

FHS JURISPRUDENCE
DIPLOMA IN LEGAL STUDIES
(MAGISTER JURIS)

Examiners' Report 2015

PART ONE

A. Statistics

1. Numbers and percentages in each class/category

The number of candidates taking the examinations was as follows:

	2015	2014	2013	2012	2011
FHS Course 1	185	183	198	182	195
FHS Course 2	30	32	31	32	33
Diploma	34	31	32	31	32
Magister Juris	23	12	20	11	18

Classifications: FHS Course 1 and 2 combined

	2015		2014		2013		2012		2011	
Class	No	%	No	%	No	%	No	%	No	%
I	52	24.18	46	21.40	37	16.15	45	21.03	42	18.42
II.i	151	70.23	163	75.81	180	78.60	158	73.83	166	72.81
II.ii	12	5.58	5	2.33	8	3.49	8	3.74	15	6.58
III			0		2	0.87	0		3	1.32
Pass			1	0.47	0		1	0.46	1	0.44
Honours*			0		1	0.43				
Fail			0		1	0.43	2	0.93	1	0.44
Totals	215		215		229		214		228	

* 'declared to have deserved Honours'

Classifications: FHS Course 1

	2015		2014		2013		2012		2011	
Class	No	%	No	%	No	%	No	%	No	%
I	44	23.78	34	18.58	30	15.15	34	18.68	24	12.31
II.i	130	70.27	143	78.14	156	78.78	138	75.82	151	77.44
II.ii	11	5.94	5	2.73	8	3.49	7	3.84	15	7.69
III			0		2	1.01	0		3	1.54
Pass			1	0.55	0		1	0.54	1	0.51
Honours*			0		1	0.50				
Fail			0		1	0.50	2	1.09	1	0.51
Totals	185		183		198		182		195	

* 'declared to have deserved Honours'

Classifications: FHS Course 2 (Law with Law Studies in Europe)

	2015		2014		2013		2012		2011	
Class	No	%	No	%	No	%	No	%	No	%
I	8	26.66	12	37.5	7	22.50	11	34.37	18	55
II.i	21	70	20	62.5	24	77.40	20	62.50	15	45
II.ii	1	3.33	0		0		1	3.12	0	
III			0		0		0		0	
Totals			32		31		32		33	

Results: Diploma in Legal Studies

	2015		2014		2013		2012		2011	
Result	No	%	No	%	No	%	No	%	No	%
Distinction	9	26.47	4	12.90	10	31.25	7	22.50	9	28.10
Pass	25	73.52	29	87.10	22	68.75	24	77.40	23	71.90
Fail										
Totals	34		33		32		31		32	

2. Vivas

Vivas are no longer used in the Final Honour School. Vivas can be held in the Diploma in Legal Studies, but none were held this year (nor in 2014).

3. Marking of scripts

Not all scripts are second marked. 637 scripts (31.2 %) were second marked, 298 of them before the first marks meeting, and 339 between the two meetings (made up of 62 where

the first marker's mark for the script was just below a borderline and 163 where the first marker's mark was four marks or more below the candidate's average mark. These figures exclude the double marking of the 'Jurisprudence new syllabus' scripts and essays. Of these 18 scripts were just below a borderline (made up of 13 where both the script and essay were double marked and 5 where only the script was double marked) and 50 where the first marker's mark was four or more below the candidates average mark (made up of 44 scripts only and 6 script and essay). The 31.2% total this year compares with 29.5% in 2014, 29.5% in 2013, 32% in 2012 and 31% in 2011.

4. Withdrawals from the examination

The figures tabulated above do not include withdrawn candidates. This year 6 candidates withdrew from the FHS, all from Course 1.

B. New examining methods and procedures

1. A new examining method, known as 'Jurisprudence New Syllabus', was introduced in the Jurisprudence paper for the 2014 FHS in respect of course 1 candidates only. In 2015, this new method applied to course 1 and course 2 candidates. Two students who had come back into residence after an intermission were given permission to sit the old-style jurisprudence examination (known as 'Jurisprudence Old Syllabus').

In place of the three-hour examination associated with Jurisprudence Old Syllabus, Jurisprudence New Syllabus candidates are required to write an essay of between 3,000 and 4,000 words (submitted at the end of the summer vacation following the candidate's second year) and to sit a two-hour examination at the end of the final year. The 2013-14 Board was responsible for preparing and issuing the Examiners' Edict relating to the summer essays for the 2015 FHS, and also for supervising the setting and issuing of the associated essay titles. The 2014-15 Board is grateful for this preparatory work done by its predecessor Board. The 2014-15 Board has in turn performed the same tasks in relation to the 2016 FHS. As last year, the issuing of the Edict and drafting and revising of questions proceeded smoothly.

The essays for the 2015 FHS were available for marking in October 2014, soon after the submission deadline. The markers were given a long lead time, with a deadline at the end of Hilary Term for handing over to second markers, and a deadline late in the Easter Vacation for agreed marks to be submitted. The marking of the essays, like the setting of the questions, involved a large team of assessors. Each of the 14 Jurisprudence 'mini-options' had three questions, of which candidates chose one, marked by two assessors. In general the marking and exchanging of marks went smoothly. The procedure and selection criteria for second marking were the same for each batch of essays as for 'smaller subjects' in the rest of the examination (see point 2 below).

2. Apart from the Jurisprudence innovation just described, examining methods were substantially unchanged. The procedures for ensuring the accuracy of marking were the same as in the last six years. That is, first, during the first marking process checks were made to ensure that markers were adopting similar standards. In larger subjects, this took the form of markers comparing their average marks and distribution of candidates between classes. Where any significant discrepancy was found, scripts were second marked to

establish whether similar marking standards were in fact being applied. In smaller subjects, a proportion of scripts chosen at random were second marked with the same objective. As in previous years, second marking of all scripts where the first marker had given a mark ending in 9 (69, 59, 49) or a mark below 40 also took place before the first marks meeting.

Secondly, scripts were automatically second-marked after the first marks meeting if they were out of line with other marks achieved by the candidate in question. The test applied was whether the script was 4 or more marks below the average for the scripts of that candidate. However, as in previous years, the final mark awarded by the Examiners in such cases was not (except in exceptional cases) to be below the mark awarded by the first marker. The Instructions sent to markers requires that if a mark is, exceptionally, to be lowered, the reason must be recorded on the mark sheet. This requirement was strictly enforced, so that, where the second mark was lower, in the absence of an explanatory note, the first mark given was awarded.

As noted above, all scripts where the first marker had given a mark ending in 9 (69, 59, 49) or a mark below 40 took place before the first marks meeting. In addition, between the two marks meetings of the Board, borderline scripts with marks ending in 8 and some of those ending in 7 (those where the first marker's overall mark for the script ended in 7 but the marker had identified one or more of the candidate's answers on the script as being in the class above the borderline) were second marked if a higher mark in that paper might affect the candidate's overall result. Where a candidate had submitted a 'Factors Affecting Performance' (FAP) application (part 13 of the *Examination Regulations* 2014), the Board occasionally required a second marking of additional scripts that nearly met these desiderata (e.g. 67s without any hint of 70).

C. Examining methods, procedures and conventions

1. Past Boards of Examiners were of the opinion that a higher percentage of candidates in Law deserved to be awarded first class degrees, and issued a note to all setters and markers with the goal of advancing that end. The Examiners are pleased to note that the percentage of candidates obtaining first class degrees in 2015 is 24%.

2. As in previous years, responsibility for setting and checking each paper, and marking the scripts, is allocated to teams of up to four members in larger subjects and up to three members in smaller subjects. The leader of each team has considerable additional responsibility to ensure that procedures are carried out and deadlines met. These procedures worked reasonably smoothly.

3. The Examination Conventions are detailed in paragraph 12 of the Notice to Candidates (Appendix 2 to this report). There was no change in the Examination Conventions between 2014 and 2015, nor between 2013 and 2014. The only noticeable change is that after a decline in the number and percentage of candidates in the lower second class from 6.58% in 2011 to 2.33% in 2014, the percentage of lower second class degree rose to 5.58 in 2015. The percentage of those awarded an upper second class degree fell from a high of 78.60 in 2013 down to 70.23% in 2015.

PART TWO

A. General comments

1. Candidate complaints relating to conduct of examinations

The only formal complaints made to the Proctors related to the late provision of materials or the provision of incorrect materials in various examination rooms within the Examination Schools. These complaints were forwarded by the Proctors to the Chair of Examiners and were considered by the Board of Examiners. For details see section 11 below.

2. Jurisprudence New Syllabus: principles applied to second marking

The Examiners applied the principle established last year that the separate marking of essay and exam script should continue to apply at the point of second marking. In the event that a candidate found himself or herself near a borderline with his or her overall Jurisprudence mark showing a 7, 8 or 9, remarking was generally confined to the lower-scoring of the two components. In some cases this meant that second markers were advised that they had a borderline script when it was in fact a script currently resting on (say) a 56 or a 65. An explanation was provided to second markers to the effect that the borderline situation triggering the remarking might have arisen from the combination of the two Jurisprudence components, and might not be visible in this one component taken alone. A similar approach was taken with the 4-below: unless both components were 4-below, in which case both were remarked, only the lower-scoring of the two components was sent for remarking. In some cases the attempt to resolve a borderline by remarking one component made the situation more difficult because it resulted in the final overall mark ending in 9. The Board of Examiners scrutinized such borderline marks very carefully to avoid any unfairness to candidates.

An additional logistical problem is that the assessors of the Jurisprudence essays typically fulfil their marking duties earlier in the year than other assessors and are not always available during the examination period and it is not always reasonable to ask them to be available. By that time they may, for example, be on leave or even out of the country. In such cases it can be difficult to find a suitable substitute second marker for a particular Jurisprudence essay where the second marking is required between the first and second marks meetings.

3. Jurisprudence New Syllabus: candidate performance

In 2014, performance in the examination was, in general, considerably weaker than in the mini-option essay. It was thought that this may have arisen partly because the examination was scheduled as the final examination in 2014, so the Examiners asked that it be scheduled earlier this year (see section 9 below). Happily, the disparity between examination and essay marks did not occur this year.

4. Jurisprudence New Syllabus: plagiarism in essays

All essays are submitted to the plagiarism checker software *Turnitin* that attaches a score to each essay. *Turnitin* has been used for some time in the BCL/MJur Jurisprudence and

Political Theory examination and elsewhere in the University. The raw *Turnitin* scores were inspected for any possible evidence of cheating.

The Examiners are of the view that plagiarism is not, at this stage, a significant issue in relation to the Jurisprudence essays. However, continuing vigilance is obviously required.

5. Second marking

The procedures for second marking were identified in B.1, above.

Resolving differences

Where a script was second marked, first and second markers were instructed to discuss their marks and, wherever possible, agree a mark. No problems with this were reported to the Board.

Statistics on second marking and agreed marks

As noted in A.3 above 637 scripts were second marked in 2015, a proportion (31.2%). This proportion was roughly in line with the percentage of scripts that were second marked in previous years.

The scripts that were second marked can be divided into four groups. Second markers marked scripts without knowing the mark that the first marker had given, but were told the reason why the script had been identified for second marking (e.g. that the first mark was 'four or more below').

- (i) *Checks to ensure consistency between markers before the first marks meeting.*
In total, 298 scripts (16.16%) were second marked on this basis. This compared with 267 (12.95%) in 2014, 306 (14.85%) in 2013 and 362 (17.92%) in 2012.

This year there were 4 scripts with marks below 40 (0.19%) (compared with 6 (0.29%) in 2014, 12 (0.58%) in 2013 and 16 (0.79%) in 2012.

- (ii) *Scripts and essays which had been marked 4 or more below the average mark for that candidate.*
213 scripts/essays (10.45%) were second marked on this basis between first and second marks meetings (compared with 230 scripts in 2014, 229 scripts (11.11%) in 2013 and 231 scripts (11.54%) in 2012. The figure of 213 includes 50 Jurisprudence New Syllabus remarks. That figure in turn divides into 44 where the only item remarked was the Jurisprudence script, and 6 where both script and essay were remarked.

- (iii) *Scripts second marked because they were borderline.*

All scripts where the first marker had given a mark ending in 9 (69, 59, 49) were second marked before the first marks meeting. (The number of scripts in this category forms part of the number recorded in (i), above.) The Board also, after reviewing candidate's marks at the first marks meeting, sent out for second marking borderline scripts (that is all of those with marks ending in 8, and those with marks ending in 7 where the first marker had identified one or more of the candidate's answers on the script as being in the class above the borderline) where a higher mark in that paper (and no more than one other paper) might affect the candidate's overall result and the script had not already been second marked before the meeting.

As shown by the table below, 62 borderline scripts were sent out for second marking after the first marks meeting on this basis (the same number as in 2014). The table below excludes the 'Jurisprudence New Syllabus' borderline scripts and/or essays. In the 18 cases where either the script and/or the essay was second marked, 6 (33.3%) moved into the higher class overall.

First Mark	Number of Scripts	Number agreed in Higher Class	% agreed in Higher Class
68	30 (33)	7 (6)	(23) (18)
67	22 (16)	4 (3)	(18) (19)
58	7 (11)	1 (7)	(14) (64)
57	3 (2)	0 (0)	0 (0)
48	0 (0)	0 (0)	0 (0)
47	0 (0)	0 (0)	0 (0)

For the purposes of comparison the figures for 2014 are given in brackets.

12 scripts were raised to a higher class (19.35% of those sent out at this stage) compared to 16 (25.80%) in 2014, 21 (29.16%) in 2013, 19 (35.84%) in 2012 and 21 (21.58%) in 2011.

- (iv) *Scripts second marked after the first marks meeting to assist with the award of prizes.*

This year there was no remarking of scripts or essays for the purpose of determining to whom a prize should be awarded.

6. Third marking

Third marking may be used in exceptional cases, this year the Board sent 12 scripts for third marking (8 scripts were third marked in 2014).

7. The Board's marks and exercise of their discretion at their final meeting

The Examiners applied, as a general rule, the conventions as to classification and results as previously agreed by the Law Faculty Board, and notified to candidates. There were, as usual, some cases where Factors Affecting Performance had been drawn to the Board's attention, and in some of these the Board decided that it was appropriate to classify a candidate otherwise than in accordance with the conventions (see point 10 below for details).

8. Prizes

The decision as to which candidate should be awarded the prize for each subject was taken by members of the team marking the subject concerned. In the case of Jurisprudence, the Examiners made the final decision on the basis of the combined overall marks (for the mini-option essay and the examination). The winners of the prizes that take into account performance across more than one subject were also decided by the Examiners, and where there were multiple contenders the decision was made on the basis of shortlists provided by the Chair showing the relevant mark profiles.

9. Examination schedule

The Examination Schools were responsible for producing the timetable, and did so efficiently in consultation with the Examinations Officer and the Chair. Within the available examination period it is not possible to schedule papers so that no candidate has more than one examination on any day. This year 20 candidates had two papers on one day (28 in 2014, 24 in 2013, 32 in 2012 and 31 in 2011). As noted under section 3 above, the Jurisprudence examination was placed immediately at the end of the compulsory papers and before the option papers (ie on the Monday of the second week of examinations).

10. Factors affecting performance and special examination needs

The procedures for dealing with special cases were changed in 2014. Candidates who have conditions calling for extra writing time, word-processing, rest breaks, or other special arrangements for the sitting of the examination are no longer dealt with by the Proctors' Office. These ('part 12 of the *Examination Regulations* 2014') candidates are catered for by the team in the Taught Degrees Examinations Office at the Examination Schools. This year the Examinations Officer (on behalf of the Chair) was given access to copies of the special arrangements applications via the 'SharePoint' secure website, which was set up by the Taught Degrees Team. In previous years a hard copy of the arrangements was sent to the Chair. Part 12 cases do not concern the Examiners at the marks meeting.

The 'factors affecting performance in an examination' (part 13 of the *Examination Regulations* 2014) cases were, from this year, also dealt with by the Taught Degrees Team. As with 'part 12', the Examinations Officer was given access to download the part 13 applications from the 'SharePoint' secure website. The attention of the Examiners was drawn to medical conditions or other matters that may have affected performance in the Examination.

A new procedure in 2015, required a subset of the Board to meet prior to the first marks meeting of the Board to discuss the individual applications and to evaluate 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, the Examiners took into consideration the severity, timing and relevance of the circumstances,

and the strength of the evidence. The Examiners also noted 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. A record of the evaluation was recorded on the appropriate form included in Annex B of the *Policy and Guidance for Examiners and others involved in University Examinations, Michaelmas Term 2014*. The banding/evaluation information was used at the final meeting of the Board of Examiners to inform the decision making process. A formal record is also kept confirming (a) the fact that information about special circumstances has been considered by the Examiners, (b) how that information has been considered, and (c) the outcome of the consideration together with the reasons for the decisions reached. The form for evaluating the circumstances and report of action taken was completed at the results confirmation meeting (the Final Marks Meeting) using the appropriate form included in Annex B of the *Policy and Guidance for Examiners and others involved in University Examinations, Michaelmas Term 2014*.

Part 12 certificates were forwarded to the Examiners in respect of 29 candidates, 25 of them in course 1, two in course 2, and two in the DLS.

Part 13 certificates were forwarded to the Examiners in respect of 39 candidates (32 in course 1, 5 in course 2, 2 in the DLS) compared with Part 11 (now Part 13) in 2014 when certificates were forwarded to the Examiners in respect of 18 candidates (15 in course 1, 3 in course 2, none in the DLS). Given the change in procedures in 2015 it is unclear whether and how this figure is to be compared with the figures for medical certificates provided in previous Examiners' Reports (29 candidates in 2013, 16 in 2012, 59 in 2011, 34 in 2010 and 31 in 2009).

In every case where a part 13 application had been sent, via the 'SharePoint' secure site, by the Taught Degrees Team, to the Board, the Chairman reported its contents, in an anonymised form, to the Board so that it could be taken into account when classifying the candidate's performance.

The information in the 'Factors affecting performance applications' (Part 13) led the Examiners, in the exercise of their discretion, to award a higher degree classification than they would otherwise have done in respect of four candidates. The Examiners carefully considered all part 13 applications but in no other case did they consider it appropriate to alter any mark or the final degree classification.

Construction noise was reported on several occasions by the Examinations Schools to the Proctors who informed the Board of Examiners that this was likely to have affected an exam on a particular day. The Proctors instructed the Examiners to take the noise disturbance into account when considering candidates' results. A statement about noise had been published on the Proctor's Office website during the examination period. The Examiners considered this information but concluded that because the noise affected all candidates sitting in the Examination Schools and because no complaints about noise had been received from any candidate, it was not appropriate to make any adjustments to marks or classifications.

11. Materials in the Examination Room

Several problems occurred with the materials in the exam room either immediately before or at the start of the examinations. On several occasions, in the main examination room and in the extra time room, either the incorrect statute book, document or case list was placed on the desk by the invigilators but was spotted by the Chair of Examiners and rectified before the candidates arrived. On one occasion the start of the examination was delayed by 13

minutes until the missing materials arrived. In the extra time room for the Tort Law paper the incorrect case list was placed on the desks: this was not noticed and rectified until after the examination had started. Problems also arose in respect of the provision of materials to a candidate sitting an examination in college. All these problems were reported to the Proctors and the issues raised were taken up with the Head of the Examination Schools.

The list of statutory materials is included in Appendix 2.

12. Legibility

This year, typing was requested in respect of 12 candidates for a total 23 scripts. This compares with 11 for 24 scripts in 2014, 10 for 13 scripts in 2013, 12 for 22 scripts in 2012, 9 for 13 scripts in 2011 and 25 for 43 scripts in 2010.

13. Absent answers, breach of rubric and short answers

In accordance with the practice adopted since 2011, the mark given for a completely absent answer in any script (formerly known as short weight) was zero. No other penalty was applied. Where part of a question which was formally separate had not been attempted (formerly known as fractional short weight), or the answer was a “skimped”, “rushed final”, “short” or “weak” answer, it was awarded such a mark above zero as was appropriate, relative to more successful answers, in terms of the quality of what had been written, and the extent to which it covered the question. Again, no other penalty was applied.

The Examiners addressed the question of what penalty, if any, ought to be applied if a Jurisprudence essay fell below the minimum word limit (3000 words) or above the maximum word limit (4000 words) specified in the Regulations. Markers applied the principles used for ‘short’ examination answers above, namely to assess the essay for what it is worth in comparison with fuller answers. This approach treats the ‘3000-4000 word’ instruction in the Regulations as guidance on what will qualify as an adequate but not excessive treatment of the subject. It does not treat it as a requirement, breach of which will be penalized, akin to a rubric violation.

14. Misunderstood questions

Guidance was again given to markers, as in previous years, about how they should treat misunderstood questions. This instructed the marker to consult the other marker(s) of the paper in order to discuss the appropriate mark for the question in the light of the particular misunderstanding, thus providing the markers with the opportunity to assess how serious the misunderstanding and ensure that it, and similar misunderstandings, could be treated in a similar way across the marking team.

