range of materials students are expected to read and the nature of the arguments and debates with which students are expected to engage. This includes working with social science research, government publications, and non-government public and social policy materials. Family law involves an examination of statutory law, which is more extensive than in many other subjects.

Property law and trusts law are relevant to discussing the legal position of relationships outside of marriage and civil partnership. Students may find the background from having studied these as part of their core Land Law and Trusts courses useful, though the Family Law perspective is distinctive. Underlying conceptual ideas and a little substantive detail covered in Contract Law are also relevant to private ordering and adult intimate relationships more generally. Discussion of contentious issues in parenthood and disputes over who should raise and see children when interested adults do not live together (residence and contact disputes) includes children born as a result of fertility treatment, which is discussed from a different perspective as part of the Medical Law and Ethics course. The child's capacity to make medical treatment decisions also features as part of both courses; in Family Law, it is one aspect of a larger discussion of children's rights and children's involvement in decision-making affecting them in a number of contexts. Examination of the legal approach to child protection includes limited discussion of public authority liability in negligence, as explored in Tort Law.

Learning outcomes: a knowledge of the principles and practical applications of family law, and of discussion of relevant issues not only in a legal context but in social and political contexts as well.

History of English Law

This option studies the history of the judicial system and sources of English law and of the principal features of the branches of law that are today known as tort, contract, land law, and trusts. The course is taught using a selection of primary sources (in translation where necessary) and of academic literature. The timespan covered varies with the particular topics, but is roughly between the thirteenth and the nineteenth century. This period, of course, contains a large number of separable issues, and the course is designed so that individuals can follow to some extent their own preferences, both amongst and within the major heads of study.

The examination paper contains an above average number of questions, (currently 12), which reflects this flexibility. The treatment of the subject is primarily legal, though the political, social and economic constituents in the story are referred to whenever this assists our perception of specifically legal ideas.

The teaching presumes a familiarity with the notions of property, tort and contract law and is virtually exclusively taught as a final year option. The legal history does not serve as an introduction to the modern law; if anything, the converse is the case. It is in this sense an advanced course; the feedback to the modern law is conceptual or theoretical, though a study of the history may occasionally illuminate a modern problem. There is, however, absolutely no need to have studied any other kind of English history, nor is familiarity with foreign languages necessary since the course is designed around translated materials.

Learning outcomes: an understanding of the origins of English law and the judicial system and a more specialised knowledge of developments in English law during the period between the thirteenth and nineteenth century, including an understanding of relevant social, political and economic contexts.

Human Rights Law

The objective of the course is to provide a thorough grounding in the law of human rights which applies in the United Kingdom. The primary aim is to introduce students to the substance of these applicable rights and to their interpretation and enforcement. This will include an analysis of general principles as well as broad themes arising from the interpretation and limits of several specific rights (such as fair trial, protection of private life, and non-discrimination). The course will also follow developments in the reform of human rights law in the United Kingdom, and its content will reflect changes in a fast moving field of law. The course will incorporate domestic UK law, as well as the relevant law of the European Convention on Human Rights and other international human rights norms which apply directly to UK human rights law.

Teaching will take place over Michaelmas and Hilary terms, and will consist of a combination of lectures, seminars, classes and tutorials.

Learning outcomes: by the end of the course, students will: have a sound understanding of the significance of human rights and civil liberties, and their theoretical dimensions; be familiar with and able to apply the relevant provisions to practical problems concerning a range of the rights and liberties; have a knowledge and understanding of the human rights system as a whole; and have an understanding of the institutional procedural requirements for bringing human rights claims.

Land Law

Syllabus

The focus of attention within the course is on interests in land: interests which do not merely operate not merely between the parties to a particular transaction involving the land, but can also affect third parties - other people coming into contact with it, such as later purchasers. Examples of such interests are the fee simple (virtually equivalent to ownership of the land), leases, easements and mortgages. The course concerns itself with questions such as: What interests count as interests in land? How are they created? Exactly when will they affect third parties?

Land Law has a well-established set of principles, often regulated by statute, to govern it. In part this is because people dealing with land need to know with certainty what the result of a particular transaction will be. Even so, there are many areas of the subject which are currently being developed by case law.

The course is not about conveyancing, the buying and selling of land. It is true, however, that in Land Law we are conscious of the needs of purchasers. Thus, for example, the circumstances in which purchasers will be bound by interests are inextricably tied in with the way land is bought and sold.

Land Law covers material in the “foundations of legal knowledge” and so must be taken by those seeking a professional qualification in England and Wales. Candidates in the FHS examination must offer both Land Law and Trusts.

Specific topics comprise the following:

- (a) Estates and interests in land; the idea of ownership
- (b) Formalities required for transactions relating to land: estoppels
- (c) Successive and concurrent interests
- (d) Leases
- (e) Easements, covenants, licences
- (f) Mortgages
- (g) Protection of title to and of rights in and over land by registration
- (h) Human rights as relevant to land law.
- (i) Acquisition of title by possession; Loss of title because of dispossession.

Coverage

All the topics listed above are examinable. Candidates will not be expected to display in-depth knowledge of human rights issues in answering problem questions.

Learning outcomes

A knowledge of the law dealing with the rights to use, alienate, or exclude other from land, but excluding the buying and selling of land.

Core reading list

<https://weblearn.ox.ac.uk/portal/site/:socsci:law:undergrad:land-law/tool/7a89ef93-91cf-4057-9849-ce3ab8a7b60a?panel=Main>

Tort

Examination Regulations

Questions may be set in this paper requiring knowledge of the law of contract.

Syllabus

The law of tort is mainly concerned with providing compensation for personal injury and damage to property, but also protects other interests, such as reputation, personal freedom, title to property, enjoyment of property, and commercial interests.

There is an agreed reading list for tort, which is revised frequently, usually each term. The topics on the list in bold type are taught by most Oxford tutors. The other topics without bold headings are taught by some Oxford tutors. The examiners are entitled to set questions requiring knowledge of issues across the bolded and unbolded categories and across topics.

Currently, the topics with headings in bold type are: Negligence/Duty of Care; Negligence/Breach of Duty; Causation and Remoteness of Damage; Negligence and Economic Loss; Defences; Liability for Defective Premises; Nuisance and the Rule in *Rylands v Fletcher*; Product Liability; and Vicarious Liability. Currently the topics with headings that are not in bold type are: Joint Liability; Employers' Liability; Defamation; Trespass; Economic Torts; Tort Remedies, including Damages for Personal Injury and Death; Compensation: Fault and Insurance; and Theoretical Perspectives on Tort Law.

Some of the materials on the agreed reading list are marked with an asterisk. This indicates the seminal and leading cases and other materials with which the examiners are entitled to expect that candidates answering questions on that topic are familiar.

Coverage

The examiners are entitled to set questions requiring knowledge of issues across both sets of topics referred to above.

Learning outcomes

A knowledge of the principles and practical applications of the law of tort within the English common law system.

Trusts

Syllabus

The institution of the Trust is one of the most important ideas in English law. Its very definition is heavily contested, but most would agree that a trust arises where someone (a trustee) nominally owns property, and may wield many of the powers of ownership, but is generally unable to take advantage of that ownership. Instead the trustee-owner holds the property to the benefit of some other person (known as a beneficiary), a class of persons, or an object such as a charitable purpose bringing benefit to the public. Trusts can arise in two main ways – by intention; or because the law has other reasons to make an owner into a trustee. The purpose of the intentional trust is to transfer wealth in a more complex way than would be easy or possible to achieve by straight-out conveyance, such as to have the property distributed on particular terms and conditions, or to disperse ownership to win tax advantages, or to allow ongoing management of the asset. There are myriad situations in which the law has other reasons to make an owner of property into a trustee. The course looks at the scenarios in which the different kinds of trusts arise, and at how they behave.

In one respect, the course also looks outside trusts. A trustee is a fiduciary, being someone having a duty to act for another's benefit through the control of property. But there are other examples of fiduciaries too, such as solicitors, who must act for their clients' benefit; or agents who can contract on behalf of their principals. The course looks at the law's control of fiduciaries in general, whether they are trustees or persons otherwise charged with promoting the interests of others.

The specific topics which will be studied in Trusts are as follows:

1 The idea of a trust; beneficiaries' rights.

- The 'categories' of express, resulting and constructive trusts.
- The beneficiary principle.
- The nature and characteristics of a beneficiary's interest under a trust (including the effect of the rule in *Saunders v Vautier*); the transfer of such an interest (including the formality rules relevant to this).
- Purpose trusts (non-charitable and charitable, including the rules defining a charitable purpose); purported gifts to unincorporated associations; Quistclose trusts.

2 Express trusts

- Their essential requirements (notably 'the three certainties', but not the rule against perpetuities).
- Formality rules relevant to express trusts (arising inter vivos and on death); the effect of non-compliance with these rules (including the rule in *Rochefoucauld v Boustead* and secret trusts, but not including mutual wills).
- The effect of promises to settle.

3 Constructive trusts

- Certain possible instances of constructive trusts: those associated with:
 - acquisition by fiduciaries (*Keech v Sandford*, *FHR European Ventures LLP v Mankarious*);
 - vendor-purchaser contracts (*Lysaght v Edwards*) (but not the details of these);
 - transfers 'subject to' the rights of others (*Binions v Evans*, *Lys v Prowsa Developments*);
 - failure for want of formality (*Rochefoucauld v Boustead*, *Blackwell v Blackwell*);
 - the tracing rules (*Foskett v McKeown*);
 - mistaken payment (*Chase Manhattan v Israel-British Bank*);
 - perfecting imperfect gifts (*Pennington v Waine*).
- 'Remedial' constructive trusts.

