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

REPORT OF THE BOARD OF EXAMINERS FOR 2016

1 Introduction

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

2 Timetable

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

3 Statistics

Attached at Appendix 1 are the numbers of entrants, distinctions and passes. This year, one resit MJur candidate did not appear for her examinations, and no communication of any sort has been received from her. This candidate therefore technically failed. All other candidates passed.

There were 100 BCL candidates of whom 98 BCL sat the examination. Two withdrew before the examination. Of the 98 candidates who took the exam, 50% achieved distinctions (50 candidates). This was slightly higher than the comparable percentages in 2015, 2014 and 2013, but lower than that in 2012.

Although there were 55 M Jur candidates, for the purposes of these statistics, the candidate who did not appear is excluded, leaving 54 M Jur candidates. As with previous years, the percentage number of candidates obtaining a distinction in the MJur was significantly lower than BCL candidates, at 24% (13). This was, however, slightly higher than last year, when 19% of M Jur candidates obtained a distinction.

Last year, there were no discrepancies in the percentages of women and men gaining distinctions on the BCL, reversing the pattern in 2013 and 2014 of markedly higher proportions of men than women gaining distinctions. Disappointingly, this discrepancy reappeared in 2016, with 56% of men but only 45% of women gaining distinctions. For the MJur, 6 women out of 27 (22%) and 7 men out of 27 (26%) gained distinctions, compared to last year when more women than men on the MJur obtained distinctions.

In 2014, examiners noted that very few BCL dissertations and no MJur dissertations were awarded a mark of 70 or above. Since then, markers have been encouraged to reward excellent work in dissertations, and in 2015, the Examiners were encouraged to see that 50% of the 12 dissertations submitted obtained a mark of 70 or over. In 2016, the results slipped back somewhat, with 2 out of 5 BCL dissertations and 1 out of 7 M Jur dissertations awarded a mark of 70% or over. While the proportion of BCL dissertations

receiving the top grades is not markedly out of line with other subjects, the proportion of M Jur dissertations achieving this grade (14%) is well below almost all other subjects.

The Examiners were, however, pleased to note that, as was the case last year, the marks ranges of individual subjects were broadly consistent.

4 Computer software

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

In contrast, the exam database itself is less than ideal. This is now the third consecutive year in which the Examiners commented that the computer software performed without breakdown but in a sub-par manner, and stressed the need for a wholesale upgrade. This year's Examiners would like to reiterate the need to expedite the commission of a new database. The current database causes a great deal of extra work for the Examinations Officer.

5 Plagiarism and late submission of essays and dissertations

'Turnitin' software was used to check for plagiarism in all dissertations and all Jurisprudence and Political Theory essays, as last year. No concerns were raised with the Proctors this year. There was one candidate who had been reported for plagiarism last year who was required to resubmit three of his/her essays in Jurisprudence and Political Theory. The candidate resubmitted the essays this year and passed them all.

One candidate was given permission to submit his/her essays two weeks late this year, as a result of illness. The extra time was regarded as sufficient accommodation for the effects of the illness.

6 Setting of papers

The Examiners checked all draft papers line by line; the papers were also sent to the External Examiner. The process yielded a substantial number of further queries on a significant number of papers. There was one serious error during the examination period: one page of the Competition law exam paper had been left out. However, this was not the fault of the examiner; it had simply not been printed properly by Schools. The defect was discovered by the examiner prior to the commencement of the exam and Schools was able to put it right promptly without causing disruption to the writing of the examination.

7 Information given to candidates

The Notices that were sent to candidates are attached as Appendix 2.

8 The written examinations

The Chair of Examiners attended for the start of each examination. The setter or an alternative attended for the first 30 minutes. Sub fusc is no longer required, but examiners still need to wear gowns and hood. The presence of the setter was very helpful in spotting

the missing page in the competition law paper. However, no questions of any significance were raised by candidates during these periods.

The Examiners request the Board to consider whether the presence of the Chair at each examination is still required. The main task of the Chair is to check that individual examiners are present, that materials are provided and that no other serious issues arise. The Examiners suggest that if the Chair of Examiners is always available by telephone, and invigilators are supplied with the individual mobile numbers of both the Chair of Examiners and individual examiners, this aspect of the function of the Chair might not be necessary. The Examiners also requested that consideration be given to whether individual examiners could likewise be permitted to be available by phone at the start of each exam. It might be possible to arrange for examiners to go to Schools to check the hard copy of the examination paper on the day before all examinations begin, and then to be available for individual queries by phone. Given that it is extremely rare for specific questions to be asked of examiners, this might be a considerably more efficient way of running exams.

9 Materials provided in the examination room

No problems were experienced this year in the provision of materials in each examination.

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

10 Marking and remarking

In accordance with established practice, the Board held one meeting rather than two. Routine double-marking of scripts prior to the meeting included all those scripts which might, however remote the chance, be thought to have the potential to affect a candidate's classification. In addition to the prescribed swapping and sampling of marks, this meant that there was blind double marking of all papers for which a mark had been given ending in 7, 8, or 9, and every paper given a mark below 60. Where a script had been double marked, the markers submitted an agreed mark before the meeting. There were no papers given a mark below 50 this year compared to eleven such scripts last year. Instead, the External Examiner was sent a random sample of 5 borderline scripts in three subjects, namely International Economic Law, International Dispute Settlement and International Law and Armed Conflict. He confirmed the marks on each of them. (See the separate report of the External Examiner)

11 Factors affecting performance and special examinations needs

14 candidates had adjustments made under Examination regulations for the Conduct of University Examinations, Part 12. All were given extra time and/or used special

equipment to write their papers and/or sat separately. 6 of these candidates wrote some or all of their papers in their respective colleges. 8 further candidates wrote their papers in special rooms in the Examination Schools.

6 candidates made FAP ('factors affecting performance') submissions to the Proctors relating to medical circumstances affecting their performance in examinations (4 (4%) of BCL candidates and 2 (4%) of MJur candidates). In accordance with procedure laid down by the Education Committee in Annex B to the guidance to examiners, a subset of the Examiners (Sandy Fredman and Catherine Redgwell) met before the marks meeting in order to consider all such certificates, and to band the circumstances into '1 indicating minor impact, 2 indicating moderate impact, and 3 indicating very serious impact'. A record was kept of these decisions and the reasons for them. This banding information was used in the marks meeting to inform the Examiners' decisions regarding the FAP submissions. The Examiners took specific and individual account all FAP submissions, and a record was kept of how the banding information was used and the outcome of the consideration with the reasons given.

12 Thanks

The internal Examiners would like to conclude by expressing their thanks to the External Examiner, Professor Andrew Lang, for his hard work and very helpful advice. Thanks are also due to Catherine Redgwell, for the record keeping referred to in (11) above. This year was Laura Gamble's first year in post as Examinations Officer for the BCL/MJur. The Examiners would like to thank her for such an efficient, good humoured and well organized approach. We would also like to thank Julie Bass for supporting and training Laura, and providing back up support to the Chair of Examiners and the Committee. The Chair of Examiners would like give especial thanks to both Laura and Julie for their meticulous preparation and support in making what would be a potentially onerous office very manageable and enjoyable.

Sandy Fredman (Chair)
Luca Enriques
Les Green
Catherine Redgwell
Andrew Lang (external)

Appendices to this Report: (1) Statistics; (2) Notices to Candidates; (3) Examination Conventions; (4) Prizes and Awards; (5) Mark distribution on first reading; (6) Reports on individual papers; (7) Report of Professor Andrew Lang, external examiner; (8) Report of factors affecting performance applications

APPENDIX 1

Statistics for the 2016 Examinations

BCL

	2016						2015						2014						2013						2012					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Dist	30	56	20	45	50	51	33	48	21	49	54	48	28	55	14	37	42	47	40	47	26	39	66	44	38	57	28	55	66	56
Pass	24	44	24	55	48	49	33	48	22	51	55	49	23	45	24	63	47	53	44	52	40	61	84	55	29	43	23	45	52	44
Fail	0		0		0		2	3			2	1	0		0		0		1	1	0		1	1	0		0		0	
Total	54		44		98		68		43		111		51		38		89		85		66		151		67		51		118	

MJur

	2016						2015						2014						2013						2012					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Dist	7	26	6	21	13	24	4	14	6	26	10	19	3	14	9	38	12	27	5	23	1	8	6	17	6	32	6	30	12	31
Pass	20	74	21	75	41	74	24	83	17	74	41	78	17	81	15	62	32	71	17	77	12	92	29	83	13	68	14	70	27	69
Fail	0		1	4	1	2	1	3			1	2	1	5	0		1	2	0		0		0		0		0		0	
Total	27		28		55		29		23		52		21		24		45		22		13		35		19		20		39	

APPENDIX 2

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BCL /MJUR EXAMINATION 2016

NOTICE TO CANDIDATES

This document is traditionally known as the Examiners' Edict.

1. Examination Entry Details

It is your responsibility to ensure that your examination entry details are correct via the Student Self Service via the Oxford Student website (see www.ox.ac.uk/students/). For more information on examination entry see www.ox.ac.uk/students/academic/exams/entry

2. Timetable and Place of the Examination

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

Please bring your candidate number with you to each examination paper, or devise some way of remembering this. In addition, please bring your University Card with you to each examination paper. Your University Card must be placed face up on the desk at which you are writing. You must **not** write your name or the name of you college on any answer book, essay or dissertation. **Use only your examination number**.

See http://www.ox.ac.uk/students/academic/exams/guidance for information on sitting your exams.

The examination timetables in respect of papers available in the BCL and MJur can be found at: www.ox.ac.uk/students/academic/exams/timetables. Scroll down the page to 'other' in the list, you will find the BCL (EBCL) and MJur (EMJU) examination timetables under 'other'.

Legibility Candidates submitting illegible scripts will be required to have them typed at their own expense, see further, *Examination Regulations* 2015, page 36, Part 16 Marking and Assessment (http://www.admin.ox.ac.uk/examregs/information/contents/). The Examiners will make every effort to identify such candidates as early as possible. Candidates who leave Oxford before 6 July 2016 do so at their own risk. On leaving Oxford, candidates should leave up-to-date contact details with their college, including a telephone number and an email address.

For further information see the Proctors' Disciplinary Regulations (*Examination Regulations* 2015, Part 19, pages 40-41) and Administrative Regulations for Candidates in Examinations (*Examination*

Regulations 2015, Part 20, pages 41-42) http://www.admin.ox.ac.uk/examregs/information/contents/.

3. Materials in the Examination Room

In some examinations, but not for Corporate Tax Law and Policy or Personal Taxation (see further below), statutes and other materials will be placed on the desks in the examination Room, and a list of these materials are attached as Appendix B to the Examination Conventions available at: https://weblearn.ox.ac.uk/x/qSLPav. See also section 10 below.

Corporate Tax Law and Policy and Personal Taxation Papers only
Statutes and other source materials may only be brought into the examination room with the prior approval of the Proctors and then only subject to strict conditions.
Under a pilot scheme Corporate Tax Law and Policy and Personal Taxation paper candidates will be permitted to bring into the examination room their own copies of Tolley's Yellow Tax Handbook, (2015-16), Part 1a, Part 1b, Part 1c, Part 2a, Part 2b and Part 3, LexisNexis and the Tolley's Yellow and Orange Tax Handbooks Supplement 2015-16. The following regulations will apply:

1. The copy of Tolley which you bring into the examination room must be **absolutely clean and unmarked**. As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours but must be **absolutely clean and unmarked**. These regulations will be strictly enforced. Particular attention will be paid to personal possession markings (eg your name, name of your college) which **must do no more than identify the ownership of the Tolley Handbook.**

2. Your copy of Tolley will be inspected by the examiners/invigilators in your presence at the start of the Personal Taxation and/or Corporate Tax Law and Policy paper. This will be carried out as quickly as possible. Thereafter during the examination scrutiny will be conducted as part of invigilation and will be random. Your copy of Tolley must remain **absolutely clean and unmarked** (see 1. above) **for the duration of the examination paper**.

3. In the event of any infringement or breach of regulations specified above, your copy of Tolley will immediately be confiscated and the matter reported to the Proctors. You will be permitted to continue and complete the examination paper but without access to the collection of materials in Tolley. Similarly, if for some reason you forget to bring your copy of Tolley to the examination, you will be permitted to write the paper but without access to the materials in the Tolley Handbook.

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

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

No candidate may leave the examination room within half an hour of the beginning of the examination and, to avoid disturbance to other candidates, candidates may not leave the examination room in the half an hour before the end of the examination See *Examination Regulations* 2015, pages 40-41, Part 19 Proctors' Disciplinary Regulations (http://www.admin.ox.ac.uk/examregs/information/contents/).

A candidate who is taken ill while sitting a written paper may (with the invigilator's permission) leave the room and return while the examination is in progress to resume the paper on one occasion only (and no extra time shall be allowed). If the candidate is unable to complete the paper concerned because they have been taken ill a second time, they should inform an invigilator so that the incomplete script can be handed in. It is the candidate's responsibility to obtain a medical certificate explaining how their performance in the paper concerned may have been affected by illness. The Examiners will only be made aware of any difficulties suffered by a candidate in the examination room if the candidate subsequently obtains a medical certificate and that, plus any other relevant information, is submitted to the Registrar and passed by them to the Examiners. For the procedures to be followed see paragraph 13. below. See also *Examination Regulations* 2015, pages 41-42, Part 20 Administrative Regulations for Candidates in Examinations and page 32, Part 13, Factors Affecting performance in an Examination (http://www.admin.ox.ac.uk/examregs/information/contents/).

Candidates who fail to attend a written examination paper without having obtained the prior permission of the Proctors are deemed to have failed the entire examination (not just that particular unit of the examination) unless the Proctors give instructions to the examiners about reinstating them. For the procedures for withdrawal (from the entire examination and a particular unit of the examination) before the examination and after the examination has started, see *Examination Regulations* 2015, Part 14, pages 29-33 (http://www.admin.ox.ac.uk/examregs/information/contents/). A candidate may not withdraw from the examination after the written part of the entire examination is complete. The point of completion is deemed to be the conclusion of the last paper for which the candidate has entered, or the time by which a dissertation or other written material is due to be submitted, whichever is the later. Candidates should consult their college adviser if any of these provisions apply to them.