15. The computerized database

The computer database had been updated to enable markers to submit electronic mark sheets via a secure website, this worked well for markers and the majority considered this a useful tool. The database caused problems during the processing of marks at several different stage but these were rectified immediately.

The databases still remains in need of modernization and this is made more urgent by the revised mode of examination in Jurisprudence, which now necessitates the provision of two separate profiles for each candidate – the main profile, used for classification, and a sub-profile showing the breakdown of Jurisprudence marks, referred to mainly for the purpose of determining whether remarking was required.

16. External Examiners

This year we had the valuable assistance of Dr P. Saprai of University College, London (for his first year) and Dr P. Syrpis of the University of Bristol (for his second year). They were involved in all the stages of the process, and provided much valuable advice: we are very grateful to them. This year, as last, the External Examiners each looked at ten borderline scripts in their specialist subjects. The External Examiners' reports to the Vice-Chancellor about their views of the examination process are attached as Appendix 1.

17. Thanks

Successive Boards of Examiners have reported on the dedication, expertise, efficiency and tireless work of our Examinations Officer, Mrs. Julie Bass. Her role is crucial to the examinations process and we are enormously grateful to her. She worked extraordinarily hard from very early morning until late at night and over several weekends during the examination period, and she remained calm and good humoured throughout. Julie Bass's attention to detail, total command of the process, and utter devotion to ensuring that the process run smoothly is beyond question. We are hugely lucky to have her in charge of the exams process.

In addition to the Examiners, 67 colleagues were assessors, involved in setting and marking, and second-marking to a very tight deadlines and we owe our thanks to them all. Finally, we record again our thanks to the External Examiners, Dr Saprai and Dr Syrpis, for their expertise and their highly valued oversight and good counsel throughout the examinations process.

B. Equal Opportunities issues and breakdown of the results by gender

The gender breakdown for Course 1 was:

	2015				2014				2013				2012			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
I	27	29	17	18	18	24	16	15	15	15	15	14	15	18	19	19
II.i	59	64	71	76	54	73	89	82	75	79	81	77	64	76	74	76
II.ii	6	7	5	5	2	3	3	4	3	3	5	4	3	3	4	4
III									1	1	1	0.9				
Pass							1	1					1	1		
Fail											1	0.9	1	1	1	1
Honours*											1	0.9				
Total	92		93		74		109		94		104		84		98	

* 'declared to have deserved Honours'

The gender breakdown for Course 2 was:

	2015				2014				2013				2012			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
I	3	25	5	28	8	53	4	24	3	30	4	19	5	38	6	32
II.i	9	75	12	66	7	47	13	76	7	70	17	80	8	62	12	63
II.ii			1	6											1	5
III																
Pass																
Fail																
Honours*																
Total	12		18		15		17		10		21		13		19	

* 'declared to have deserved Honours'

The gender breakdown for Course 1 and 2 combined was:

	2015				2014				2013				2012			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
I	30	29	22	20	26	29	20	16	18	17	19	15	20	21	25	21
II.i	68	65	83	74	61	69	102	81	82	78	98	78	72	74	86	74
II.ii	6	5	6	5	2	2	3	2	3	3	5	4	3	3	5	4
III									1	0.9	1	1				
Pass							1	1					1	1		
Honours*											1	1				
Fail											1	1	1	1	1	1
Total	104		111		89		126		104		125		97		117	

* 'declared to have deserved Honours'

Of the 6 candidates who withdrew from the examination (all course 1, not included in the tabulated figures above), 3 were female and 3 were male.

The Examiners were not asked to produce an ethnicity analysis of the results. No question of ethnicity is asked in the examination entry form.

C. Detailed numbers taking subjects and their performance

1. Numbers writing scripts in optional subjects: FHS Courses 1 and 2

	2015	2014	2013	2012	2011
Roman Law (Delict)	9	5	2	7	6
Comparative Private Law (previous to 2015 known as Comparative Law of Contract)	10	*	5	6	11
Criminology and Criminal Justice	21	18	22	32	40
Public International Law	40	38	42	37	43
History of English Law	2**	12	4	4	10
International Trade	15	15	14	20	
Family Law	51***	55	46	44	58
Company Law	18	22	26	27	31
Labour Law	15	19	21	25	32
Criminal Law	9	6	10	7	6
Commercial Law	22	30	23	31	11
Constitutional Law	9	6	10	7	6

Taxation Law	12	18	13	6	14
Environmental Law	4	7	5	9	8
Competition Law and Policy	42	35	30	1	39
Copyright Trade Marks & Allied Rights	12	5	2	*	12
European Human Rights Law	30	43	26	39	34
Personal Property	16	8	20	22	17
Copyright, Patents and Allied Rights	22	16	40	30	12
Moral and Political Philosophy	26	30	24	27	24
Commercial Leases	*	*	*	*	6
Patents, Trade Marks & Allied Rights	*	*	*	*	1
Medical Law and Ethics	44	62	96	75	55
Media Law (new subject in 2015)	12				

* Not offered

** One old syllabus candidate and one new syllabus candidate

*** Five old syllabus candidates and 46 new syllabus candidates

2. Numbers writing scripts in Diploma in Legal Studies

	2015	2014	2013	2012	2011
Contract	28	24	24	23	26
Tort	26	19	20	18	18
European Union Law	7	13	6	10	11
Comparative Private Law (previous to 2015 known as Comparative Law of Contract)			6		6
Company Law	6	13		7	4
Jurisprudence		3	4	3	6
Commercial Law			2	1	
Public International Law	10	3	3	9	5
Criminal Law	4	1	2	5	1
Copyright, Trademarks and Allied Rights		2	1		4
Trusts	2		3		1
International Trade					
Labour Law	1	4	3	1	1
History of English Law			1		1
Copyright, Patents and Allied Rights	4	1	1	1	
Constitutional Law			8	5	6
Competition Law and Policy	6	5			2

European Human Rights Law	5	3	7	5	2
Criminology and Criminal Justice	2		3	3	
Administrative Law					1
Medical Law and Ethics					1
Roman Law (Delict)			2	1	
Land Law				1	
Family Law	1				

3. MJur candidates taking FHS papers

	2015	2014	2013	2012	2011
Jurisprudence					
Contract	10	4	6	3	6
Tort	4			1	
Land Law					
Family Law			2		
Comparative Law of Contract					
Public International Law	1		2	2	1
European Union Law		1	1		
International Trade					
Company Law	3		4	5	5
Principles of Commercial Law					2
Constitutional Law	1				1
Trusts	1				
Administrative Law	1	1	1		1
Labour Law					
Criminal Law					
Copyright, Trademarks and Allied Rights					
Ethics					
European Human Rights Law	2	5	2		2

4. Percentage distribution of final marks by subject: FHS Courses 1 and 2

(figures are rounded. Zero means less than 0.5%. Blank space means no scores in range)

	75-79	71-74	70	68-69	65-67	60-64	58-59	50-57	48-49	40-47	39 or less	Nos. writing scripts
Jurisprudence (Old & New combined)		7	3	14	33	38	3	2				215
Contract		7	13	7	30	30	4	7		1		215
Tort	0	7	10	9	33	29	6	3	1	1		215
Land Law	1	8	9	10	23	34	6	9	1	1		172
Land Law (old regs)	2	2	12	5	17	44	2	12			2	43
Trusts		5	10	6	22	38	6	11		1	1	215
Admin. Law		12	15	13	25	29	2	4				215
EU Law		6	14	7	29	37	2	5			0	215
Criminology & Criminal Justice		10	19	10	19	33	5	5				21
Comparative Private Law		10	30		50	10						10
PIL		8	10	8	36	36		3				40
History of English Law						100						1
History of English Law (old regs)			100									1
Family Law	2	9	17	9	39	22		2				46
Family Law (old regs)		25			50				25			5
Labour Law		13	33	7	33	7		7				15
Company Law		18	12	18	41	12						18
Criminal Law					22	67	11					9
Commercial Law		5	19		33	14		24	5			22
Constitutional Law		11	22		33	33						9
Taxation Law		17	25	17	33	8						12
Roman Law (Delict)		25		13	25	38						9
Environmental Law		25	25		25	25						4
Copyright, Patents and Allied Rights	5	33		24	29	10						22
European Human Rights Law		28	31	14	17	10						30

Personal Property		6	25	25	38	6						16
Competition Law and Policy		2	12	5	46	29	2	2				42
Medical Law and Ethics		5	5	7	19	63	2					44
Moral and Political Philosophy	8	8	16	4	28	28		4		4		26
International Trade	7	14	21	14	21	21						15
Copyright, Trade Marks and Allied Rights		17	8	17	42	17						12
Media Law		17	8	42	8	25						12

D. Comments on papers and individual questions

These appear in Appendix 3

N. Bamforth
R. Bagshaw
J. Dickson
S. Douglas
L. Ferguson
L. Lazarus
P. Saprai (external)
N. Stavropoulos
P. Syrpis (external)
L. Zedner (Chair)

Appendix 1: Report of External Examiners
Appendix 2: Notice to Candidates (Examiners' Edict)
Appendix 3: Reports on individual papers

Appendix 1

REPORT OF THE EXTERNAL EXAMINERS

Title of Examination:		FHS Jurisprudence and Diploma in Legal Studies
External Examiner Details	Title:	Dr.
	Name:	Prince Saprai
	Position:	Senior Lecturer
	Home Institution:	University College London

Please complete both Parts A and B.

Part A					
		<i>Please (✓) as applicable*</i>	Yes	No	N/A
A1	Did you receive sufficient information and evidence in a timely manner to be able to carry out the role of External Examiner effectively?		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? <i>[Please refer to paragraph 3(c) of the Guidelines for External Examiner Reports].</i>		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	Have issues raised in your previous reports been responded to and/or addressed to your satisfaction?				N/A
<p><i>* 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”.</i></p>					

Part B

B1. Academic standards

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

Having reviewed the examination papers and student scripts I can say with confidence that academic standards are appropriate and student achievement is comparable with similar institutions.

- 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).*

Student achievement is very high across both programmes.

B2. Rigour and conduct of the assessment process

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

I was extremely impressed by the efficiency, rigour and conscientiousness with which the entire process was conducted. I received materials in a timely manner, and every effort was made to ensure that procedures were explained clearly.

The Chair and the Examinations Officer conducted the two Board meetings I attended in an exemplary manner. The Chair demonstrated an intimate knowledge and understanding of the procedures and regulations. They were applied fairly and rigorously throughout. The seriousness and care with which each candidate's performance was assessed was exceptional.

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?

The following issues were discussed. First, I have some concerns about how the marking conventions apply in some cases. So, for example, if a candidate achieves 5 or more marks at 2.2 level, and one mark below 30 it is unclear from the conventions whether this candidate should be awarded a Third Class Honours degree or a Pass degree. In my view, in cases where the student has a 2.2 average overall either result seems harsh. The precipice is even more terrifying from the perspective of a student who has one mark below 30, but otherwise a first class or 2.1 profile. I note that one of the external examiners raised a similar concern last year.

Although the Board has a discretion in how unusual cases of this kind are handled, there may be an argument for introducing a formal requirement that account be taken of the average in the exercise of this discretion.

A second issue arose concerning what penalty should be applied when the assessed essay for the Jurisprudence course has been submitted late. The guidance from the Proctors requires that marks

be reduced by up to 10 in cases of this kind. Greater specification of what the penalty should be, which takes into account how late the essay was submitted should be considered. Below I have pasted the tariff that is used by my institution, UCL, for these cases:

Principle 13:

In cases of unauthorised late-submission of a course essay:

- i. Where the essay is submitted up to 24 hours late, the full allocated mark shall be reduced by 5 percentage points*
- ii. The mark shall be reduced by a further 10 percentage points if the essay is submitted during the following six calendar days*
- iii. Where a course essay is submitted more than seven calendar days after the submission deadline, but before the end of the undergraduate examination period, a mark of zero shall be recorded for that element of the assessment, but the assessment shall be considered complete.*
- iv. Where a course essay is submitted after the end of the undergraduate examination period, the late submission shall be treated as non-submission and shall fall within Principle 12, above.*

In all cases of late-submission the Board may, following a recommendation by the Extenuating Circumstances Committee, seek College's permission to suspend these penalties. The Board has, however, no inherent power to treat the late submission as having been authorised after the event.

B4. Good practice and enhancement opportunities

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

I know that it is now the second year in which Jurisprudence is assessed in part by essay. Overall, I think the introduction of different assessment methods is highly desirable and a very welcome development. I know that some concern has been expressed about why students perform better on the essay than on the exam component. Although this is obviously something that should be monitored, it is quite common and I hope it does not discourage Oxford from adopting different methods of assessment. The Jurisprudence paper at UCL for instance also has an essay component, and we see a similar pattern. I suspect this is because students spend longer on the essay.

B5. Any other comments

Overall, I was extremely impressed by the efficiency and care with which the entire process was conducted. I look forward to continuing in the role next year.

Title of Examination:		FHS Examinations in Law
External Examiner Details	Title:	Dr
	Name:	Phil Syrpis
	Position:	Reader in Law
	Home Institution:	University of Bristol

Please complete both Parts A and B.

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

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?

The standards at Oxford are high. The questions set in the examinations are challenging, and the way in which the students respond is (in the main) impressive.

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 marks achieved are high – considerably higher than at Bristol, with about 24% of students being awarded firsts. The award of each class seems to be fully justified; and the board of examiners examined all borderline cases thoroughly.

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.

Yes – all fine.

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?

There were two of issues (of detail) which emerged in the course of the examination boards which I attended, which it may be useful to comment on here.

First, as external, I was asked to look at 10 'uncontroversial borderline scripts'. The marks awarded were all between 58 and 62; and it would have been good to have had the opportunity to see scripts from across the mark range. Additionally, there were no comments made on the scripts, or indeed marks awarded for the individual questions. This made it difficult for me as external to fully understand the way in which the scripts had been marked. At Bristol, we are, as first markers, encouraged to make brief comments on the scripts we mark, to assist the moderators and external examiners, and so as to be able to feed back to the students. Clearly this approach is not possible where there is an expectation that scripts may be blind double marked... but I think it is possible that a compromise position be reached.

Second, there were a number of issues arising from the coursework element of the assessment in jurisprudence. One – raised last year also – is that there is no scope for assessing the unit as a whole; with the result that many scripts ended up with marks ending with '9' and in relation to which it was impossible to take a holistic view. Another – which only became an issue this year – is in relation to penalties for a) late submission and b) essays which were either over, or under, length. It is not difficult to devise clear rules dealing with these matters, and that should be done.

B4. Good practice and enhancement opportunities

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

Linked to the last point, it is welcome that there is some coursework assessment in the Law degree. Despite some teething problems, I think it important that the coursework element is retained, and, if possible, extended.

B5. Any other comments

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

I am now at the end of my two year term as an external examiner at Oxford. I felt that I have learned a great deal from the process; and appreciate the efforts made by the two Chairs I have seen (John Gardner and Lucia Zedner); and by the Examinations Officer, Julie Bass. There is a lot of second (and third) marking of script which occurs in July – which no doubt imposes a great deal on the time of all academic staff involved in the assessment process. But standards are high, and all seem determined to ensure that fair outcomes are reached for all students.

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

FINAL HONOUR SCHOOL OF JURISPRUDENCE (COURSE I AND COURSE II (LAW WITH LAW STUDIES IN EUROPE)) AND DIPLOMA IN LEGAL STUDIES EXAMINATION 2015

NOTICE TO CANDIDATES

*This document is traditionally known as the Examiners' Edict. It is the means by which the Examiners communicate to the candidates information about the examination. It is very important that you should read it carefully. Do not suppose from the fact that you may have seen Edicts published in previous years that you already know everything that is in this year's edition; and if you believe that it may contain an error, please notify your college tutor/adviser without delay. **This document replaces the Notice to Candidates issued in Michaelmas Term 2014 (dated 13 November 2014).***

1. Examination Entry Details

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

2. Timetable and Place of FHS/MJur/Diploma in Legal Studies Examination

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

The timetable is attached to this notice as Schedule I. No candidate is believed to have offered more than one of the papers scheduled for the same time. If you think that it is wrong, you must inform the Chair of Examiners through your college tutor/adviser without delay. In addition, the Examiners have tried to ensure that as few candidates as possible have more than one paper on the same day.

3. Examination Numbers and Anonymity and Examination Protocol

The Examination Schools will send you an individual timetable listing your candidate number and the times and dates of the papers for which you have entered. **Please bring this with you to the examination room or devise some way of remembering your examination number. You must not write your name or the name of your**

college on any answer book. Use only your examination number. Please also bring with you to each examination paper your University Card; this must be placed face up on the desk at which you are writing.

The Examination Protocol gives practical guidance on the conduct of the examination and is attached to this notice as Schedule II. You should read it before the start of the examination. Please note that it is an *unofficial* practical guide to conduct and procedures in the Examination Schools; the Protocol also refers you to the Proctors' Disciplinary Regulations and Administrative Regulations for Candidates in Examinations. (See also paragraph 18 below).

4. Materials in the Examination Room

In some examinations statutes and other materials will be placed on the desks in the examination room, and a list of these materials was attached to the notice previously circulated to candidates dated 13 November 2014. Since that date, a further changes has been made and the final list approved by the Law Board is attached to this notice as Schedule III. In the event of any emergency change, this will be notified to the candidates concerned. Attention is particularly drawn to the changes in materials in the examination room (since the notice of 13 November 2014) for the following subject papers:

Contract (notice previously circulated to candidates dated 4 March 2015 - see also Schedule VI)

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

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

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

This is in addition to:

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

European Union Law (notice previously circulated to candidates dated 13 November 2014 – see also Schedule VI)

European Union Law Case list 2014-15

This is in addition to:

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

Media Law

Materials on Media Law:

Communications Act 2003, s.368E

Juries Act 1974, s.20A-20C

Police and Criminal Evidence Act 1984, s.8, s.9, s.11, s.13, s.14 and extracts from Schedule 1

Terrorism Act 2000, extract from Schedule 5

A copy can be found on Weblearn at: <https://weblearn.ox.ac.uk/x/P4PoET>

This is in addition to:

Blackstone's Media Law statutes, 4th edition (2013)

Media Law Case list 2014-15

In addition, the Examiners wish to remind candidates of the materials provided in the Land Law and Trusts examinations:

Land Law (old and new syllabus)

Candidates will be provided with Sweet & Maxwell's Statutes Series, Property Law, 8th (2002), 9th (2003) or 10th (2004) edition. Since there are insufficient copies of the 8th edition, it has been agreed that the numbers should be made up with copies of the 9th and 10th editions. This is on the understanding that there is no substantial difference between the three editions as far as FHS and DLS candidates are concerned. In addition, candidates will be provided with Land Law Case List 2014-15; Consumer Credit Act 1974 ss 140A-140C; Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 Art 60C(2); and Mortgage Repossessions (Protection of Tenants etc) Act 2010 (in full).

Trusts

Candidates will be provided with Sweet & Maxwell's Statutes Series, Property Law, 8th (2002), 9th (2003) or 10th (2004) edition. Since there are insufficient copies of the 8th edition, it has been agreed that the numbers should be made up with copies of the 9th and 10th editions. This is on the understanding that there is no substantial difference between the three editions as far as FHS and DLS candidates are concerned. In addition, candidates will be provided with Charities Act 2011, sections 1 – 5; and Trusts Case List 2014-15

Dictionaries - DLS

No dictionaries for DLS candidates are allowed in the examination room.

Dictionaries - FHS

The change in the regulations for candidates whose course of study commenced in or after Michaelmas 2009 means that such candidates may not bring a dictionary into the examination room.

In the case of candidates whose course of study commenced before Michaelmas 2009, non-native speakers who wished to use a language dictionary were required to apply to the Proctors, through the Senior Tutor of their College by the end of week 4 of Michaelmas Term 2014. **Late requests will not be entertained.** The general rules used by the Proctors are that language dictionaries are permitted under the following conditions:

- (i) the candidate obtains permission from the Proctors;
- (ii) the dictionary will be inspected by the Chairman of Examiners (or deputy) at the beginning of the examination;
- (iii) the dictionary must be handed to the invigilator, or left in a place which will be designated, at the end of each paper and kept under the control of the examiners until the examination is concluded;
- (iv) the use of electronic dictionaries is not permitted.

Other materials

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

Rough work

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

Candidates' scripts

- (i) Anonymity - to ensure anonymity you must write **only** your **examination number** in the appropriate place on the first page of each answer booklet. You must not write your name or college even if the booklet contains a box labelled "name and college" (that box must be left blank).
- (ii) Legibility – Candidates must not write in pencil. Candidates are required to write legibly; Examiners are not bound to take account of illegible material and may ask for illegible scripts to be typed. If so, the script will be typed at the candidate's own expense. The Examiners will make every effort to identify such candidates as early as possible, but this cannot be guaranteed.
- (iii) Collection of scripts – You must remain seated at your desk until the invigilator has collected your script from you.