4 Resulting trusts

5 Duties and powers

- The duties and powers of the trustees of non-charitable trusts.
- The enforcement and control of these duties and powers; personal and proprietary remedies (including the tracing rules); the rule in *Re Hastings-Bass*; trustees' obligations to disclose information.
- Exclusion clauses; the defence of consent to breach of trust, and that in the Trustee Act 1925 s 61, but not other defences.
- Delegation.
- The possible differences in these respects between express, constructive and resulting trusts.
- Fiduciary duties where there is no underlying trust.

6 Trusts and third parties

- The impact of trusts on those not, or not originally, their trustees; recipient and accessory liability, and trusteeship by assumption.

Coverage

The examiners may set questions on any of the topics listed above.

Learning outcomes

An understanding of the concept of a trust, the circumstances in which trusts can arise, the different types of trust, and the rules regulating trusts.

Optional dissertation

A BCL or MJur student can offer a dissertation, in lieu of one written examination. The dissertation must be written in English, and it must not exceed 12,500 words which includes notes, but which does not include tables of cases or other legal sources. The subject must be approved by the Graduate Studies Committee; approval will depend on the Committee being satisfied that the relevant subject group can provide a supervisor and two examiners.

Candidates must submit the proposed title and description of the dissertation in not more than 500 words, not later than Monday 18 September to Marianne.biese@law.ox.ac.uk.

In considering such applications, the Committee will take account of the subject matter and the availability of appropriate supervision. You should be aware that the demand for supervision for such dissertations may exceed the supply, especially from particular faculty members, and where this is the case a potential supervisor may elect to supervise only those dissertations which he or she judges most promising. Although in principle the option of offering a dissertation is open to all BCL and MJur students, in practice it is possible that some students who wish to offer a dissertation will be unable to do so, as a suitable supervisor with spare capacity cannot be found.

The dissertation must be submitted online to WebLearn no later than noon on the Friday of fifth week of the Trinity full term in which the examination is to be taken. Further information on how submit dissertations via WebLearn will be circulated in due course.

The topic of your dissertation may (and often will) be within the area of one or more of your taught courses, and/or in an area which you have studied previously. But any part of the dissertation which you have previously submitted or intend to submit in connection with any other degree must be excluded from consideration by the BCL and MJur Examiners. Although BCL students cannot take the List II courses, they are allowed to offer a dissertation within these fields. BCL students may offer a dissertation which does not fall into the field of any BCL course, if a suitable supervisor within the Faculty can be found.

Once you have received approval for your dissertation topic at the start of Michaelmas term, the topic may not be changed. This is because supervisors and examiners have already been approached and have agreed to act on the strength of the original proposal. However, it is accepted that, in the light of your work on the dissertation, the title (not the topic) may change. If that happens, you should agree a new title with your supervisor then email both the new title and the old title to Marianne Biese (Marianne.biese@law.ox.ac.uk) and ask your supervisor to send an email to Marianne indicating that he/she supports the proposed change. Approval for the change will then be sought from the Board of Examiners. Proposed new titles should be communicated as soon as possible and no later than **Friday of Week 1 of Trinity term**. If your dissertation is submitted with a title different from that approved, the examiners have the right to refuse to examine it.

Dissertation format

- 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 6 to 8 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 EU 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, and 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 be word-processed using size 12 font, 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.
- 10.** The lines in the main text must be double spaced (8mm).
- 11.** The first line of every paragraph must be indented unless the paragraph immediately follows a heading or sub-heading, or an indented footnote.
- 12.** 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.
- 13.** Endnotes must not be used. Footnotes must be internally single spaced with double spacing between the notes.

14. The thesis must comply with OSCOLA (the Oxford Standard for Citation of Legal Authorities: <https://www.law.ox.ac.uk/research-subject-groups/publications/oscola>), or another useful standard for citation. You should consult your supervisor if you wish to depart from OSCOLA.

15. 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.

16. The word limits for the dissertation are: 10,000 words minimum; 12,500 words maximum.

Suspension of status

If you experience any difficulties that are sufficiently serious as to mean you are unable to continue with your studies, either for the immediate future, or for a sufficient period of time to mean that your chances of passing the BCL and MJur examinations will have been jeopardized, you can apply for suspension of status; the relevant form can be found on the webpage <https://www.ox.ac.uk/students/academic/guidance/graduate/status>.

However, because the BCL and MJur are structured one-year taught courses, if you do suspend, then you have to return the following year at the point at which you suspended; so if you suspended at the start of Trinity term 2018, then you would have to return at the start of Trinity term 2019.

Changes of course

The procedures for changing a BCL/MJur option choice are described above. Changing to a different course – i.e. a course other than the BCL and MJur – is likely to be considerably more difficult. If you think you might want to change course entirely, then please contact the Academic Administrator (Paul.Burns@law.ox.ac.uk) to discuss your position.

Progression to the MPhil or DPhil after completion of the BCL/MJur

Each year, a significant proportion of BCL and MJur students continue to the MPhil or DPhil after completion of the BCL/MJur. The application procedure for students progressing from one course to another is slightly different from that which new applicants follow; details can be found on the Graduate Admissions webpage at <https://www.ox.ac.uk/admissions/graduate/applying-to-oxford/application-guide> You will be given further guidance about how to apply, and which course you might wish to choose, towards the end of Michaelmas term.

Teaching and supervision

There are a number of different people who will be involved in the teaching and supervision you receive as a BCL/MJur student. If you have any issues with teaching or supervision, please raise these as soon as possible so they can be addressed promptly. Details of who to contact are provided in the Complaints and Appeals section at the end of this handbook.

Academic Advisor

Your dedicated Academic Advisor will support you throughout your studies and endeavour to assist you with any academic concerns that you may have. You will meet with your supervisor on at least four occasions throughout the year. Your Academic Advisor has a number of duties:

1. To meet with you at least four times during the academic year. The first meeting will take place during 0th week of Michaelmas term, the second meeting at the end of Michaelmas term, the third meeting at the end of Hilary term, and the final meeting shortly before examinations begin in Trinity term. During the first meeting, the Academic Advisor will provide guidance on choosing options and other induction related matters, whilst subsequent meetings will involve discussion regarding your academic progress, and any other problems that have arisen. Each meeting will last approximately thirty minutes.
2. To respond to any academic concerns that you have at their discretion.
3. To read and write reports for you on GSS (Graduate Supervision System). Further information on GSS can be found in the Feedback section later in this handbook. Advisors will read your reports before the termly meetings and will write a report comprising of their own observations and comments from those who have taught you in your various options.
4. To raise any concerns arising from the termly meetings with option convenors or tutors if relevant.
5. To provide references, as and when required, on your progress.
6. To attend graduate social events.

Graduate Mentors

A group of Graduate Mentors are available for advice and support for BCL and MJur students. Graduate Mentors are former BCL and MJur students who have recently progressed to further study either on the MPhil or DPhil. They are able to offer advice to new students as they start their course, and throughout the year as and when required. The aim of the mentoring system is to enable BCL and MJur students to benefit from the experiences of recent BCL and MJur alumni. Whilst the type of advice given to each mentee will vary from student to student, it will focus around academic studies. In particular, guidance might be given on choosing options, managing reading lists, what to expect from tutorials and exam preparation advice. Graduate Mentors do not have a pastoral role, as this type of care is within the remit of colleges.

Graduate Mentors are not automatically assigned to all new students, rather the opportunity is presented to all BCL and MJur students to request contact with a Graduate Mentor if they feel that it is needed. Students should request a Graduate Mentor via Paul Burns. He will then select a Graduate Mentor to be assigned to them based on a number of factors. These will include course (i.e. BCL/MJur), nationality, and area of legal interest. Contact will then be made by the Graduate Mentor to the student, initially by email. Further communication can be either via email, or face to face; it is up to the mentor and mentee to decide the best approach for them to take.

The role of course convenors and tutors for BCL/MJur options

As described above, BCL and MJur options are typically taught by a combination of seminars and tutorials (and sometimes by means of lectures as well). While every option has an overall course convenor, in some options, the teaching will be shared between a number of individuals. The person you will work with most closely is generally the faculty member with whom you have tutorials, given that tutorials offer the closest interaction between the student and teacher. Reports will be provided for Academic Advisors by the course convenors and tutors detailing the academic progress of students.

The role of the dissertation supervisor

Those who have opted to write a dissertation will be allocated a dissertation supervisor. Each student is entitled to six sessions of supervision, each of approximately one hour, not counting meetings to settle the shape of the dissertation before it was approved. The supervisor will report every term on the progress the student is making through GSS. Since BCL and MJur students are graduate students, we expect advanced research and argumentation, so that supervising a dissertation is quite similar to supervising a thesis for a research degree such as the MPhil or the MSt in legal research (with an obviously significant difference in the scale of the project, as the dissertation is 1/4 of the work for a one-year degree). It is essential for the supervisor (1) to give useful advice as to how to go about the research, and (2) to give a serious, critical response to the work itself, which means reading the work and giving the same sort of advice as to substance and presentation as with a research student. The number of meetings will depend on the student's productivity (and on whether they submit a succession of chapters in good time, or leave the project until close to the deadline). As with a research degree, the work submitted is the student's responsibility. For that reason, the student should be expected to decide how to respond to the supervisor's advice; we would not expect the supervisor to read a final draft, and the student should not have the impression that it is the supervisor's role to approve the dissertation.