Application to the Proctors for permission for late submission of the essays in *Jurisprudence and Political Theory* or the dissertation should be made by the candidate's college on the candidate's behalf before the submission date. For the procedure for late or non-submission see *Examination Regulations* 2015 pages 30-31, Part 14, paragraph 14.3, *Late submission and non-submission of a thesis or other written exercise* (http://www.admin.ox.ac.uk/examregs/information/contents/).

Written work submitted late (even 10 minutes past the deadline) **on the prescribed date of submission but later than the prescribed time**, will be passed to the examiners for marking but the examiners may impose an academic penalty and a late presentation fee (to cover the administrative costs) will be incurred. See *Examination Regulations* 2015 pages 31, Part 14, paragraph 14.9, *Late submission and non-submission of a thesis or other written exercise* (http://www.admin.ox.ac.uk/examregs/information/contents/). See also section 4.5 of the Examination Conventions available at https://weblearn.ox.ac.uk/x/qSLPav.

For written work submitted **after the prescribed date** without prior permission, see *Examination Regulations* 2015 pages 31, Part 14, paragraph 14.10 *Late submission and non-submission of a thesis or other written exercise* (http://www.admin.ox.ac.uk/examregs/information/contents/). See also section 4.5 of the Examination Conventions available at https://weblearn.ox.ac.uk/x/qSLPav.

Candidates should consult their college adviser or Senior Tutor if any of these provisions apply to them.

5. Examination Technique

If you did your undergraduate work elsewhere, and especially if you did it in another country, you are strongly advised to discuss the nature of Oxford law examinations with your college tutors and your peers. The underlying assumptions as to what constitutes a satisfactory, let alone an excellent, answer may differ substantially from those in your home jurisdiction. In particular, it is necessary to understand that the typical answer runs to three or four pages and that those marking the examination

place great importance on the nature of the discussion that leads you to your final conclusion. If a question seems at first sight to admit of a satisfactory answer in one or two sentences, you must nevertheless take it as an invitation to engage in a critical discussion of the pros and cons. Even problem questions that ask you to advise one party must not be read as excluding discussion and critical comment of a kind no real party would wish to hear. These few suggestions do not in themselves give sufficient guidance. You must take advice on this matter and you must contemplate the papers set in earlier years in the light of the advice that you are given. See section 4.2 of the Examination Conventions available at https://weblearn.ox.ac.uk/x/qSLPav.

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

6. Academic Integrity: avoidance of 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. Further information about plagiarism and how to avoid it can be found at http://www.ox.ac.uk/students/academic/guidance/skills/plagiarism and you are strongly advised to consult this website. The University reserves the right to use software applications to screen any individual's submitted work for matches either to published sources or to other submitted work. Any such matches respectively might indicate either plagiarism or collusion. See the Student Handbook 2015/16 incorporating the Proctors' and Assessor's Memorandum, section 8.8 (http://www.admin.ox.ac.uk/proctors/info/pam/).
Useful advice on plagiarism is also given in the Faculty's Graduate Student Handbook Taught Programmes 2015-16, pages 61-63
https://www.law.ox.ac.uk/sites/files/oxlaw/bcl_mjur_handbook_1.1_15_-16.pdf .

In this connection, you **are required** to complete and submit with the Jurisprudence and Political Theory essay or dissertation a **Declaration of Authorship**, including acknowledgement of the University's right to check for plagiarism or collusion. Two blank Declarations of Authorship (marked 'Essays' and 'Dissertation') are attached as Schedule II. See further 7.(a) and (b) below. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty, see *Examination Regulations* 2015, Page 31, Part 14, Paragraph 14.11 (http://www.admin.ox.ac.uk/examregs/information/contents/).

If the examiners believe that material submitted by a candidate may be plagiarised, they will refer the matter to the Proctors. For further information see the Student Handbook 2015/16 incorporating the Proctors' and Assessor's Memorandum, section 8.8.

7. Submission of Essays and Dissertations

If you are offering essays or a dissertation, you must read the following instructions very carefully. Your attention is particularly drawn to the requirements as to the number of hard copies to be submitted and the need to submit an electronic copy of your essays or dissertation to Laura Gamble, BCL/MJur Course Administrator, Faculty of Law (laura.gamble@law.ox.ac.uk) for the examiners by the same deadline date as the hard copies you submit to the Examination Schools. See *Examination Regulations* 2015, pages 893-894 (http://www.admin.ox.ac.uk/examregs/2015-16/dicl-mjamophilinlawx/).

(a) Jurisprudence and Political Theory Essays

Jurisprudence and Political Theory will be examined through three essays. Topics for essays will be prescribed by the examiners and will be available on Weblearn by noon of Friday of eighth week of Hilary Term (11 March 2016). You may also obtain a hard copy of the essay topics from Room 108, Faculty of Law, St Cross Building. You will be required to select three topics from a list of six. The three essays, which you submit, must be, in aggregate, not shorter than 5,000 words and not longer than 8,000 words. See *Examination Regulations* 2015 (for the academic year 2015-16) page 893-894 (http://www.admin.ox.ac.uk/examregs/2015-16/dicl-mjamophilinlawx/). For these essays, footnotes and bibliographies are included in the word limit. Disregard of these limits may be penalised; see *Examination Regulations* 2015, Part 16, paragraph 16.6, pages 35-36 (http://www.admin.ox.ac.uk/examregs/information/contents/) and also see (c) below. Each essay must have a cover sheet attached to it containing the title, your examination number and the number of words used in the essay. The essays must be typed and each one must be separately stapled.

Two copies of each essay must be delivered to the Clerk of the Examination Schools, addressed to the Chairman of the BCL/MJur Examiners, Examination Schools, High Street, Oxford, OX1 4BG, by noon on Friday 22 April 2016. Your examination number (not your name nor college) must be written on your essays and also on the envelope in which they are submitted. Late submission may be penalised; see paragraph 4 above. With your essays you must include a signed **Declaration of Authorship** (marked 'Essays') (see Schedule II attached and 6 (second paragraph thereof) above) which includes the statement that the essays are your own work, and that you have received no help, with the preparation of them. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty, see *Examination Regulations* 2015, page 31, Part 14, paragraph 14.11 (http://www.admin.ox.ac.uk/examregs/information/contents/). To ensure anonymity, the Declaration of Authorship will be retained in safe keeping by the faculty's BCL/MJur Course Administrator and, unless in exceptional circumstances, the contents of the Declaration will not be disclosed to the examiners until the marks for the essays have been finally determined

By the same deadline (noon on Friday 22 April 2016) as you submit hard copies of the essays to the Examination Schools, you must also submit electronically a copy of each essay to Laura Gamble, BCL/MJur Course Administrator, Faculty of Law (email: laura.gamble@law.ox.ac.uk) for the examiners. All essays will be checked for plagiarism using the *Turnitin* software.

(b) Dissertations

If you are offering a dissertation you must read very carefully the requirements set out in the *Examination Regulations* 2015 (for the academic year 2015-16) page 893 (http://www.admin.ox.ac.uk/examregs/2015-16/dicl-mjamophilinlawx/). The requirements set out there are not repeated here. The examiners draw particular attention to the word limit and to the requirement that every dissertation must include a table of cases with page references. See *Examination Regulations* 2015, Part 16, paragraph 16.6 (http://www.admin.ox.ac.uk/examregs/information/contents/).

Dissertations must be typed, and the number of words must be stated on their first page. There is a common approved format for all law dissertations and theses which can be found in the Faculty's Graduate Student Handbook Taught Programmes 2015-16, page 53 https://www.law.ox.ac.uk/sites/files/oxlaw/bcl_mjur_handbook_1.1_15_-16.pdf. You must ensure that your examination number, but neither your name nor the name of your college, appears on the dissertation. You must hand in the two copies of your dissertation to the Clerk of the Examination Schools in a sealed envelope. Your examination number and the words "BCL Dissertation" or "MJur Dissertation", as appropriate, must be written on the envelope. Dissertations must be delivered by noon on Friday 27 May 2016 (Friday of fifth week of Trinity Term). See paragraph 4 above (Late submission may be penalised). Submission of a dissertation the title or subject matter of which is different from that approved by the Law Board may also be penalised; see the *Examination Regulations* 2015, page 35, Part 16, paragraph 16.6(2) (http://www.admin.ox.ac.uk/examregs/information/contents/) (also quoted in 7.(c) below). With the

two copies of your dissertation (in the same envelope) you must include (i) a signed statement that, except where otherwise indicated, the dissertation is entirely your own work, and (ii) a second statement indicating which part or parts of the dissertation have formed or will form part of a submission in accordance with the requirements of another course at this or another university. To assist you, these statements have been incorporated into the template **Declaration of Authorship** (marked 'Dissertation') for completion (see Schedule III and 6. (second paragraph thereof) above). Late submission of this declaration may lead the Proctors Office to recommend an academic penalty, see *Examination Regulations* 2015, page 31, Part 14, paragraph 14.11 (http://www.admin.ox.ac.uk/examregs/information/contents/). To ensure anonymity, the Declaration of Authorship will be retained in safe keeping by the faculty's BCL/MJur Course Administrator and, unless in exceptional circumstances, the contents of the Declaration will not be disclosed to the examiners until the mark for the dissertation has been finally determined. (NB The Declaration of Authorship replaces the statements mentioned in *Examination Regulations* 2015 page 893, lines 37-41 (http://www.admin.ox.ac.uk/examregs/2015-16/dicl-mjamophilinlawx/) and can therefore be submitted instead of the statements but if you decide to submit the statements you must also submit the Declaration of Authorship).

At the same time (by noon on Friday 27 May 2016) as you submit hard copies of the dissertations to the Examination Schools, you must also submit electronically a copy of the dissertation to Laura Gamble, BCL/MJur Course Administrator, Faculty of Law (email: laura.gamble@law.ox.ac.uk) for the examiners. All dissertations will be checked to confirm the word count and to check for plagiarism, using the *Turnitin* software.

Basis of assessment – the examiners draw attention to the provision in the *Examination Regulations* 2015, page 893 (http://www.admin.ox.ac.uk/examregs/2015-16/dicl-mjamophilinlawx/), that they are obliged to judge the extent to which a dissertation affords evidence of significant analytical ability on the part of the candidate.

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

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

See the *Examination Regulations* 2015, page 35, Part 16, paragraphs 16.6(1) (http://www.admin.ox.ac.uk/examregs/information/contents/) for submission of theses or other exercises: exceeding word limits and departure from title or subject matter.

Because of the manner in which word count software operates, legal citations often inflate the count. The examiners have therefore determined that an allowance of an extra 3% should be permitted to candidates (should they wish to use it) above the figure of 8,000 for essays and 12,500 for dissertations. The word count that appears on the dissertation/essays must be the actual word count produced by the software. The word count for dissertations must include all footnotes and endnotes, but not any bibliography. The word count for essays must include all footnotes and bibliography (see also section 7(a) above). For dissertations you must ensure that any automatic word-count on the word-processing program you use is set to count footnotes and endnotes and for essays is set to count all footnotes and bibliography.

8. Prizes

A list of prizes is given in attached: Schedule I.

9. The Question Papers

An examiner will be present during the first half an hour of each examination paper to address any question concerning the paper. The Format and rubric of examination papers can be found as Appendix A to the Examination Conventions available on the Law Faculty website at https://weblearn.ox.ac.uk/x/qSLPav. See also section 10 below.

Where a question includes a quotation, it will normally be attributed to the author. Where a quotation is not attributed, it will normally be the case that it has been drafted for the purposes of the examination paper.

10. Examination Conventions

The Examination Conventions are the formal record of the specific assessment standards for the course to which they apply. They set out how examined work will be marked and how the resulting marks will be used to arrive at a final result and classification of an award. They include information on: marking scales, marking and classification criteria, scaling of marks and resits. This is the first year the Law Faculty has sought to present these details in this form.

The Examination Conventions are available on the Law Faculty website at
https://weblearn.ox.ac.uk/x/qSLPav
The Examination Conventions are also referred to on page 59 of the *Graduate Student Handbook, Taught Programmes* 2015-16

Format and rubric of papers
The Format and Rubric of Examination Papers can be found as Appendix A to the Examination Conventions.

Materials in the examination room
The Material available in the examination room can be found as Appendix B to the Examination Conventions.

11. Candidates with special examination needs

The Proctors have authority to authorise alternative arrangements for candidates who for medical or other sufficient reasons are likely to have difficulty in writing their scripts or completing the Examination in the time allowed. Information on the deadline for applying for such arrangements can be found at https://www.ox.ac.uk/students/academic/exams/arrangements?wssl=1 or you should contact your College **immediately**. See further *Examination Regulations* 2015, page 26, Part 12 (Candidates with Special Examination Needs), page 25, Part 11 (Religious Festivals and Holidays Coinciding with Examinations) and page 23, Part 10 (Dictation of Papers and the Use of Word-Processors, Calculators, Computers, and other materials in examinations) (http://www.admin.ox.ac.uk/examregs/information/contents/).

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

12. Factors affecting performance in an examination

If your performance in any part of the Examination is likely to be, or has been, affected by factors such as illness, disability, bereavement etc, of which the Examiners have no knowledge, you may, through your College, inform the Registrar of these factors, see *Examination Regulations* 2015, page 28, Part 13.2 – 13.3 (Factors affecting performance in an examination) (http://www.admin.ox.ac.uk/examregs/information/contents/). The examiners cannot take account of any special circumstances other than those communicated by the Registrar (see also paragraph 4 above). Candidates are advised to check with the appropriate college officer that any medical certificate for submission is complete (eg covers each paper where the candidate was affected by illness). The medical certificate must provide explicit detail about the factors that are likely to have affected your performance in the examination, see *Examination Regulations* 2015, page 28, Part 13.2 – 13.3 (Factors affecting performance in an examination) (http://www.admin.ox.ac.uk/examregs/information/contents/). Every effort should be made to ensure that medical certificates or other documentation are passed on to the Registrar as soon as possible.

13. Release of Results

Information on results can be found at https://www.ox.ac.uk/students/academic/exams/results?wssl=1. See also the *Student Handbook* 2015/16 (incorporating the Proctors' and Assessor's Memorandum), section 8.4, available on http://www.admin.ox.ac.uk/proctors/info/pam. The Examiners hope that this facility will be available on Monday 18 July 2016 but if possible on Friday 15 July 2016 (depending on the final Examiners meeting and the Examination Schools). Results will not be available over the telephone from the Examination Schools or from the Law Faculty Office.