5. Water and medical items in the Examination Room

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

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

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

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

6. Viva Voce Examination in the Diploma in Legal Studies

The viva voce examination is an integral part of the examination in the Diploma in Legal Studies for those candidates who have been required to attend it. Candidates who are required by the Examiners to attend but fail to do so are deemed to have failed the examination, unless they can, through their college, satisfy the Proctors that they have been prevented from attending by "acute illness or other urgent cause". There has been only one viva in the past few years so a viva is not very likely, but it is a possibility. A viva will only be held in the case of a candidate who might otherwise fail the examination. The viva voce examination, if required, will be held on Tuesday 14 July, probably in the early afternoon, and candidates will be notified by the following procedure if their attendance is required.

Candidates will be supplied at their first paper with a viva voce notice, on which they will be asked to indicate a telephone number at which they can be reached on Monday 6 July. Candidates must also leave with their college tutor a telephone number and, if possible, an email address, at which they can be contacted on or after Monday 6 July.

7. Leaving the Examination Room

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

A candidate who is taken ill while sitting a written paper may (with the invigilator's permission) leave the room and return while the examination is in progress to resume the paper on one occasion only (and no extra time shall be allowed). If the candidate is unable to complete the paper concerned because they have been taken ill a second time, they should inform an invigilator so that the incomplete script can be handed in. It is the candidate's responsibility to obtain a medical certificate explaining how their performance in the paper concerned may have been affected by illness. The Examiners will be made aware of any difficulties suffered by a candidate in the examination room only if the candidate subsequently obtains a medical certificate and that, plus any other relevant information, is submitted to the Proctors and passed by them to the Examiners. For the procedures to be followed see paragraph 16 below.

Candidates who fail to attend a paper without going through the correct procedure to withdraw from the examination are deemed to have failed the examination unless the Proctors give instructions to the Examiners about reinstating them. For the procedures for withdrawal before the examination and after the examination has started, see *Examination Regulations* 2014, pages 29-33, Part 14. Candidates should consult their college tutor if any of these provisions apply to them. A candidate may not withdraw from an examination after the written part of the examination is complete. The point of completion is deemed to be the conclusion of the last paper for which the candidate has entered; see *Examination Regulations* 2014, page 42, Part 20, para 6.

8. Change of Options

The Chairman of Examiners hereby gives notice of consent to any variation of options made without direct reference to the Chairman but reported to the Clerk of the Examination Schools by Friday of the first week of Hilary Term (23 January 2015), **except** any variation which will affect the timetable. The Examination Schools will advise on the point whenever variations are reported.

9. Prizes

A list of prizes is given in the attached Schedule IV.

10. Form and Scope of Papers, etc

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.

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

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

(a) Comparative Private Law (previously known as Comparative Law of Contract (last examined 2012-2013)) (notice previously circulated to candidates dated 1 December 2014)

There will be 9 questions, 6 in Part A (Obligations) and 3 in Part B (Property and Trusts). Problem questions may be asked but it will not be mandatory to answer a particular number of problem questions (previously candidates answered 4 questions and the choice of questions was unrestricted). Unlike the examination papers for the former Comparative Law of Contract course (whose rubrics required the candidate to answer questions 'comparing French law with English law'), the rubric for the examination paper for the new Comparative Private Law course will require candidates to answer '3 questions, including at least one question from Part A and at least one question from Part B'; each question will itself identify the national laws which candidates are required to compare in their answers.

(b) Contract (notice previously circulated to candidates dated 13 November 2014)

There will be 12 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions; DLS candidates should answer 3 questions including at least one problem question.

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

(c) Jurisprudence (old syllabus)

There will be 16 questions of which FHS and DLS candidates should answer 3.

(d) Jurisprudence (new syllabus)

There will be 10 questions of which FHS candidates should answer 2.

(e) Land Law (notice previously circulated to candidates dated 13 November 2014)

Two Land Law papers will be set in 2015. Which version of the Land Law paper you will be set will primarily depend on which course you are studying.

Course I, MJur and Diploma in Legal Studies students: a paper will be set on the new syllabus for Land Law (including the topic 'Human rights as relevant to Land Law'; but not the topic 'Acquisition of title by possession; Loss of title because of dispossession').

There will be 11 questions on this paper, 5 of which will be problem questions. (This is a change from last year when there were 10 questions, 5 of which were problem questions.)

FHS and MJur candidates taking this paper should answer 4 questions including at least one problem question. (This is a change from last year when FHS and MJur candidates were asked to answer at least two problem questions). DLS candidates should answer 3 questions including at least one problem question. In all cases, candidates will not be expected to display in-depth knowledge of human rights issues in answering problem questions.

Course II (four year) students: a paper will be set on the old syllabus for Land Law. There will be 10 questions on this paper, 5 of which will be problem questions. Candidates should answer 4 questions including at least two problem questions.

(Course I students who studied the old syllabus, for instance because they began their course before October 2012, may apply to the Education Committee to sit the paper to be set on the old syllabus.)

(f) Media Law (new in 2014-15) (notice previously circulated to candidates dated 13 November 2014)

There will be 10 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

(g) Tort (notice previously circulated to candidates dated 13 November 2014)

There will be 12 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions; DLS candidates should answer 3 questions including at least one problem question.

The Social Action, Responsibility and Heroism Act 2015 will not be examined. A copy will not be provided in the examination room and it is not in the statute book provided. The Consumer Rights Bill 2015 will not be examined even if it is enacted and comes into force before the cut-off date. A copy will not be provided in the examination room and it is not in the statute book provided.

11. Academic Integrity: avoidance of plagiarism

Plagiarism is the copying or paraphrasing of other people's work or ideas into your own work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this description. Collusion is another form of plagiarism involving the unauthorised collaboration of students (or others) in a piece of work. The Proctors' Disciplinary Regulations concerning conduct of examinations (*Examination Regulations* 2014, Part 19.4 and 19.5) state that 'No candidate shall present for an examination as his or her own work any part or the substance of any part of another person's work. In any written work (whether thesis, dissertation, essay, coursework, or written examination) passages quoted or closely paraphrased from another person's work must be identified as quotations or paraphrases, and the source of the

quoted or paraphrased material must be clearly acknowledged.’ These provisions extend to material taken from the Internet. See further the text of the guidance issued by the University’s Educational Policy and Standards Committee attached as Schedule VII. Examples of plagiarism and how to avoid it are given on <http://www.ox.ac.uk/students/academic/goodpractice/about/>; you are strongly advised to consult this website. Guidance is also given in the faculty’s Handbook for Undergraduate Students 2014-15, pages 58-60. 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.

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

12. Marking Conventions

Final Honour School

The University requires scripts to be marked on a scale from 1 to 100. In the FHS marks of 70 and above are class I marks; marks of 60 to 69 are class II.i marks; marks of 50 to 59 are class II.ii marks; marks of 40 to 49 are class III marks; marks of 30-39 are Pass degree marks and marks of 29 and below are fail marks. The assessment standards are shown in the paper attached as Schedule VIII. For the award of degree classifications, marks in all papers have the same weight.

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

- (a) *First Class Honours* are awarded on a system whereby, either, 4 marks of 70 or above are needed, and no marks below 60, or alternatively, 5 marks of 70 or above are needed with no more than one mark below 60 and no mark below 50.
- (b) *For the award of Second Class Honours, Division 1*, 5 marks of 60 or above are needed, and no more than one mark below 50 (which must not be below 40).
- (c) *For Second Class Honours, Division 2*, 5 marks of 50 or above are needed, and no marks below 40.
- (d) *For Third Class Honours*, 9 marks of 40 or above are needed, although a candidate may exceptionally be allowed one mark below 40.
- (e) *For a Pass degree*, 5 marks of 40 or above are needed, and no marks below 30, although a candidate may exceptionally be allowed one mark below 30.
- (f) *Legal Research and Mooting Skills Programme*: all candidates must also satisfactorily have completed the Legal Research and Mooting Skills Programme (LRMSP).
- (g) *Course II (Law with Law Studies in Europe)*: all candidates must also satisfactorily have completed the year abroad as prescribed by the Law Faculty Board.

Diploma in Legal Studies

The University requires scripts to be marked on a scale from 1 to 100. In the DLS marks of 70 and above are Distinction marks and marks of 40 to 69 are pass marks. Marks of 39 and below are fail marks. The assessment standards are shown in the paper attached as Schedule VIII.

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

- (a) For the award of the Diploma in Legal Studies a candidate must secure 3 marks of 40 or above. A failing mark (39 and below) will not be compensated by good marks in other papers.
- (b) For the award of a Distinction a candidate must secure one mark of 70 or above, no mark below 50, and an overall average mark of 65 or above.
- (c) *Research Skills Programme*: all candidates are required satisfactorily to complete units one and two of the Research Skills Programme.

13. Incomplete Scripts

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

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

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

Candidates who write answers in note form may also expect their overall mark for the paper to be lower than if they had written them out in full.

14. Release of Results

Candidates will be able to view their results (both overall classification and individual paper marks) within the Student Self Service webpage via the Oxford Student website (<https://www.students/>). The Examiners hope that this facility will be available on Thursday 16 July (depending on the final Examiners meeting and the Examination Schools). Please note that results will not be available over the telephone from the Examination Schools or from the Law Faculty Office. Once results have been released in OSS candidates will be sent an automatic e-mail to say their results are available to view. Individual results will also be available through candidates’ colleges; your college office will advise you on how you may obtain these.

15. Candidates with special examination needs

The Proctors have authority to authorise alternative arrangements for candidates who for medical or other sufficient reasons are likely to have difficulty in writing their scripts or completing the examination in the time allowed. Such arrangements must be made at the time of submission of the examination entry form. If this

applies, you should consult the appropriate college officer (usually the Senior Tutor). See further *Examination Regulations* 2014 pages 26-28, Part 12.

Emergency examination adjustment:

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

16. Factors affecting performance in an examination

If your performance in any part of an 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 the appropriate college officer, inform the Proctors of these factors, and the Proctors will pass this information to the Chairman of Examiners if, in their opinion, it is likely to assist the Examiners in the performance of their duties. See further *Examination Regulations* 2014 pages 28-29, Part 13. The Examiners cannot take account of any special circumstances other than those communicated to them by the Proctors. Candidates are advised to check with the appropriate college officer that any medical certificate for submission is complete (e.g. covers each paper where the candidate was affected by illness). The medical certificate must provide explicit detail about the factors that are likely to have affected your performance in the examination. The Proctors will accept submissions made after the final meeting of the Examiners **only in exceptional circumstances** and if received within three months of the publication of results. Every effort should be made to ensure that medical certificates or other documentation are passed on to the Proctors as soon as possible.

17. Appeals from Decisions of the Proctors and Examiners

For the procedures for appeals from the decisions of the Proctors, see *Examination Regulations* 2014, Part 18.1., page 39. The appeal must be made by you or by your college within 14 days of the date of the Proctors' decision. If this applies to you, you should consult your college tutor or the Senior Tutor. For appeals from the decisions of the examiners, see *Examination Regulations* 2014, Part 18.2, page 39. If you wish to raise a query or make a complaint about the conduct of your examination you should urgently consult the Senior Tutor in your college. Queries and complaints must not be raised directly with the Examiners, but must be made formally to the Proctors through the Senior Tutor on your behalf, and no later than 3 months after the notification of the results. The Proctors are not empowered to consider appeals against the academic judgment of Examiners, only complaints about the conduct of examinations. Further information about complaints procedures may be found in the Student Handbook 2014/15 incorporating the Proctors' and Assessor's Memorandum, particularly section 9 (see paragraph 18 below).

18. Proctors' and Assessor's Memorandum

Please see also Essential Information for Students (Student Handbook 2014/15 incorporating the Proctors' and Assessor's Memorandum) section 5, 7.3 and 9.4 (<http://www.admin.ox.ac.uk/proctors/pam/index.shtml>).

Mr R. Bagshaw
Mr N. Bamforth
Dr J. Dickson
Mr S. Douglas
Ms L. Ferguson
Dr L. Lazarus
Dr P. Saprai, University College London, (external)
Dr N. Stavropoulos
Dr P. Syrpis, University of Bristol (external)
Professor L. Zedner (Chairman)

23 March 2015

Schedule I – Examination Timetables
Schedule II – Examination Protocol
Schedule III – Materials in the Examination Room
Schedule IV – List of Prizes
Schedule V – Form and Rubric of Examination Papers
Schedule VI – Notices previously circulated to candidates
Schedule VII – Academic Integrity; avoidance of Plagiarism
Schedule VIII - Assessment Standards



SCHEDULE I

SECOND PUBLIC EXAMINATION TRINITY TERM 2015

Honour School of Jurisprudence (Course I & II)

Monday	01 June	09:30	Contract
Tuesday	02 June	09:30	Tort
Wednesday	03 June	09:30	European Union Law
Thursday	04 June	09:30	Land Law Land Law (old regulations)
Friday	05 June	09:30	Administrative Law
Saturday	06 June	09:30	Trusts
Monday	08 June	09:30	Jurisprudence (old regulations) Jurisprudence (2 hours)
Tuesday	09 June	09:30	Family Law
		14:30	Taxation Law Media Law Moral and Political Philosophy
Wednesday	10 June	09:30	Competition Law and Policy European Human Rights Law
		14:30	Roman Law (Delict) Commercial Law
Thursday	11 June	09:30	International Trade Labour Law

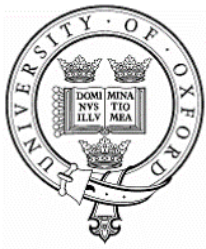
Constitutional Law
Medical Law and Ethics

14:30 Personal Property
 Comparative Private Law
 Criminology and Criminal Justice

Friday	12 June	09:30	Public International Law Criminal Law
		14:30	Company Law Environmental Law History of English Law History of English Law (old regs)

Saturday	13 June	09:30	Copyright, Trademarks and Allied Rights Copyright, Patents and Allied Rights
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Candidates are requested to attend at the EXAMINATION SCHOOLS, High Street, Oxford, OX1 4BG.



DIPLOMA EXAMINATION TRINITY TERM 2015

Diploma in Legal Studies

Monday	01 June	09:30	Contract.
Tuesday	02 June	09:30	Tort.
Wednesday	03 June	09:30	European Union Law.
Saturday	06 June	09:30	Trusts
Tuesday	09 June	09:30	Family Law
Wednesday	10 June	09:30	Competition Law and Policy European Human Rights Law
Thursday	11 June	09:30	Labour Law
		14:30	Company Law
Friday	12 June	09:30	Public International Law Criminal Law
		14:30	Criminology and Criminal Justice
Saturday	13 June	09:30	Copyright, Trademarks and Allied Rights Copyright, Patents and Allied Rights

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

SCHEDULE II

FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES EXAMINATIONS 2015

EXAMINATION PROTOCOL

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

1. Please check that you are seated at the right seat in the examination room. This will be identified by desk number, not by name.
2. In order to prevent impersonation of examination candidates, during every written paper you must display your University Card face up on the desk at which you are writing.
3. Do not turn over the examination paper or begin writing until you are told you may do so.
4. Do not open any material/statute book provided on the desk until the start of the examination.
5. You may remove gowns, jackets and ties during the examination, but you must be correctly dressed in *subfusc.* before you leave the examination room.
6. Do not put your name or college on any answer book. Write only FHS/MJur/Diploma in Legal Studies (whichever is appropriate), the title of the paper and your examination number in the spaces provided. You may write this information on your answer book before the start of the examination.
7. Do not write any notes on your answer book before the start of the examination.
8. Please read the instructions on the front of your answer book and observe them.
9. For those candidates (FHS) whose course of study commenced prior to Michaelmas Term 2009 - if you have been permitted by the Proctors to use a bilingual dictionary during the examination, it will be inspected by an Examiner at the beginning of the examination. It should be left on your desk until the examination is concluded.
10. No dictionaries are allowed in the examination room.
11. You may not leave the examination room before 30 minutes after the beginning of the examination, nor in the last 30 minutes of the examination.
12. You are permitted to take non-carbonated water, in a spill-proof bottle (sports cap not standard screw top), into the Examination Room. No other drinks will be permitted except on medical grounds, and with prior approval. Water is also available in the lobby just outside the room.
13. You are permitted to bring a watch, a wallet/small purse and a small packet of sweets (e.g. polos) into the examination room, all of which are subject to inspection. You are advised to remove any noisy wrappers and packaging prior to entering the exam, chocolate/snack bars and chewing gum are not allowed.
14. You may bring the following items into the exam room provided that you have a medical need and you have a letter of support from your College Senior Tutor or nurse:
 - Insulin and silent diabetes testing kit;
 - Asthma inhaler;
 - Epi-pen;
 - Over-the-counter and/or prescription medicines;
 - Medical aids such as a wrist splint/support, back support pillow, ice pack, etc.;

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

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

15. Do not bring mobile telephones or any other electronic devices into the examination room.
16. Do not bring any papers or personal belongings, such as coats and bags, into the examination room. All articles or equipment to be used in an examination must be carried into the examination room in a transparent bag. Non-transparent bags must be offered for inspection and, unless special permission is given by an invigilator, must be deposited at the place designated for the deposit of bags and other personal belongings.
17. Please listen carefully to the instructions from the invigilator at the beginning of the examination. The invigilator will tell you (amongst other things) what you must do if you require more paper, a drink of water or to visit the toilet during the examination.
18. Shortly before the end of the examination, you will be given an oral notice of the time remaining. At the end of the examination you will be orally notified to stop writing. If you have used more than one book, you must tag the books together using the tag provided.
19. At the end of the examination, you must remain seated at your desk until the invigilator has collected your script from you.
20. At the end of the examination, please obey all instructions of the Proctors and their assistants and disperse quickly. In order to avoid nuisance to other members of the public, the Proctors' rules clearly prohibit you from assembling for any purpose in the entrance of the Examination Schools or on the streets outside. The Proctors' Code of Conduct for post-examination celebrations is available on <http://www.admin.ox.ac.uk/proctors>.

SCHEDULE III

MATERIALS IN THE EXAMINATION ROOM 2015

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

Administrative Law

Administrative Law Case List 2014-15

Commercial Law

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

Commercial Law Case list 2014-15

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

Consumer Rights Bill sections 1 – 32

Company Law

Butterworths Company Law Handbook, 27th (2013) edition

Company Law Case List 2014-15

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

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

Competition Law and Policy

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

Competition Law and Policy Case List 2014-15

Constitutional Law

Constitutional Law Case List 2014-15

Contract

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

Contract Case list 2014-15

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

Copyright, Patents and Allied Rights

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

Copyright, Patents & Allied Rights Case List 2014-15

Charter of Fundamental Rights of the European Union

Copyright, Trade Marks and Allied Rights

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

Copyright, Trade Marks & Allied Rights Case List 2014-15

Charter of Fundamental Rights of the European Union

Criminal Law

Criminal Law Case List 2014-15

Booklet of extracts from Criminal Law Statutes containing:

Accessories and Abettors Act 1861, s.8

Offences Against the Person Act 1861, ss. 16, 18, 20, 23, 24, 47

Infanticide Act 1938, s. 1

Homicide Act 1957, ss. 1, 2, 4

Suicide Act 1961, ss. 1, 2, 2A, 2B

Criminal Procedure (Insanity) Act 1964 ss 1, 4, 4A, 5, 6

Criminal Justice Act 1967 s 8

Criminal Law Act 1967, s.3

Theft Act 1968, ss. 1-6, 8, 9, 12, 21, 22, 25

Criminal Damage Act 1971, ss. 1, 2, 3, 5, 10

Criminal Law Act 1977, ss. 1 and 2 (not 1A) and 5(1), (6), (8) and (9)

Theft Act 1978, s.3

Magistrates' Courts Act 1980 s 44

Criminal Attempts Act 1981, s. 1

Law Reform (Year and Day Rule) Act 1996

Crime and Disorder Act 1998 s 34

Sexual Offences Act 2003, ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 73, 74, 75, 76, 77, 78, and 79(2), (3), (8) and (9).