The role of the College Advisor

Each graduate student is assigned a College Advisor (different to their **Academic Advisor**) who is normally (but not always) a member of the Law Faculty. Their specific role will vary slightly from college to college (and will be defined more precisely in information provided by your college) but essentially, they are available for consultation on pastoral matters, and act as a focal point for each individual student's relationship with their college.

The role of the student

The student is responsible for the successful completion of his/her degree programme and playing an appropriate part in working with tutors and supervisors to that end. He/she is also responsible for making appropriate use of the teaching and learning facilities available within the University and following the relevant procedures concerning registration for and assessment of BCL/MJur options. The student is also responsible for ensuring that he/she has a standard of English sufficient for successful completion of the course.

It is not possible to translate these expectations into a workload that can be expressed in terms of a weekly timetable – the work patterns dictated by the various options will fluctuate across the year (though overall, the work-load of each option will be broadly similar), and student's individual approaches to their work will differ greatly – but as a very general guideline, we would expect students

to be working a minimum of 45 hours per week, inclusive of time spent in seminars. If you have concerns about your workload, you should speak to your Academic Advisor.

For a more detailed account of the role of the student and supervisor, please refer to the Education Committee's policy document on graduate taught degrees which can be found on the webpage at <http://www.admin.ox.ac.uk/edc/policiesandguidance/>

Assessment

Formative assessment

The term 'formative assessment' refers to any form of assessment that doesn't relate directly to your final results. This typically takes the form of marks and written comments provided by tutors on essays submitted by the student. It is an important element of all postgraduate taught programmes at Oxford and should provide guidance to those for whom extended pieces of writing are unfamiliar forms of assessment, will indicate areas of strength and weakness in relation to an assessment task, and will provide an indication of the expectations and standards towards which students should be working. You should receive feedback on written work within two weeks of submission. If there are any issues then please contact the Academic Administrator, Paul Burns (paul.burns@law.ox.ac.uk).

In 2011, the University's Education Committee introduced new policies in response to requests from students for enhanced formal mechanisms for the provision of feedback on both formative and summative assessment. The new policy stipulated that all students on taught masters programmes could expect to receive formal written feedback on at least one designated piece of work normally submitted during the first term or very early in the second term of the course. The standard practice for BCL/MJur courses is to discuss written work in a tutorial, but the structure of a number of options militates against holding tutorials in the first term. These options are listed below. Typically, we find that, amongst their four option choices, most students will have chosen one or more options which do hold tutorials during the first term. **However, if all four of your choices are taken from the list below then please contact the Academic Administrator** (paul.burns@law.ox.ac.uk). **He will arrange you for you to have the opportunity to submit an essay in one of your four options and receive feedback on that essay before the end of Michaelmas term.**

Comparative Public Law

Competition Law

European Business Regulation

International Criminal Law

Jurisprudence and Political Theory

Principles of Financial Regulation

Restitution of Unjust Enrichment

Summative assessment

Summative assessment is the term used to describe the results that you receive for examinations, dissertations, and, in the case of the Jurisprudence and Political Theory option, the three essays you submit as the formal means by which this course is assessed. Formal written feedback (i.e. the comments of the examiners) is provided on the dissertation. This feedback is intended to provide a critical review of the work and provide suggestions for improvements and future development of the topic of research to enable students to develop their work for doctoral study if appropriate. Feedback of a more general sort is available for options assessed by means of timed examinations in the form of the examiners' reports that will be available in the October following your completion of the course on the Faculty website. These will comment on the general performance of the group taking the examination in question and will include such details as which questions were answered badly, which were answered well, characteristic mistakes made, what qualities good answers typically exhibited

etc. Because of data protection issues, examiners' reports cannot comment on individual performances in any way that would identify the specific candidate in question.

Informal feedback

In addition to formative and summative assessment, students also receive feedback on their work and their ideas by more informal means: tutorials and seminars both provide contexts in which students can put their ideas to tutors, seminar convenors, and fellow students, and receive verbal feedback in the form of comments and counter-arguments to which they in turn can respond.

Entering for University Examinations

In the first half of Michaelmas term¹, you will be required to enter for the examinations. You will receive an email invitation to log in to Student Self Service and will then need to complete an online record to indicate which BCL and MJur options you are taking. These will need to match the options you chose in the BCL/MJur option registration as explained above. If you change options after the registration deadline, then you are charged a fee of £40² by Examination Schools. For further information about changing options, see the entry on page 15.

Submission of the dissertation

If you have chosen to write a dissertation, then you must submit your dissertation online via WebLearn by noon on Friday of the fifth week of Trinity full term. In order to ensure anonymity, the dissertation must bear your examination number. Neither your name nor the name of your college must appear. The examiners shall exclude from consideration any part of your dissertation which is not your own work or which has been or will be submitted to satisfy the requirements of another course, and the examiners shall have power to require you to produce for their inspection the work so submitted or to be submitted. Further information relating to the presentation of the dissertation is included in the entry Dissertation Format above and will be provided in the Examiners' Edict.

Submission of Jurisprudence and Political Theory essays

Candidates offering Jurisprudence and Political Theory will be examined in that subject by the submission of three essays. Essay questions will be published by the Board of Examiners on the morning of the Friday of the eighth week of the Hilary term preceding the examination. Candidates will be contacted with details of how to collect or access the questions. The examiners shall offer a choice of six topics from which candidates shall be required to select three. The total length of the three essays submitted shall be not less than 5,000 words, nor more than 8,000. The essays shall be wholly or substantially the result of work undertaken whilst registered for the degree of Bachelor of Civil Law or Magister Juris. The essays must be submitted online to WebLearn by noon on the Friday preceding the beginning of the Trinity full term in which the examination is to be taken. Candidates will be given instructions on how to do this in due course. The essays must bear the candidate's examination number, but not his or her name or the name of his or her college. Candidates shall further state the total number of words used in their essays.

Submission of Trusts and Global Wealth Taxation essay

Candidates offering Trusts and Global Wealth Taxation will be examined in that subject by the submission of a 4000 word extended essay (as well as a two-hour written examination). The essay will

¹ Specific information about dates is not yet available, but it is likely that the email invitation will be sent in week 2 and the deadline for registering options will be the end of week 4

² This figure is correct as of September 2017 but may be subject to increase in Michaelmas term 2017

be written during week 1 of Trinity Term; questions will be released to candidates on Monday of first week, and essays will be submitted electronically to WebLearn by noon on Friday of first week. Candidates will be contacted with details of how to collect or access the questions. Candidates will be given instructions on how to upload their essay to WebLearn in due course. The essay must bear the candidate's examination number, but not his or her name or the name of his or her college. Candidates shall further state the total number of words used in their essay.

Dates of examinations

The dates of examinations are only finalised in the course of the year and the final timetable is generally available in mid-Hilary term. Typically, BCL/MJur examinations begin on Saturday of week 8 of Trinity term and continue through to Saturday of week 10 of Trinity term. For more information about examination timetables, see <http://www.ox.ac.uk/students/academic/exams/timetables>

The format of the examinations

Examinations are unseen, and with the exception of the Corporate Tax Law and Policy and Trusts and Global Wealth Taxation options, you are not allowed to take books or notes into the examination room. However, in many examinations you will be provided with copies of statutory and other official material relevant to the subject: details of this are notified to you in advance. The examination in each subject offers a choice of questions, though in some cases there are rules as to permissible combinations of questions, which are strictly enforced. You are normally required to answer three questions in three hours; this rule too is strictly enforced, and attempting fewer than the required number of questions is penalised. You will normally be required to hand write your examination answers, so you must take care that your handwriting is legible (see information about illegible scripts below).

Procedures for dealing with illegible scripts

Examiners are not bound to take account of illegible material and may ask for illegible scripts to be typed if they are unable to read them. Examiners will try to identify such scripts as early as possible in the examining process; once scripts are identified, the candidate's college will be notified and the candidate will be asked to read out the script to a scribe who will then transcribe it. The candidate will be charged for the re-typing of the script. To accommodate this possibility, it is recommended that candidates remain in Oxford for up to five days after their final examination.

Examination Conventions

Examination Conventions are the formal record of the specific assessment standards for the course or courses to which they apply. They set out how your examined work will be marked and how the resulting marks will be used to arrive at a final result and classification of your award. They include information on: marking scales, marking and classification criteria, scaling of marks, progression, resits, use of viva voce examinations, penalties for late submission, and penalties for over-length work. The Examiner's Edict (see below) will also be circulated during the year and will supplement the information in the Examination conventions. If any changes are made to the examination conventions, you will be informed by email, and the nature of the changes will be explained.

The Examiners' Edict

The Examiners' Edict, also known as the Notice to Candidates, will be circulated to all students midway through Michaelmas term. This is a set of instructions about all aspects of the BCL/MJur examinations and covers information such as how many questions each paper will comprise, what materials you will

be provided with in the exam room, and information about examination protocol. Typically, this is followed by further notices to candidates to provide supplementary information that wasn't available at the time of the initial circulation.

Sitting your examination

Information on (a) the standards of conduct expected in examinations and (b) what to do if you would like examiners to be aware of any factors that may have affected your performance before or during an examination (such as illness, accident or bereavement) are available on the Oxford Students website (www.ox.ac.uk/students/academic/exams/guidance).