14. Appeals from Decisions of the Proctors and Examiners

For the procedures for appeals from the decisions of the Proctors, see *Examination Regulations* 2015, Part 18.1, page 39. For appeals from the decisions of the examiners, see *Examination Regulations* 2015, Part 18.2, page 39 (http://www.admin.ox.ac.uk/examregs/information/contents/). If you wish to raise a query or make a complaint about the conduct of your examination you should urgently consult the Senior Tutor in your college. Queries and complaints must not be raised directly with the examiners, but must be made formally to the Proctors through the Senior Tutor on your behalf, and no later than 3 months after the notification of the results. The Proctors are not empowered to consider appeals against the academic judgment of examiners, only complaints about the conduct of examinations. Further information about complaints procedures may be found in the *Student Handbook* 2015/16 (incorporating the Proctors' and Assessor's Memorandum), particularly section 11 and is available on http://www.admin.ox.ac.uk/proctors/info/pam. See also section 8: Examinations.

Professor L. Enriques
Professor S. Fredman (Chair)
Professor L. Green
Professor C. Redgwell
Professor A. Lang (external), London School of Economics

5 March 2016

Schedule I – List of Prizes
Schedule II – Blank Declarations of Authorship for essays;
Schedule III – Blank Declarations of Authorship for dissertations;

SCHEDULE I

PRIZES IN THE BCL/MJUR EXAMINATIONS 2016

The Examiners have discretion to award the following prizes:

Allen and Overy Prize
Best performance in the Corporate Finance Law paper;

Clifford Chance Prizes
Best overall performance in the MJur. One proxime accessit;
Best performance in the Principles of Civil Procedure paper;

Gray's Inn Tax Chambers Prize
Best performance in the Law of Personal Taxation paper;

Herbert Hart Prize
Best performance in the Jurisprudence and Political Theory paper;

KPMG Prize
Best performance in the Corporate Tax Law and Policy paper;

Law Faculty Prizes for Best performance in:
Children, Families and the State;
Commercial Negotiation and Mediation;
Commercial Remedies;
Comparative Equality Law;
Comparative Public Law;
Conflict of Laws;
Constitutional Principles of the European Union;
Constitutional Theory;
Criminal Justice, Security and Human Rights;
Comparative Corporate Law;
International Commercial Arbitration;
International and European Employment Law;
International Law and Armed Conflict;
International Law of the Sea;
Intellectual Property Law;
Law and Society in Medieval England;
Law in Society;
Legal Concepts in Financial Law;
Philosophical Foundations of the Common Law;

Private Law and Fundamental Rights;
Punishment, Security and the State;
Regulation;
The Roman and Civilian Law of Contracts;

Linklaters Prize
Best performance in the Principles of Financial Regulation paper;

Monckton Chambers Prize
Best performance in the Competition Law paper;

Peter Birks Prize
Best performance in the Restitution of Unjust Enrichment paper;

Planethood Foundation Prize
Best performance in the International Criminal Law paper;

Ralph Chiles CBE Prize
Best performance in the Comparative Human Rights paper;

Rupert Cross Prize
Best performance in the Evidence paper;

South Square Prize
Best performance in the Corporate Insolvency Law paper;

Vinerian Scholarship
Best overall performance in the BCL. One proxime accessit;

Volterra Fietta Prize
Best performance in the International Dispute Settlement paper;

Winter Williams Prizes
Best performance in the International Economic Law paper;
Best performance in the European Business Regulation (the law of the EU's internal market) paper;

SCHEDULE II

ESSAYS

BACHELOR OF CIVIL LAW/MAGISTER JURIS

DECLARATION OF AUTHORSHIP

Name (in capitals): …….. Examination number: ……
College (in capitals): ……
Three Jurisprudence and Political Theory essays
Word count: Essay 1:…… Essay 2:…… Essay 3:…….

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

Please tick to confirm the following:

I am aware of the University's disciplinary regulations concerning conduct in examinations and, in particular, of the regulations on plagiarism (*Examination Regulations* 2015, Part 19). ☐

I have read and understood the Education Committee's information and guidance on academic good practice and plagiarism at http://www.ox.ac.uk/students/academic/guidance/skills/plagiarism ☐

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

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

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

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

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

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

Candidate's signature: …….. Date: ……..

Please submit this Declaration of Authorship in the envelope in which you submit the hard copies of your essays. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2015, page 31, paragraph 14.11).

SCHEDULE III

DISSERTATION

BACHELOR OF CIVIL LAW/MAGISTER JURIS
DECLARATION OF AUTHORSHIP

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

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

Please tick to confirm the following:

I am aware of the University's disciplinary regulations concerning conduct in examinations and, in particular, of the regulations on plagiarism (*Examination Regulations* 2015, Part 19). ☐

I have read and understood the Education Committee's information and guidance on academic good practice and plagiarism at http://www.ox.ac.uk/students/academic/guidance/skills/plagiarism ☐

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

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

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

I have acknowledged appropriately any assistance I have received. ☐

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

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

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

Candidate's signature: …… . Date: ……..

Please submit this Declaration of Authorship in the envelope in which you submit the hard copies of your essays. Late submission of this declaration may lead the Proctors Office to recommend an academic penalty (see *Examination Regulations* 2015, page 31, paragraph 14.11.

APPENDIX 3

BCL/MJur Examination Conventions 2015-16 (Version 1.8)

Contents

1. Introduction

Examination conventions are the formal record of the specific assessment standards for the course or courses to which they apply. They set out how examined work will be marked and how the resulting marks will be used to arrive at a final result and classification of an award.

The supervisory body responsible for approving these conventions is the Social Sciences Board's Teaching Audit Committee.

Certain information pertaining to examinations (for example, rubrics for individual papers) will be finalised by the Examination Board in the course of the year not later than Friday 4 December 2015 and it will be necessary to issue further versions of this document. The version number of this document is given below. Subsequent versions will follow a numbering sequence from 1.1 upwards. Each time a new version is issued, you will be informed by email, and the updates will be highlighted in the text and listed below. Amendments and modifications to these conventions must be approved by the Law Faculty and the supervisory body responsible for the course and examination.

This version and subsequent versions can be obtained from the Weblearn site
https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law/subjects/page/examination_edi

Version 1.3

Updates to previous Versions

This version contains details of rubrics and materials in the exam room which were not available in Version 1.1 (see below for further details) and corrects minor errors concerning the formatting of points 2 and 3 below which appeared in Version 1.2

2. Rubrics for individual papers

Candidates must offer four papers. The rubrics for individual papers can be found at Appendix A at the end of this document. Questions on each paper carry the same weighting.
A dissertation may be offered as one of the four. The dissertation, if offered, must be between 10,000 and 12,500 words including notes but excluding tables of cases or other legal sources. The proposed title must be submitted for approval by Monday of week -1 of Michaelmas Full Term. The dissertation must be submitted by 12 noon on Friday of week 5 of Trinity Full Term.

3. Materials available in the exam room

The list of materials available in the exam room for each paper can be found at Appendix B at the end of this document

4. Marking Conventions

4.1 University scale for standardised expression of agreed final marks

Agreed final marks for individual papers will be expressed using the following scale:

70-100	Distinction
50-69	Pass
0-49	Fail

4.2 Qualitative assessment criteria for different types of assessment

(a) Timed examinations

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

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

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

- attention to the question asked;
- a clear and fairly detailed knowledge and understanding of the topic addressed and its place in the surrounding context;

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

Fail answers are those in which the qualities required for a pass answer are absent.

(b) Dissertations and extended essays

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

- acute attention to and engagement with the central thesis (for dissertations) or question (for extended essays);
- a deep and detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- excellent synthesis and analysis of materials, with no or almost no substantial errors or omissions, and coverage of at least some less obvious angles;
- excellent clarity and appropriateness of structure, argument, integration of information and ideas, and expression;
- advanced appreciation of theoretical arguments concerning the topic, (including engagement with alternative theoretical positions) significant analytical ability, and personal contribution to debate on the topic.

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

- adequate to good attention to and engagement with the central thesis (for dissertations) or question (for extended essays);
- a clear and fairly detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- good synthesis and analysis of materials, with few substantial errors or omissions;
- a clear and appropriate structure, argument, integration of information and ideas, and expression;
- appreciation of theoretical arguments concerning the topic, (including engagement with alternative theoretical positions)

Fail answers are those in which the qualities required for a pass answer are absent.

Scripts are marked on the University scale from 1 to 100.

NB MJur students who choose to take one paper from the Jurisprudence Final Honour School as one of their four options should refer to the FHS Examination conventions at https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law/undergrad/page/home **to view the qualitative assessment criteria which will apply to that paper.**

4.3 Verification and reconciliation of marks

The Law Faculty does not operate a marking regime involving the blind double-marking of all scripts. However, extensive double-marking according to a system approved by the supervisory body does take place and the Faculty takes a great deal of care to ensure the objectivity of marking procedures.

For each paper[1] there will be a team of at least two markers. For each paper, a minimum sample of 6 scripts, or 20% of the scripts, whichever is the greater number, will always be double-marked, as will:

- any other script/essay which the first marker found difficult to assess, and
- any script or essay for which the first mark ends in 7, 8 or 9, and
- any script/essay which might be in line for a prize, and
- any script or essay for which the first mark is below 60, and
- any script which has an 'absent answer', that is, a paper which would formerly have been described as of 'short weight'.

For each double-marked script, the markers must meet to compare their marks and to come to an agreement as to the correct mark overall and for each question. The team operates under the aegis of the board of examiners and the whole board meets to discuss/finalise marks, providing an extra layer of assurance in terms of the objectivity of the process, and a means of resolving any situation where two markers are unable to reach agreement.

In exceptional circumstances (e.g. medical) third readings may take place.

The examiners meet and agree a final classification/result for each candidate, having taken account of medical and other special case evidence and having made appropriate adjustments for such matters as absent answers and breach of rubric. The examiners also agree on the award of prizes at this stage. The decisions of the examiners are then passed to Examination Schools. Candidates will be able to view their results (both overall classification and individual paper marks) within the Student Self Service webpage in OSS (http://www.studentsystem.ox.ac.uk).

Where a mark given for a particular element of a course converts into a decimal mark for the overall mark, decimals ending in .5 or above are rounded up, and those ending in .4 or below are rounded down.

4.4 Incomplete scripts and departure from rubric

The mark for a completely absent answer in any script will be zero, and the mark for a part answer will be such a mark above zero as is appropriate, in terms of the quality of what has been written, and the extent to which it covers the question.

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

If a candidate completes the correct number of questions, but fails to answer a question which is compulsory (eg where the candidate does not answer a problem question as required by the rubric of that paper), up to ten marks may be deducted .

[1] In this context that would mean each BCL/MJur option, including Jurisprudence and Political Theory

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

4.5 Penalties for late or non-submission (for dissertations and Jurisprudence and Political Theory essays)

The scale of penalties agreed by the board of examiners in relation to late submission of assessed items is set out below. Details of the circumstances in which such penalties might apply can be found in the Examination Regulations (Regulations for the Conduct of University Examinations, Part 14.)

Lateness	Cumulative mark penalty
Up to two hours late	1 mark
Up to 24 hours late	5 marks
Up to six calendar days late	10 points
Beyond six calendar days late	A mark of zero will be awarded

Application to the Proctors for permission for late submission of the essays in *Jurisprudence and Political Theory* or the dissertation should, if at all possible, be made by the candidate's college on the candidate's behalf before the submission date, though retrospective applications are permitted in exceptional cases.

4.6 Penalties for over-length work

Where a candidate submits a dissertation (or other piece of written coursework) which exceeds the word limit prescribed by the relevant regulation, the examiners, if they agree to proceed with the examination of the work, may reduce the mark by up to 10 marks.

5. Classification Conventions

5.1 Qualitative descriptors of Distinction, Pass, Fail

Qualitative descriptors are intended to provide summaries of the qualities that will be demonstrated in attaining each classification – Distinction, Pass, Fail – overall.

The qualities a Distinction will demonstrate include acute attention to the questions asked; extensive and detailed knowledge and understanding of the topic addressed; excellent synthesis and analysis of materials; clear and well structured answers which show an engagement with theoretical arguments and substantial critical facility.

The qualities a Pass will demonstrate include a level of attention to the questions that is satisfactory to good; a satisfactory to good knowledge of the topics in question; appropriately structured arguments; and some familiarity with theoretical arguments pertinent to the topic.

A Fail will demonstrate a lack of the qualities required in 4.1 above in respect of one or more papers.

See section 5 below for further information about how the different classifications are calculated overall.

Note that the aggregation and classification rules in some circumstances allow a stronger performance on some papers to compensate for a weaker performance on others.

5.2 Final outcome rules

The final outcomes rules are as follows, bearing in mind that the examiners have some discretion to deal with exceptional circumstances, in accordance with the Examination Regulations

In order to attain a Pass in the BCL or MJur, candidates must attain marks of 50 or above in all four papers. A mark lower than 50 but greater than 39 can be compensated by a very good performance elsewhere, but a mark of 39 or below is not susceptible to compensation. All papers, including the dissertation, carry the same weighting.

In order to get a Distinction in the BCL or MJur, candidates must attain a Distinction mark (a mark of over 70) in at least two of the four options and have no mark below 60.

5.3 Use of vivas

Viva voce examinations are not used in the BCL or MJur.

6. Re-sits

Candidates who fail or withdraw from the examination may with the permission of the Graduate Studies Committee and subject to such conditions as it imposes offer themselves for re-examination. Candidates offering themselves for re-examination must retake all of the papers, except that:

(a) if all of the written papers are passed and the dissertation failed then only the dissertation need be resubmitted;

(b) if the dissertation is passed and one or more of the written papers failed then only the written papers need be re-taken;

Partial resits may be permitted in exceptional circumstances. Candidates are allowed to re-enter on only one occasion. Candidates may only re-sit examinations on one occasion.