Fraud Act 2006, ss. 1, 2, 3, 4, 5

Serious Crime Act, 2007 ss 44, 45, 46, 47, 49, 50, 51, 56, 59, 64, 65, 66, 67 and excerpts from Schedule 3 (Listed Offences)

Criminal Justice and Immigration Act 2008 s 76

Coroners and Justice Act 2009, sections 54, 55, 56

Environmental Law

Blackstone's Environmental Legislation, 6th (2006) edition, ed. Donald McGillivray

Environmental Law Case List 2014-15

Documents on Environmental Law:

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (codification)

Waste Directive 2008/98/EC on waste and repealing certain Directives

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (excluding annexes)

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codification)

Council Directive 2010/75/EU of 17 December 2010 on Industrial Emissions (Technical Annexes from Annex V onwards omitted)

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011

The Environmental Permitting (England and Wales) Regulations 2010, Parts 1 – 4

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (excluding annexes)

European Human Rights Law

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

European Human Rights Case List 2014-15

European Union Law

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

European Union Law Case list 2014-15

Family Law

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

Family Law Case List 2014-15

History of English Law

History of English Law Case List 2014-15

International Trade

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

International Trade Case list 2014-15

Labour Law

Blackstone's Statutes on Employment Law, 23rd (2013-14) edition, ed Richard Kidner

Labour Law Case List 2014-15

Land Law

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

Land Law Case List 2014-15

Documents:

Consumer Credit Act 1974 ss 140A-140C;

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

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

Media Law

Blackstone's Media Law statutes, 4th edition (2013)

Media Law Case list 2014-15

Materials on Media Law:

Communications Act 2003, s.368E

Juries Act 1974, s.20A-20C

Police and Criminal Evidence Act 1984, s.8, s.9, s.11. s.13, s.14 and extracts from Schedule 1

Terrorism Act 2000, extract from Schedule 5

Medical Law and Ethics

Medical Law and Ethics Legislation

Medical Law and Ethics Case List for 2014-15

Personal Property

Personal Property Case List 2014-15

Public International Law

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

Taxation Law

Extracts from Tax Legislation compiled by the Law Faculty with permission from LexisNexis

Taxation Law Case List 2014-15

Tort

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

Trusts

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

Charities Act 2011, sections 1-5

Trusts Case List 2014-15

SCHEDULE IV

PRIZES IN THE FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES 2015

The Examiners have discretion to award the following prizes:

All Souls Prize

Best performance in the FHS Public International Law paper

Diploma in Legal Studies

Best overall performance in the Diploma in Legal Studies

D'Souza Prize

Best overall performance in the Second BA

Falcon Chambers Prize

Best performance in the FHS Land Law paper

Francis Taylor Prize

Best Performance in the FHS Environmental Law paper

Gibbs Prize

Best performance in the combined FHS Contract, Tort, Land Law and Trusts papers. One proxime accessit and three book prizes

Law Faculty Prizes for Best performance in:

European Union Law

Comparative Private Law

Copyright, Patents and Allied Rights

Copyright, Trade Marks and Allied Rights

Criminology and Criminal Justice

European Human Rights Law

Media Law

Medical Law and Ethics

Moral and Political Philosophy

Personal Property

Roman Law (Delict)

Linklaters Prize

Best performance in FHS Competition Law and Policy

Littleton Chambers Prize

Best performance in the FHS Labour Law paper

Manches Prize

Best performance in the FHS Family Law paper

Martin Wronker Prizes

Best overall performance in the FHS. Two proxime accesserunt.

Best performance in the FHS Jurisprudence paper

Best performance in the FHS Tort paper

Best performance in the FHS Administrative Law paper

Norton Rose Prize

Best performance in the FHS Company Law paper

Pinsent Masons Prize

Best performance in the FHS Taxation Law paper

Quadrant Chambers Prize

Best performance in the FHS International Trade paper

Slaughter and May Prizes

Best performance in the FHS Contract paper

Best performance in the FHS History of English Law paper

3 Verulam Buildings Prize

Best performance in the FHS Commercial Law paper

5 Stone Building Prize

Best performance in the FHS Trusts paper

SCHEDULE V

FORM AND RUBRIC OF EXAMINATION PAPERS IN THE FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES 2015

Administrative Law

There will be 10 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

Commercial Law

There will be 10 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions. In problem questions candidates should assume that the only applicable law is English law. This paper is not available to candidates who are also offering Personal Property.

Company Law

There will be 12 questions, 4 of which will be problem questions. FHS candidates should answer 4 questions including at least one problem question. DLS candidates should answer 3 questions including at least one problem question.

Comparative Private Law (previously known as Comparative Law of Contract (last examined in 2012-13))

There will be 9 questions, 6 in Part A (Obligations) and 3 in Part B (Property and Trusts). FHS candidates are required to answer 3 questions, including at least one question from Part A and at least one question from Part B. Problem questions may be asked but it will not be mandatory to answer a particular number of such questions

Competition Law and Policy

There will be 8 questions, 4 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions. DLS candidates should answer 3 questions, including at least one problem question.

Constitutional Law

There will be 10 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

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

Contract

There will be 12 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions; DLS candidates should answer 3 questions including at least one problem question.

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

Copyright, Patents and Allied Rights

There will be 12 questions, 4 in Part A (Copyright), 4 in Part B (Patents) and 4 in Part C (Problems). FHS 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. DLS candidates should answer 3 questions; one question from Part A, one question from Part B, and one question from Part C.

Copyright, Trade Marks and Allied Rights

There will be 12 questions, 4 in Part A (Copyright), 4 in Part B (Trade Marks) and 4 in Part C (Problems). FHS 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. DLS candidates should answer 3 questions; one question from Part A, one question from Part B, and one question from Part C.

Criminology and Criminal Justice

There will be 12 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

Criminal Law (2nd BA only)

There will be 9 questions, 5 of which will be essay questions (Part A) and 4 of which will be problem questions (Part B). FHS candidates should answer 4 questions, including at least one question from Part A and at least two questions from Part B. DLS candidates should answer 3 questions, including at least one question from Part A and at least one question from Part B.

Candidates are reminded that liability for the offences in the Criminal Damage Act 1971, ss. 1-3 is examinable, but that liability for any of the offences in the Theft Act 1968, the Theft Act 1978 and the Fraud Act 2006 is not examinable.

Environmental Law

There will be 10 questions including problem questions, but choice of questions will be unrestricted. FHS candidates should answer 4 questions.

European Union Law

There will be 10 questions of which FHS candidates should answer 4, DLS candidates should answer 3.

European Human Rights Law

There will be 10 questions, 1 of which will be a problem question, but choice of questions will be unrestricted. FHS candidates should answer 4 and DLS candidates should answer 3.

Family Law

There will be 12 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

History of English Law

There will be 12 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

International Trade

There will be 10 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions. In problem questions candidates should assume that the only applicable law is English law.

Jurisprudence (old syllabus)

There will be 16 questions of which FHS and DLS candidates should answer 3.

Jurisprudence (new syllabus)

There will be 10 questions of which FHS candidates should answer 2.

Labour Law

There will be 12 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

Land Law (old Syllabus)

There will be 10 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem question; DLS candidates should answer 3 questions including at least one problem question.

Land Law (new syllabus)

There will be 11 questions on this paper, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least one problem question. DLS candidates should answer 3 questions including at least one problem question.

Media Law (new in 2014-15)

There will be 10 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

Medical Law and Ethics

There will be 9 questions of which FHS candidates should answer 4.

Moral and Political Philosophy

There will be 12 questions; 8 in Part A (Moral Philosophy) and 4 in Part B (Political Philosophy). Candidates should answer 3 questions, including at least one from Part A and at least one from Part B.

Personal Property

There will be 10 questions, up to 3 of which will be problem questions but choice of questions will be unrestricted. Candidates should answer 4 questions. This paper is not available to candidates who are also offering Commercial Law.

Public International Law

There will be 9 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

Roman Law (Delict)

There will be 10 questions, 4 of which will require comment on selections from the set texts, which will be provided in the Examination Paper in English (previous to 2010 these have been set in Latin). FHS candidates should answer 4 questions including at least two questions requiring

comment on selections from the set texts; DLS candidates should answer 3 questions including at least one question requiring comment on selections from the set texts.

Taxation Law

There will be 8 questions, 2 of which will be problem questions but choice of questions will be unrestricted. FHS candidates should answer 4 questions.

Tort

There will be 12 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions; DLS candidates should answer 3 questions including at least one problem question.

The Social Action, Responsibility and Heroism Act 2015 will not be examined. A copy will not be provided in the examination room and it is not in the statute book provided. The Consumer Rights Bill 2015 will not be examined even if it is enacted and comes into force before the cut-off date. A copy will not be provided in the examination room and it is not in the statute book provided.

Trusts

There will be 14 questions, 4 of which will be problem questions. FHS candidates should answer 4 questions including at least one problem question; DLS candidates should answer 3 questions including at least one problem question.

SCHEDULE VI

FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES 2015

NOTICES PREVIOUSLY CIRCULATED TO CANDIDATES

- 1. 13 November 2014 –**

Format and Rubric of Examination Papers
FHS cut-off date after which Faculty Weblearn pages
will not be updated
Materials in the Examination Room
- 2.**

1 December 2014 - A. Further information to the
Notice to Candidates dated 13 November 2014
regarding Comparative Private Law (previously known
as Comparative Law of Contract (last examined 2012-
2013))
B. Amendment to Notice to Candidates dated 13
November 2014: Materials in the examination room
- 3. 4 March 2015 -**

Amendment to Notice to Candidates dated 13
November 2014:
C. Materials in the Examinations Room

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES 2015

NOTICE TO CANDIDATES

Format and Rubric of Examination Papers

**FHS cut-off date after which Faculty Weblearn pages will not be updated
Materials in the Examination Room**

The purpose of this circular is to give you advance notice of changes to the format and rubric of examination papers and a change to the cut-off date (candidates in the FHS and DLS examinations 2015 will not be criticised nor penalized by the Examiners for being unaware of developments in the law which occur after this date). Usually the format and rubric of a paper is the same as in previous years, and you will find past examination papers on the web at www.oxam.ox.ac.uk. Any changes to the rubric are listed below.

Details of the materials which will be available in the examination room in 2015 are given in the attached Schedule.

A. Format and Rubric of Examination Papers

Comparative Private Law (previously known as Comparative Law of Contract (last examined in 2012-13))

There will be 9 questions, 6 in Part A (Obligations) and 3 in Part B (Property and Trusts). FHS candidates are required to answer 3 questions, including at least one question from Part A and at least one question from Part B. Problem questions may be asked but it will not be mandatory to answer a particular number of problem questions (previously candidates answered 4 questions and the choice of questions was unrestricted).

Contract

There will be 12 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions; DLS candidates should answer 3 questions including at least one problem question.

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

Land Law

Two Land Law papers will be set in 2015. Which version of the Land Law paper you will be set will primarily depend on which course you are studying.

Course I, MJur and Diploma in Legal Studies students: a paper will be set on the new syllabus for Land Law (including the topic 'Human rights as relevant to Land Law'; but not the topic 'Acquisition of title by possession; Loss of title because of dispossession').

There will be 11 questions on this paper, 5 of which will be problem questions. (This is a change from last year when there were 10 questions, 5 of which were problem questions.) FHS and MJur candidates taking this paper should answer 4 questions including at least one problem question. (This is a change from last year when FHS and MJur candidates were asked to answer at least two problem questions). DLS candidates should answer 3 questions including at least one problem question.

In all cases, candidates will not be expected to display in-depth knowledge of human rights issues in answering problem questions.

Course II (four year) students: a paper will be set on the old syllabus for Land Law. There will be 10 questions on this paper, 5 of which will be problem questions. Candidates should answer 4 questions including at least two problem questions.

(Course I students who studied the old syllabus, for instance because they began their course before October 2012, may apply to the Education Committee to sit the paper to be set on the old syllabus.)

Media Law (new in 2014-15)

There will be 10 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

Tort

There will be 12 questions, 5 of which will be problem questions. FHS candidates should answer 4 questions including at least two problem questions; DLS candidates should answer 3 questions including at least one problem question.

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

B. FHS cut-off date after which Faculty Weblearn pages will not be updated (this is a change to the date appearing in the 2014 -15 Undergraduate Student Handbook (page 21)).

The deadline after which reading lists on the Faculty Weblearn pages will not be updated is **Friday of week 4 Hilary Term 2015**, not Friday of week 8 Hilary Term 2015 as stated in the 2014 -15 Undergraduate Student Handbook (page 21). Candidates taking examinations in Trinity Term 2015 will not be criticized nor penalized by the Examiners for being unaware of developments in the law which occur after Friday of week 4 Hilary Term 2015.

C. Materials in the Examination Room

Please see attached Schedule.

Mr R. Bagshaw
Director of Examinations
13 November 2014

UNIVERSITY OF OXFORD

FACULTY OF LAW

MATERIALS IN THE EXAMINATION ROOM 2015

**HONOUR SCHOOL OF JURISPRUDENCE/DIPLOMA IN LEGAL
STUDIES/MAGISTER JURIS**

Administrative Law

Administrative Law Case List 2014-15

Commercial Law

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

Commercial Law Case list 2014-15

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

Consumer Rights Bill sections 1 – 32

Commercial Leases

(Course not available in 2014-15)

Company Law

Butterworths Company Law Handbook, 27th (2013) edition

Company Law Case List 2014-15

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

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

Competition Law and Policy

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

Competition Law and Policy Case List 2014-15

Constitutional Law

Constitutional Law Case List 2014-15

Contract

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

Contract Case list 2014-15

Copyright, Patents and Allied Rights

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

Copyright, Patents & Allied Rights Case List 2014-15

Charter of Fundamental Rights of the European Union

Copyright, Trade Marks and Allied Rights

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

Copyright, Trade Marks & Allied Rights Case List 2014-15

Charter of Fundamental Rights of the European Union

Criminal Law

Criminal Law Case List 2014-15

Booklet of extracts from Criminal Law Statutes containing:

Accessories and Abettors Act 1861, s.8

Offences Against the Person Act 1861, ss. 16, 18, 20, 23, 24, 47

Infanticide Act 1938, s. 1

Homicide Act 1957, ss. 1, 2, 4

Suicide Act 1961, ss. 1, 2, 2A, 2B

Criminal Procedure (Insanity) Act 1964 ss 1, 4, 4A, 5, 6

Criminal Justice Act 1967 s 8

Criminal Law Act 1967, s.3

Theft Act 1968, ss. 1-6, 8, 9, 12, 21, 22, 25

Criminal Damage Act 1971, ss. 1, 2, 3, 5, 10

Criminal Law Act 1977, ss. 1 and 2 (not 1A) and 5(1), (6), (8) and (9)

Theft Act 1978, s.3

Magistrates' Courts Act 1980 s 44

Criminal Attempts Act 1981, s. 1

Law Reform (Year and Day Rule) Act 1996

Crime and Disorder Act 1998 s 34

Sexual Offences Act 2003, ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 73, 74, 75, 76, 77, 78, and 79(2), (3), (8) and (9).

Fraud Act 2006, ss. 1, 2, 3, 4, 5

Serious Crime Act, 2007 ss 44, 45, 46, 47, 49, 50, 51, 56, 59, 64, 65, 66, 67 and excerpts from Schedule 3 (Listed Offences)

Criminal Justice and Immigration Act 2008 s 76

Coroners and Justice Act 2009, sections 54, 55, 56

Environmental Law

Blackstone's Environmental Legislation, 6th (2006) edition, ed. Donald McGillivray

Environmental Law Case List 2014-15

Documents on Environmental Law:

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (codification)

Waste Directive 2008/98/EC on waste and repealing certain Directives

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (excluding annexes)

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codification)

Council Directive 2010/75/EU of 17 December 2010 on Industrial Emissions (Technical Annexes from Annex V onwards omitted)

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011

The Environmental Permitting (England and Wales) Regulations 2010, Parts 1 – 4

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (excluding annexes)

European Human Rights Law

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

European Union Law

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

Family Law

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

History of English Law

History of English Law Case List 2014-15

International Trade

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

Labour Law

Blackstone's Statutes on Employment Law, 23rd (2013-14) edition, ed Richard Kidner
Labour Law Case List 2014-15

Land Law (new syllabus)

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

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).

Land Law (old syllabus)

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

Land Law Case List 2014-15 (old syllabus)

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).

Media Law

Blackstone's Media Law statutes, 4th edition (2013)
Media Law Case list 2014-15

Medical Law and Ethics

Medical Law and Ethics Legislation
Medical Law and Ethics Case List for 2014-15

Personal Property

Personal Property Case List 2014-15

Public International Law

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

Taxation Law

Extracts from Tax Legislation compiled by the Law Faculty with permission from LexisNexis
Taxation Law Case List 2014-15

Tort

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

Trusts

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

Charities Act 2011, sections 1-5

Trusts Case List 2014-15

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

**FINAL HONOUR SCHOOL OF JURISPRUDENCE COURSE I AND COURSE II (LAW
WITH LAW STUDIES IN EUROPE) AND DIPLOMA IN LEGAL STUDIES
EXAMINATION 2015**

SUPPLEMENTARY NOTICE TO CANDIDATES

**A. Further information to the Notice to Candidates dated 13 November 2014
regarding Comparative Private Law (previously known as Comparative Law of
Contract (last examined 2012-2013))**

**B. Amendment to Notice to Candidates dated 13 November 2014: Materials in the
examination room**

**A. Comparative Private Law (previously known as Comparative Law of Contract (last
examined 2012-2013))**

The syllabus of the Comparative Private Law course has changed considerably from the Comparative Law of Contract course which it has replaced. The scope and content of the Comparative Private Law course is set out in the Course Description (available on Weblearn), and is reflected in the Faculty Reading Lists distributed in association with the seminars organised for this course.

There will be 9 questions, 6 in Part A (Obligations) and 3 in Part B (Property and Trusts). Problem questions may be asked but it will not be mandatory to answer a particular number of problem questions (previously candidates answered 4 questions and the choice of questions was unrestricted). Unlike the examination papers for the former Comparative Law of Contract course (whose rubrics required the candidate to answer questions ‘comparing French law with English law’), the rubric for the examination paper for the new Comparative Private Law course will require candidates to answer ‘3 questions, including at least one question from Part A and at least one question from Part B’; each question will itself identify the national laws which candidates are required to compare in their answers.

A sample examination paper will be distributed at the beginning of Hilary Term 2015 and will also be available on Weblearn.

B. Materials available in the Examination Room

European Union Law

In the Notice to Candidates (dated 13 November 2014) it is stated that European Union Law: Blackstone's EU Treaties and Legislation, 25th (2014-15) edition, ed Nigel Foster, OUP will be provided in the Examination Room. The European Union Law Case list 2014-15 has now been added to the list of materials provided in the Examination Room. Please make the following amendment to the Notice to Candidates:

European Union Law – add European Union Law Case list 2014-15

The materials will therefore be as follows:

European Union Law

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

Roderick Bagshaw
Director of Examinations
1 December 2014

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

**FINAL HONOUR SCHOOL OF JURISPRUDENCE COURSE I AND COURSE II (LAW
WITH LAW STUDIES IN EUROPE) AND DIPLOMA IN LEGAL STUDIES
EXAMINATION 2015**

SECOND SUPPLEMENTARY NOTICE TO CANDIDATES

**Amendment to Notice to Candidates dated 13 November 2014:
C. Materials in the Examinations Room**

C. Materials available in the Examination Room

Contract

In the Notice to Candidates (dated 13 November 2014) it is stated that the following will be provided in the exam room:

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

Please make the following amendment to the Notice to Candidates (dated 13 November 2014):

Contract – add:

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

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

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

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

Contract

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

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

Professor L. Zedner
Chair of FHS and Diploma in Legal Studies Examiners
4 March 2015

SCHEDULE VII

FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES EXAMINATIONS 2014

What is plagiarism?

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

Why does plagiarism matter?

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

Why should you avoid plagiarism?

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

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

What to avoid

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

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

Verbatim quotation without clear acknowledgement

Quotations must always be identified as such by the use of either quotation marks or indentation, with adequate citation. It must always be apparent to the reader which parts are your own independent work and where you have drawn on someone else's ideas and language.

Paraphrasing

Paraphrasing the work of others by altering a few words and changing their order or by closely following the structure of their argument, is plagiarism because you are deriving your words and ideas from their work without giving due acknowledgement. Even if you include a reference to the original author in your own text you are still creating a misleading impression that the paraphrased wording is entirely your own. It is better to write a brief summary of the author's overall argument in your own words than to paraphrase particular sections of his or her writing. This will ensure you have a genuine grasp of the argument and will avoid the difficulty of paraphrasing without plagiarising. You must also properly attribute all material you derive from lectures.

Cutting and pasting from the Internet

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

Collusion

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

Inaccurate citation

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

Failure to acknowledge

You must clearly acknowledge all assistance which has contributed to the production of your work, such as advice from fellow students, laboratory technicians, and other external sources. This need not apply to the assistance provided by your tutor or supervisor, nor to ordinary proofreading, but it is necessary to acknowledge other guidance which leads to substantive changes of content or approach.

Professional agencies

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

Auto-plagiarism

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

What happens if you are suspected of plagiarism?

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

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

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

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

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

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

You may feel that including the citation for every point you make will interrupt the flow of your essay and make it look very unoriginal. At least initially, this may sometimes be inevitable. However, by employing good citation practice from the start, you will learn to avoid errors such as sloppy paraphrasing or unreferenced quotation. It is important to understand the reasons behind the need for transparency of source use. All academic texts, even student essays, are multi-voiced, which means they are filled with references to other texts. Rather than attempting to synthesise these voices into one narrative account, you should make it clear whose interpretation or argument you are employing at any one time (whose ‘voice’ is speaking). If you are

substantially indebted to a particular argument in the formulation of your own, you should make this clear both in footnotes and in the body of your text, before going on to describe how your own views develop or diverge from this influence. On the other hand, it is not necessary to give references for facts that are common knowledge in your discipline. If you are unsure as to whether something is considered to be common knowledge or not, it is safer to cite it anyway and seek clarification. You do need to document facts that are not generally known and ideas that are interpretations of facts.