Withdrawal from the examinations

If you experience problems of any kind which are severe enough to mean you are unable to take your examinations, then you may apply for withdrawal from the examinations. For further information about how to do this, please refer to Part 14 of the Examination Regulations at <http://www.admin.ox.ac.uk/examregs/information/contents/>

Late submission of work (for dissertation and Jurisprudence and Political Theory essays)

If, for good reason, you are unable to submit the dissertation/essays by the stipulated deadline, you may apply through your college to the Proctors for permission to submit the work later than the deadline. This process can also be enacted retrospectively – i.e. after you have missed a deadline – but you should make the case to the Proctors as soon as you possibly can. The full regulations concerning late submissions can be found in Part 14 of the Examination Regulations at <http://www.admin.ox.ac.uk/examregs/information/contents/>

Complaints and appeals

Please refer to the section Complaints and Academic Appeals at the end of this handbook.

External examiner

The external examiner for the BCL and MJur in 2017-18 will be appointed in the course of Michaelmas term and details will be made known to you at that point. Students are strictly prohibited from contacting external examiners directly. If you are unhappy with an aspect of your assessment you may make a complaint or appeal (see Complaints and Academic Appeals section at the end of this handbook).

Examiners' Reports

Examiners' reports from previous years can be found on the Faculty's website at <https://www.law.ox.ac.uk/admissions/postgraduate/bachelor-civil-law> Examiners' reports for your year will be made available in the October following your examinations, once they have been approved by the Examinations Committee.

Good Academic Practice

Plagiarism

Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this definition. Plagiarism may be intentional or reckless, or unintentional. Under the regulations for examinations, intentional or reckless plagiarism is a disciplinary offence.

The University's definition of plagiarism can be found at:

<http://www.ox.ac.uk/students/academic/guidance/skills/plagiarism>

For law students, there are particular things to watch for:

Getting ideas from other students work

Law students often "borrow" work from other students in their own year or from students in the year above. If the work is directly copied then this will clearly be an obvious form of plagiarism but you also need to be aware that taking the structure and ideas from this work can also be plagiarism unless the source is acknowledged. Although it may sometimes be helpful to see how others have tackled issues, an important part of the learning exercise in Oxford is to work out how to present an answer yourself. This is often an intellectual struggle but it is an important part of the educational process. By borrowing the work of others you therefore not only risk plagiarism but you are also less likely to develop your own intellectual abilities fully.

Articles etc.

You will be expected to read many articles as part of your tutorial preparation. Students often find it difficult to know how to incorporate these into their own written work. The temptation is there to "lift" bits from the introduction and conclusion of the article, or odd sentences from it. Usually, an article will be presenting an argument which is, to some extent, original and the author makes the case for this argument in the detailed text. You may wish to use this article in a variety of different ways but it is important to bear in mind that it is not only verbatim quotations and paraphrases that need to be properly referenced but also the overarching argument that the author makes. Therefore, even if you are not using any of the detailed wording of the article, you must still acknowledge the author's intellectual input if you are drawing on the argument that he/she makes.

A brief example:

Source text, from S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 64 Cambridge Law Journal, 449, 455.

It can therefore be argued that proprietary estoppel, like wrongs, unjust enrichment and other non-consensual sources of rights, always gives rise to an underlying personal liability which may, in some circumstances, be coupled with a property right. As A's personal liability will persist after a transfer of the land in respect of which the proprietary estoppel claim arose, it may well be that B has no need of a property right to protect his reliance: instead B is adequately protected through his personal right against A.

Plagiarised

Proprietary estoppel always gives rise to personal liability and may also generate a property right, but a person to whom a representation is made will not always need a property right to adequately protect his reliance.

(This is plagiarism. Even though there is little verbatim copying it paraphrases the argument of Bright and McFarlane without acknowledging the source of this argument.)

“Proprietary estoppel, like wrongs, unjust enrichment and other non-consensual sources of rights, always gives rise to an underlying personal liability”³ and sometimes the courts will give a property right if necessary to protect reliance.

(This is also plagiarism. Although the first part of the sentence is correctly attributed, the implication is that the second part is the original idea of the writer.)

Non-Plagiarised

Bright and McFarlane argue both that proprietary estoppel gives rise to personal liability and, further, that this will sometimes be coupled with a property right, but only if it is necessary to protect the reliance of the person to whom the representation was made.⁴

(This is not plagiarism as it clearly attributes the whole of the argument to Bright and McFarlane, and cites the source).

Textbooks and Cases

A particular challenge for law students is how to use textbooks correctly. The most obvious form of plagiarism is where students closely follow the wording of textbook writers. This often occurs (unintentionally) where students have taken notes from a textbook and then use these notes to form the basis of their essay.

It also occurs where students use the structure adopted by a textbook writer in order to organise the essay.

By way of illustration, the author of a text book may set out that a general principle can be manifested in one of 3 ways, and then set out those 3 ways. To the student, this may appear uncontroversial and as ‘the only’ way that the topic can be understood. It is likely, however, that other writers will present the material differently. The breakdown of the principle into those 3 ways is the author’s work, and if this structure is adopted, the author must be acknowledged.

Students often use text-books too closely without being aware that this constitutes plagiarism and will say to tutors: “...but X put it so clearly and I could not put it better”, or “...lots of writers break down this principle into those 3 ways”. This does not justify plagiarism. If a textbook writer is being relied on, the writer must be acknowledged.

The same applies with respect to cases. The reasons for citing a case are therefore two-fold: first, as an *authority* for a proposition of law, in which case you will generally be citing the case itself; and second, as the *source* of a statement about the law, in which case you will generally be citing the court or a judge.

³ S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 64 Cambridge Law Journal, 449, 455

⁴ S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 64 Cambridge Law Journal, 449, 455

If, having referred to the above and to the University website, you are still unsure how to reference your work properly, and would like further advice, you should contact your Tutor or Academic Advisor for guidance.

OSCOLA

The Oxford University Standard for Citation of Legal Authorities (OSCOLA) is a widely-used citation system which you are advised to refer to for good referencing practice. The webpage at <https://www.law.ox.ac.uk/research-subject-groups/publications/oscola> contains the OSCOLA Quick Reference Guide, further information on citing international law sources, use of OSCOLA in conjunction with Endnote and a Frequently Asked Questions section about using OSCOLA style.

For enquiries you can also email oscola@law.ox.ac.uk

Further guidance on avoiding plagiarism

Plagiarism will be covered in the class on OSCOLA referencing for BCL and MJur dissertations in week 4 of Michaelmas term (see the lecture list for further details). While this class is predominantly for those writing dissertations, all those with an interest in learning more about how to avoid plagiarism are invited to attend. The University's IT Services section runs a course for students on plagiarism awareness – see <http://courses.it.ox.ac.uk/detail/TTER> for details.

General academic good practice – time-management, referencing, research skills etc. – will help you to avoid plagiarism. Information about how to acquire and develop such skills can be found at <http://www.ox.ac.uk/students/academic/guidance/skills>

Skills and Learning Development

Monitoring of academic progress

Overall responsibility for monitoring student progress on the BCL and MJur falls to your individually assigned Academic Advisor. The Associate Dean for Graduate Studies (Taught), Mindy Chen-Wishart (see page 6 for contact details), will provide support where necessary. Progress in respect of particular options is monitored by the convenor of the option in question, and then reported back to the Academic Advisor. The Faculty uses the Graduate Supervision System (GSS) for monitoring academic progress.

GSS

The Graduate Supervision System (GSS) is used by Academic Advisors and Dissertation Supervisors each term to review, monitor and comment on their students' academic progress. You will also be given the opportunity to contribute by commenting on your own academic progress. The Faculty strongly recommends all students to write their own report, to learn the importance of self-evaluation, and to assist Academic Advisors in reviewing your progress. Your Academic Advisor, and if applicable, Dissertation Supervisor, will use GSS to comment on your academic progress and report on any issues that have arisen at the end of each term.

To access GSS, please visit <http://www.gss.ox.ac.uk/> You will be able to log on to the site using your Single Sign On details. The site also provides information about dealing with log-in and other technical problems.

Students are asked to report in weeks 6 and 7 of each term. Once you have completed your sections of the online form, it will be released to your Academic Advisor and will also be visible to the Associate Dean for Graduate Studies (Taught) and to your College Advisor. When the supervisor's sections are completed, you will be able to view the report, as will the relevant Associate Dean for Graduate Studies and your College Advisor. Associate Deans for Graduate Studies are responsible for ensuring that appropriate supervision takes place, and this is one of the mechanisms they use to obtain information about supervision. College Advisors are a source of support and advice to students, and it is therefore important that they are informed of your progress, including concerns (expressed by you and/or your Academic Advisor).

When reporting on academic progress, students on taught courses should review progress during the current term, and measure this progress against the timetable and requirements for their programme of study. All students are asked to describe briefly which subject-specific research skills and more general personal/professional skills they have acquired or developed during the current term. GSS is not for registering complaints – please refer to the entry below for information about complaints procedures.