7. Factors affecting performance

Where a candidate or candidates have made a submission, under Part 13 of the Regulations for Conduct of University Examinations, that unforeseen factors may have had an impact on their performance in an examination, a subset of the board will meet to discuss the individual applications and band the seriousness of each application on a scale of 1-3 with 1 indicating minor impact, 2 indicating moderate impact, and 3 indicating very serious impact. When reaching this decision, examiners will take into consideration the severity and relevance of the circumstances, and the strength of the evidence. Examiners will also note whether all or a subset of papers were affected, being aware that it is possible for circumstances to have different levels of impact on different papers. The banding information will be used at the final board of examiners meeting to adjudicate on the merits of candidates. Further information on the procedure is provided in the *Policy and Guidance for examiners, Annex B* and information for students is provided at www.ox.ac.uk/students/academic/exams/guidance

8. Details of examiners and rules on communicating with examiners

The names and positions of examiners are listed below. Students are strictly prohibited from contacting internal or external examiners directly.

Professor S. Fredman (Chair)
Professor C. Redgwell
Professor L. Enriques
Professor L. Green
Professor A. Lang, London School of Economics, (external)

Appendix A
FORM AND RUBRIC OF EXAMINATION PAPERS IN THE BCL AND MJUR EXAMINATIONS 2016

Children, Families and the State new in (2015-16)
Nine questions will be set. Candidates should answer three questions.

Commercial Negotiation and Mediation (new in 2015-16)
Eight questions will be set. Candidates should answer three questions.

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

Comparative Corporate Law
Nine questions will be set. Candidates should answer three questions.

Comparative Equality Law
Eight questions will be set. Candidates should answer three questions.

Comparative Human Rights
Eight questions will be set. Candidates should answer three questions.

Comparative Public Law
Eight questions will be set. Candidates should answer three questions.

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

Conflict of Laws
Eight questions will be set. Candidates should answer four questions.
Constitutional Theory
Eight questions will be set. Candidates should answer three questions.

Constitutional Principles of the European Union (last examined in 2013-14)
Eight questions will be set. Candidates should answer three questions.

Corporate Tax Law and Policy
Nine questions will be set. Candidates should answer three questions.

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

Corporate Insolvency Law
Nine questions will be set. Candidates should answer three questions.

Criminal Justice, Security and Human Rights

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

European Business Regulation (the law of the EU's internal market)
Nine questions will be set. Candidates should answer three questions.

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

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

International Commercial Arbitration
Eight questions will be set. Candidates should answer three questions.

International Criminal Law
Eight questions will be set. Candidates should answer three questions.

International Dispute Settlement
Eight questions will be set. Candidates should answer three questions.

International Economic Law
Eight questions will be set. Candidates should answer three questions.

International and European Employment Law
Eight questions will be set. Candidates should answer three questions.

International Law and Armed Conflict
Eight questions will be set, four in Part A and four in Part B. Candidates should answer three questions, including at least one question from Part A and at least one question from Part B.

International Law of the Sea
Eight questions will be set. Candidates should answer three questions.

Law and Society in Medieval England
Ten questions will be set. Candidates should answer three questions.

Law in Society
Eight questions will be set. Candidates should answer three questions.

Legal Concepts in Financial Law
Eight questions will be set, two of which will be problem questions but choice of questions will be unrestricted. Candidates should answer three questions.

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

Medical Law and Ethics
Eight questions will be set. Candidates should answer three questions.

Philosophical Foundations of the Common Law
Eight questions will be set. Candidates should answer three questions.

Principles of Civil Procedure
Nine questions will be set. Candidates should answer three questions

Private Law and Fundamental Rights
Eight questions will be set. Candidates should answer three questions.

Principles of Financial Regulation
Nine questions will be set. Candidates should answer three questions.

Punishment, Security and the State
Eight questions will be set. Candidates should answer three questions.

Regulation (last examined in 2013-14)
Ten questions will be set. Five in Part A (conceptual approaches) and five in Part B (regulatory regimes). Candidates should answer three questions, including at least one from Part A and at least one from Part B.

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

The Roman and Civilian Law of Contracts (last examined in 2013-14)
Eight questions will be set. Candidates should answer three questions.

FHS Papers available for MJur

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

Commercial Law
Ten questions will be set, five of which will be problem questions. MJur candidates should answer four questions including at least two problem questions. In problem questions candidates should assume that the only applicable law is English law.

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

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

Copyright, Patents and Allied Rights
Twelve questions will be set, four in Part A (Copyright), four in Part B (Patents) and four in Part C (Problems). MJur candidates should answer four questions, at least one question from Part A, at least one question from Part B, and at least one question from Part C.

Copyright, Trade Marks and Allied Rights
Twelve questions will be set, four in Part A (Copyright), four in Part B (Trade Marks) and four in Part C (Problems). MJur candidates should answer four questions, at least one question from Part A, at least one question from Part B, and at least one question from Part C.

Criminology and Criminal Justice
Twelve questions will be set of which MJur candidates should answer four.

Environmental Law
Ten questions will be set, including problem questions, but choice of questions will be unrestricted. MJur candidates should answer four questions.

European Union Law
Ten questions will be set. MJur candidates should answer four questions.

Family Law
Twelve questions will be set. MJur candidates should answer four questions.

History of English Law
Twelve questions will be set. MJur candidates should answer four questions.

Human Rights Law (previously known as European Human Rights Law)
Ten questions will be set, one of which will be a problem question, but choice of questions will be unrestricted. MJur candidates should answer four questions.

Land Law
Eleven questions will be set, five of which will be problem questions. MJur candidates should answer four questions including at least one problem question.

Personal Property
Ten questions will be set, up to three of which will be problem questions but choice of questions will be unrestricted. MJur candidates should answer four questions.

Public International Law
Nine questions will be set. MJur candidates should answer four questions.

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

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

Appendix B
MATERIALS IN THE EXAMINATION ROOM 2016

I. FHS JURISPRUDENCE/DIPLOMA IN LEGAL STUDIES/MAGISTER JURIS (All case lists provided in the examination room will be attached to the back of the examination paper)

Administrative Law
Administrative Law Case List 2015-16

Commercial Law
Blackstone's Statutes on Commercial and Consumer Law, 24th (2015-16) edition, ed. Francis Rose
Commercial Law Case list 2015-16

Company Law
Butterworths Company Law Handbook, 27th (2013) edition
Company Law Case List 2015-16
Small Business, Enterprise and Employment Act 2015, ss 15–16, 81–82, 87–90, 92, 97, 104–112, 117–119

Contract
Blackstone's Statutes on Contract, Tort and Restitution, 26th (2015-16) edition, ed. Francis Rose
Contract Case list 2015-16
Documents:
Consumer Protection from Unfair Trading Regulations 2008 (SI 2008/1277) (as amended) Pts 1, 2, 4A & reg.29.
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (SI 2013/3134) (as amended) regs 4 - 10 & 13; Scheds 1 and 2.
Consumer Rights Act 2015 Pt 1 Chap. 1, extracts from Chap. 2 (ss 3 – 24, 31), Chap. 4 & Chap. 5; Sched.2.
Directive on Unfair Terms in Consumer Contracts (93/13/EEC) of 5 April 1993 (as amended)

Copyright, Patents and Allied Rights
Blackstone's Statutes on Intellectual Property 12th (2014) edition
Copyright, Patents & Allied Rights Case List 2015-16
Documents:
Charter of Fundamental Rights of the European Union
Copyright, Designs and Patents Act, 1988, Chapter III (as amended) ("Acts Permitted in Relation to Copyright Works")

Copyright, Trade Marks and Allied Rights
Blackstone's Statutes on Intellectual Property 12th (2014) edition
Copyright, Trade Marks & Allied Rights Case List 2015-16
Documents:
Charter of Fundamental Rights of the European Union
Copyright, Designs and Patents Act, 1988, Chapter III (as amended) ("Acts Permitted in Relation to Copyright Works")

Environmental Law
Environmental Law Case List 2015-16

European Union Law
Blackstone's EU Treaties and Legislation, 25th (2014-15) edition, ed Nigel Foster, OUP
European Union Law Case list 2015-16

Family Law
Blackstone's Statutes on Family Law, 23rd (2014-15) edition
Family Law Case List 2015-16

History of English Law
History of English Law Case List 2015-16

Human Rights Law
Human Rights Case List 2015-16
Documents:
European Convention on Human Rights
European Charter of Fundamental Rights

Land Law
Sweet and Maxwell's Statutes Series, Property Law 8th (2002) or 9th (2003) or 10th (2004) edition
Land Law Case List 2015-16
Documents:
Consumer Credit Act 1974 ss 140A-140C
Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 Art 60C(2)
Mortgage Repossessions (Protection of Tenants etc) Act 2010 (in full)
Consumer Rights Act 2015, ss 2, 61-69

Personal Property
Personal Property Case List 2015-16
Public International Law
Blackstone's International Law Documents, 12th (2015) edition
Taxation Law
Extracts from Tax Legislation compiled by the Law Faculty with permission from LexisNexis
Taxation Law Case List 2015-16

Tort
Blackstone's Statutes on Contract, Tort and Restitution, 26th (2015-16) edition, ed. Francis Rose
Tort Case List 2015-16

Trusts
Sweet and Maxwell's Statutes Series, Property Law, 8th (2002) or 9th (2003) or 10th (2004) edition
Trusts Case List 2015-16
Charities Act 2011, sections 1-5

II. BACHELOR OF CIVIL LAW/MAGISTER JURIS

Children, Families and the State (new in 2015-16)
Blackstone's Statutes on Family Law, 23rd (2014-15) edition
Children, Families and the State Statutes Collection 2015-16

Commercial Negotiation and Mediation [added 20.1.16]
Documents:
Mediation Directive 2008/52/EC of 21 May 2008
ADR Directive 2013/11/EU of 21 May 2013
ODR Regulation (EU) No 524/2013 of 21 May 2013
Uniform Mediation Act (US) (2001)

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

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

Competition Law
Blackstone's UK and EU Competition Documents, 8th (2015) edition, ed. Kirsty Dougan

Conflict of Laws
Documents:
Civil Jurisdiction and Judgments Act 1982, sections 32-34
Civil Procedure Rules Practice Direction 6B, para 3
Rome II Regulation (Regulation (EC) 864/2007)
Rome I Regulation (Regulation (EC) 593/2008)
Brussels I Regulation (recast) (Regulation (EU) 1215/2012)
Defamation Act 2013, s 9

Constitutional Principles of the European Union
Blackstone's EU Treaties and Legislation, 25th (2014-15), ed Nigel Foster, OUP

Corporate Tax Law and Policy
Tolley's Yellow Tax Handbook, (2015-16), Part 1a, Part 1b, Part 1c, Part 2a, Part 2b and Part 3, LexisNexis (students to take own copies into exam room)
Tolley's Yellow and Orange Tax Handbooks Supplement 2015-16
(See Appendix C - NOTICE TO CANDIDATES FOR PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY PAPERS MATERIALS IN THE EXAMINATION ROOM –REGULATIONS (dated 16 November 2015)

Corporate Finance Law
Butterworths Company Law Handbook, 27th (2013) edition
Small Business, Enterprise and Employment Act 2015, ss 1 and 2

Corporate Insolvency Law
Butterworths Company Law Handbook, 27th (2013) edition
Documents:

Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (recast)
Small Business, Enterprise and Employment Act 2015, Part 9 and Part 10
Deregulation Act 2015, Schedule 6 Parts 2, 3 and 4.

European Business Regulation
Blackstone's EU Treaties and Legislation, 26th (2015-16) edition, ed Nigel Foster, OUP
Documents:
Council Regulation 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 to certain categories of horizontal State aid, OJ 2015 L248/1.
Council Regulation 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108, OJ 2015 L248/9
Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty OJ 2014 L187/1;
Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks, OJ 2008 L299/25;
Directive 2005/89/EC [2005] OJ L33/22 (electricity security of supply)
Directive 2009/72/EC [2009] OJ L211/55 (electricity internal market)
Directive 2009/73/EC [2009] OJ L211/94 (natural gas internal market)
Regulation 713/2009/EC [2009] OJ L211/1 (ACER)
Regulation 714/2009/EC [2009] OJ L211/15 (network access for cross-border electricity)
Regulation 715/2009/EC [2009] OJ L211/36 (access to natural gas transmission networks)
Regulation 994/2010/EU [2010] OJ L295/1 (security of gas supply)
Directive 85/374 on liability for defective products, OJ 1985 L210/29
Directive 93/13 on unfair terms in consumer contracts, OJ 1993 L95/29
Directive 2005/29 on unfair business-to-consumer commercial practices in the internal market, OJ 2005 L149/22
Directive 2011/83 on consumer rights, OJ 2011 L304/64

Evidence
Blackstone's Statutes on Evidence, 13th (2014) edition

Intellectual Property Law
Blackstone's Statutes on Intellectual Property, 12th (2014) edition
Documents:
Copyright, Designs and Patents Act 1988, Chapter III (as amended) ("Acts Permitted in Relation to Copyright Works")
Unfair Commercial Practices Directive, Directive 2005/29/EC of 11 May 2005, O.J. L. 149/22 (June 11, 2005)
Charter of Fundamental Rights of the European Union
Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection, OJ L 361/1 of 31/12/2012
Agreement on a Unified Patent Court, Council Document 16351/12 of 11/1/2013

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

LCIA Arbitration Rules 2014
Recast Brussels I Regulation

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

International Dispute Settlement
Blackstone's International Law Documents, 12th (2015) edition
Tams & Tzanakopoulos (eds) The Settlement of International Disputes: Basic Documents (Hart, 2012) (ISBN - 9781849463034)
Documents:
UNCITRAL Model Law on International Commercial Arbitration
New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards

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

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

International Law of the Sea
Blackstone's International Law Documents, 12th (2015) edition
Legal Order of the Oceans, 2009, Hart Publishing

Legal Concepts in Financial Law
Butterworths Banking Law handbook 8th edition (2010)
Documents:
The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (2013 No. 600)
The Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010 (2010 No. 2993)
The Electronic Money Regulations 2011 (SI 2011 No 99) (as amended by SI 2012 No 1741, SI 2012 No 1791, SI 2013 No 366, SI 2013 No 472, SI 2013 No 1881, and SI 2013 No 3115)
The Consumer Insurance (Disclosure and Representations) Act 2012
The 2002 ISDA Master Agreement
Small Business, Enterprise and Employment Act 2015, ss 1 and 2
Insurance Act 2015