Does this only matter in exams?

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

Unintentional plagiarism

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

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

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

Plagiarism Quiz

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

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

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

Examples of plagiarism

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

Source text

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

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

Plagiarised

1. Although they did not question the inegalitarian hierarchy of their society, highwaymen became an essential part of the oppositional culture of working-class London, posing a serious threat to the formation of a biddable labour force. (This is a patchwork of phrases copied verbatim from the source, with just a few words changed here and there. There is no reference to the original author and no indication that these words are not the writer's own.)

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

Non-plagiarised

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

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

SCHEDULE VIII

FHS OF JURISPRUDENCE AND DIPLOMA IN LEGAL STUDIES EXAMINATIONS 2015

ASSESSMENT STANDARDS

There follows a statement of the standards which the examiners apply in their grading of your individual answers. This statement focuses upon the examiners' expectations in the Final Honour School of Jurisprudence and the examination for the Diploma in Legal Studies, which the faculty considers appropriate for students who have reached that stage of their studies. In Law Moderations, examiners are looking for the same kinds of qualities, but with the recognition that the students taking the examination are at an early stage in their studies.

first class (70% and above)

70-75% An answer that is exceptionally good and shows several of 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 comprehensiveness and accuracy, 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;
- good appreciation of theoretical arguments concerning the topic, substantial critical analysis, and (especially in the case of high first class answers) personal contribution to debate on the topic.

75-80% An answer that is exceptionally good and shows all of the qualities listed above. Will include a strong personal contribution to debate on the topic.

80+% A truly exceptional answer. One of the best examination answers seen for a number of years.

upper second class (60-69%)

Upper second class answers represent a level of attainment which, for an undergraduate, can be regarded as in the range reasonably good to very good. To an extent varying with their place within this range, they show at least most of 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 law;
- good comprehensiveness and accuracy, 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;
- reasonable familiarity with theoretical arguments concerning the topic, and (especially in the case of high upper second class answers) a significant degree of critical analysis.

lower second class (50-59%)

Lower second class answers represent a level of attainment which, for an undergraduate, can be regarded as in the range between reasonable, and acceptable but disappointing. To an extent varying with their place within this range, they generally show the following qualities:

- normally, attention to the question asked (but a lower second class answer may be one which gives an otherwise upper second class treatment of a related question rather than the question asked);
- a fair knowledge and understanding of the topic addressed and its place in the surrounding law;
- reasonable comprehensiveness and accuracy, possibly marked by some substantial errors or omissions;
- a reasonably clear and appropriate structure, argument, integration of information and ideas, and expression, though the theoretical or critical treatment is likely to be scanty or weak.

third class (40-49%) and pass (30-39%)

Third class and pass answers represent a level of attainment which, for an undergraduate, can be regarded as acceptable, but only barely so. They generally show the following qualities:

- the ability to identify the relevant area of the subject, if not necessarily close attention to the question asked;
- some knowledge and understanding of the topic addressed and its place in the surrounding law, notwithstanding weakness in comprehensiveness and accuracy, commonly including substantial errors and omissions;

- some structure, argument, integration of information and ideas, and lucidity of expression, though these are likely to be unclear or inappropriate and to offer negligible theoretical or critical treatment.

essays and problems

The above statements apply not only to answers to essay questions but also to answers to problem questions. In particular, good problem answers will explore different solutions and lines of argument. The very best answers might offer a critical or theoretical treatment of the doctrines under discussion where appropriate and in addition to solving the problem posed

**FURTHER SUPPLEMENTARY NOTICES CIRCULATED AFTER THE
MAIN NOTICE TO CANDIDATES**

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

**FINAL HONOUR SCHOOL OF JURISPRUDENCE COURSE I AND COURSE II
(LAW WITH LAW STUDIES IN EUROPE) AND DIPLOMA IN LEGAL STUDIES
EXAMINATION 2015**

THIRD SUPPLEMENTARY NOTICE TO CANDIDATES

Examination Timetable for the Diploma in Legal Studies Examinations 2015

**Amendment to Notice to Candidates (Examiners' Edict) (dated 23 March 2015)
Schedule I**

There has been a change to the Diploma in Legal Studies examination timetable which was included in Schedule I of the Notice to Candidates (also known as the Examiners' Edict) dated 23 March 2015.

Please note the following amendments:

The Company Law examination paper will now be at 14.30 on Friday 12 June 2015 instead of 14.30 on Thursday 11 June 2015;

The Criminology and Criminal Justice paper will now be at 14.30 on Thursday 11 June 2015 instead of Friday 12 June 2015.

The above changes reflect a changeover of sessions.

The amended examination timetables for the Diploma in Legal Studies is attached to this supplementary notice to include the above amendment. The amended examination timetable can also be found at: <http://www.ox.ac.uk/students/exams/timetables/>

Lucia Zedner
Chairman of FHS Examiners
27 April 2015



AMENDED NOTICE

DIPLOMA EXAMINATION TRINITY TERM 2015

Diploma in Legal Studies

Monday	01 June	09:30	Contract.
Tuesday	02 June	09:30	Tort.
Wednesday	03 June	09:30	European Union Law.
Saturday	06 June	09:30	Trusts
Tuesday	09 June	09:30	Family Law
Wednesday	10 June	09:30	Competition Law and Policy European Human Rights Law
Thursday	11 June	09:30	Labour Law
		14:30	Criminology and Criminal Justice **Amended Date**
Friday	12 June	09:30	Public International Law Criminal Law
		14:30	Company Law **Amended Date**
Saturday	13 June	09:30	Copyright, Trademarks and Allied Rights Copyright, Patents and Allied Rights

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

L. H. ZEDNER
Chair

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

**FINAL HONOUR SCHOOL OF JURISPRUDENCE COURSE I AND COURSE II
(LAW WITH LAW STUDIES IN EUROPE) AND DIPLOMA IN LEGAL STUDIES
EXAMINATION 2015**

FOURTH SUPPLEMENTARY NOTICE TO CANDIDATES

**THIS NOTICE APPLIES TO ALL FHS AND DLS CANDIDATES OFFERING THE
FAMILY LAW PAPER**

Amendment to Notice to Candidates dated 23 March 2015:

**Schedule V Form and Rubric of paper in the FHS/Diploma in Legal Studies
examinations in 2015**

In 2015 there will be separate Family Law examination papers set, one for those who studied Family Law in 2014-15 (a new syllabus paper), and one for those who studied Family Law in 2013-14 or 2012-13 (an old syllabus paper).

- (i) **Family Law new syllabus examination paper (also known as new regulations) – for candidates taught the Family Law syllabus in the academic year 2014-15**

There will be 12 questions of which FHS candidates should answer 4 and DLS candidates should answer 3.

The instruction to candidates on the front cover page will include the following:

This examination paper is for candidates taught the Family Law syllabus in the academic year 2014-2015.

- (ii) **Family Law old syllabus examination paper (also known as old regulations) – for candidates taught the Family Law syllabus in the academic year 2013-14 or 2012-13**

There will be a choice of 12 questions of which FHS candidates should answer 4.

The purpose of this Notice is to give you advance warning of the wording of the instructions to candidates for a question relating to topics taught only in 2013-14 or

taught only in 2012-13. If a question is set on a topic not studied in a given year, the question will be **divided into two alternative parts, one on the topic studied and the other on the topic not studied**. Each part will be identified by reference to the academic year in which the topic was taught. Such a question would therefore appear as follows:

‘P. Answer EITHER (a) OR (b):

(a) Family Law syllabus taught in the academic year 2012-2013 (see front sheet for further detail):

.....

OR

(b) Family Law syllabus taught in the academic year 2013-2014 (see front sheet for further detail):

.....’

If an alternative question of this type is set, the front sheet of the examination paper will further explain:

‘Question P. contains alternative parts depending upon when you were taught the syllabus:

If you choose to answer question P -

candidates taught the Family Law syllabus in the academic year 2012-2013 should answer part (a)

candidates taught the Family Law syllabus in the academic year 2013-2014 should answer part (b)

Professor L. Zedner
Chair of FHS and Diploma in Legal Studies Examiners
27 April 2015

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

**FINAL HONOUR SCHOOL OF JURISPRUDENCE COURSE I AND COURSE II
(LAW WITH LAW STUDIES IN EUROPE) AND DIPLOMA IN LEGAL STUDIES
EXAMINATION 2015**

FIFTH SUPPLEMENTARY NOTICE TO CANDIDATES

**THIS NOTICE APPLIES TO ALL FHS AND DLS CANDIDATES OFFERING THE
EUROPEAN HUMAN RIGHTS LAW PAPER**

**Notice to Candidates dated 23 March 2015:
Schedule III: Materials in the Examinations Room**

Schedule III: Materials available in the Examination Room

European Human Rights Law

In the Notice to Candidates (dated 23 March 2015) it is stated that the following will be provided in the exam room:

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

The European Human Rights Law Case List available on Weblearn has now been revised to include the following cases:

Hutchinson v UK (Application no. [57592/08](#)), 3 February 2015

Re Attorney General's Reference (No 69 of 2013) [2014] EWCA Crim 188

Chester v Secretary of State for Justice [2014] HRLR 3

Firth and Others v UK (Applications nos. [47784/09](#), [47806/09](#), [47812/09](#), [47818/09](#), [47829/09](#), [49001/09](#), [49007/09](#), [49018/09](#), [49033/09](#) and [49036/09](#)) 15 December 2014

Scoppola v Italy (No. 3) (Application no. [126/05](#)), 22 May 2012

Greens v UK (2011) 53 E.H.R.R. 21

The previous version of this notice did not include the above cases. These are not new cases introduced after the cut-off date. They are cases that were taught during the course that were inadvertently omitted from the previous list.

A revised copy of the European Human Rights Case List 2014-15 is attached to this notice and is now available on Weblearn at:

<https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law/undergrad>.

Professor L. Zedner
Chair of FHS and Diploma in Legal Studies Examiners
18 May 2015

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

**FINAL HONOUR SCHOOL OF JURISPRUDENCE COURSE I AND COURSE II
(LAW WITH LAW STUDIES IN EUROPE) AND DIPLOMA IN LEGAL STUDIES
EXAMINATION 2015**

SUPPLEMENTARY NOTICE TO CANDIDATES

**Amendment to Notice to Candidates dated 23 March 2015:
Schedule III: Materials in the Examinations Room**

Schedule III: Materials available in the Examination Room

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

In the Notice to Candidates (dated 23 March 2015) it is stated that the following will be provided in the exam room:

Copyright, Patents and Allied Rights

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

Copyright, Patents & Allied Rights Case List 2014-15

Charter of Fundamental Rights of the European Union

Copyright, Trade Marks and Allied Rights

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

Copyright, Trade Marks & Allied Rights Case List 2014-15

Charter of Fundamental Rights of the European Union

Please make the following amendment to the Notice to Candidates (dated 23 March 2015):

For Copyright, Patents and Allied Rights and for Copyright, Trade Marks and Allied Rights – add:

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

A copy is attached to this notice.

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

Copyright, Patents and Allied Rights

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

Copyright, Patents & Allied Rights Case List 2014-15

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 2014-15

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”)

Professor L. Zedner
Chair of FHS and Diploma in Legal Studies Examiners
9 June 2015

Appendix 3

REPORTS ON INDIVIDUAL PAPERS

ADMINISTRATIVE LAW

The strongest candidates produced some extremely good answers, and the examiners tried hard to reward First Class ability wherever it was evident. A pleasingly large number of candidates had an excellent overall grasp of the subject as well as an understanding of individual issues. However, there was also a 'tail' of weaker scripts at the bottom end.

Two general points deserve emphasis. First, as in previous years, questions on subjects other than judicial review or public law theory were unpopular. Hardly any candidates answered question 10 on tribunals and inquiries, while relatively few answered question 2 on the Parliamentary Commissioner for Administration (although there were some strong answers to this question, which appreciated that the term 'meaningful' allowed for a direct comparison to be made between the PCA and the courts). This perhaps gives cause to consider whether it may be useful to look again at the style of questions set: for example, might general thematic questions on non-judicial review mechanisms be preferable to questions specifically focusing on tribunals and inquiries or ombudsmen/the PCA, or vice versa?

Secondly, it was surprising how many candidates mistakenly assumed that the 'Oliver' referred to in question 7 was male (perhaps a retired Law Lord) rather than a distinguished female academic, and/or that the writers they invoked in other answers were necessarily male. It was unclear whether this was due to the persistence of gender stereotypes or a simple failure to take enough care over basic factual details.

Turning to the individual questions, question 1 - concerning standing - produced some strong answers, and it was pleasing that many candidates had an awareness both of the passage of the Criminal Justice and Courts Act 2015 and of what the debate surrounding the measure might tell us about constitutional and other perspectives on standing. The strongest answers tried to integrate analysis of legal and political constitutionalist approaches with discussion of relevant case law, and some candidates asked how far the subject matter of a given claim should affect the treatment of standing. Question 2 was competently handled by most candidates who attempted it, notwithstanding the point raised above.

There were some extremely good answers to question 3, concerning proportionality review. The strongest answers paid close attention to debates about the analytical structure and arguably distinctive nature of proportionality review (in other words, to the nature of the 'unlawfulness' in issue), apart from more routine policy issues such as the desirable intensity of judicial scrutiny. However, some candidates seemed determined to ignore the question as it had been set and instead to write on whether proportionality should entirely displace Wednesbury review.

Question 4, concerning jurisdictional error and/or error of fact, was designed to allow candidates some flexibility in determining what material to discuss given the variability of views about the solidity of such boundaries as exist between the different types of error. Weaker answers tended merely to discuss the development of some or all categories of case law, while

the strongest answers were keen to engage with the conceptual question of how a 'general and coherent approach' to any category of judicial review might be defined.

Question 5 rested on a dictum from Lord Phillips MR concerning the consequences of Parliamentary sovereignty for the legislature's regard for judicial review. This dictum arguably approached the justification of judicial review from a slightly unusual direction, and stronger answers took this on board, seeking to analyse Lord Phillips' position in greater depth or trying to locate the justification debate within a broader constitutional framework. Weaker answers, by contrast, involved standard recitations of the mainstream positions in the ultra vires/common law debate.

Question 6, concerning fair hearings, was open to a number of interpretations. Given that Lord Dyson's dictum was delivered in *Al Rawi v. The Security Service*, some candidates engaged in detailed scrutiny of the extent to which its prescriptions applied and should apply in the national security context; others considered how far a uniform set of prescriptions could and should apply to hearings regardless of the context; while others asked how far the distinctly adversarial arena of the trial could be expected to provide a basis for considering all types of hearing. Good candidates used the flexibility open to them to integrate discussion of principled justifications for procedural protections with analysis of relevant case law.

Question 7, concerning the best approach to defining a public authority, ought ideally to have been answered by reference both to case law and to relevant constitutional and theoretical arguments. The best candidates did this, and discussed examples based on the Senior Courts Act 1981 and the Human Rights Act 1998. However, weaker candidates seemed unaware of the approach championed by Oliver, or of the range of divergent approaches potentially on offer.

Question 8, concerning private law liability of public authorities, attracted some fairly standard answers which merely set out relevant case law, as well as some much stronger responses which really sought to engage with what might be meant by a distinctively 'public law' approach to such liability. The more thoughtful answers challenged how far any such approach was possible in an environment featuring contracting-out and privatization.

Question 9, concerning legitimate expectations, attracted many competent or strong answers. The main focus was on how far legitimate expectation liability could and should be understood through the lens of proportionality, and good candidates appreciated that this, and not question 3, was the context in which the overall ambit of proportionality in the common law could most usefully be explored in the 2015 paper. Good answers thus involved detailed analysis of the meaning of proportionality and of rival approaches to legitimate expectation liability, and critical scrutiny of the strengths and weaknesses of each.

Question 10 was intended to provoke discussion of how well a set of accountability mechanisms - here, tribunals and inquiries - needed to be working before it might be said that further reforms are superfluous. This question arises in relation to tribunals and inquiries due to the important changes implemented in recent years in relation to each, and to the actual or potential role of each mechanism as an 'alternative' to judicial review.

COMPARATIVE PRIVATE LAW

There were 10 candidates for this paper. Overall, the standard was very good indeed and there were some outstanding scripts. Students displayed a very good and often detailed knowledge of the materials in the two or three laws to be discussed and used this knowledge in order to address the particular questions set. The very best answers were those which developed a range of comparative insights into the topics and then assessed the law critically. As regards Part A Obligations, questions 1 to 4 were all popular, while neither question 5 (a very open question inviting discussion of the insights to be gained on the English law of torts from its comparative study with the French and German laws of extra-contractual liability) and question 6 (on the nature of liability under the Product Liability Directive) were answered. As regards Part B Property and Trusts, the most popular question was question 9.

COMPETITION LAW AND POLICY

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

The first essay question focused on the goals of Competition law and was attempted by just over half of all examinees. Answers to this question were generally very strong with many using it as an opportunity to draw upon material from across the course. Indeed, more than half of the students who achieved a first class honour attempted this question.

The second essay question dealt with the role of private damage claims and was the most popular essay question amongst students. As with the first essay question, answers were very strong with students analysing in detail the potential for private damage claims to achieve objectives such as corrective justice and deterrence. Again, more than half of the students who achieved a first class honour attempted the question.

Question three focused on the European Commission Guidance Paper on Article 102 TFEU and was the least popular essay question. Students were invited to comment on the scope and effect of the paper, thereby allowing a wide ambit for engagement

Question four dealt with the application of Article 101 TFEU to anticompetitive agreements and explored the dividing line between agreements and unilateral action. The question was almost as unpopular as question 3, with only eight students attempting it.

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

Question five contained a multitude of issues including market definition, several potential abuses under Article 102 TFEU, a possible Article 101 TFEU infringement and the lawfulness of various acts carried out by the European Commission. Students performed very well on this question on the whole (with almost every examinee attempting it).

Question six similarly contained cut across several areas of the course, with issues revolving around Article 101 TFEU, Article 102 TFEU and the European Merger Regulation, although

the question was predominantly concerned with Article 101. This question again was very popular (only slightly less so than Question five), but few managed to spot all the issues involved and the marks obtained for the question reflect this observation.

Question seven incorporated issues in relation to Article 101 TFEU, Article 102 TFEU and the European Merger Regulation. It was third most popular question overall, with answers generally picking up and analysing very well the issues involved.

Question eight was the least popular problem question with only fifteen students attempting it. The question concerned a vertical agreement between a manufacturer and distributor and thereafter a cessation in the provision of information to a competitor of the manufacturer, thereby potentially engaging both Article 101 TFEU and Article 102 TFEU. Students generally struggled with this question, with 65% being the highest result obtained.

The examination was taken by 47 candidates (6 Diploma and 41 FHS). On the whole, the scripts showed a very good command of the subject and good analytical skills, with 7 candidates achieving a first class mark. There was a slight preference for problem questions over essay questions, although the students who performed better overall tended to spread their answers across both. First class answers generally displayed a strong grasp of the underlying material, underscored by significant and sustained references to caselaw and commentary, balanced with robust analytical engagement. Weaker answers tended to miss substantial issues, neglect critical analysis and misconceive the relevant law.

CONSTITUTIONAL LAW

Ten candidates sat the constitutional law exam this summer. Of those, three achieved first class results with the remainder achieving marks in the 2.1 category. The most popular questions were those relating to the conventions of the constitution (question 2), and to the Human Rights Act (question 8). Both questions were relatively broadly worded and unfortunately a number of weaker candidates used this as an opportunity to regurgitate pre-prepared answers/ tutorial essays. Even when such candidates showed good understanding of the materials, this was insufficient to compensate properly for their failure to engage the questions. Questions 1, 3, and 4, on the nature of the constitution, Parliamentary Sovereignty and the Rule of Law respectively, were also popular and were handled more competently. Candidates who achieved very good marks balanced clear narrative structure with detailed doctrinal analysis, an aspect too often missing from constitutional law essays. Questions on the separation of powers (question 5), the West Lothian Question (question 6) and the executive's position in relation to Parliament (question 9) received a few takers each, and were on the whole answered proficiently. No candidates answered questions concerning House of Lords reform (question 7) or hate speech (question 10).

CONTRACT

The paper was generally well done, with a good number of strong scripts and few very weak scripts.

Amongst the essays, questions 1, 2 and 6 were particularly popular, and question 4 attracted notably fewer answers. The strengths and weaknesses were similar to those which have been commented on in previous years' reports, in particular the focus (or lack of it) on the precise

question set. This was notable in relation to the five questions which invited discussion of a quotation, where weaker candidates were reluctant to engage in all (or, sometimes, any) relevant aspects of the quotation.