Learning development and skills

Any statement which purports to describe the skills students will gain from the BCL and MJur is likely to be reductive and too generalised to fit the experience of any given student. Nevertheless, there are certain key skills which we think it is fair to assume that all students will gain. The following statement seeks to summarise those and the means by which they are developed by the course.

| | |
|----------------------------|---|
| <i>Intellectual Skills</i> | <i>Teaching/learning methods and strategies</i> |
|----------------------------|---|

| | |
|--|---|
| A highly-developed ability to parse a problem into its component sub-problems. | The intensive dialogic character of argument in seminars and tutorials is designed to encourage students to distinguish between different issues and to tackle them one at a time. |
| An ability immediately to see the same legal or legally-related problems from a variety of intellectual angles, using different legal classifications and perspectives gleaned from different academic perspectives. | Many courses on the BCL are centrally concerned with the contrasts and relationships between different legal classifications (eg tort and contract) or between different legal systems (eg English and German). Others are centrally concerned with the non-legal analysis of legal problems (eg their philosophical foundations). The seminar format encourages students to challenge each other and the seminar convenors repeatedly and thereby gradually to reconceptualise the issues. BCL students are drawn from the whole range of common law jurisdictions and therefore every BCL course is enriched by insights from a variety of legal cultures. In addition BCL courses are shared with the MJur, allowing an enormous variety of non-common-law perspectives to be added to the debate. |
| An ability to build a complete, convincing argument from the ground up, and to build a complete and convincing critique of the argument of another. | Again the seminar format is conducive to sustained argument under pressure, with different students adopting and developing rival positions and gaining support or opposition from their peers. The tutorial essay encourages students to do the same, but this time representing both sides in the argument. |
| Practical skills | |
| A highly-developed ability to conduct legal research and legal or legally-related academic research | The programme calls for a great deal of advanced independent study using primary materials. Students make full use of library materials from around the world and advanced electronic research tools, including legal databases and scholarly research networks. Library orientation and an introduction to electronic research tools is provided at the start of the programme. |
| A highly-developed ability to write for specialist legal and academic audiences | Where the programme has a writing component (in the dissertation option, in tutorial essays, in the examinations) sophisticated written communication skills are expected. Students are continuously exposed to exemplary judicial and scholarly writings. |
| A highly-developed ability to read and digest complex legal and legally-related materials accurately at speed | The workload on this programme is high, especially in respect of the volume of reading that a successful student can be expected to cover. At the same time, seminars and tutorials emphasise accuracy and perceptiveness in interpretation. |
| For those taking the Commercial Negotiation and Mediation option, an ability to engage in negotiation and mediation in a commercial context. | As well as giving students a comprehensive understanding of the analytical concepts of conflict theory and negotiation management, the option involves role-play sessions in which students can hone their negotiation and mediation skills in a |

| | |
|--|---|
| | practical context. |
| Transferable Skills | |
| A highly-developed ability to communicate orally and in writing. | Both seminars and tutorials, with their high levels of student participation, help to cultivate strong oral communication skills. Tutorial essays, and of course the examinations, emphasise economical, clear and highly structure writing. |
| A highly-developed ability to master and organise complex information. | A typical BCL reading list contains material of several types with diverse sources, sometimes from several disciplines or jurisdictions. The student's first task is to survey and synthesise this material. |
| A highly-developed ability to plan and organise the use of one's time. | The programme sets tough demands in terms of reading and preparation, as well as providing a very full diet of seminars, lectures and classes. The centrality of independent study to success in the programme means that students quickly refine the developed time-management skills that they will have acquired in their previous legal education. |
| The ability to thrive in a competitive and intellectually challenging environment | The BCL programme is competitive at point of entry and throughout. Students are among their intellectual equals, and are drawn from the very brightest law graduates in the common law world. The programme therefore demands a great deal of its students intellectually and in terms of application and motivation. The difference between sheer ability and sheer ability coupled with hard work is reliability detected by the intensive teaching and assessment systems. |
| For those taking the Commercial Negotiation and Mediation option, an ability to engage in negotiation and mediation in a commercial context. | As well as giving students a comprehensive understanding of the analytical concepts of conflict theory and negotiation management, the option involves role-play sessions in which students can hone their negotiation and mediation skills in a practical context. |

Skills training

Faculty, college, and library resources

During your first week here, the Bodleian Law Library (BLL) organises induction sessions for graduate students to introduce you to the library and its staff and help you to use its resources. Online tutorials for key legal and journal databases are available at <http://ox.libguides.com/law-uklaw> The BLL also gives classes on using databases, finding online journals and researching particular areas of law. The Library distributes a Newsletter via the Faculty's email lists.

University resources

A wide range of information and training materials are available to help you develop your academic skills – including time management, research and library skills, referencing, revision skills and academic writing – through the Oxford Students website:

<https://www.ox.ac.uk/students/academic/guidance/skills>

Opportunities to engage in faculty research activity

There is an extensive programme of research seminars in which BCL and MJur students are welcome to participate. These are supplemented by a number of discussion groups which have regular lunchtime meetings at which members (graduate students or Faculty members) present work in progress or introduce a discussion of a particular issue or new case. These may involve guest speakers from the Faculty and beyond.

Facilities

General Information about Oxford and University Facilities

Libraries

The Law Faculty is lucky to have a superb library resource in the form of the Bodleian Law Library, which has an excellent, extensive law collection, providing support for the teaching and research needs of our students. It is a library of legal deposit, with the largest law collection in the United Kingdom. It offers not only its collection of books, journals and law reports, but access to all relevant legal electronic databases and online journals and ebooks.

Most books on the reading lists are available at the library's reserve desk, for ease of access. As a member of the University you are able to use any of the other 30 libraries which are part of the Bodleian Libraries, in addition to your own College's library.

Books in the BLL may not be borrowed: they must be read in the library, this ensures they are always available when you need them, and there are self-service photocopying and scanning facilities. Public access computers are available in several areas of the Library, including the Freshfields IT Room. They provide access to the catalogue and the extensive range of databases provided by the Bodleian Libraries. PCs in the Freshfields IT Room also give access to word processing and other computing applications. Students' own laptops may be used in the Library, which has wireless and Ethernet access. There is a Seminar Room available for small group discussions, as well as three small discussion rooms, a small IT room and a graduate reading room.

Further details of services will be explained at your library induction. Further information about the law library can be found at its web site <http://www.bodleian.ox.ac.uk/law/>

Cafés

The Missing Bean café is due to re-open in the St Cross Building from the start of Michaelmas Term 2018 after a period of closure during building works. It will be situated on the floor above the St Cross Building reception and will serve drinks and snacks. The cafeteria in the Manor Road Building (the last building on Manor Road before the entrance to St Catherine's College) provides hot meals as well as drinks and snacks.

Computing Services

Your Oxford Single Sign On account and access to networked services

Your Oxford Single Sign On account is your main access to University online services. It is essential that you activate your account. It gives you access to all the main Oxford University services, including Student Self Service, electronic library services, such as Lexis, Westlaw and online journals; Oxford email (<https://nexus.ox.ac.uk/>), to which all crucial University information will be sent; and WebLearn (<https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law>), where reading lists and handouts from lectures are available. For more information about IT Services see <http://welcometoit.ox.ac.uk> IT Services is at 13 Banbury Road, phone 01865 612345 or email help@it.ox.ac.uk.

Please use your Oxford email account for all email communication with the University.

Email Lists

All BCL and MJur students are automatically subscribed to the email lists specific to each option, to the BCL and MJur email list, and to a more general PGT email list (PGT stands for Postgraduate Taught).

These mail lists are the Faculty's main means of communicating announcements about lectures and seminars, examinations, IT and library training, library hours etc. It is therefore **essential** that **ALL** students check their email on a regular, preferably daily basis, and ensure that their Oxford email accounts remain operative. If you do not receive messages, contact the Faculty Office by emailing lawfac@law.ox.ac.uk.

The Faculty website and WebLearn

The public Faculty website (www.law.ox.ac.uk) provides information about courses, news and events, graduate discussion groups, how the Faculty works, faculty members, much detail relevant to undergraduate and postgraduate study, links to faculty centres, specialisations, publications, library and computing facilities and more.

The Faculty website has two sections, the public site, and the intranet site. Reading lists and lecture handouts are held on WebLearn (<https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law>). All students have their own password-protected 'My WebLearn' site on WebLearn which provides calendars and some file storage. For help with WebLearn, please contact Marianne Biese (Marianne.biese@law.ox.ac.uk).

Student Self Service

Student Self Service provides web access to important information that you will need throughout your academic career. You are able to register, view and update your personal and academic information throughout your studies at Oxford. For further information, see:

<http://www.ox.ac.uk/students/studentselfservice/>

IT facilities in the St. Cross Building

Most of the computing provision for students in the St. Cross Building is within the Bodleian Law Library (BLL). The Freshfields Bruckhaus Deringer IT Training Room, which is used for the Legal Research and Mooting Skills Programme, has 24 networked computers, giving access to all the online resources within the Library and University. Word and other Microsoft Office applications and EndNote are available on these computers. It is necessary to use a USB key to save documents on these computers.

The Freshfields room is available for general use when not being used for teaching. There are also networked computers in the small computer room, and more at various positions around the library. Kurzweil software, which allows blind readers to listen to pages of a book being read aloud, is also available in the BLL, but it must be booked in advance.

The main reading room has wireless access and there are power points at the ends of several desks. For more information ask at the library. There is no network access in the lecture theatres, and extremely limited access to power points. If you wish to bring a laptop to lectures, charge it before you arrive.

Do not leave your laptop unattended in the library or anywhere else – cables for securing your laptop are available at the library enquiry desk or at any computing shop. You can store your laptop and other items in a locker in the St. Cross Building. Ask at the Main Reception for information about getting a locker.