Personal Taxation
Tolley's Yellow Tax Handbook, (2015-16), Part 1a, Part 1b, Part 1c, Part 2a, Part 2b and Part 3, LexisNexis (students to take own copies into exam room
Tolley's Yellow and Orange Tax Handbooks Supplement 2015-16
(See Appendix C - NOTICE TO CANDIDATES FOR PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY PAPERS MATERIALS IN THE EXAMINATION ROOM –REGULATIONS (dated 16 November 2015)

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

FACULTY OF LAW

BACHELOR OF CIVIL LAW (BCL) AND MAGISTER JURIS (MJur) 2015-16

NOTICE TO CANDIDATES FOR

PERSONAL TAXATION and CORPORATE TAX LAW AND POLICY PAPERS

MATERIALS IN THE EXAMINATION ROOM –REGULATIONS

Before choosing either Personal Taxation or Corporate Tax Law and Policy you were told that you will need to use the current edition of Tolleys Yellow Tax Handbook (Tolley) during the course, and to become familiar with the arrangement of documents in these volumes. In 2012-13, 2013-14 and 2014-15 a pilot scheme was run successfully for a three year period under which candidates for Corporate Tax Law and Policy and/or Personal Taxation were permitted under certain conditions to take into the examination room their own copy of the current edition of Tolleys Yellow Tax Handbook (Tolley). The scheme has now been given permission to run for a further year in 2015-16. The purpose of this Notice is to bring immediately to your attention full details of the regulations which apply to the scheme and the procedures for their enforcement. **It is essential that you note and obey the following:**

5. The copy of Tolley which you bring into the examination room must be **absolutely clean and unmarked**. As an aid to finding individual materials in the Tolley collection, tabs may be attached to the edge of relevant pages. These tabs may be of different colours but must be **absolutely clean and unmarked**. These regulations will be strictly enforced. Particular attention will be paid to personal possession markings (eg your name, name of your college) which **must do no more than identify the ownership of the Tolley Handbook.**

6. Your copy of Tolley will be inspected by the examiners/invigilators in your presence at the start of the Personal Taxation and/or Corporate Tax Law and Policy paper. This will be carried out as quickly as possible. Thereafter during the examination scrutiny will be conducted as part of invigilation and will be random. Your copy of Tolley must remain **absolutely clean and unmarked** (see 1. above) **for the duration of the examination paper**.

7. In the event of any infringement or breach of regulations specified above, your copy of Tolley will immediately be confiscated and the matter reported to the Proctors. You will be permitted to continue and complete the examination paper but without access to the collection of materials in Tolley. Similarly, if for some reason you forget to bring your copy of Tolley to the examination, you will be permitted to write the paper but without access to the materials in the Tolley Handbook.

8. The Proctors will suspend the processing of the candidate's examination results while they fully investigate (including interviewing the candidate) the reported infringement or breach of the regulations. If they come to the view that a breach of the Disciplinary Regulations

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

Mr R. Bagshaw
Director of Examinations
16 November 2015

APPENDIX 4

Prizes and Awards, BCL /MJur 2016

Vinerian Scholarship

Marlena Valles	Jesus College

Vinerian Scholarship Proxime Accessit

Daniel Fletcher	Magdalen College

Clifford Chance Prize for Best Performance in M.Jur.

Amedee Von Moltke	Corpus Christi College

Clifford Chance M.Jur. Prize Proxime Accessit (Shared in 2016)

Viktoria Schneider	St Cross College
Bozhana Vitanova	Wadham College

Allen & Overy Prize in Corporate Finance Law

Chinedu Ihenetu-Geoffrey (MSc in Law and Finance)	Brasenose College

Clifford Chance Civil Procedure (Principles of)

Karl Anderson	Christ Church

Gray's Inn Tax Chambers Prize Personal Taxation

Luke Campbell	Brasenose College

Herbert Hart Prize in Jurisprudence and Political Theory

Franz Josef Weinzierl Brasenose College

John Morris Prize in The Conflict of Laws

Irene Han Christ Church

KPMG Prize in Corporate Tax Law and Policy

John Boyle (MSc in Law and Finance) St Hugh’s College

Law Faculty Prize in Children, Families and the State

Marlena Valles Jesus College

Law Faculty Prize in Commercial Negotiation and Mediation

Catharina Von Berg Worcester College

Law Faculty Prize in Commercial Remedies

Daniel Fletcher Magdalen College

Law Faculty Prize in Comparative Corporate Law

Adrian Doerr Pembroke College

Law Faculty Prize in Comparative Equality Law

Marlena Valles Jesus College

Law Faculty Prize in Comparative Public Law

David Keys St John's College

Law Faculty Prize in Constitutional Prinicples of the EU

Amedee Von Moltke Corpus Christi College

Law Faculty Prize in Constitutional Theory

Joseph Daniel Marshall	St John's College

Law Faculty Prize in Criminal Justice, Security and Human Rights

Alyssa Stansbury	Magdalen College

Law Faculty Prize in Intellectual Property Law

Amedee Von Moltke	Corpus Christi College

Law Faculty Prize in International and European Employment Law

Caroline Greenfield	Brasenose College

Law Faculty Prize in International Commercial Arbitration (Shared in 2016)

Chun Ho John Leung	Magdalen College
David Berman	Magdalen College

Law Faculty Prize in International Law and Armed Conflict

Erinc Argun	St Peter's College

Law Faculty Prize in International Law of the Sea

Bianca Kabel	Magdalen College

Law Faculty Prize in Law and Society in Medieval England

Daniel Fletcher	Magdalen College

Law Faculty Prize in Law in Society

Jinal Dadiya	Exeter College

Law Faculty Prize in Legal Concepts in Financial Law

Daniel Fletcher	Magdalen College

Law Faculty Prize in Medical Law and Ethics (Shared in 2016)

Jia Ming Benjamin Mak	Balliol College
Irene Han	Christ Church

Law Faculty Prize in Philosophical Foundations of the Common Law

Meghan Finn	Trinity College

Law Faculty Prize in Private Law and Fundamental Rights

Meghan Finn	Trinity College

Law Faculty Prize in Punishment, Security and the State

Marta Pantaleon Diaz	Balliol College

Law Faculty Prize in Regulation

Jinal Dadiya	Exeter College

Linklaters Prize for Principles of Financial Regulation

Wouter Van Der Veken (MSc in Law and Finance)	Harris Manchester College

Monckton Chambers Prize in Competition Law

Amedee Von Moltke	Corpus Christi College

Peter Birks Prize in Restitution of Unjust Enrichment

Daniel Fletcher	Magdalen College

Planethood Foundation in International Criminal Law

Chun Ho John Leung	Magdalen College

Ralph Chiles Prize in Comparative Human Rights (Shared in 2016)

Philippe Kuhn	St Cross College
Daisy Noble	Brasenose College

Rupert Cross Prize in Evidence

Claire Jago	Jesus College

South Square Prize for Corporate Insolvency Law (Shared in 2016))

Tung Wai Cheung	Magdalen College
Weiming Tan	Mansfield College

Volterra Fietta Prize in International Dispute Settlement

Alexey Vyalkov	St Cross College

Winter Williams Prize in European Business Regulation (the law of the EU's internal market)

Amedee Von Moltke	Corpus Christi College

Winter Williams Prize in International Economic Law

Yu Jie Wu	Magdalen College

APPENDIX 5

Raw Marks Statistics, BCL / MJUR 2016

Marks distributions on first reading, as percentages

Paper Name	Av. Mark	Number sitting	<---------- Mark ranges (%) ----------> 49 / less	50/54	55/59	60/64	65/69	70 / over
BCL Dissertation	68.0	5				20	40	40
Children, Families and the State	69.3	4				25		75
Commercial Law	63.0	1				100		
Commercial Negotiation and Mediation	65.3	17		6		29	47	18
Commercial Remedies	67.4	46				15	43	39
Company Law	64.8	5				20	80	
Comparative Corporate Law	66.0	15				47	13	40
Comparative Equality Law	68.3	21					67	33
Comparative Human Rights	67.1	21			5	19	38	38
Comparative Public Law	68.6	16				13	31	56
Competition Law	66.6	13				23	54	23
Conflict of Laws	65.2	28			7	32	32	25
Constitutional Principles of the European Union	68.9	12				8	42	50
Constitutional Theory	61.5	11	9			9	45	36
Contract	61.4	8				88	13	
Copyright, Trademarks and Allied Rights	54.0	1		100				
Corporate Finance Law	65.0	22		5	5	23	41	23
Corporate Insolvency Law	67.8	14				14	50	36
Corporate Tax Law and Policy	65.3	7		14		14	29	43
Criminal Justice, Security & Human Rights	69.7	26				8	38	54
European Business Regulation (the law of the EU's internal market)	66.1	13			8	8	54	31
Evidence	68.1	9					56	44
Human Rights Law	71.0	1						100

Raw Marks Statistics, BCL / MJUR 2016

Marks distributions on first reading, as percentages

Paper Name	Av. Mark	Number sitting	<---------- Mark ranges (%) ----------> 49 / less	50/54	55/59	60/64	65/69	70 / over
Intellectual Property Law	65.6	10		10		30	30	30
International and European Employment Law	66.7	7				14	57	29
International Commercial Arbitration	67.5	17				24	41	35
International Criminal Law	69.3	18				6	50	44
International Dispute Settlement	62.7	15	7			13	53	27
International Economic Law	62.7	14	7			21	36	36
International Law and Armed Conflict	65.9	21			10	33	19	38
International Law of the Sea	68.2	6				17	33	50
Jurisprudence and Political Theory (Essays)	67.0	18				39	28	33
Law and Society in Medieval England	71.0	2						100
Law in Society	68.0	10				10	40	50
Legal Concepts in Financial Law	65.4	14			7	29	29	29
Medical Law and Ethics	63.5	16		13	13	31	25	19
MJur Dissertation	65.9	7				43	43	14
Personal Property	65.0	1					100	
Philosophical Foundations of the Common Law	66.6	22		5		5	64	23
Principles of Civil Procedure	68.0	20				10	45	45
Principles of Financial Regulation	66.8	21				10	62	19
Private Law and Fundamental Rights	68.7	6				17	33	50
Public International Law		1						
Punishment, Security and the State	67.2	9				22	56	22
Regulation	67.4	11			9	9	45	36
Restitution of Unjust Enrichment	65.8	29			14	17	34	31

Raw Marks Statistics, BCL / MJUR 2016

Marks distributions on first reading, as percentages

Paper Name	Av. Mark	Number sitting	<---------- Mark ranges (%) ----------> 49 / less	50/54	55/59	60/64	65/69	70 / over
The Law of Personal Taxation	66.0	2					100	
The Roman and Civilian Law of Contracts	70.0	1						100
Tort	68.0	1					100	
Trusts	66.0	1					100	

APPENDIX 6

SUBJECT REPORTS

Children, Families and the State

This was the first year that this option has been examined on the BCL and four candidates took the paper in its initial year. There were nine questions on the paper and all but two (questions 5 and 6) of those questions received at least one answer. All of the candidates demonstrated a strong knowledge and understanding of the law and academic literature. Most answered provided thoughtful and well-supported arguments, with the best papers showing a high degree of independent critical analysis. Given the small number of candidates, comments on individual questions will not be given.

Commercial Negotiation and Mediation

Seventeen candidates (approximately 2/3 MJur and 1/3 BCL) attempted this paper. The overall standard of the scripts was very high. Three candidates were awarded marks of 70 or above, eight candidates were awarded marks of 65 and above, and the average mark was 65,3%. All questions were attempted by the candidates at least once. Questions 1, 2 and 6 were particularly popular, two candidates attempted question 4 and one candidate question 7.

Questions related to the full academic scope of the course, ranging from psychology and game/decision theory to doctrinal analysis and policy issues in the field of commercial negotiation and mediation. Candidates needed to work with a wide range of different materials extending from theoretical models and concepts to empirical studies, statutory rules and court judgments. Most candidates displayed an impressive knowledge of the subject matters raised, demonstrating their ability to integrate the insights from the different materials studied. Their reflective answers to the questions also evidenced the usefulness of the practical negotiation/mediation training they had done as part of the course. Most candidates were able to precisely identify the problems raised by the essay questions and specifically addressed these problems in their answers. The weakest scripts simply used the questions to display more general knowledge only loosely related to the problems raised by the questions. The best scripts demonstrated the candidates' ability of clear independent thinking. These candidates showed not only a full command of the study materials. They came up with interesting and sometimes highly original scholarly answers.

Commercial Remedies

The quality of scripts this year was very high indeed. Out of 45 candidates, 18 obtained a Distinction, and there were no marks below 60. Unusually, many candidates answered all 3 problem questions, and few candidates only answered 1 of the problem questions. This was perhaps because the essay questions tended to be quite broad and wide-ranging, which may have been slightly off-putting. But candidates who displayed a good understanding of a range of topics covered throughout the year wrote very impressive answers. On the other hand, candidates whose answers were very narrow, and twisted the question set to be much more like one that had already been prepared beforehand, did not do as well. The problem questions were generally answered well. There were not very many mistakes, but some lack of detail and analysis prevented some good scripts from obtaining a Distinction overall. It is important for candidates to be able to identify the most controversial issues clearly, and to concentrate upon those points. Some candidates wasted too much time on very easy points, which prevented them from having the time and space to develop their discussion of key areas. Candidates should also note that writing about irrelevant issues is not simply ignored by the examiners, but can detract from the good parts of an answer.

Comparative Corporate Law
Twenty-one candidates (three BCL, twelve MJur, and six MLF) attempted this paper. The overall standard of the scripts was high. Seven candidates obtained first class marks, and the average mark was 66%. There was a pleasing absence of any really weak scripts. With the exception of question 1, all questions were attempted, with questions 4 and 6 proving the most popular.

Question two (attempted by six candidates) required students to address both the issue of deviations from one share one vote and short-termism. Most students focused on the latter, reflecting the greater attention to the topic during lectures and seminars, but answers were otherwise done well.