Question 1 (intention to create legal relations) required a discussion of the relationship between that doctrine and both agreement and consideration: there were some very good answers, although too many wrote simply about consideration, and the weaker candidates had clearly prepared an answer based on an earlier year's question and simply repeated it without thinking about whether it fully addressed this year's question. There was a surprising (and surprisingly widespread) belief that the adequacy of consideration rule was created by the decision in *Chappell v Nestlé*.

Question 2 (the Contracts (Rights of Third Parties) Act 1999) produced some good, thoughtful answers which considered the range of arguments both for and against the Act (although there was a fair split as to which side of the argument they preferred—and of course either is fine, as long as the argument is well set-out), and most avoided the trap of giving too much space to lists of the pre-Act 'exceptions' to privity although some answers would have profited from closer engagement with the provisions of the Act itself.

Question 3 (part payment of a debt) invited discussion of a quotation which focused on one particular aspect of promissory estoppel, and although some candidates used this as a peg on which to hang a rather general account of promissory estoppel and/or consideration, most addressed the principal issue and its relation to the line of cases dealing with the requirement of consideration for the release of the balance of a debt by part payment (*Pinnel's Case*, *Foakes v Beer*, etc). The strongest answers kept a very clear focus, and knew well the context of the decision from which the quotation was taken, although some of the weaker answers did not really understand what was decided in *High Trees*.

Question 4 (interpretation of written contracts) produced a mix of answers: some were very good, using the relevant case law and discussing critically the objective/subjective approaches to interpretation, although there was little focus on why the fact that the contract is in writing might make a difference. There were also weaker answers in which candidates either wrote everything they could think of relating to written contracts (without any particular focus on interpretation); or ignored the reference to written contracts and wrote generally about objectivity, or about implied terms.

Question 5 (good faith as an implied term) was generally answered quite well: the best answers addressed both the alleged difficulties of accepting a duty of good faith in the performance of contracts, and the techniques of implication (in law and in fact) of a term to give effect to such a duty, and were able to discuss the relevant cases in detail.

Question 6 (specific performance) was popular, although the results were mixed. Some candidates used it as the outlet for their prepared essay on whether specific performance should be the primary remedy, and ignored the words "In light of this quotation, ..." but others engaged in detail and critically with the particular points made in the quotation, drawing on relevant aspects of the law of damages as much as on the remedy of specific performance.

Question 7 did not attract many very strong answers. It could have given candidates the opportunity to discuss contractual 'fairness' through a range of different topics (such as undue influence, unconscionable bargains, unfair contract terms and penalty clauses) and a few rose

to that challenge. But too many kept their answers very narrow, and one even treated it as asking only about the rule that consideration need not be adequate.

Amongst the problems, only question 11 was notably less popular than the others. The best answers set out their advice to the named parties very clearly and systematically, justifying each step of the analysis with appropriate authorities which were well discussed to explain their direct or analogical application, and drawing attention to any points on which the answer was arguable rather than clear.

Question 8 (Misrepresentation) was generally well done. Most candidates focused their answer on Alice's *remedies*, as the question asked explicitly, and many were able to identify all the relevant remedies and to comment on which were better for Alice (noting that this was a 'bad bargain' for which rescission and/or tort-measure damages were better than damages for breach of contract). Most recognised that a key difference in part (b) was the application of the (amended) Consumer Protection from Unfair Trading Regulations 2008, providing new remedies and excluding the operation of section 2 of the Misrepresentation Act 1967; the skill with which candidates were able to apply the Regulations varied significantly, but some answers were remarkably good, explaining in detail why and how they applied. Some, however, did not seem to notice that one of the remedies provided by the Regulations is damages.

Question 9 (offer and acceptance, and some aspects of mistake) was the most popular question, and was generally well done with good supporting authority from the cases and from discussions in the literature about how to solve problems of offer and acceptance involving failed communications. However, many candidates who rightly asked themselves whether the postal rule applied to Danielle's posting of the confirmation of her acceptance did not consider whether the language of the offer was relevant; and weaker candidates (as usual) just saw that a letter was posted and assumed that the postal rule must therefore apply. Most candidates saw and dealt well with the mistake issues involved for Eric – but there was some muddle over what kind of mistake it was (terms? facts?) and therefore which authorities to apply; and more than one candidate slipped in error into the language of the contract being *voidable* for mistake.

Question 10 (variation of the contract, measure of damages for breach, penalties/liquidated damages clauses) was also very popular and most candidates saw all the main issues and discussed them quite well. The current debate on penalties/liquidated damages has heightened the awareness of this issue and this year most candidates not only saw it but were able to explain it well in the context of the recent cases. A few candidates, however, seem to have missed both the current debate and even the fact that an agreed damages clause might be challenged on this basis. The best answers linked the validity of the price-deduction clause to whether there was consideration for the agreed price increase (and so avoid the need to apply *Williams v Roffey* at all). The issues relating to damages (including the comparisons with *Ruxley*) were generally noted and explained, but missed by weaker answers.

Question 11 (breach and exemption clauses, including some third-party issues) was not popular, and was not very well done – particularly due to a failure to structure the issues logically – although some candidates showed that they could sort out the issues and explain them well. Weaker answers treated the question as entirely one relating to misrepresentation, without considering whether this would provide Imogen with an appropriate remedy; or failing to consider how the clauses should be construed (such as the right under clause (b) to provide an alternative cottage 'if circumstances so require' – did they?); or just attacking the clauses

with the 'reasonableness' test of the Unfair Contract Terms Act 1977 without explaining why that test was relevant; or applying inappropriate sections of the 1977 Act, such as s 6.

Question 12 (frustration; repudiatory breach) was popular and generally quite well done, with most candidates showing a sound knowledge both of frustration (and its remedies, including the application of the 1943 Act) and the consequences of a repudiatory breach which the innocent party refuses to accept as discharging the contract (the *White & Carter* line of cases). Some candidates, who set out the test for frustration rather generally without then going on to apply it in detail to each aspect of the facts, appeared to assume that the potentially frustrating event (destruction of Nora's mansion, or Michael's death) must have the same effect on all three contracts, without considering whether Leo's contract might be frustrated without Ollie and/or Paula's also being frustrated. A few candidates limited their answers to frustration, either by being so convinced that all the contracts were frustrated in both of the scenarios that it never occurred to them to consider what the answer would be if they were wrong; or by recognising that there might not be frustration but failing to go on to consider what the consequences would then be.

COMMERCIAL LAW

While there were a few very good scripts, the standard this year was disappointingly low. It was particularly striking that a number of candidates managed to answer even comparatively easy problem questions very badly indeed.

Question 1 had a number of takers, and most of them handled this very general and broad question well, analysing whether it might apply to 'quasi-security' such as retention of title clauses and wondering whether it could be squared with the approach the courts take to characterisation of sale and leaseback transactions.

Question 2 was the most popular essay question. There were some rather poor attempts focusing on one or the other points raised by the quote (that (1) much depends on the passing of property and (2) the rules on it are, in the light of this, surprisingly badly thought out). The better answers highlighted both critically, the best referred to the Uniform Commercial Code to demonstrate that an alternative approach is possible. A good few answers looked at the (more recent) addition of sections 20A and 20B, and this was entirely appropriate. It was probably less apposite to consider the *nemo dat* exceptions in the context of this question, with the reader not being able to help feeling that here there was a (prepared) answer in search of a question ...

Question 3 had few takers, but those who attempted it did a good job. The best answers focused on the three particular claims made in the quote: that the Consumer Rights Bill will 'bring together' consumer law, 'update' and 'improve' it by comparing the position before and after the Consumer Rights Act will enter into force.

Question 4 invited a detailed discussion of *Re Spectrum Plus* and the surrounding case law, and most of those attempting it dealt with it well. Question 5 was only attempted by one candidate.

Question 6 was a fairly straightforward problem question largely concerned with implied terms as to quality. It was popular with candidates. The best answers considered all the potential defendants to an action by Bert, including Floyd (who fitted the carpet) under the Supply of

Goods and Services Act 1982 and even Tim, his apprentice, who one candidate thought might be sued under *Junior Books v Veitchi*! The sale of goods part of the question required candidates to consider the extent to which a supplier is under a duty to inquire of the customer what use the goods are to be put to, alongside the importance of accurate (and prominent?) instructions. Most discussions of the effectiveness of the exclusion clause, requiring some knowledge of the contract syllabus, were surprisingly poor.

Question 7 was quite a complicated problem on characterisation and priorities. Most candidates saw that turning silver pellets into bars, even if mixed with other silver, is not the same as turning resin, mixed with wood, into chipboard and considered the different options (ownership in common of the bars, the effect of the terms of the retention of title clause and characterisation of the retention of title clause). The second part of the problem, involving a priority dispute between a finance company claiming a debt under an invoice discounting arrangement and the supplier of the silver sold to a third party, caused much more difficulty. Only very few candidates realised that it came down to a conflict between a (registered) floating charge and an equitable assignment (albeit one contravening an anti-assignment clause).

Question 8 was the ‘nemo dat’ problem. Each sub-question required careful thought and detailed analysis of the facts in order to identify the crucial issues. For example, it was clearly a mistake simply to assume that property had not passed in the first scenario *before* Hans asked for the engraving to be made. In the second scenario the sub-plot involving Oaken was not just put in for entertainment purposes, and there was a point to ‘Regal Rentals’ being a limited company (this takes the arrangement out of the Consumer Credit Act 1974!). There were some very good answers (where the candidates had taken the time to think) and very bad ones (where they had not), with very little in-between.

Question 9 was a straightforward problem involving the passing of title to goods forming part of a bulk. The first part was handled well by the majority of candidates, while the second part was more mixed. Many concluded that s. 20A could not apply to the sale to Wasteland (because the supposed bulk was not sufficiently defined) and then went on to consider the rest of the problem assuming they were right (which meant that the really interesting issues raised by the question were not discussed).

Question 10 was predominantly on agency, but with some implied quality terms issues thrown in. Only the best candidates realised that an agent who accepts a bribe is, without more, exceeding his actual authority (and that the briber cannot rely on any ostensible authority of the bribee, either). Likewise, only the best candidates struggled with the apparent contradiction in the law which allows for ratification by lapse of time in certain circumstances on the one hand while putting a time limit on express ratification on the other. The final part of the question required some (not very sophisticated) discussion of sections 14(2) and (3) of the Sale of Goods Act 1979 and invited candidates to consider the relationship between the doctrine of the undisclosed principal and s. 35 of the same Act. Good candidates dealt with this well, while weak candidates insisted to apply *Watteau v Fenwick* even though it could not have any possible application to these facts (the agent seller of the freezer being authorised to sell it by his undisclosed principal).

COMPANY LAW

Question 1 - Eleven scripts answered this question, ranging from 64 to 70 points, with an average of 67 points awarded. The half-way point (median) was at 66 points, that is, the field

was 'bottom heavy': there were fewer scripts above this point than below. – This perennial question attracted a high number of answers, all of them at least good, but none with much new or controversial to say.

Question 2 - Twelve scripts answered this question, ranging from 63 to 73 points, with an average of 67 points awarded. The half-way point (median) was at 67 points, that is, the field was evenly balanced: there were as many scripts above as there were below the median. – This was the most popular question, with at least good answers, and some originality at the top of the field. Most answers confined themselves to the handful of 'classic' judgments and one particular article; the best looked beyond these, and questioned both case law and literature.

Question 3 - Nine scripts answered this question, ranging from 62 to 70 points, with an average of 65 points awarded. The half-way point (median) was at 66 points, that is, the field was 'top heavy': there were more scripts above this point than below, but the ones below were so far below that they brought down the overall average. – The scripts were unanimous in their negative answer, but differed in the thoroughness of the analysis of the case law by which they arrived at the answer. The weaker ones went hardly beyond a re-telling of the relevant judgments. The better scripts offered some, mostly deferential comments on the jurisprudence, the best script displayed some critical thought.

Question 4 - Six scripts answered this question, ranging from 62 to 68 points, with an average of 65 points awarded. The half-way point (median) was at a rounded 66 points; the marks were evenly distributed above and below. – This question attracted all solid answers, but all left out relevant case law, and no-one analysed (or even mentioned) the Model Articles.

Question 5 - Eight scripts answered this question, ranging from 62 to 73 points, with an average of 67 points awarded. The half-way point (median) was at a rounded 67 points; the marks were evenly distributed above and below. – Most answers gave a rather pedestrian overview of the provisions in the CA 2006, with some case law and occasional literature thrown in, but with little critical analysis. The top script, however, analysed the question critically and with eye on the remedial provisions in the CA 2006.

Question 6 - Seven scripts answered this question, ranging from 65 to 73 points, with an average of 68 points awarded. The half-way point (median) was at 67 points, that is, the field was 'top heavy': the top scripts were so highly marked that they raised the average above the median. – All answers to this question were of a high standard. The more thoroughly the concept of 'reflective loss' was explained, the more points were awarded. The top script analysed this concept not in isolation, but in connection with other relevant principles of company law, and reflected critically on both literature and case law.

Question 7 - Six scripts answered this question, ranging from 70 to 73 points, with an average of 71 points awarded. The half-way point (median) was at 71 points; the marks were evenly distributed above and below. – All answers showed an excellent overview and detailed grasp of the relevant provisions in the CA 2006, coupled with lucid explanations of their shortcomings.

Question 8 - Five scripts answered this question, ranging from 61 to 68 points, with an average of 65 points awarded. The half-way point (median) was at 65 points; there were more marks below than above. – This question was somewhat general and, depending on each answer's

approach, partially overlapped with Questions 2, 3, and 4. Even the better scripts did not venture far beyond listing in which contexts in company law decisions are adopted by majority, rather than reflecting on any underlying principles.

Question 9 - Nine scripts answered this question, ranging from 58 to 66 points, with an average of 62 points awarded. The half-way point (median) was at 62 points; the marks were evenly distributed above and below. – Weaker answers did not contain any references to the CA 2006. These tried instead to make do with cobbled-together case law, which led to inadequate results especially with regard to s25. Everyone saw *Allen* and most saw *Greenhalgh* and their respective ‘tests’, but no-one reflected in much depth on the question of discrimination. There was also very little on the legal questions concerning the rent for the headquarters.

Question 10 - Nine scripts answered this question, ranging from 62 to 71 points, with an average of 68 points awarded. The half-way point (median) was at 69 points, that is, the field was ‘top heavy’: there were more scripts above this point than below, but the ones below were so far below that they brought down the overall average. – This question was mostly done well. Weaker answers struggled to distinguish between s40 and the older common law on the question. Marius’ position in the company was the cause of some confusion. The best answers discussed briefly the topic of delegation, and the rules in the Model Articles on this.

Question 11 - Seven scripts answered this question, ranging from 64 to 73 points, with an average of 68 points awarded. The half-way point (median) was at 67 points, that is, the field was ‘bottom heavy’: there were fewer scripts above this point than below, but the wide range of the better scripts pulled up the average. – The percentages of votes caused some confusion, the question of Daniel’s salary was not always adequately analysed, nor was the relevance of the solemn promise among the future directors. The connection between the expenditure threshold and the directors’ salary was not always seen, nor was there much on the law of directors’ remuneration in general, or in the CA 2006 in particular. The best answers, however, had something sensible to say about all of these issues.

Question 12 - Nine scripts answered this question, ranging from 62 to 73 points, with an average of 67 points awarded. The half-way point (median) was at 66 points, that is, the field was ‘bottom heavy’: there were fewer scripts above this point than below, but the wide range of the better scripts pulled up the average. – Every script correctly identified s175 as the primary provision in this problem. The better scripts also discussed the available remedies in varying depth.

COPYRIGHT, TRADE MARKS AND ALLIED RIGHTS and COPYRIGHT, PATENTS AND ALLIED RIGHTS

In 2015 two intellectual property papers were offered – Copyright, Patents & Allied Rights (CP); and Copyright, Trade Marks & Allied Rights (CTM) – taken by 25 and 12 candidates respectively. Both papers were answered to a high standard overall, with a number of outstanding scripts. Of the 21 FHS candidates taking the CP paper, 13 (62 per cent) answered 2 copyright and 2 patents questions, 5 (24 per cent) answered 3 copyright and 1 patents question, and 3 (14 per cent) answered 1 copyright and 3 patents questions. Of the 12 FHS candidates taking the CTM paper, 7 (60 per cent) answered 2 copyright and 2 trade marks questions, 2 (17 per cent) answered 3 copyright and 1 trade marks question, and 3 (25 per cent) answered 1 copyright and 3 trade marks questions. There was a good spread of answers on both

papers and all questions were attempted by at least one candidate. Within individual scripts there was also a consistent demonstration of strength across both regimes, including by candidates who weighted their choices in favour of one regime, which was especially pleasing.

Copyright

The most popular essay questions were those concerning copyright in football games (Q2) and the new parody exception of section 30A CDPA (Q4). The strongest answers to these questions demonstrated an understanding of the case law of immediate relevance to these issues and an ability to connect that case law to the law and theory of copyright subject matter and fair dealing respectively. More difficult were the essay questions concerning the value of history and/or theory in explaining the current law of copyright (Q1) and the impact of EU law on the approach of the UK courts to copyright infringement (Q4). The most successful responses to Q1 were those that engaged closely with more than one aspect of current copyright law in support of a clear argument. The most successful responses to Q4 were those that distinguished between the impact of EU law on the approach of the UK courts and on the UK law of copyright infringement more generally. The problem questions concerning copyright were difficult; to answer them confidently, candidates needed to identify clearly the copyright works at issue, the potentially infringing actions concerning them, and the possible defences available to the relevant parties. A surprising number of the candidates who attempted Q9 did not consider the recently introduced quotation defence. The best answers identified however briefly the moral rights issues raised by the questions.

Patents

Of the patent essay questions, those relating to the requirement for an invention (Q5) and the requirement for susceptibility of industrial application (Q6) were the most popular. Candidates attempting Q5 were expected to consider the gatekeeper role of the requirement (for example, to encourage technological innovation) at least, and to consider the statutory and case law governing the requirement and its adequacy with reference either to the requirement's purpose or other (clearly identified) considerations. So too candidates attempting Q6 were expected to be able to engage with the normative and doctrinal aspects of the industrial applicability requirement by considering what work the requirement does and ought to do in patent law currently. Essential in this regard was candidates' understanding of the Supreme Court's decision in *Eli Lilly v HGS*, and the impact of biotech patenting on the requirement in general. The best answers considered purpose-limited protection for genetic products and/or found other ways of situating their discussion in the bigger picture of European patent law and theory. Some excellent essays were written in response to Q7. All candidates demonstrated a sound understanding of the case's significance as a matter of law, and an ability to critique in some depth its implications for the law of claim construction, including the method of purpose construction, the doctrine of equivalents, and the use of the patent office file having regard to the nature and purpose of patent claims and, if they choose, wider aspects of patent policy. A variety of normative positions was adopted and supported by different candidates which was pleasing. Q8 was a difficult question, in part because it dealt with matters given less focus on the course than the other questions. The reference to IP having an ethical *basis* suggested a view of patent law as founded in natural law, and invited discussion of the arguments for having a patent system more generally. However, some candidates also responded effectively to this question with a discussion of the public policy / morality exclusion from patentability contained in Article 53(a) EPC. Turning to the patent problem questions, Q11 was a comparatively straightforward problem and was attempted by a majority of CP candidates. Novelty and the other secondary patentability criteria raised few problems for candidates. Not all candidates identified the Article 53(a) EPC issue, but those who did dealt with it well. Far trickier was

Q12, which required a sound understanding of the principles governing purpose-limited product and use patents respectively, and their differences.

Trade Marks

For the essay questions, the policy exclusions for shapes (Q7) proved popular with some of the highest scoring answers. While all candidates engaged with the underlying policy for such exclusions, better answers addressed the extent to which identifying the ‘essential features’ of a shape was a problematic gateway into the provision; queried the usefulness of the ‘substantial value’ test; and considered the potential overlap between ‘nature of the goods’ and goods producing a ‘technical result’. The questions on brands as property (Q5) and keyword infringement (Q8) proved equally popular. For the former, the better candidates unpacked the doctrinal understanding of brands in the EU (and its problems), critiqued claims of free riding on brand value and explored the impediments arising from recognising proprietary rights in an open-textured conversation. For the latter, thoughtful answers framed keyword advertising litigation within the broader context of a competitive marketplace, outlined the relative success of different types of infringement claims in the case law and queried whether explicit defences such as comparative advertising ought to be adopted. Only one candidate (successfully) attempted the blurring essay (Q6), which focussed on whether such an infringement claim was supported by any meaningful harm at all. Turning to the problems, the registrability case studies (Q11) was attempted by the majority. Answers were generally well structured, but the analysis was underdeveloped for the following issues: characterising the sign applied for (colour or position or entirely sui generis?); systematically applying the functionality exclusions; likewise for the likelihood of confusion test (visual, aural conceptual similarity etc); inherent distinctiveness for shapes; querying whether association is the same as acquired distinctiveness. The infringement and defences question (Q12) was well handled but more attention to s 47 invalidity proceedings as the pathway into challenging the mark and the detailed application of the descriptive use defence would have improved the answers. Overall the quality of trade mark answers was very encouraging.