IT/electronic research resources training

The library's electronic holdings are accessible via SOLO: <http://solo.bodleian.ox.ac.uk/> and via OxLIP+: <http://oxlip-plus.bodleian.ox.ac.uk> using your Oxford 'Single Sign On' log in. In general, you should not need any other passwords: Lexis, Westlaw and other legal databases are all accessible via this website, from both on and off campus. For more detailed information about the e-resources in law, including any exceptions regarding passwords, see www.bodleian.ox.ac.uk/law/e-resources/databases

Online tutorials for key legal and journal databases are available at <http://ox.libguides.com/lawindex>. The BLL gives many classes in how to more efficiently use databases or find online journals or investigate sources for particular areas of law. Students can also 'book a librarian' for a session: email: law.library@bodleian.ox.ac.uk or phone (01865 271462). The Library distributes a Newsletter via the Faculty's postgrad [LPg] email list and the Law Bod Blog (<http://blogs.bodleian.ox.ac.uk/lawbod/>) also provides current information.

Other libraries

You are entitled to use all of the Bodleian libraries (see www.bodleian.ox.ac.uk/libraries). Libraries of special interest to lawyers include:

the Old Library in Catte Street with reading rooms for classical studies, history and early printed books;

the Vere Harmsworth Library (Rothermere American Institute) in South Parks Road, which contains American history, politics and current affairs;

the Radcliffe Science Library on the corner of South Parks Road and Parks Road which has the Bodleian's collection of forensic science and geography;

the Social Science Library in the Manor Road building, a lending library which incorporates the libraries of the Centre for Socio-Legal Studies and the Centre for Criminological Research.

University Rules for Computer Use

The University's Regulations and Policies applying to use of University ICT facilities can be found at <http://www.admin.ox.ac.uk/statutes/regulations/196-052.shtml>. In the Policy Statements section below, there is also a specific link to the Regulations Relating to the use of Information Technology Facilities – though that information can also be found at the URL above.

Language Support

The BCL and MJur are fast-paced courses. All teaching is carried out in English. If you are struggling to keep pace with a course or understand lectures due to language issues we would encourage you to talk to your Academic or College Advisor, and if you think you may require some additional language support you should contact the University's Language Centre as early as possible. We would strongly advise you to visit the website for the University's Language Centre, where (amongst many courses) students can sign up for courses focusing on academic writing and communication skills. Please see <http://www.lang.ox.ac.uk/courses/english-mem.html> for details. The Language Centre (admin@lang.ox.ac.uk) will be able to advise you about the most appropriate course(s) for you to take during your time at Oxford.

Support

General sources of help

Being a student is exciting, challenging and rewarding, but it is not always a bed of roses! Everyone in Oxford is well aware that students, like anyone else, can have problems. To a large extent we take these in our stride, consciously or unconsciously making use of the familiar support systems with which we surround ourselves, such as family bonds, friendships, and reliance upon those whose role it is to supervise us. But sometimes our problems need more intensive attention. Do not feel alarmed about acknowledging this: it really can happen to anyone. Oxford has a number of mechanisms designed to help.

Departmental

If the problem is essentially academic in nature, you should speak either to your Academic Advisor or the convenor of the BCL/MJur option in question. If the issue concerns a particular option then the option convenor will likely be the best person to speak to, but if the issue relates to your studies more generally then you should approach your Academic Advisor.

College

If the problem isn't principally an academic one, then you should speak to your College Advisor. Each graduate student is assigned a College Advisor who has various pastoral responsibilities and can assist with personal guidance and practical problem-solving (e.g. in dealings with agencies outside the college on behalf of students when so requested by students). Colleges also have various appointees with specific pastoral and welfare responsibilities, e.g. advisors to women students, chaplains, and resident assistant deans appointed from the postgraduate community, etc. There are often part-time college nurses on site and all students are registered with college doctors based at nearby surgeries. Domestic bursars are charged with meeting special living needs, e.g. in respect of students with disabilities or students who fall ill or students in need of emergency accommodation. The head of college also often plays a role in ensuring that students are settled and adequately supported.

The Middle Common Room (college graduate student union) often has its own welfare officer who acts as a source of information and an advocate. The tradition of extensive college-level peer support in academic matters extends to non-academic matters as well. In general the relatively communal aspect of college life makes for extremely easy access to confidential support in respect of non-academic matters, including support from people who know the student well, as well as more anonymous advice and support from professionals when necessary.

Every college has their own systems of support for students. Please refer to your College handbook or website for more information on who to contact and what support is available through your college.

Details of the wide range of sources of support available more widely in the University are available from the Oxford Students website (www.ox.ac.uk/students/welfare), including in relation to mental and physical health and disability.

Equality and diversity at Oxford

"The University of Oxford is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all its staff and students are respected." Equality Policy (2013).

Oxford is a diverse community with staff and students from over 140 countries, all with different cultures, beliefs and backgrounds. As a member of the University you contribute towards making it an inclusive environment and we ask that you treat other members of the University community with respect, courtesy and consideration.

The Equality and Diversity Unit works with all parts of the collegiate University to develop and promote an understanding of equality and diversity and ensure that this is reflected in all its processes. The Unit also supports the University in meeting the legal requirements of the Equality Act 2010, including eliminating unlawful discrimination, promoting equality of opportunity and fostering good relations between people with and without the 'protected characteristics' of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and/or belief and sexual orientation. Visit our website for further details or contact us directly for advice: www.admin.ox.ac.uk/eop or equality@admin.ox.ac.uk.

The Equality and Diversity Unit also supports a broad network of harassment advisors in departments/faculties and colleges and a central Harassment Advisory Service. For more information on the University's Harassment and Bullying policy and the support available for students visit: www.admin.ox.ac.uk/eop/harassmentadvice

The Faculty has two harassment advisors whom students and Faculty may contact for advice:

Catherine Redgwell, All Souls College
Tel No: 01865 279342
Email: catherine.redgwell@law.ox.ac.uk

Roderick Bagshaw, Magdalen College
Tel No: 01865 276078
Email: roderick.bagshaw@law.ox.ac.uk

There is range of faith societies, belief groups, and religious centres within Oxford University that are open to students. For more information visit:
www.admin.ox.ac.uk/eop/religionandbelief/faithsocietiesgroupsorreligiouscentres

Student Welfare and Support Services

The Disability Advisory Service (DAS) can provide information, advice and guidance on the way in which a particular disability may impact on your student experience at the University and assist with organising disability-related study support. For more information visit: www.ox.ac.uk/students/shw/das

The Law Faculty itself has two Disability Contacts. They are:

Emma Gascoigne, Personnel Officer
St. Cross Building
Tel No: 01865 281622
Email: personnel@law.ox.ac.uk

Paul Burns, Academic Administrator
St. Cross Building
Tel No: 01865 271495
Email: paul.burns@law.ox.ac.uk

The Disability Contacts work with the University Disability Staff and other bodies, such as the Bodleian Law Library to help facilitate students' access to lectures, classes, tutorials and access to information.

The Contacts are also involved in an ongoing programme to identify and promote good practice in relation to access to teaching and learning for students with disabilities within the Faculty, and to ensure that the Faculty meets the requirements of the Equality Act (2010).

The Counselling Service is here to help you address personal or emotional problems that get in the way of having a good experience at Oxford and realising your full academic and personal potential. They offer a free and confidential service. For more information visit: www.ox.ac.uk/students/shw/counselling

A range of services led by students are available to help provide support to other students, including the peer supporter network, the OUSU Student Advice Service and Nightline. For more information visit: www.ox.ac.uk/students/shw/peer

OUSU also runs a series of campaigns to raise awareness and promote causes that matter to students. For full details, visit: ousu.org/get-involved/campaigns

There is a wide range of student clubs and societies to get involved in - for more details visit: www.ox.ac.uk/students/life/clubs

What to do if you are ill or otherwise unable to attend seminars or tutorials

Generally, it is not necessary to inform convenors if you are unable to attend a seminar but you should always inform your tutor if you are unable to attend a tutorial. If you are prevented from working by illness or other cause for more than two weeks then you are advised to contact the Academic Administrator (paul.burns@law.ox.ac.uk). You may also want to discuss the situation with your College Advisor. If you are ill/unable to work for a longer period of time then it may ultimately be necessary to consider a possible suspension of status.

Education Committee and the Proctors

The University's Education Committee is principally concerned with policy matters relating to teaching, learning, and assessment, but it is also the body which can grant dispensations from the regulations in certain instances (though in such situations a student's college will normally write to the Education Committee on the student's behalf – the student does not write direct). Further information about the Education Committee and its activities can be found at: <http://www.admin.ox.ac.uk/edc/>

The Proctors' are responsible for ensuring that regulations are implemented and investigating complaints by members of the University. The activities they regulate and the regulations they enforce are set out in detail in the documents on the Webpage 'Essential information for students' at <http://www.admin.ox.ac.uk/proctors/info/> The Proctors' and Assessor's Memorandum in particular covers an extensive range of subjects, including disciplinary procedures, welfare matters, and a number of University policies which are referred to in the policy statements section below.

OUSU

The Oxford University Student Union exists to provide a number of student services, ranging from enhancement of your experience whilst a student to protection of your ability to study should you encounter financial, academic or health-related difficulties. For further information about all its activities, please refer to its website at <http://ousu.org/>

Safety for students

Guidance about how you can ensure your personal safety while studying at Oxford can be found at: <http://www.ox.ac.uk/students/life/community/personal>

Health and safety in the St Cross Building

Fire Information

In the event of the fire alarm sounding, evacuate the St Cross Building immediately and assemble on the grass area by the main entrance steps.