Question 3 (attempted by six candidates) required an analysis of two similar provisions, one of hard and of soft law, and to reflect upon whether/why they have no impact in practice on boards' behaviour. Most students focused on the right reasons why this is the case, although none of them considered the role of soft, non-legal determinants of corporate boards' behaviour.
Answers to question 4 required an analysis of takeover defences and their functional equivalents in the three core jurisdictions and a reflection upon EU intervention in the area of takeover law. Yet, only a couple of the scripts also considered the second issue. Despite that, most answers correctly identified functional equivalents that weaken the merits of the exam question statement.
Only two candidates attempted question 5, which focused on emerging markets and the role of families and the state. Both were very good answers.

Question 6 was the most popular question (16 students attempted it). Most students analysed the issue in depth, making good use of course materials and sometimes adding insightful comments of their own.

Question 7 (attempted by 6) required students to reflect upon negative and positive harmonization. Most did focus on both and provided well-argued and often critical answers.

Question 8 proved to be the trickiest one, because students, instead of proposing solutions to the problem highlighted in the question, had to come up with the questions to ask in order to provide those solutions. Most, however, correctly identified key issues, although a couple of the answers where quite too mechanical in applying concepts learnt during the course.

Eight candidates answered question 9, which required students to reflect upon firm-specific human capital, one of the core concepts that the lecture and seminar on employees and corporate governance focuses on. Most analyses were complete and insightful.

Comparative Equality Law
There were 22 candidates who took this paper. The standard was generally good: seven scripts were awarded first class grades, and all other grades were 65% or over. Candidates were rewarded for good comparative methodology, accuracy in their use of legal materials, a proper focus on answering the question, and clearly structured and well supported arguments, as well as independent and critical thinking. Question 1 (direct and indirect discrimination) was the most popular question and was generally answered to a high standard. Question 2 (justification) was also popular, but the responses were more mixed, with some candidates focusing on the standard of scrutiny, proportionality in particular, rather than the role of defences in relation to rights. Those candidates who attempted 3(a) (gender) or 3(b) (race and religion) rose to the challenge well and generally gave good responses to two difficult questions. Question 4 attracted some good answers,

but some candidates did not pay enough attention to the question itself or failed to give proper attention to (i) sexual orientation or (ii) the distinction between freedom of religion and the right not to be discriminated against on grounds of religion. Question 5 (affirmative action) attracted some excellent answers, but weaker candidates failed to present the complexity of US affirmative action jurisprudence and few paid attention to textual differences. Questions 6, 7 and 8 were attempted by only a handful of students but those that did achieved well. Students should not be discouraged from attempting questions such as Question 8 (comparative approaches): the one candidate who attempted this question, scored well.

Comparative Human Rights

21 candidates sat this paper. Answers were generally of a high standard and many were extremely impressive, revealing a good understanding of comparative methodology and of the importance of considering theory alongside case law. Stronger answers to question 1 appreciated that the question was seeking to relate debate about the 'minimum core' specifically to health or to housing, rather than talking about any of these three topics more generally. The best answers to question 2 considered arguments about the efficacy of courts as well as about their proper constitutional role. Answers to question 3 tended to select hate speech as a particular topic for discussion, and/or to contrast general approaches focused on definition with those focused on the proportionality of restrictions. Questions 4 and 8 were less popular with candidates, while answers to questions 5, 6 and 7 tended to be more popular and were generally well-focused on the essay titles. Stronger answers to question 5 focused on a range of examples falling within the ambit of 'privacy', the best answers to question 6 took care to focus debate on points raised in the quote, and the clearest answers to question 7 were those which sought to explore the limits to arguments based on the right to life before bringing alternative rights-based arguments into play.

Comparative Public Law

The Comparative Public Law paper was done well by the students this year, reflecting the quality of those who took the course and their engagement with the primary and secondary material. The general level of answers was good and 50% of scripts were awarded a Distinction. There were no markedly weak scripts, and those who did not secure a Distinction achieved very solid marks in the 60s.

The papers revealed a good grasp of the case law from the three jurisdictions studied and also a very real familiarity with the secondary literature. The students were moreover able to integrate the primary and secondary material in their answers, and when doing so to make sophisticated points of comparison between the three systems studied.

The most popular questions were those on proportionality and legitimate expectations, with students defending a variety of different normative positions in their answers. There were, however, also a significant number of good answers on the questions concerning error of law, the impact on judicial review of human rights and the law concerning damages liability.

Competition Law

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

The first essay question focused on the development of the 'refusal to supply and essential facilities doctrine' in EU Competition Law. Students were expected to review the case law and the Commission Guidance and to consider the development of the doctrine. The second question

addressed the concept of restriction of competition by "object" and its evolution in recent years. Students were expected to comment on whether the concept should be interpreted "restrictively" and how recent case law affected its realm. The third question considered the legal treatment of Tacit Collusion under Article 101 TFEU, Article 102 TFEU and the European Merger Regulation. Students were expected to explain the economic model of oligopolistic price coordination and explore its significance for the legal analysis – what distinguished it from conscious parallelism, and how it may be used to establish collective dominance. The fourth essay question considered the scope and limits of competition law. Students were expected to explore the goals of competition law, the role of economic analysis, the susceptibility of competition law to domestic values and how these may affect the level and nature of enforcement.

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

As in the previous years, a majority of the questions answered were problem questions. Exam papers this year were of a high standard with 18% of candidates achieving a first class mark.

Conflict of Laws
The paper was designed to be accessible to those who wished to do no more than apply the law to situations which they had perhaps not thought about before, but also to offer an opportunity, for those so equipped, to examine in detail the problem arising from legal rules which depend on locating 'the place where the damage occurred', for example. It was surprising that rather few took up the challenge, most preferring to offer answers which were perhaps more sharp-edged than the current state of the law allows. But the overall standard was one of high competence.

Constitutional Principles of the EU
Twelve candidates sat this exam. The overall standard was very high – with half candidates securing an overall mark of 70 or above. All answers were focused on the question asked. All candidates demonstrated a very good knowledge of the law and appropriate understanding of the theoretical issues posed by EU's nature. The best papers offered a comprehensive account of the law (including the case law) as well as a sophisticated reflection on principles. There was a healthy critical discussion of the Court of Justice but also of the various theorists.

The UK's referendum on the EU took place a week before the examination, but the result for Brexit - an event with obviously important legal implications - did not appear to affect in any way the examination. Candidates were aware that they did not need to take it into account or comment on it – although some offered to do so.

Constitutional Theory
The standard of answers was high overall, with a number of candidates performing at the distinction level. Questions on representation, bicameralism, and judicial review were particularly popular, but most questions attracted several answers. The best answers showed careful analysis of a range of sources and developed balanced, sophisticated arguments. A number of candidates showed an ability to enrich theoretical arguments with carefully selected examples from different jurisdictions.

Corporate Finance Law

41 candidates took this exam. In general this paper was answered well. Some questions were more popular than others, but all questions on the paper were tackled. Every candidate answered at least one question from Part A and one from Part B, as required by the rubric, and there was a good balance between Part A and Part B questions chosen by candidates for their third answer. In common with previous years, some candidates failed to pay sufficient attention to the particular questions set, producing rather generic answers to the broad subject areas of the exam questions; those candidates that tackled the precise text of the questions in front of them were rewarded accordingly. One unfortunate trait displayed by some candidates was a tendency to attribute quotes somewhat randomly to anyone who had written on a particular topic area; greater efforts needed to be made by those candidates to ascribe quotes to the correct author.

Q1 was answered by 10 candidates. This question was largely well done. The main fault was not to deal sufficiently with all parts of the question. There were two main issues: the strength of the covenants and the efficacy of enforcement mechanisms. These issues each had to be discussed in relation to both single and multiple lending structures. The best answers covered all 4 permutations, and often also distinguished between the approaches in syndicated loans and in bonds.

Q2 was a popular question, tackled by 20 candidates. This was answered in a number of different ways, each of which had merit. Many saw it as requiring a discussion of the benefits and costs of secured credit, and whether unsecured creditors should be protected by carve-outs in the insolvency of the debtor. This discussion took two forms, one of which was focused on economic efficiency arguments, while the other examined the legal drawbacks to a carve-out system and the possible alternative ways of protecting non-adjusting creditors. Others discussed the merits of the use of the line between fixed and floating charges to trigger certain insolvency consequences, including carve-outs. While both of these approaches could be justified, it was less easy to see how a discussion of the drawbacks of the English law of secured transactions, and particularly the registration system, included in some answers, was relevant to the question posed.

Q3 was answered by 6 candidates. While most candidates were able to deal competently with the statutory and standard contractual rules on the return of capital to investors, many did not focus sufficiently on comparing the position among companies of different sizes, and particularly of different natures. Some candidates threw the net too wide, and considered all the legal capital rules, rather than just those concerning return of capital. Others, perhaps more understandably, took the opportunity to criticise the current regime and to suggest reform, which also was strictly speaking not within the ambit of the question.

Q4 was done reasonably competently by two candidates.

Q5 was answered by 14 candidates. Most candidates were able to discuss the role of boards in determining whether a takeover offer will be successful, although relatively few focused on what might be meant by the term “right offers” in the question and so left themselves without a yardstick against which to judge to role of the board in blocking bids versus other potential solutions. In some instances candidates discussed the negative effects of a blocking role for directors, but did not discuss (or did not adequately discuss) any potential benefits of such a role.

Q6 was a popular question, answered by 20 candidates. Nearly all candidates demonstrated a good knowledge and understanding of the literature (if not the names of the authors), and the ways in which shareholders and creditors contributed to corporate governance. Relatively few, however,

discussed the means by which shareholders could enforce their rights, nor was it often pointed out that restrictive covenants had the effect that directors usually obtained the lender's permission *ex ante* before a possible breach, which gave the lender both information and the ability to negotiate. The very best candidates compared the effectiveness of governance by each group, and developed their own arguments as to how the advantages and disadvantages of each interrelated.

Q7 was answered by 4 candidates. On the whole it was answered well, although there was a tendency to focus on the funding structure of the portfolio company at the expense of a discussion of the funding structure of the fund itself.

Q8 was done by 14 candidates. Candidates were generally able to discuss the role of enforcement in tackling market abuse, but there was often insufficient focus on the policy goals behind the regulation of market abuse (which were specifically referenced in the question) or the link between these goals and the role of enforcement. Some answers involved descriptive sections setting out the mechanisms of enforcement in the UK, without linking this information sufficiently to the question set. The best answers discussed the potential role of both actions by the regulator and by investors in this regard and developed their own ideas about the role of enforcement in market abuse, based on the policy goals that they had established.

Q9 was a popular question, answered by 25 candidates. It was generally answered very well, although in some cases it became a rather general mandatory versus voluntary disclosure discussion. The question required candidates to consider whether "too much" information is provided as well as whether the information provided is the "wrong kind". It specifically asked candidates to consider the mandatory regime in terms of its cost (and good answers were able to discuss what these costs might be) and to consider the potential alternatives (not just voluntary disclosure) – often candidates did not compare the potential costs of these alternatives. The best answers analysed the concept of "investor protection", identifying different kinds of investors and discussing the issues raised in the question (the nature and type of information, whether it needs to be mandatory) according to those different kinds of investors.

Corporate Insolvency Law

Seventeen candidates (thirteen BCL, three MLF and one MJur) attempted this paper. The overall standard of the scripts was impressive. Six candidates were awarded marks of 70 or above, and the average mark was 68%. Questions 2 and 5 were particularly popular, and only one candidate attempted each of questions 1 and 9.

Candidates were on the whole successful in structuring their answers to essay questions so as to engage directly with the particular question set. Most candidates were able to synthesise effectively a range of materials including primary sources, secondary literature and in some cases empirical studies. The best scripts displayed evidence of impressively wide-ranging reading and articulated the candidates' own positions, showing independence of thought.

Corporate Tax Law and Policy

17 students sat this examination in 2016: 7 BCL/MJur students and 10 MLF students. This was an unusual distribution, since BCL/MJur students have outnumbered the MLF students in the past. The course is equally suitable for both groups and it is not surprising that the balance varies from year to year. Of the 7 BCL/MJur students, a pleasing total of 3 obtained an overall distinction, 2 received marks of 65 and above and all passed. The MLF students all obtained marks over 60, and two obtained distinctions. All the essay questions were attempted by some students but the two problems were not attempted. The problems have always been less popular than the essays, despite

the fact that students are encouraged to write problem answers for tutorials. All the essay questions attracted some very good answers. The questions on aspects of the OECD's action plan for tackling base erosion and profit shifting was especially popular and generally very well done, with responses that were both knowledgeable and suitably critical. The question on the recent use of the UK case law on trading to tackle tax avoidance was also attempted by a number of students and the best answers showed an impressive ability and range by both analyzing the judicial decisions and considering the pros and cons of using case law for this purpose as opposed to specialist legislation. There were also some very good answers on EU tax law jurisprudence. As ever, the best candidates showed the capacity to combine an understanding of detailed tax law with policy analysis.

Criminal Justice, Security and Human Rights

A large proportion of candidates did very well in this paper. Out of the twenty-seven candidates who took the exam, fourteen obtained first class overall marks; the rest were across the spread of the sixties.

The essays that were awarded the highest marks were on the whole those in which the candidates managed, first, to engage both with the case-law and with the literature, and, secondly, to subject both to principled analysis and critique. Typically, but not uniformly, the essays that scored high were also well-structured and clearly argued. Those candidates who covered only case-law, at the expense of the literature; or only the literature, at the expense of the case-law, did less well. In order to mount an argument and analysis that deals with the various issues in the proper depth and breadth, it is necessary to analyse and critique both case-law and literature.

Whilst students covered the full range of the questions set, and no one seems gravely to have misunderstood any of the questions, question 2(b) seems to have attracted the fewest answers, perhaps due to its demanding nature. That question did not obviously point to any line of cases that could be analysed in an answer; it sought instead to prompt a more reflective type of answer. Similarly, questions such as question 1 and question 3, which may be less amenable to a 'stock' answer than others, are ones which, if taken on, can richly reward those candidates who try attempt to answer them and manage to show that they can take a step back from the material and think transversally about the issues with which the course deals.

Answers that managed to deal relatively comprehensively with a broad range of jurisdictions were also rewarded.

Unhappily, it was sometimes evident that students had prepared essays for questions which were not in the event set; this led to sometimes weaker results.