CRIMINAL LAW

Given that such a limited number of candidates sat the FHS paper in criminal law, it would be inappropriate to provide detailed comments on each of the questions. For that reason, the comments that follow will be more general in nature.

The performance this year was very disappointing. Generally speaking, candidates displayed an insufficiently detailed knowledge of the case law. Very few candidates were capable of discussing the intricacies of even the most important cases in a sufficient amount of detail. Those cases that make more subtle points were all but forgotten. What engagement there was with the case law tended to be superficial and failed to relate the case to the question at hand. In addition, candidates displayed an inability to engage substantively with the academic literature. There was almost no attempt at originality, which made candidates’ answers somewhat perfunctory.

In Part A the failure to engage with even the most important articles relating to a topic meant that the essay questions were poorly answered. A number of candidates failed to answer the narrow question set and instead wrote what at times seemed to be a pre-prepared answer. In Part B, there was a surprising inability to spot some of the more subtle issues the problem

questions raised. This was perhaps attributable to an insufficiently detailed knowledge of the case law.

CRIMINOLOGY AND CRIMINAL JUSTICE

Twenty-three candidates sat this paper. The quality of scripts was generally good, with many candidates giving evidence of careful reading of the academic literature. The better answers closely yet imaginatively addressed the question at hand, were grounded in a good knowledge of the academic literature and statistical evidence, and made reference to relevant criminal justice legislation and policy. The very best scripts developed insightful and persuasive arguments in response to the question. Some of these were extremely well written indeed. There was however a failure to demonstrate a sound knowledge of relevant debates and policy developments, on occasion, and many candidates did not quite succeed in marrying elements of criminological theory to policy and more strictly legal concerns. The remainder of the scripts were generally well informed and structured appropriately, but some were insufficiently developed and substantiated. Many of the weaker scripts were well argued on a rhetorical basis, but provided relatively scant reference to the literature and to research findings. They tended to rely more upon familiarity with general issues raised during the course or, at worst, anecdotal observations.

Answers were attempted in relation to all 12 questions, with only three (2, 5 and 7) were answered just once. There appeared to be no particular variation in quality between those topics that were the subject of tutorials or classes and those that had been covered only in lectures.

ENVIRONMENTAL LAW

As with past years the overall quality of answers was impressive. Candidates showed a good understanding of legal detail and the conceptual debates surrounding environmental law. Problem questions are not compulsory on this paper but all candidates chose to answer a problem question. Weaker answers (and there were few) tended to be vague and general responses with little discussion of legal detail.

EUROPEAN HUMAN RIGHTS LAW

This year 36 candidates took this paper and 17 candidates obtained a first class result (47%). A very high proportion of those who obtained a first in this paper obtained first class degrees overall. Of the remaining candidates two obtained marks below 60%, and the rest of the marks ranged between 60 – 69 %.

Candidates were drawn to the questions that were connected to their tutorial subjects. However, candidates who ventured beyond these questions were well rewarded, particularly those who chose to answer the problem question.

The candidates who obtained first class results were able to draw on the full range of materials (both scholarly literature and case law) while writing lucid and clearly structured answers to the question set.

The candidates who stuck solely to descriptive answers, mostly by outlining the case law, and were unable to develop a critical argument did least well. The remaining range of answers depended on the depth of the sources chosen. So that the candidates who were most well prepared on the range of sources, and were able to critically examine the scholarly literature, were the most successful. The clear signal here is that the greater the depth and density of the answer the higher the result.

Overall, however, there was a good understanding of the basic principles of human rights law and jurisprudence, and no significant confusions to report.

EUROPEAN UNION LAW

There were some very pleasing responses to the paper that displayed a detailed knowledge of EU law including the reasoning in the case law and the academic debate around specific issues. These answers also tended to be very good at addressing the question and explored the legal complexities any particular question raised. As in previous years however, there were many scripts that provided stock standard essays (often heavily reliant on a textbook or lecture or answering a question that had been set on the same topic in previous years) for particular questions (direct effect and subsidiarity) and never properly engaged with what a question was asking. Weaker answers also tended towards both superficiality and generalities.

Qu 1 (constitutional pluralism). Good answers engaged both with the details of the theoretical debate and the reasoning in the cases.

Qu 2 (subsidiarity) This was a question that resulted in many general descriptions of the principle without any discussion of the legal detail (including the Protocol). A number of answers turned this into a competence question and while the question of competence is clearly relevant to subsidiarity, there tended not to be enough in these answers to explain the relationship.

Qu 3 (ECHR Opinion) There were some stunningly good answers to this question which really engaged with the legal detail of both the Opinion and previous legal development. These answers also displayed a good understanding of the eu legal order and the role of fundamental rights in that order.

Qu 4 (direct effect) There was a significant divergence of responses in relation to this question with weaker answers providing an argument that there should be horizontal effect of directives (which is not what the question asked). Strong answers (and there were a number) provided a careful legal account of the type of legal obligations and relationships that the terms referred to in the question are trying to describe. They also distinguished between how the court understood and described the case law and how different groups of academics understood and described it.

Qu 5 (preliminary references)- This question produced some good solid answers exploring the role of preliminary references. Really strong answers showed an excellent understanding of the cases. Weaker answers tended to reproduce textbook accounts of the mechanism, ignoring the fact that these accounts did not address the question.

Qu 6 (procedural autonomy). Some very good answers from those who were alive to the nuance and subtleties of the last decade or so of case law. Weaker answers tended to think ‘contemporary’ meant case law of nearly 40 years ago and/or had a poor knowledge of the case law.

Qu 7 (fundamental freedoms essay) Not a popular question although there were some strong answers in which candidates displayed a strong understanding of the intellectual impulses animating this area of law and a good knowledge of the case law. Weaker answers tended to be a description of random cases in the area.

Qu 9 (free movement problem) Good answers tended to have a framework understanding of the area to enable a distinction to be made between straightforward issues that didn’t need discussion (ie purely internal situations) and those with no easy answers. Such answers also explored the challenges in applying tests to different factual situations.

Qu 10 (competence and invalidity challenges) Some outstanding answers to this question that displayed an impressive knowledge of EU procedural law and the competence case law. Weaker answers tended to become textbook descriptions of the various areas of law rather than an exercise in problem solving.

FAMILY LAW

The quality of answers this year was generally high, with very few weak papers. All questions received a good number of answers. Previous examiners’ reports have recommended that candidates spend more time developing their own perspective on key debates and integrating this theoretical understanding of the subject with the detail of the law. This year many students rose to this challenge, a good proportion of the papers showed evidence of thoughtful reflection on the subject as a whole and careful analysis of the detail of the law from across the course. There was also an increase in the number of answers that looked carefully at the meaning of the question and contentious terms within it, so giving a strong foundation for a good critical answer. As always, the weaker papers tended not to engage with the precise question set, instead giving topical answers on the general area.

The numbering follows that in the new regulations paper. The old regulations paper contained the same questions, save for a new question 12 which received too few answers to comment.

Question 1: This was one of the less popular questions on the paper but attracted a good standard of response. Answers were generally well focused on the question of victim empowerment and demonstrated a strong theoretical foundation in the academic literature on the subject. Some candidates were more uncertain on the detail of the law and practice in the area with some lack of precision as to what the ‘interventions’ mentioned in the question might be.

Question 2: Surprisingly, some candidates who answered this question appeared to be unfamiliar with the Family Justice Review and the subsequent reforms. These candidates tended to interpret the question as concerned with the freedom of the family from *compulsory* state intervention rather than rationing resources in respect of those seeking court intervention. The best answers had a good detailed knowledge of the reforms and gave thoughtful accounts of the role of the courts within the wider family justice system. There were some very good

critiques of the meanings of ‘vulnerability’ and ‘justice’, particularly within the contexts of financial disputes and disputes concerning children.

Question 3: This was a popular question and attracted some very good answers. Almost all answers to the question contrasted the nullity provisions applicable to opposite-sex and same-sex marriage, particularly concerning consummation. A few candidates confined themselves to this point and produced rather topical essays on the role of sex in the law on marriage. Most candidates addressed the question of whether it was possible to define a ‘role of marriage in contemporary society’, the better answers considered this question in the light of the distinction between void and voidable marriages and the consequences of that distinction. There were some particularly good discussions of the meaning of consent and whether it was appropriately classified as a ground on which a marriage was voidable rather than void. Candidates also considered reform with reference to a wide range of grounds of nullity, particularly polygamy, prohibited degrees and the Gender Recognition Act.

Question 4: This was the second most popular question on the paper. A surprising number of candidates accepted that adults’ intentions should be important without further discussion, despite the critical comments that formed the basis of the question. Stronger answers gave a close analysis of the meaning of intention, the potential difficulties with it and the relationship between adult intentions and the welfare and rights of the child. Most candidates considered the role of intention, and potential conflicts of intention, in surrogacy, donation under the HFEA and ‘known donors’ outside of the HFEA. The best answers critically considered the use of parental responsibility and child arrangements orders to address cases in which the rules on legal parental status did not reflect the intentions of some, or all, of the adults involved.

Question 5: This was not a particularly popular question but it was generally answered well. Candidates demonstrated a strong understanding of s25 Matrimonial Causes Act 1973 and the voluminous case law on its interpretation. There was some very good analysis as to the extent to which either the statute or the judicially developed principles provided useful guidance in exercising judicial discretion. Most answers also considered the effect of judicial discretion on those seeking to make arrangements outside of the courts.

Question 6: This question received a varied set of answers, both in term of the subjects covered and the quality of the answers. The weakest answers were very general discussions of whether the law should regulate cohabitation, with little discussion of the quotation or the detail of the existing law. There were, however, some excellent discussions of the quotation and the relationship between law and social norms. The strongest answers considered the detail of a range of family formation contexts, contrasting adult relationships with the formation of parenting relationships in areas such as surrogacy and informal donation.

Question 7: This question was generally well answered. The best answers questioned the use of the word ‘right’ and considered whether children could be said to possess a legal or human right to a relationship with their parents. Weaker answers used ‘right’, ‘welfare’ and ‘presumption’ interchangeably. Candidates were generally well informed concerning the changes to section 8 Children Act 1989 contained in the Children and Families Act 2014 and demonstrated a strong knowledge of the research literature and existing case law. Many candidates also considered the operation and influence of the law outside of court decisions. Most candidates confined themselves to questions of contact, with very few candidates looking at the use of section 8 outside of child arrangements orders.

Question 8: This was the most popular question on the paper and the only one to be answered by more than half of candidates. Good answers demonstrated a detailed analysis of the circumstances in which parental responsibility would be required for 'practical parenting' and whether section 3(5) Children Act 1989 was sufficient for carers without parental responsibility. These answers considered the acquisition of parental responsibility by non-parents, as well as the position of parents who were not involved in day-to-day care. There were also some topical answers on the question of whether all fathers should obtain parental responsibility, with little attention to the wider context or the detail of the law on the content of parental responsibility.

Question 9: This question attracted some thoughtful responses with candidates drawing on topics from across the course including: child protection and cultural practices; marriage ceremonies; forced marriage; welfare and children's upbringing; and children's rights. The strongest answers looked carefully at the meaning of the terms 'accommodation' and 'culture' and examined the theoretical arguments surrounding cultural accommodation in depth.

Question 10: This question attracted a large number of answers, although they were of mixed quality. Candidates tended to have a good understanding of the theoretical debate, although answers at the lower end tended to equate 'rights' and 'autonomy' without further discussion as to the meaning of the term. Most candidates supported their theoretical discussion with an analysis of the case law. In the weaker papers this discussion tended to be limited to cases within the medical context, with no discussion as to whether the points raised applied more widely. The best essays considered a wider range of contexts including participation in court proceedings, child protection, corporal punishment, education and religion.

Question 11: This question was the least popular on the paper but attracted some strong answers. Some candidates confined themselves to a discussion of the position of children in court decisions rather than the wider family justice system. The best answers looked in detail at a wider range of aspects of the question including: mediation; parental decision-making; children's rights, including Article 12 UNCRC; difficulties in determining children's voices; and the relationship between welfare and the voice of the child.

Question 12: Some answers to this question confined themselves to detailed consideration of the threshold criteria, despite the explicit reference to both parts III and IV of the Children Act 1989, and the doubtful relevance of some of the points to the focus on partnership. Most answers, however, considered both parts of the legislation and gave attention a much wider range of aspects of the Act including: the distinction between care and supervision orders; the operation of parental responsibility under a care order; contact between parents and children in care; and reunification. The best answers displayed a strong understanding of the detail of the statute and were able to critique the implementation of the law with a thorough understanding of the research literature.

HISTORY OF ENGLISH LAW

Only two candidates took this paper this year, one on the basis of the current syllabus and one on the basis of a former syllabus. In the circumstances no comment is possible on the standard of the scripts.

INTERNATIONAL TRADE

The standard in this year's examination was a little higher than in recent years (in which the standard has been high in any event) and the majority of students were awarded a first class or high upper second class mark. There were two or three papers which might have won the prize for best paper in other years.

The essay questions were all set in core areas and this did result in their proving to be slightly more popular, but most candidates still preferred to answer more than the obligatory two problem questions.

Among the essays, the question on deviation (q.2) proved to be most popular and was generally done well with candidates exhibiting a good working knowledge of the general law of contract as well as the particular problems said to be raised by cases of deviation. There were few takers for the questions on straight bills of lading (q.1) and demurrage (q.5).

The problem questions proved to be very largely even in terms of popularity, with a slight preference shown for questions 6 (largely concerned with property in an undivided bulk) and 7 (largely concerned with spent bills and withdrawal). In the answers to the latter question, the better candidates had a sophisticated understanding of the debate about whether the obligation to pay hire on time should be regarded as a condition and dealt well with the thought-provoking decision of Flaux J. in *The MV Astra*. There were no significant or repetitive errors in problem answers, but some candidates continue to struggle a little with the significance of the concept of documentary sales (particularly in questions 8 and 9).

JURISPRUDENCE

Overall, candidates displayed a good standard of work in Jurisprudence, and that applies both to the new syllabus paper (two questions) and the small number writing the old syllabus (three questions). The best answers were well informed by the literature, alert to the philosophical problems raised, and presented clear lines of argument to intelligent conclusions. There were, however, no prize-worthy firsts: even the best scripts were not as careful in assessing objections to their arguments as they have been in the past.

Scripts receiving marks in the upper second class were less familiar with the range of possible answers to the questions. The most popular questions were those on authority and coordination and on the legal regulation of drugs. Somewhat surprisingly, many thought Raz and Finnis disagree about whether authority can be justified by a need to coordinate activity. Even more surprisingly, few were aware of any other justifications for authority. A large number of candidates interpreted the issue of the legal regulation of drugs to mean only the legal prohibitions on drugs. The third most popular question was whether tax evasion on the part of the rich would weaken the moral obligation of the poor to pay their taxes. Many second class answers tried to convert this into the question whether there is a general obligation to obey the law, and few considered the bearing of the principle of fairness on the issue.

The small number of scripts falling into the lower second class displayed a common weakness: they had difficulty connecting what they knew about jurisprudence with the actual questions they chose to answer. They offered the examiners pre-packaged essays on 'topics' rather than answers in response to the questions. They were not always good at guessing which 'topic'

might be relevant, if only tangentially, to which questions. The standard of writing in these scripts was also rather poor.

Throughout the second class, the range of literature considered was narrower than it has been in the past. Little published before 1961 or after 1986 made an impression on anyone. Candidates were quite familiar with writings by Raz and Finnis, but showed less awareness of arguments in Dworkin or Hart. Some candidates who attempted the quotations (from Dworkin and from Kelsen) had apparently not read the works from which the quotations were drawn. This struck the examiners as unwise.

JURISPRUDENCE MINI-OPTION ESSAYS (topics in alphabetical order)

Anarchism: The essays in this mini-option generally showed a good level of engagement with the topic and sound knowledge of the literature. The best essays stood out particularly in their level of creativity and the depth of their inquiry into the relationship between anarchism and other key elements of the question chosen, that is, democracy and moral autonomy (Q37), individualist vs communist ideologies (Q38), and the Raz-Darwall debate (Q39).

Constitutions: There were five candidates who studied this mini-option. All chose to answer the same question, which was about revolutions and coup d'états. Two candidates scored 70 or above. Their essays were professional and showed that abstract issues about the nature of law can be explored excellently at undergraduate level when connected with more concrete issues in legal doctrine (in this case constitutional law). The three candidates who scored less than 70 also wrote well, and showed much evidence of serious work, thoughtful analysis, and fertile imagination. None scored below 62.

Contract Theory: The quality of dissertations this year was thoroughly impressive, with a significant proportion of candidates producing work of a First Class standard. All three questions were attempted, and each received highly diverse treatments – it was particularly pleasing to see First Class answers to the same questions that had very little in common (in terms of the overall thesis, the focus chosen by the candidates, and even the literature discussed), yet were equally characterised by depth, nuance, originality, serious engagement with pertinent literature and close attention to the precise terms of the question.

Criminal Responsibility: This mini-option dealt with general issues of criminal responsibility. The essay questions dealt with the general nature of criminal liability, negligence as a basis for criminal liability, and the distinction between justifications and offence modifications. The answers were spread evenly across the three questions. The quality of the essays was consistently high, displaying a good knowledge of the written material and an ability to engage in philosophical argument.

Feminist Jurisprudence:

Question 1 - This question was chosen by very few candidates. The quality of the answers submitted varied. The good answers considered the central terms 'sexuality' and 'patriarchy' and engaged well with both feminism and Marxism.

Question 2 - This was a popular choice, with mostly solid but average essays. The problem in many answers was that they stayed at the level of black-letter analysis. There were some good

analyses of the legal framework and possible option for reform, but insufficient engagement with the theory.

Only very few excellent essays stood out. Answers which drew connections to theoretical questions discussed elsewhere in the reading list (especially week 1) were rewarded.

Question 3 - This was also a popular choice. Most essays presented and used the academic literature well. Best answers wove examples from judicial decision-making through the theoretical discussion.

Freedom of Speech: The essays offered for this option were mostly good, and the best were really excellent. Those who did less well tended to treat the mini-option essay as if it were an ordinary tutorial essay, and did not give it the depth of reflection or the breadth of reading that the summer allowed. No answer that merely reorganized and burnished notes from the class discussions ranked above the lower half of the second class.

The best-handled handled questions were those on pornography and on freedom of the press. Most candidates demonstrated a good ability to work with the principles of speech pragmatics in the former question, and with democratic theory in the latter question. The quotation from JS Mill was less popular, and on the whole less well done. Candidates are reminded that, if they choose to discuss a quotation, they should show a secure grasp of the author's views before using that quotation as a launching pad for a discussion of wider issues.

Global Justice: No report available

Judicial Review of Legislation: In the 'Judicial Review of Legislation' mini-option most of the candidates chose the question on whether Kelsen's claim that there is no absolute nullity within a system of positive law can be reconciled with a judicial statement that unconstitutional laws are void ab initio. The answers were impressive on the whole. Most set out a clear line of argument and defended it against various objections. In a number of answers candidates used independent research well, making creative use of examples from different constitutional systems or engaging with scholarly articles beyond the reading list. In most of the answers candidates critically analysed in some depth the complex relationship between concepts of validity and of constitutionality, the practical problems this poses in constitutional law, and the theoretical challenges this raises regarding the nature of law.

Law and Social Theory: This was a popular option, and generally student performance was at a high level and dissertations impressive, with a healthy proportion of first class marks. Some exhibited evidence of clearly independent and relevant research and original thought and were richly rewarded in their dissertation mark. A choice of three questions was set, and the most popular topic was a question on Hannah Arendt, although the questions on Weber and Marx also had takers. Weaker answers (nearly all of which were still good enough to score over 60 in their dissertation mark) tended to overgeneralise, making too many vague claims, and lacked structure in their dissertation overall. Generally, the level of performance was very good, showing a high level of engagement with and interest in the subject – very encouraging.

Legal Pluralism: There were four candidates for this option on Legal Pluralism. All had read widely about the topic and had clearly reflected on their knowledge to good effect. Performance in the examination was very good for all candidates, with the better answers providing a sharp and interesting approach to the question and the slightly weaker ones tackling the question more obliquely with less lucidity.

Philosophy of Punishment: There were 20 candidates for this mini-option. Two candidates answered question 10 on the relationship between punishment and the state; 8 answered question 11 on Hart's critique of retributivism, and 10 answered q.12 on Duff's communicative theory of punishment.

The very best answers engaged closely and often critically with the question. They demonstrated a sophisticated understanding of the issues and drew on the literature and academic debates to develop insightful and even original answers. Many mid-range essays were able to evidence wide-reading and a good level of understanding but were largely taken up with a general review of the literature rather than seeking to draw upon it to answer the question directly. A few weaker essays were marred by reliance on a very narrow range of texts, some worrying confusions and a tendency to oversimplify complex ideas. Pleasingly, nearly all the candidates gave strong evidence of having reflected upon the mini-option seminar discussions and of having thought carefully about the conceptual and normative questions addressed by this option.