First Aid

First Aid can be administered by a porter trained in first aid. There is a first aid box at the porters lodge.

Accident reporting – Please report any accidents, incidents or near misses to the Facilities Manager (George.Newman@admin.ox.ac.uk).

Careers

The Careers Service can provide you with comprehensive support in your career planning and management. As an Oxford Alumnus you can attend careers events, fairs, workshops and company presentations. Your student account on CareerConnect will switch to an alumni account when your University card expires, ensuring you stay up-to-date with job vacancies, events, skills sessions, fairs and resources on job sectors, applications and international opportunities. The Careers Service website can be found at <http://www.careers.ox.ac.uk/>; for CareerConnect information, please refer to <http://www.careers.ox.ac.uk/our-services/careerconnect/>

The Careers Service also provides information about a series of Professional networking events; see <https://www.alumni.ox.ac.uk/page.aspx?pid=773> for further details.

Alumni relations

As part of the University's 180,000-strong alumni community, you can take advantage of our varied alumni programme to stay involved. Whether your interests lie in further study, building a career, travel, or something else, Oxford's alumni programme has something to offer everyone. For more information, please visit: www.alumni.ox.ac.uk All law students at Oxford are members of both a college and the University and therefore they have shared allegiances. Undergraduate alumni are inclined towards contacting their colleges for most alumni matters yet increasingly become involved with the Law Faculty offerings for professional interaction and networking. Because the Faculty of Law organises and provides all graduate supervision and runs the postgraduate taught courses, graduate students tend to have stronger ties with the Faculty.

The Faculty of Law is eager to maintain contact with all law alumni, including those who go on to practice law from other Oxford faculties. Benefits of staying in touch with the Faculty's alumni programme include:

- Opportunities to attend alumni reunions and professional networking events. The Faculty organises events, both social and professional, which take place in the UK and internationally. We have previously held events in the United States, Canada, India, Singapore, Hong Kong, China, and Australia and, due to their popularity, we plan to increase these events in the years ahead.

- Receiving copies of the Faculty's annual alumni magazine, The Oxford Law News, and the termly electronic e-bulletin, The Law eBulletin, to keep you up-to-date with Oxford news.
- With collaboration from our alumnae and benefactors, the Law Faculty has founded the networking group Oxford Women in Law (OWL) which will assist female alumni working in the field of law to network, discuss career issues especially those facing women, and find mentors as well as engage in relevant professional panel discussions and lectures.
- Joining the group 'Oxford University Lawyers', via LinkedIn, which offers exclusive membership to all Oxford students, staff, and alumni. This provides members with the chance to share discussions with other Oxford law alumni across the world. Our major benefactors often post their news and job advertisements on the group's page as well.
- Professional support and advice. We work closely with the Careers Service and our benefactors to help our alumni achieve their full potential in the workplace.

Please visit the Faculty's alumni webpage for more information: www.law.ox.ac.uk/alumni

To ensure that you are on our mailing list, or to enquire about organising an alumni event, please contact: Anthony Evans-Pughe, Donor Relations Coordinator, Faculty of Law, St. Cross Building, St Cross Road, Oxford or by email at anthony.evans-pughe@law.ox.ac.uk. Finally, should you know of any Oxford Alumni who are not in contact with us but would like to be, please forward their contact details to us.

Policies and regulations

The University has a wide range of policies and regulations that apply to students. These are easily accessible through the A-Z of University regulations, codes of conduct and policies available on the Oxford Students website www.ox.ac.uk/students/academic/regulations/a-z

Included in this category are the following:

University Equality Policy

<http://www.admin.ox.ac.uk/eop/policy/equality-policy/>

University Policy and Procedure on Harassment and Bullying

<https://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

Disability Equality Scheme and Policy

<http://www.admin.ox.ac.uk/eop/disab/>

Regulations Relating to the Use of Information Technology Facilities

www.admin.ox.ac.uk/statutes/regulations/196-052.shtml

Policy on recording lectures by students

<http://www.admin.ox.ac.uk/edc/policiesandguidance>

Feedback, and student representation

Opportunities for feedback

You should provide feedback by the following means:

Law Faculty BCL/MJur Surveys

Throughout the Academic year, you will be asked to complete four surveys: a post-induction survey early in Michaelmas term; a survey at the end of Michaelmas term; another at the end of Hilary term, and a final survey after your Trinity term examinations. We hope that we will be able to use the results of the surveys to make improvements to the course provision and organisation. The surveys will be considered (confidentially) by the Graduate Studies Committee. All survey responses are anonymised.

Lecture evaluation forms

For MJur students taking FHS courses, these are generally available for undergraduate lectures based in the St Cross Building (ask in the Faculty Office if there are not copies available in the lecture theatre itself). The forms are anonymised – i.e. you are not required to provide your name or college.

Student Barometer

Students on full-time and part-time matriculated courses are surveyed once per year on all aspects of their course (learning, living, pastoral support, college) through the Student Barometer. Previous results can be viewed by students, staff and the general public at: <http://public.tableau.com/profile/sdma#!/>

Student representatives

By contacting your student representative, as described below.

Student representation

The Graduate Studies Committee (GSC) is the body with the principal responsibility for making decisions on graduate matters and it includes representatives of each of the Faculty's postgraduate taught and research courses. At the start of Michaelmas term, an email is circulated to all postgraduate students asking if they wish to stand as representatives for their particular course, after which students from each course vote for those standing. The elected representatives then serve as a voice for their constituency – the students who have elected them – on GSC. As such, they will raise with GSC any matters that other students on their course have asked them to bring to the Committee's attention; they will also consult those students if there is an issue on which GSC wants students' opinions. From time-to-time, they will also coordinate social events of one sort or another.

One of the two BCL/MJur representatives will also attend the open business of the Law Faculty Board, the Faculty's most senior decision-making body to which GSC refers any matters which it doesn't have the constitutional authority to deal with itself. Student representatives also serve on the Committee for Library Provision and attend a Divisional forum at which student representatives across the Social Sciences Division come together to discuss matters of relevance. Student representatives sitting on the Divisional Board are selected through a process organised by the Oxford University Student Union (OUSU). Details can be found on the OUSU website along with information about student representation at the University level.

You can email the BCL/MJur student representatives if you have matters that you wish to bring to their attention.

Complaints and Academic Appeals

The University, the Social Sciences Division and the Faculty of Law all hope that provision made for students at all stages of their course of study will make the need for complaints (about that provision) or appeals (against the outcomes of any form of assessment) infrequent.

Where such a need arises, an informal discussion with the person immediately responsible for the issue that you wish to complain about (and who may not be one of the individuals identified below) is often the simplest way to achieve a satisfactory resolution.

Many sources of advice are available from colleges, faculties and bodies like the Counselling Service or the OUSU Student Advice Service, which have extensive experience in advising students. You may wish to take advice from one of these sources before pursuing your complaint.

General areas of concern about provision affecting students as a whole should be raised through Joint Consultative Committees or via student representation on the faculty committees.

Complaints

If your concern or complaint relates to teaching or other provision made by the Faculty, then you should raise it the Associate Dean for Graduate Studies (Taught), Professor Mindy Chen-Wishart (mindy.chen-wishart@law.ox.ac.uk) as appropriate. Complaints about departmental facilities should be made to the Academic Administrator, Paul Burns (paul.burns@law.ox.ac.uk). If you feel unable to approach one of those individuals, you may contact the Dean, Professor Anne Davies (dean@law.ox.ac.uk). The officer concerned will attempt to resolve your concern/complaint informally.

If you are dissatisfied with the outcome, you may take your concern further by making a formal complaint to the Proctors under the University Student Complaints Procedure (<https://www.ox.ac.uk/students/academic/complaints>).

If your concern or complaint relates to teaching or other provision made by your college, you should raise it either with your tutor or with one of the college officers, Senior Tutor, Tutor for Graduates (as appropriate). Your college will also be able to explain how to take your complaint further if you are dissatisfied with the outcome of its consideration.

Academic appeals

An academic appeal is an appeal against the decision of an academic body (e.g. boards of examiners, transfer and confirmation decisions etc.), on grounds such as procedural error or evidence of bias. There is no right of appeal against academic judgement.

If you have any concerns about your assessment process or outcome it is advisable to discuss these first with your subject or college tutor, Senior Tutor, course director, director of studies, supervisor or college or departmental administrator as appropriate. They will be able to explain the assessment process that was undertaken and may be able to address your concerns. Queries must not be raised directly with the examiners.

If you still have concerns you can make a formal appeal to the Proctors who will consider appeals under the University Academic Appeals Procedure (<https://www.ox.ac.uk/students/academic/complaints>).

Glossary of Oxford Terminology

Some words and phrases used at Oxford are explained below, but the list will be incomplete because anyone who has been here for a while forgets which words are strange. If you don't know what something means, just ask someone!

Associate Professor: the standard tenure-track career academic post at Oxford. Some Associate Professors hold the title of full Professor in recognition of their distinction.

Battels: college bills, payable each term. Non-payment is the only really quick and effective way for a student to get suspended.