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

This year's scripts were of a good standard, and the results of the examination were broadly in line with the pattern of performance recorded in previous years. There were several marks at Distinction level, several more not far short of that level and, at the other extreme, no candidate so much as flirted with calamity. All nine questions had at least one taker, which shows a pleasing embrace of the whole wide sweep of the course. As in previous years, the very best scripts tended to be those that sought to understand the internal market as a broad - if contested - project, within which the legal rules are at times both ambiguous and not static, and the stronger scripts were also typically marked by a shrewd understanding of the dynamic relationship between the EU's judicial and legislative institutions.

Evidence
The evidence exam was taken by 9 candidates of which 4 obtained a distinction. All but one of the questions attracted a fair number of responses; the exception being question 9 on statistical evidence which was not attempted by any candidate. Most candidates attempted a mix of questions with a theoretical emphasis and questions of a practical nature. As the number of distinctions suggests, the overall standard was high; the lowest mark was 65.

Intellectual Property Law
The standard of answers on the papers was on the whole very high. Three of ten students received distinctions. Candidates were required to answer at least one problem question, but the majority of candidates answered two problem questions and one essay question. (Four candidates answered all problem questions).

In Part A (Trade Marks), the candidates split evenly between the problem question and the essays on functions; no candidate attempted the essay question on defences, which was surprising given recent legislative and judicial developments. For the essay question on functions, while the second aspect – the normative case for protecting trade mark functions beyond origin indication – was adequately addressed, the first was relatively neglected. Harm to functions originated as a potential limiting device in double identity situations but recent expansive interpretations of the investment and advertising functions may have produced the opposite effect. Candidates who demonstrated familiarity with the detail of doctrinal arguments and secondary sources were rewarded.
Finally, for the problem question, most candidates did well in identifying the underlying issues. Part (a) related to a non-conventional mark application, calling for analysis of the requirements for a sign, as well as a graphical representation and distinctiveness – both inherent and acquired. Some candidates attempted to re-interpret the motion mark as a shape mark, before applying the specific shape mark policy exclusions (functionality etc) when this was not strictly required by the question. Part (b) required candidates to apply both word and colour mark registration criteria, with the better candidates focusing on distinctiveness. The relative grounds analysis of composite marks was unsatisfying in most cases. Part (c) was a challenging case study in infringement as well as defences. Many candidates rose to the challenge and focused on double identity infringement, the possibility of initial interest confusion and exhaustion.

In Part B (Patents) most candidates attempted the problem question (question 6). Issues of validity raised by the Problem were very well addressed by almost all candidates, but there was a broader range of quality displayed as regards infringement. The other candidates split evenly between the optional parts of Question 4. Candidates displayed a good knowledge of patent law in answering the essay questions, but would have fared even better had they illustrated the abstract propositions by reference to a fuller range of relevant case law (Question 4(a) or made concrete suggestions about how patent law should change to address the developments raised by the Question (Question 4 (b).

In Part C (Copyright), most candidates attempted the problem question (Question 9). All candidates worked methodically through the different possible works that might have been infringed. The fact pattern raised the resilience of categories of works of authorship under UK law in light of recent decisions of the Court of Justice, and the better papers explored whether the outcome would vary depending upon the significance of the Court of Justice's case law. Likewise, the test of originality to be applied required candidates to consider whether the UK standard had been modified by the Court of Justice for types of work other than those specifically identified in secondary legislation. A similar theme arose with the test of infringement. Better answers also considered the question of ownership of the different works. Weaker papers failed to apply the

law to the facts, and a fuller consideration of possible defences would have improved a couple of papers. Those candidates not answering the Problem instead tackled Question 8. These were largely well answered. It was expected that candidate would explore the scope of the decisions in question (such as whether they extended to all types of work), the ambiguities of the decisions (such as conditions that might have to be satisfied by resellers invoking exhaustion under *UsedSoft*), and the broader conceptual implications (such as the application of rules from the bricks-and-mortar world to digital distribution).

International and European Employment Law

There were seven candidates in this subject, and the quality of responses was generally very good. Two candidates achieved marks of 70 or above. The most popular questions were migration status and labour rights, working time, and the transnational regulation of the right to strike. The best scripts were characterised by attentiveness to the question, and the development of a clear line of argument that marshalled the primary and secondary materials to support that argument. Sometimes candidates were let down by a tendency to 'play safe' and gravitate towards a more generic response to the question. For example, in question 4 the Fudge quotation referred to a 'normative theory of understanding of human rights'. Some candidates took this as a general invitation to catalogue and consider the divergences between different transnational systems on the treatment of the right to strike, without considering whether these divergences were attributable to a 'normative theory or understanding of human rights' as 'contestable, provisional, or contextual'. The best answers took seriously the issue of what a 'normative theory or understanding of human rights' might mean, and the extent to which transnational legal developments supported or undermined Fudge's claim. Other questions threw up similar opportunities to respond to particular nuances (for example, what is a 'constitutional norm' in question 1; what is the significance of 'legal precariousness' in question 2; and so forth). While wide reading and a deep familiarity with the extensive primary and secondary material is a virtue, the best candidates avoided the tendency to 'clutter' essays with a surfeit of material. Sometimes there is a risk that the candidate's own voice can be crowded out by amassing the voices of too many others in an essay. It is important to display a deep familiarity with the literature, but that engagement should be focused on the question and deployed to support a clear line of argument that addresses the question.

International Commercial Arbitration

Overall the standard demonstrated this year was very high, particularly at the top end of the scale with six out of seventeen candidates—the course having been capped at fifteen—achieving distinction marks and the three top scripts scoring 75 or higher. The average overall mark was 67, and no script marked lower than 60. The candidates showed a good and sometimes excellent command of the legal materials, the literature and the principles at work in this subject. The very best candidates were able to demonstrate careful independent thinking producing clever and interesting answers that also displayed an ability to reflect on the broader thematic issues raised by the course. The questions on separability and competence-competence, the Brussels I Recast, class arbitrations and the enforcement of international arbitral awards proved particularly popular, while the more theoretical question on the concept of arbitral procedures was disappointingly unpopular. The weakest scripts treated the questions as an opportunity to regurgitate prepared general points, shying away from tackling the intricacies raised by the specific question or quote.

International Criminal Law

18 candidates took the examination in international criminal law. There were 8 questions; candidates were required to answer 3.

The examiners were quite impressed by the high level of knowledge, sophistication and writing demonstrated by the candidates. Indeed 44.4 percent of the candidates obtained 70 or higher; 50 percent between 65 and 69, and 5.6 percent between 60 and 64. It was a very strong overall set.

In general, candidates favoured questions with a strong doctrinal basis - on aiding and abetting, on joint criminal enterprise, and on the role of customary law at the ad hoc tribunals. A number of first class answers were given. However, candidates were also rewarded for taking on the more conceptual or normative questions.

International Dispute Settlement

The scripts this year were good, the great majority of them being focused, informed, and clearly written. All questions in the paper were attempted by at least two candidates with Q5, 6, and 7 being the most popular ones. The distribution of answers however was less uneven than previous years. The uneven distribution is due to certain questions in the paper being similar to those discussed during tutorials. This is to some extent natural, as only four tutorials are given, and candidates tend to congregate around more familiar topics in the exam.

As in the previous year, problem questions were included in the paper (2 out of 8), and both were attempted but by slightly fewer candidates than in previous years. Answers to problem questions were mostly good and without the incidence of pre-prepared answers tacked on to broadly relevant questions found in some essay answers – suggesting that candidates should not be afraid to test their ability to apply their knowledge to the simulated real-life situations presented in problem questions. No script was marked below 60, with approx 1 in 5 scripts being given a Distinction. The best scripts overall were those where candidates were able to discern differences in the fact pattern or phrasing of the essay question and tailor their analysis accordingly.

International Economic Law

The level of performance of the students who wrote the International Economic Law examination paper was simply excellent. A significant number of students obtained a Distinction class mark (43%) with the remainder of students obtaining high to fair 2:1 class marks (47%). The students in the lower range of marks were marked down since a number of their essays were too general and not answering specifically the question and in some cases appeared to reproduce a prepared answer on the topic of the question. The answers from among those with high 2:1 class marks would have benefitted from employing more consistently an analytical, as opposed to a descriptive, approach to the material being considered in their answers. These comments do not however detract from the overall excellent performance of students in this subject.

International Law and Armed Conflict

This was the second year in which the exam for this course was divided into two parts. Part. A contained questions dealing with the topics covered in the first part of the course, i.e the law relating to the use of force by states and by the United Nations. The questions in Part B related to international humanitarian law and the application of human rights law in armed conflict. Candidates were required to answer at least one question from each part and the split in the paper does not seem to have caused any significant problems for candidates. Rubric was not breached. All the questions on the paper were attempted by at least one candidate with the exception of Question 8 on weaponry. Questions 1 and 7 were the most popular questions from each part. Indeed practically every candidate answered at least one of those two questions, with a large proportion answering both. The quality of answers were on the whole exceedingly satisfactory and the fact that 8 out of 21 papers obtained distinction marks is evidence of how good the answers were. Only 2 papers were marked below 60. Close attention was paid by the bulk of candidates to

the terms of the question and candidates tended to direct their answers, as one should expect, to the precise question asked of them rather than engaging in general exposes of the topic within which the question was situated. As always, the best answers were those that not only gave focussed answers but which were able to structure those in a coherent and logical order, use primary material (cases, treaties etc) and the secondary literature appropriately. Overall, this was done to great satisfaction.

International Law of the Sea

Performance in the law of the sea examination this year was excellent. Of the 6 candidates sitting the examination, three achieved firsts overall and two of the remaining candidates achieved performances in the upper 60s. No script was marked below 60; indeed, such was the quality of responses that no individual question was marked below 60. Questions 1, 5, 6 and 7 proved equally popular, while no candidate attempted questions 2, 3 or 8. The paper contained two problem questions with 4 of the 6 candidates answering one problem question, though not required to do so. The best answers to essay and problem questions demonstrated detailed knowledge of the key legal instruments, case law and academic authority. The best responses to essay questions were well structured and coherently argued, and displayed the ability directly to engage with the question posed. This was particularly important for, and pleasingly evident in the outstanding answers to, the broadly framed essay questions on freedom of the high seas (question 1) and 'constitution for the oceans' (question 6).

Law and Society in Medieval England

Two candidates attempted the paper. Both scripts were very strong. Given the small numbers, no further comment is possible.

Law in Society

The examination was taken by 9 students. The standard varied, ranging from several excellent papers of distinction standard to three rather mediocre.

All students displayed a good knowledge and understanding of the issues and the texts studied throughout the year.

Legal Concepts in Financial Law

Overall, the standard this year was good, with some of the papers being very good indeed. The spread of marks, however, was not very even: most papers were either closely above or below the 70 borderline or the 60 borderline, with very few in between. A rather disappointing feature of the weaker papers was the lack of detailed discussion and references to primary sources (cases and, to a lesser extent, legislation). Candidates must remember that this is primarily a private law paper, and that analysis of the primary sources of law is always important. With the exception of question 4, there was a good spread of answers across all questions, both in terms of numbers of answers and in terms of quality (each question had at least one first class answer).

Question 1: While this was reasonably well done, weaker scripts tended to discuss trusts in general, while stronger scripts focused on types of transaction considered in the course.

Question 2: Most answers displayed a good knowledge of the various theories of money, but the better ones used that knowledge to focus more directly on the question, and, in particular, considered why the classification of Bitcoin and other virtual currencies in law as money actually mattered.

Question 3: This question was generally very well done. The best answers focused on the liquidity function of the right of re-use rather than just concentrating on the risks posed to collateral providers.

Question 4: There was only one answer to this question.

Question 5: This question produced many cogent and well informed answers, some of which were very good indeed. The chief fault was not to differentiate between debt and equity securities. The question asked specifically about debt securities and references to equity securities should have overtly been by way of analogy or contrast.

Question 6: This question tended to be answered in a very general way, despite the very clear advice in the seminars and, particularly, in the revision class that candidates were expected to refer to examples of transactions in general essay questions. The best answers gave a detailed account of how legal personality and the related concepts were used in certain transactions, particularly securitisation.

Question 7: This was well answered, with the better candidates delving into the issues in a pleasing degree of detail.

Question 8: The importance of being able to apply the law to the facts in answering problem questions was evident in the answers to this problem, where weaker answers tended to discuss irrelevancies and generalities, such as the grounds for escaping liability in general rather than in the particular fact situation in the problem. A commercial approach to the application of the law to the facts was suitably rewarded. A minor complaint was that very few candidates spotted that the Insurance Act 2015 was not in force at the time the facts of the problem occurred, despite the fact that the date was clearly set out.

Medical Law and Ethics

There were some outstanding scripts this year which deftly interwove acute critical analyses of ethical theory and the case law from a number of jurisdictions, drawing upon sources outside as well as on the reading list and producing original arguments. Unfortunately there were again some very weak scripts with multiple substantive errors of law, even going so far as to cite repeatedly non-existent or obviously inapplicable statutes. Weaker scripts took a one-sided perspective on the issues presented and considered only, or primarily, case law or ethical arguments, without any attempt to integrate them. Many candidates misread the questions and produced potted essays on the topics they wished the examiners had asked. There was also evidence of too narrow revision, although the paper followed the same format as last year in presenting questions requiring the candidate to select two or more areas of medical law and ethics to analyse the issues.

All questions were attempted by candidates. This year there were 11 questions (three with alternative questions), to accommodate a candidate returning from the previous year who had studied some different topics. Candidates in the future should not expect this many choices question on the paper. Only questions raising specific difficulties are considered below.

<u>Question 1</u>

(a) The weakest answers here offered a one-dimensional description of relational autonomy, assumed it was A Good Thing, and failed to identify pitfalls in theory and its application in practice.

(b) Many candidates assumed that Sir James Munby was espousing the view in the first quotation, when it was clear he was describing a view pervasive in the literature. The

weaker answers failed to address the specific points advocated in the two quotations, and to test the notion of dignity against practical problems in medical care.

Question 3

(a) All but one candidate limited "the property law paradigm" to separated body tissue. The question was also highly relevant to the assertion of patent rights in medical research and practice (pharmaceuticals, the genome), to which a full seminar had been devoted.
(b) The two answers to this question on and protection of human genes and stem cells were outstanding.

Question 5

This was a very popular question, and generally produced thoughtful answers, but some candidates failed to note and analyse the relevant provisions of the Human Embryology and Fertilisation Act, and consider the reasons why the Westminster Parliament had banned a assisted reproduction services for this purpose.

Question 6

Many candidates attempting this question immediately assumed that it was solely about abortion (and the personhood of the foetus, the relevance of which was even less evident), overlooking the lines of authority on the reading list about the courts being asked to intervene where a woman's decisions (e.g. drug and alcohol consumption or other forms of self-harm, or refusing necessary medical intervention) endanger the health of the foetus.

Question 7

Many candidates failed to read this quotation carefully and assumed that it would only apply to rationing on financial grounds. On the contrary, the quoted passage from the judgment eschewed any role for the court in considering "the effectiveness of medical treatment" or "the merits of medical judgment". In this context, rationing of scarce resources would be relevant only to the extent of a medical judgment as to which patients should be prioritised over others for receiving that treatment. Very few candidates focused on the assertion in the quotation that the sole function of the court was to rule upon the "lawfulness" of such decisions, and tested what lawfulness might mean in that specific context. The question asked for evaluation of the statement in two areas of medical law, but many candidates only considered rationing, overlooking potential topics such as judicial supervision in the withholding or withdrawal of treatment from incapacitated patients, or restrictions on liberty.

Philosophical Foundations of the Common Law

The overall quality of the papers was impressive, with virtually all candidates demonstrating the ability to engage with the questions on their precise terms, to offer genuine theses, and to draw knowledgably on the literature. First Class papers were distinguished primarily by greater originality and nuance, rather than by sheer knowledge.

All questions were attempted, although the relatively less popular (question 8 is a case in point) tended to be answered very well by those who chose them – a reminder that perhaps the relatively less straightforward questions are those that give candidates the best opportunity to offer an original analysis.

Principles of Civil Procedure

20 candidates sat the exam and the performance overall was very good. All questions were attempted by multiple candidates, with the questions on case management, interim remedies, finality and judicial bias being particularly popular. While there was a high number of firsts, a

significant percentage of candidates failed to engage directly with the question asked, and simply took it as a cue to deliver their prepared essay. Those candidates who did directly address the cases referred to in the questions were rewarded, as were those who were able to synthesize the relevant material on the reading list into their answers and develop their own critique of the case law or proposals for reform.

Principles of Financial Regulation

A total of 41 candidates (22 MLF, 12 MJur and seven BCL) took this paper. The average mark was 66, the same as last year. However, the dispersion in marks was greater than in previous years, with twelve candidates (29%) obtained marks of 70 or above, but four candidates (10%) obtaining marks lower than 60.

Question 1 was popular, being attempted by 22 candidates. The better answers, of which there were a pleasing number, focused their analysis on the intersection of bank resolution and structural resolution of banking. Weaker answers simply surveyed the two constituent topics without analysing their intersection.

Question 2 attracted relatively few answers, but produced some very thoughtful discussions about the role of cost-benefit analysis in financial regulation.

Question 3 was generally done well. The best answers went beyond simply describing the institutional structure and general goals of macroprudential authorities to consider discrete examples of their impact.

Question 4 attracted a number of solid answers.

On Question 5, the better candidates showed familiarity with the Financial Conduct Authority's cost-benefit analysis of its payday lending regulation, and were able to marshall this to provide a more nuanced account of the implications of this particular measure. A number of answers also usefully explored whether "product governance" might be preferable to "product regulation".

For Question 6, better answers sought specifically to link regulatory proposals to features identified as being hallmarks of "shadow banking", rather than simply describing the sector and its potential regulation.

Question 7 proved very popular, with the better answers presenting a detailed description and critical evaluation of the current frameworks for bank governance.

Question 8 invited candidates to consider the debate over optimal bank capital levels. The better answers saw it as such and responded effectively.

Question 9 attracted a number of answers that were generally competently executed.

Private Law and Fundamental Rights

There were six candidates, all of whom reached a high standard. Final marks ranged from 62% to 75%. Three candidates obtained marks of 70 or above. The popular questions that attracted several answers were questions 1, 2, 3, 4, 6 and 7. The marks of some candidates were reduced because they did not address the full breadth of the question but preferred to stick to one aspect of it. In relation to question 6, there was possibly some ambiguity in the question because it referred to 'use' or 'possession', whereas it was expected that candidates would address both 'use' and

'possession'. Candidates appreciated that expectation, though did not always give proper attention to both aspects of the question. A few days before the examination the SCUK gave a judgment on the topic raised by question 6. Since the SCUK upheld the result of the CA, this would not have significantly affected the performance of the candidates and in any case the candidates who attempted question 6 were in fact aware of the decision of SCUK. The best candidates showed an appreciated of the breadth of the question as well as suggesting theoretical perspectives on the issues. There seemed to be some beneficial cross-fertilisation in their answers from the course Philosophical Foundations of the Common Law. Better answers showed an appreciation of how fundamental rights had applied not only in the particular area of tort, contract, or property law that was the focus of the question, but were able to draw out broader themes across the whole of private law. Although there was no detailed question on Intellectual Property Law, which was included in the syllabus this year more fully, there was an opportunity to discuss the relevant application of fundamental rights in several questions, especially the question about balancing of rights in question 7, but this opportunity was not taken up. There were some very sophisticated answers to question 1 concerning all the subtle differences involved in the crude dichotomy between direct and indirect effect.

Punishment, Security and the State

There were nine candidates for this examination. The standard of scripts was very good this year. All candidates achieved marks well into the 60s and two candidates achieved a Distinction. Between them the candidates answered all questions set: the most popular were questions 4, 5, 7 and 8.

All the scripts demonstrated really pleasing evidence of wide-reading and good engagement with the relevant academic debates. The very best scripts engaged critically with these debates to develop their own lines of argument and critique. However, some less ambitious scripts contented themselves with offering well-informed but sometimes rather descriptive reviews of the literature. Perhaps the most significant distinction was between those scripts that were really well substantiated by extensive discussion of relevant laws, policies and specific measures and those that provided only occasional or anecdotal supporting evidence. The better scripts also engaged very closely with the question set or quotation offered for discussion. However, despite prior warnings to the contrary, a few candidates used the question as a mere prompt for generalised discussion of the issues or area. Happily, all the candidates provided ample evidence that they had acquired a very a good level of understanding of the key concepts, intellectual concerns and controversies addressed during the course and that they had a secure knowledge and understanding of the key legislative and policy developments. In a very fast moving field, this is no small feat and it speaks to the high level of commitment and enthusiasm shown by all those who took this course.

Regulation

This academic year yielded one of the best performances of students in the 3 hour written examination for the 'Regulation' course. Students showed in particular a good understanding of the theoretical perspectives discussed in MT 2015 and demonstrated their ability to apply this material well to the specific case studies analysed in HT 2016.
Marks ranged from 58% to 77% for the prize winning script, with a total of four first class scripts.
Scripts in the high 2,1 range could have been improved by:
- answers responding more precisely to the specific question asked and developing the critical analysis of the argument presented.

Scripts in the 2,2, range could have been improved by answers engaging with a wider range of reading and examples of actual regulatory regimes.

Most scripts provided clear and well-structured answers with a significant amount of critical analysis that showed a development of short essay writing skills also through the tutorial essays and the collection.

Restitution of Unjust Enrichment
Most papers this year were of a reasonable standard, with no fails, but fewer distinctions than were hoped for. All questions were answered save for question 6 (Agency). The unpopularity of this topic may reflect the uncertainty felt in tackling a subject that interacts with the law of unjust enrichment, but may also reflect a lack of energy in tackling the areas that are dealt with at the end of the course.

In answering problem questions (questions 9, 10 and 11) too many candidates failed to adopt a systematic approach. This involves identifying all the parties between whom their may be a dispute and separating carefully the issues that must be dealt with between them. Too often (as with Question 9) a candidate would identify one, admittedly central, issue (here 'at the expense of') and devote the whole answer to that. The four question format, combined with the requirement that at least one problem must be answered, rewards those who identify all the points and answer them in a punchy way.

Question 1 (what ties the subject together?) was poorly done. Too many saw this as an excuse to produce a dull descriptive overview of the entire course. Question 2 ('change of position') attracted many good and sophisticated answers. Question 3 ('knowing receipt') was treated by too many as an excuse to produce a preprepared answer on the academic concept of 'ignorance'. Question 4 ('obligations of others') though unpopular was well done, with the best answers distinguishing the different ways in which an obligation may be discharged. Question 5 ("termination and avoidance") was a difficult one, with most answers focusing too heavily on the former. Question 7 ("ultra vires") required a more careful consideration of what the possible limits of the so-called '*Woolwich* principle' may be. Question 8 ('*bona fide* purchase') required a careful analysis of both what a 'claim in unjust enrichment' might be, and a discussion of what the justification for the defence is. This proved beyond many.

The Law of Personal Taxation
There were two candidates taking the paper. No particular problems emerged from the questions answered or the candidates' treatment of the law.

The Roman and Civilian Law of Contracts
The one candidate attempted the paper, selecting, as required, three out of eight essay questions. The candidate was successful.

APPENDIX 7

Title of Examination(s):		BCL and MJur
External Examiner Details	**Title:**	Professor
	Name:	Andrew Lang
	Position:	Professor of Law
	Home Institution:	London School of Economics

Please complete both Parts A and B.

Part A				
	*Please (✓) as applicable**	**Yes**	**No**	**N/A / Other**
A1.	Did you receive sufficient information and evidence in a timely manner to be able to carry out the role of External Examiner effectively?	Y		
A2.	Are the academic standards and the achievements of students comparable with those in other UK higher education institutions of which you have experience?	Y		
A3.	Do the threshold standards for the programme appropriately reflect the frameworks for higher education qualifications and any applicable subject benchmark statement? *[Please refer to paragraph 3(b) of the Guidelines for External Examiner Reports].*	Y		
A4.	Does the assessment process measure student achievement rigorously and fairly against the intended outcomes of the programme(s)?	Y		
A5.	Is the assessment process conducted in line with the University's policies and regulations?	Y		
A6.	Did you receive a written response to your previous report?			N/A
A7.	Are you satisfied that comments in your previous report have been properly considered, and where applicable, acted upon?			N/A
* ***If you answer "No" to any question, please provide further comments in Part B.*** *Further comments may also be given in Part B, if desired, if you answer "Yes" or "N/A / Other".*				

Part B

B1. Academic standards

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

On the basis of the examination papers I reviewed, the overall standard was extremely high, amongst the highest I have seen at any UK or international higher education institution. The BCL and MJur degrees rightly attract world class students, and this is reflected in the outstanding papers they produce.

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

The overall average mark in the BCL is high, and a high proportion (over 50%) achieve Distinctions. This is as high a proportion as I have seen at any institution. But on the basis of the standard of work I reviewed, it seems perfectly justified. If anything, the higher range of Distinction marks (74+) could be used more often, to distinguish more clearly between Distinction marks.

A significantly lower proportion of MJur candidates received distinctions, which is in line with previous years. The reasons for this are well known, and have been covered in earlier reports.

The average mark given across different courses was consistent, with only a very small number of outliers. It is difficult to assess the significance of those outliers without seeing trends over a number of years, and I would recommend that the relevant documentation available to the Exam Board shows course average marks for at least two prior years.

B2. Rigour and conduct of the assessment process

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

The assessment process is rigorous and fair. All procedures and practices as regards the preparation and conduct of exams are sector-leading. The standard of the exams was appropriately demanding, and fair.

The process for double marking scripts is sound – blind double-marking of all X7, X8, X9 scripts, with a random sample where appropriate. This seemed to result in a significant proportion of scripts being blind double-marked. Having all these borderline and quasi-borderline scripts reviewed also makes the work of the Exam Board much easier and more efficient.

As regards equity of treatment for students, it would be useful to have the gender breakdown for marks before the Exam Board in a different form – including a number of years of statistics, the ratio of men and women on the course, as well as an indication of the relevant percentages once all scripts have been finally classified. Without such additional data, it is difficult to comment meaningfully on the figures provided.

There were relatively few cases of medical evidence this year. All were treated diligently and with discretion.

It was also pleasing to see no reported cases of plagiarism.

The practice of having the Exam Board Chair attend the beginning and end of each exam – in addition to Invigilators and the academics in charge of each course – is relatively unusual in the sector, to my knowledge. A number of other universities only require staff to be contactable by mobile during the exam, and this seems to work well, and entails significant less staff time at a very busy time of year.

B3. Issues

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

None.

B4. Good practice and enhancement opportunities

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

The possibility of computer-based (rather than written) exams was discussed in the meeting. This is a matter of interest to a number of peer institutions and seems to me something that the university could usefully explore as a priority issue in the near future.

B5. Any other comments

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

The administrative staff in charge of the examinations process should be commended on their efficiency, professionalism and care. The University is very fortunate to have an outstanding team.

Signature:	**Andrew Lang**
Date:	**20 July 2016**

Please email your completed form (preferably as a word document attachment) to: external-examiners@admin.ox.ac.uk and copied to the applicable divisional contact. Alternatively, please return a copy by post to: The Vice-Chancellor c/o Catherine Whalley, Head of Education Planning & Quality Review, Education Policy Support, University Offices, Wellington Square, Oxford OX1 2JD.

APPENDIX 8

Form to report factors affecting performance applications considered by examination boards – for inclusion in Section II Part E of internal examiners' report

Name of examination:	
Number of factors affecting performance applications received before final meeting of examiners:	6
Number of factors affecting performance applications received after final meeting of examiners:	0
Total number of factors affecting performance applications received:	6
Percentage of factors affecting performance applications received (as a percentage of all candidates in the examination):	9%
Number of factors affecting performance applications which resulted in a change to the classification/final degree result:	0
Percentage of factors affecting performance applications which resulted in a change to classification/final degree result (as a percentage of all factors affecting performance applications):	0%
Number of factors affecting performance applications which resulted in changes to marks on an individual paper(s)/submission(s) (but not to the final classification/degree result):	0
Percentage of factors affecting performance applications which resulted in changes to marks on an individual paper(s)/submission(s) (but not to the final classification/degree result) (as a percentage of all factors affecting performance applications):	0%
Number of factors affecting performance applications which did not result in any changes to marks or degree result:	6
Percentage of factors affecting performance applications which did not result in any changes to marks or degree result (as a percentage of all factors affecting performance applications):	100%