BCL: (Bachelor of Civil Law) so called, but it is actually a *postgraduate* degree in *English* law. Its history and name are medieval, like the MA. But it evolved after World War I into a demanding postgraduate course taught by the professors of the University, as well as college tutors, in a combination of seminars and tutorials. In 1927, the exams for the BCL were in Common Law, Conflict of Laws, Equity, Evidence, Jurisprudence, Roman Law: Ownership and Possession, Roman Law: Locatio Conductio and Societas, Real and Personal Property, and Public International Law. There are now 40 options available in the BCL.

Common Room: in a college, a name for the organization of the academic staff (Senior Common Room), the undergraduates (Junior Common Room) or the graduate students (Middle Common Room; members of the MCR are typically given membership of the JCR as well). These names are used because along with other facilities, those organisations usually provide a room where you might find coffee and newspapers, or at least comfy seats.

Collection: (1) a mock examination held by colleges (typically just before the beginning of term, based on work done in the previous term); (2) a college meeting between a student and the head of college, and or tutors, held at the end of each term to discuss the student's work (also called a 'handshaking' in some colleges).

College: a self-governing society of fellows. Colleges admit undergraduate students (who are then admitted to the University), and admit graduate students after they are admitted by the University. Colleges provide accommodation, meals, common rooms, libraries, sports and social facilities, and pastoral care for their students and faculty. Crucially, they provide tutorial teaching for undergraduates. That makes them more than just student residences; they are residential communities whose focal purposes are teaching and learning.

DPhil (Doctor of Philosophy): a recent (1914) innovation, the University's highest research degree.

Examination Schools: grandiose, scary Victorian building on the High Street where most undergraduate and BCL, MJur, and MSc examinations are held, as well as some oral examinations for research degrees.

Fellow: member of the governing body of a college. Most of the tutors in a college are fellows.

Final Honour School ['FHS']: the course leading to the second public examination (ie, the University examination for the BA). The course for the BA in Law is the Honour School of Jurisprudence.

Finals: the final examination in the Final Honour School, sometimes called 'Schools'.

First Public Examination: see Law Moderations.

Graduate: a person who has received a university degree.

GSC: Graduate Studies Committee (a committee of the Law Board).

Head of a college: the chief officer in a college, with various responsibilities including chairing meetings of the governing body. 'Head' is a generic term; they are called President (Corpus Christi, Kellogg, Magdalen, St. John's, Trinity, Wolfson), Principal (Brasenose, Harris Manchester, Hertford, Jesus, Lady Margaret Hall, Linacre, Mansfield, Regent's Park, St. Anne's, St. Edmund Hall, St. Hilda's, St. Hugh's, Somerville), Master (Balliol, Pembroke, St. Catherine's, St. Cross, St. Peter's, University), Rector (Exeter, Lincoln), Warden (All Souls, Green, Keble, Merton, New College, Nuffield, St. Antony's, Wadham), Provost (Oriel, Queen's, Worcester), or Dean (Christ Church).

Isis: The Thames, while running through Oxford.

Junior member (of a college, or of the University): student.

Law Board: the governing body of the Law Faculty, chaired by the Dean. Faculty officers (the Chair and Vice-Chair of the Law Board, the Associate Deans for Graduate and Undergraduate Studies) are members *ex officio*; other members are elected from among faculty members. The Graduate Studies Committee, like other faculty committees, reports to Law Board and acts subject to the approval of Law Board. The Law Faculty sometimes meets as a faculty to discuss policies, but decisions are made by the Law Board.

Law Moderations (Law Mods): the first University examination taken by undergraduate law students. The result is a Fail, a Pass, or a Distinction, and students must pass to proceed to Finals. Marks awarded are supplied to students' colleges, but do not count to the final classification of degrees. First Public Examinations in other subjects may be called Preliminary Examinations or Prelims.

Lecture: an exercise in which one teacher addresses an audience of students (a few students, or a few hundred). Students are allowed to ask questions!

MA (Master of Arts): a degree awarded to a student who completes the BA, and then survives for 21 terms (7 years) after matriculating without going to prison. MAs outrank any person who does not have the degree of MA, other than doctors of divinity, medicine and civil law.

MJur (Magister Juris): a taught postgraduate degree introduced in 1991, and designed as a counterpart to the BCL for students who have been trained in law outside the common law jurisdictions. MJur candidates may take one of the Oxford undergraduate common-law courses, and are eligible for most of the BCL subjects.

MLitt (Master of Letters): A two- to three-year research degree.

MPhil (Master of Philosophy): a limited-entry, one-year research degree, which is only open to students who have completed the BCL or the MJur and met special grade requirements.

MSc in Criminology and Criminal Justice: a one-year taught postgraduate course, which involves a combination of coursework and a dissertation.

MSt (Master of Studies): a research degree designed to be completed in one year.

Matriculation: ceremony in the Sheldonian Theatre for admission to the University of Oxford as a student.

Pigeonhole: your mailbox, usually in an array of mailboxes in a porter's lodge.

Porter: gatekeeper, receptionist, and postal worker at the front entrance ('porters' lodge') of each college. Porters are helpful.

Postgraduate: a graduate who is a student.

Proctors: two senior university officers, nominated by colleges in rotation for a period of one year, with responsibility for (among other things) some matters of student discipline, overseeing the conduct of examinations, and investigating student complaints about the University. The extent of their jurisdiction is indeterminate.

Professor: the holder of a senior academic post with responsibilities to teach for the University but not for a College, or an academic holding another post on whom the title has been conferred in recognition of their distinction.

PRS (Probationer Research Student): the term used for a student admitted to work towards the DPhil or the MLitt, before completion of the Qualifying Test for DPhil or MLitt status.

Punt: a boat with a pole. When it comes to a choice, stay with the boat and let go of the pole.

Reader: the holder of an academic post intermediate between a university lectureship and a professorship, or an academic holding another post on whom the title has been conferred as a sign of distinction. The University no longer creates new Readerships.

Rustication: a temporary sending down, i.e. a suspension from the University, usually for a major disciplinary offence.

Schools: see **Examination Schools**. also a name for the undergraduate examinations (see **Finals**).

Scout: a member of a college's staff who cleans rooms and keeps an eye on students.

Second Public Examination: see **Finals**.

Seminar: an exercise, typically held around a table, in which one or more teachers discuss their subject with a group of students. Different from a lecture because the teacher is usually sitting down, and there is often more than one teacher. A common procedure is that one teacher (sometimes a visiting speaker) presents a paper, or less formally explains their view on a problem, and another teacher responds, with open discussion following.

Sending down: requiring a student to leave the University.

Senior Member (of a college or the University): roughly, a member of the Faculty or a college fellow. So, professors, lecturers (whether of a college or of the University) and research fellows of colleges may all be termed senior members. The contrast is with junior members (students).

Senior Status: the status of a student who has already taken a degree, and is reading for another undergraduate degree (a second BA) with dispensation from the First Public Examination.

Senior Tutor: the officer in a college who has overall responsibility for academic affairs. The fellow who has been at the college the longest is usually called the 'senior fellow'.

Subfusc (from the Latin for 'dark brown'): for women, black trousers and black socks or a black skirt with dark tights, black shoes, white blouse, a black ribbon worn as a bow-tie, and mortarboard and gown. For men, a dark suit, black shoes and socks, a white shirt and white bow-tie, and mortarboard and gown. Wear subfusc for matriculation, examinations (written and oral) and degree ceremonies. Avoid wearing it on other occasions.

Term: the 8 weeks (Sunday of week 1 to Saturday of week 8) of the three Oxford academic terms: Michaelmas term (MT) (early October to early December, named after the feast of St. Michael on September 29), Hilary term (HT) (mid-January to mid-March, named after the festival (January 13) of Hilarius, the bishop of Poitiers, who died in 367), and Trinity term (TT) (mid-April to mid-June, named after the festival of the Holy Trinity). Strictly speaking, those periods are known as ‘full terms’ and extended terms are about three weeks longer. Faculty teaching, including lectures and seminars, is conducted during full terms.

Tutor: a teacher who gives tutorials. Most undergraduate students have a tutorial at least once a week in term time. Tutorials are more important in the BCL/MJur than in any other graduate degree in Oxford (or in the whole world).

Tutorial: a meeting to discuss the student’s work, and the subject that the student is studying. Tutorials vary widely, depending on the tutor’s methods and the subject matter; the core features are that (i) there is one teacher present, (ii) there are very few students (typically two, sometimes one or sometimes three for an undergraduate tutorial; anywhere from one to four for a BCL/MJur tutorial), (ii) one or more of the students has written an essay. The students’ own work is usually the focus of discussion in the tutorial; most tutors try not to turn the tutorial into a small lecture.

The University: the oldest English-speaking degree-granting institution in the world, and older than any of the colleges. It was already in some sort of operation before 1100, but it started to grow in 1167 when Henry II stopped English students going to Paris. The University has had a Chancellor since 1214. The University decides the content of courses, organizes lectures, seminars, and graduate supervision, provides libraries, laboratories, museums, computing facilities, etc.; admits graduate students, conducts all degree examinations, and awards degrees. The Law Faculty is part of the University’s Division of Social Sciences (www.socsci.ox.ac.uk). The University’s first overseas student was Emo the Friesian, in 1190. For the University’s legal status, see: www.admin.ox.ac.uk/statutes/375-092.shtml

The University is not to be confused with University College, which is a college.

Viva (short for ‘Viva Voce’): oral examination. There used to be vivas for the BA and for the BCL, but now we only use them in examining research degrees, for which purpose the viva serves as an opportunity for the student to defend the thesis.

No index entries found.