Statutory and Constitutional Interpretation: The stronger essays attended carefully to the precise question posed and engaged with a wide range of the relevant jurisprudential and philosophical material. The weaker essays tended to avoid the particular question asked and instead to survey various interpretive theories. While some essays demonstrated wide reading, analytic skill and original thought, others were poorly researched and unsophisticated.

Theory of Discrimination Law: The standard of essays, on the whole, was good. The best essays were thesis-driven, had a clear structure, informed by some independent academic research, anticipated and responded to potential objections, and used legal doctrine from multiple jurisdictions. The weakest essays tended to be general, rather than focussed on the precise question asked. Some otherwise good essays cherry-picked aspects of the law that supported the arguments being made and ignored bits that did not--this was penalised.

Theory of Public International Law: The 19 students who chose this mini-option performed well overall. The best answers engaged creatively with the questions and reflected carefully on the meaning of the different terms and concepts raised by the three questions. Many combined the materials studied in the seminars with independent research and/or their own examples relating to contemporary international affairs. Less sophisticated answers reiterated the standard debates on the importance of sanctions and consent in law and on the legal quality of international law without taking the specific nuances of the questions into account.

Tort Theory: All of the essays received were written to a high standard, with a handful of outstanding answers being submitted that received correspondingly high marks. Students could choose between questions that addressed corrective justice, the interplay between strict liability and defences and tort law as a legal category. The questions proved to be roughly equally popular. Weaker essays tended merely to repeat and summarise the arguments of theorists. By contrast, the best essays showed deep engagement with and a sound understanding of the literature. All of the essays were impressive, however, in that they demonstrated that students were uniformly able to grasp the gist of the often difficult prescribed materials.

LABOUR LAW

The standard of attainment in labour law was pleasingly high, with the preponderance of candidates achieving first class or high 2.1 marks on the paper. The best scripts were

characterised by attention to the particular question set, a willingness to develop a clear line of argument, with answers informed by a deep understanding of the primary legal material and secondary literature. Several questions were not attempted or attracted very few attempts, particularly questions 2, 4 and 5. It may be that this was because the question presented an unfamiliar twist on a familiar topic, with students preferring ‘safer’ and more familiar bets. This was a pity because those candidates who attempted the less popular questions provided some highly original work that was beyond the ‘comfort zone’ of the safe and familiar.

Q1 was an extremely popular question, and it was generally very well answered. The best answers addressed the issue of whether it was coherent to support a differential allocation of statutory rights to different contract-types, with candidates exploring some of the regulatory difficulties with an alternative ‘rights for all’ structure of universal protection for those engaged in personal work. There were also a range of interesting answers dealing with the relationship between *Jivraj* and *Bates van Winkelhoff*, and the extent to which a ‘fundamental rights’ perspective provides a way of understanding the different permutations of ‘worker’ in English labour law.

Q3 was popular and well-answered. Better candidates were well-versed in a wide range of protected characteristics, and were prepared to explore the normative differences between them, linking those differences to the definitions of the legal tests for direct and indirect discrimination. Stronger answers also used relevant case law to develop points, particularly recent CJEU jurisprudence on the protected characteristic of age.

Q6 attracted answers of variable quality. The main problem here was the propensity of some candidates to reach for the comfort blanket of ‘everything I learned about equal pay law, and why it is badly designed’. Better candidates were attentive to the actual quotation, and suggested interesting and original insights based upon comparisons between collective bargaining and national minimum wage as distinctive legal strategies, identifying their potential limitations in achieving *equal* pay for men and women.

Q7 was very popular and well-answered, with the best candidates identifying the legal significance of designating it a ‘fundamental right’, the legal arguments that might underpin such a characterisation, and the regulatory implications of so doing for the law of unfair dismissal.

Q8 was impeccably done by the many candidates who attempted the question. The relationship between *Johnson*, *Eastwood* and *Edwards* is notoriously difficult, and candidates navigated this question with aplomb. A particularly pleasing feature of stronger answers was the display of a wider appreciation of contract damages, drawing upon some of the literature from contract law to inform an assessment of the jurisprudence on wrongful dismissal.

Q9 Most candidates who attempted this question engaged with part (a). The best answers engaged with the precise quotation, exploring the notions of ‘effectiveness’ and ‘independence’ in the context of ‘representation’, rather than a critical description of Schedule A1. There were some really fine examples of first class analysis focused on the inter-relationship between *NUJ* and *Boots* from the perspective of Article 11.

Q10 was well-answered by candidates, who presented answers that were supported by a detailed and comprehensive knowledge and understanding of the relevant domestic and European case law. The strongest candidates signalled some of the ambiguities in the

distinction between ‘individual’ and ‘collective’ rights, and the various (and sometimes incompatible) ways in which this distinction might be drawn and applied.

Q11 was challenging for some candidates, who veered towards a description of the relevant statutes and *ASLEF v UK* without engaging with the nature of the ‘public’ and ‘private’ distinction in this area of the law. The best answers drew upon their understandings of debates about the ‘public/private’ divide in Administrative Law. Also, candidates must remember that there is a substantial body of common law jurisprudence relevant to the question too, and the best candidates analysed laterally across the relevant legislation and common law.

Q12 was popular. The best answers explored the nature of the distinction between a ‘right’ and a ‘liberty’, and located this within a wider appreciation of the *RMT v UK* decision whilst not getting excessively preoccupied with secondary industrial action. The best answers examined a wide range of relevant doctrines and statutory conditions across the procedural, ‘individual’ and ‘collective’ aspects of strike action, against the backdrop of the ‘right’/‘liberty’ distinction.

LAND LAW

The land law paper was, aside from the addition of a question to allow those so inclined to discuss the impact of the Human Rights Act 1998 on the subject, anchored in the mainstream of the subject. The essay questions were designed to be open to all. The question on the 1998 Act offered candidates considerable freedom to define their preferred framework, but it still attracted rather few takers. Success with the question which asked about the ‘coherence’ of the term certain requirement of the law of leases was hard for those who had not thought about *Berrisford v Mexfield* and the implicit point of departure that an agreement made and intended to be binding should be given effect where this is possible, even if that effect is not exactly what the parties appear to have had in mind. However, those (and there were some) who paid the decision no apparent heed fared badly. The question on the merger of easements and covenants received, *inter alia*, a few weak answers which simply gave a rough outline of the law of each right, observed the real or imagined differences thereby disclosed, and concluded that because there were differences, no merger (but the question did not say ‘judicial merger’) was possible. The question which asked about the circumstances in which a person relying only on information disclosed by the land register might be taken by unwelcome surprise was certainly about overriding interests, but was not *only* about that (the question did not say ‘Identify *one* circumstance in which...’), and was not marked as though it had meant it. And on reading answers to the question which asked how far freedom of contract was limited or restricted by the rules of land law, it seemed that this had sometimes been seen as the place to insert an essay, made earlier and for a question which this year’s examiners had not chosen to ask, with the usual painful consequences. Those who asked what ‘freedom of contract’ might actually mean in the context of land law did something useful but rare.

The problems were also firmly in the mainstream, but all had a ‘How different...?’ supplementary which called for a late change in the direction of thought. Answers which treated such questions as requiring little more than a sentence did not generally fare well. On the other hand, reducing to one the number of problems which a candidate was required to attempt seemed to have had no useful effect, and we cannot see why it was thought to serve any good purpose.

In relation to easements, where the ‘could this right take effect as an easement if an effective act of creation is shown?’ question is easy to answer, there is no need to labour the *Ellenborough Park* quartet, especially where this seems to be done at the expense of the time available to discuss the more challenging issues of creation. That said, it is good to be able to report that the incidence of a conveyance from B to C being held somehow to create easements for C over the land of A was rather down on past years. Although it was sometimes observed that a hoped-for easement had not been reserved by the freeholder of the allegedly-dominant land on the sale of the allegedly-servient land, which was right as far as it went, more attention might have been paid to the possibility of an easement arising by grant at an earlier point by reason of the rule in *Wheeldon v Burrows*, as well as to the fact that its duration would be no longer than the lease into the grant of which it was implied. Generous credit was given to those who kept their balance at this point.

In relation to payments made by an elderly relative to allow land to be altered by the creation of a granny flat in which she would then reside, there was a surprising variation in the legal (or equitable) analysis of what seems likely to be a common phenomenon, but with proprietary estoppel featuring less often than one might expect. A good candidate might reasonably be expected to identify the basis for each of the legal (or equitable) possibilities before proceeding with the one considered to be the most plausible. Few, alas, gave proper consideration to the position of a trust beneficiary who discovered that the legal proprietor was planning to sell the land, preferring to rest on the unelaborated observation that there would be an entitlement to a share of the proceeds; few also pondered the nature and extent of ‘implied consent’.

In relation to covenants, it was dispiriting to see how many people were prepared to assert that because a covenant was negative in nature (as to which, the nature of a ‘preserve unchanged’ covenant attracted a variety of analyses, some of them good and sensible), its burden ran with the land whenever this was conveyed, or ran subject only to ‘notice’, which expression took on an unwelcome variety of meanings. Life might be easier if it were that simple, but it isn’t. It was also surprising to be told that the burden of a positive covenant would be capable of running if made within the framework of a scheme of development. When it came to the claiming of the benefit of a covenant by someone other than the original covenantee, several problems surfaced. The problematic issue of how (in the sense of where one must look for and find the answer) the benefiting land is to be identified was not well handled: *Crest Nicholson* may be awkward, but it cannot be ignored. And few asked whether the Contracts (Rights of Third Parties) Act 1999 might be used to by-pass some rather older and more involved doctrine. It took sixty years for the full potential of Section 78 of the Law of Property Act to be seen; perhaps the 1999 Act just needs to be patient.

The leases problem was, all too often, written as though the author was on auto-pilot. The number of candidates who knew that legal leases need a deed unless statute provides otherwise was not what it should have been; section 52 LPA has not been pushed aside by the Land Registration Act 2002. Those who made it as far as section 54(2) were few; and those who read and understood the requirement in that sub-section that the deedless legal lease take effect in possession (and who could relate that requirement to the facts given) were isolated and exceptional. No doubt the law on shams is more enticing, but it is still law, and it too requires one to be able to read and think.

The fact that the provision for sharing possession was, according to its black letter, only usable by the landowner when it was reasonable to invoke it, made it materially different from most of those seen in the cases; but the prevailing assumption appeared to be that practically any

sharing covenant was there for nefarious reasons, and that it was most likely to be a sham term. Having concluded that it was in essence a sham term, candidates concluded that it would not form part of the lease for which the occupiers may be contending; but if the claim to be tenants were to founder on some other legal rock - the problems with the four unities being most likely - and the occupiers fell to be seen as licensees after all, the sharing covenant came back to life, binding the occupiers as licensees who, by definition, have no right, ever, to exclude anyone at all from the premises which they have been licensed to occupy. Given that degree of unthinkingness, it was small surprise that hardly anyone considered that a house-cleaning agreement, written into the document which created the supposed lease, might be severable from the (rest of the) lease: after all, if it is possible to sever a right to purchase the produce of an agricultural estate from a mortgage, one would think that this beneficial technique may yet play a part in the law of leases. Given all that, it was a relief that only a few seemed to believe - but why? - that when one participant in the joint tenancy of a fixed-term lease moved out and stopped paying rent, that fact terminated the lease and turned the other tenants into licensees.

And as to mortgages, it was surprising to see how many seemed to consider that, where the mortgaged estate was leasehold, the borrower could redeem early, even though the parties had agreed that repayment would be made over the precise period of 20 years. Presumably this was rested on an inexact sense that the contractual term tended to make the mortgage irredeemable. Even if a candidate was unable to recall that Lord Parker had explained, a century ago, why this was an error, he or she might have paused to think twice about the proposition that a borrower who had made such an agreement was free to ignore its terms whenever he wished. But if the general relationship between land law and freedom of contract was not generally well handled, the particular relationship between the freedom of contract and the specific concerns of the law of mortgages was barely examined at all.

Those points of detail aside, the examiners were dispirited, and sometimes alarmed, by the lack of precision in a very large number of the answers. Even where candidates described the broad framework within which their answer would be contained, their ability to deal efficiently and accurately with the rules, and to apply them where they were needed, was frequently very poor. In property law, at least, a vague sense of the sentiment or effect of the jurisprudence is no substitute for being able to focus on the statutory language and on the set of rules by which a court decides a question before it.

MEDIA LAW

The Media Law course ran for the first time this year with 12 students. Three candidates gained first class marks overall, with the remainder gaining Upper Seconds. The examiners found the scripts to be of a high standard. The stronger scripts engaged with the question set, went beyond the issues set out in the lectures, showed a good understanding of the secondary literature, and used the detail to illustrate and support their arguments.

Q1. Contempt of court. Most candidates were aware of the main trends in the application of the Contempt of Court Act 1981, such as the fade factor, trust in the jury, problems of multiple publications, etc. Several scripts discussed the challenges posed by internet publications and newspaper archives. Weaker scripts tended to be descriptive, but stronger scripts tended to subject a few key issues to critical analysis.

Q2. Prior restraints. No candidates attempted this question.

Q3. Defamation. Candidates were aware of the various issues and criticisms of the *Reynolds* test, and of the changes brought about by the 2013 Act. The best scripts had a good knowledge of the secondary literature and considered the ways that alternatives to the public interest test might help vindicate reputations.

Q4. Media regulation. A fairly open-ended question that could be taken in a number of directions. Candidates often discussed the different regulatory regimes for the press and broadcast media, and also the internet, and asked whether it is appropriate to have a single regulator for all. Many of the candidates answering this question also discussed the reforms to press regulation and assessed the new model with reference to a number of ideal features.

Q5. Obscene Publications Act. The question asked specifically about the challenges posed by the internet. Stronger answers tended to cover a range of issues and legal responses. Most candidates were familiar with *Perrin* and *GS*. A number of scripts looked at ISP liability and also the less formal controls (such as optional blocking).

Q6. Positive protection and privileges for the media. Answers to this question were mixed. In some cases there was confusion about the difference between negative and positive protection for the media. Some weaker scripts used the question as an opportunity to discuss media freedom more generally. Stronger scripts tended to select specific examples, such as access to the courts and freedom of information. The answers to the second part of the question, asking what counts as the ‘media’, were generally better done.

Q7. Source protection. A question inviting candidates to discuss various issues raised in the quote from Laws LJ. The area is challenging for candidates, given the multiple factors at play and the need to grasp the detail to understand the effect of the cases. The very best scripts showed a good knowledge of the case law and the differences between the various decisions, and engaged with the secondary material. Weaker scripts tended to be a little one sided and did not understand the key fault lines in the area.

Q8. Government secrecy. The question invited candidates to discuss breach of confidence and the Official Secrets Act. Relatively few candidates attempted the question. Those that did showed a good understanding of the issues. Some candidates also looked at the informal pressures on the media.

Q9. Intermediary liability. Not attempted by many. Those that did answer this question showed good knowledge of the key principles and defences, and also discussed the right to be forgotten.

10a. Privacy essay. The question invited candidates to consider the role of privacy law in protecting against media intrusion. While the question approached the issue from a particular angle, the answers were of a high standard. Candidates looked at the way the acquisition of information can influence the application of the expectation of privacy test. Stronger candidates also referred to the secondary literature in their answers.

10b. Privacy problem question. Despite the length of this problem, most answers were comprehensive and covered the main issues. Stronger scripts probed some of the issues in further depth, for example considering whether the information about C’s operation was private

and the role of Olga's privacy interest in strengthening the claim. The answers to this question were mostly impressive.

MEDICAL LAW AND ETHICS

The great majority of scripts were of low quality this year, with only a very small number even approaching first class standard. Most suffered from the same fundamental problems. First and foremost, students seemed to confuse offering a pastiche of other writers' work with the presentation of their own argument. While evidence of wide reading was pleasing to see, simply listing the general position of a number of authors one after the other is not sufficient. Indeed, failure to present any argument or thesis in response to the question asked blighted many scripts. Very often, students resorted to outlining the law and then making some (usually) relevant observations about issues that might arise in relation to the topic, but very few actually presented a considered, reasoned argument in response. Many seemed to have prepared standard essays on core topics which were then adapted (with varying degrees of success) to fit the questions asked. This resulted in numerous essays that did not pay acute attention to the question asked, and these were marked down accordingly. Future students are warned against such an approach, and urged to write shorter essays that attempt to directly answer the precise question asked by presenting an argument supported by reference to the work of others.

Other general problems included:

- the use of the passive voice ('it is argued that...') which often made it difficult to see what was the student's view, what was the view of the academic writers cited and what was being ascribed to some presumed other party;
- inaccuracy in explaining cited authors' views;
- inventing unhelpful acronyms;
- misspelling terms and names;
- merely descriptive responses to normative questions;
- inaccuracy about the facts (and in some cases, the decision) in important cases; and
- drawing solely on textbook summaries of cases (particularly noticeable when the author's interpretation of the case is evident in the student's summary but is not referenced).

Many students insisted on 'interpreting' the questions. They would have done better to simply read them and respond to their natural meaning, rather than searching for some (usually absent) subtext. Numerous candidates also seemed compelled to include discussion of the notion of 'relational autonomy', regardless of whether it was relevant to the question asked or not. If students wish to discuss the concept, they would be well-advised to sharpen their understanding of it, and draw on it only where a discussion of relational autonomy actually adds something to their answer.

Perhaps most concerning was the general inability to understand what is wanted when a question asks whether a particular law can be justified. In Medical Law and Ethics, such questions require engagement with both legal and ethical justifications. This means reference to legal principles (both broad and topic-specific principles), and also some exploration how, if at all, such a law might be *ethically* justified.

Question 1 *Mental Capacity Act* This question was answered relatively well, but only a few answers really shone. Strong answers engaged with the relationship between capacity and autonomy, focused acutely on what it might mean to respect autonomy, and offered nuanced consideration of the wide range of relevant decisions. Weaker answers paraphrased the relevant sections of one of the textbooks and did not present much argument on the core issues. As ever, it was clear that many students had failed to read the relevant cases, relying instead on textbook summaries, which led to many quite shallow responses to the question.

Question 2 *Regulation of medical profession* Almost all students seemed to regard ‘tort law’ as synonymous with ‘medical negligence’ and hence did not go beyond critically appraising the role of negligence in regulating medical practice. A number of strong answers offered detailed analysis of relevant cases and some very balanced exploration of the relative merits and demerits of using the courts to improve medical practice.

Question 3 *Abortion* Although very popular, this question was not answered well. Very many candidates presented simplistic accounts of what they insisted (incorrectly) on characterizing as a debate between two ‘camps’. Better answers went beyond simply seeing debate about abortion as dividing along pro-choice and pro-life lines. Students need to do more than simply explain Thomson’s ‘violinist analogy’, and instead offer some explanation of her actual *argument*. The best answers presented a sophisticated treatment of the tension between respecting women’s autonomy and the other interests at play, and then drew on this to consider whether a particular ethical stance could justify the legal position. The very strongest answers demonstrated considerable clarity of thinking about the relationship between law and ethics.

Question 4 *End of life* Most candidates found this question challenging. A few exceptional answers offered lucid discussions of how examining end of life questions through the lens of rights analysis might (or might not) be helpful. Less strong answers simply discussed end of life questions and the case law generally without considering the particular implications of using the language of human rights to examine these issues. Many scripts displayed a weak understanding of the case law.

Question 5a *Procreative beneficence* Another popular question. Good answers explored the negative implications of choosing children, such as the impact on familial relations, concerns about the child’s open future, the effect on the disabled community, and eugenics. The very best answers engaged with Parfit’s Non Identity Problem and its implications for the notion that embryo selection can be a means by which parents can be said to be ‘doing the best for their children’.

Question 5b *Surrogacy* This question required students to see the importance of distinguishing between *permitting* surrogacy and *enforcing agreements* in relation to surrogacy. Strong answers discussed the relationship between respecting autonomy and holding people to their obligations, the law’s role in protecting vulnerable parties, and the relative harms to those concerned as a framework within in which to consider whether the enforcement of surrogacy contracts could be a tenable approach.

Question 6 *Rationing* This question was generally well-answered, with most students offering the standard account of the court’s function in relation to rationing decisions. Better answers distinguished themselves by presenting a very detailed examination of the case law.

Question 7 Medical negligence Very few students answered this question, which required consideration of the standard of care, risk disclosure (and the recent changes to the law on this issue), wrongful conception and wrongful life claims, and the relevance of chances.

Question 8 Organ donation / property While popular, this question was not answered very well. Students struggled to draw the connection the question required between treating organs as property and the implications of doing so for organ donation. In the face of these problems, most opted to write a fairly general essay on ‘body as property’ followed by a brief argument in favour of an ‘opt out’ organ donation system. This approach was not rewarded. Stronger answers considered how affording people ownership of their organs (or the organs of others) might affect organ transfers, exploring valid questions about directed donations, disposal of property upon death, and implications for the adoption of an opt-out system. Many answers displayed a worrying degree of ignorance about the case law and the fundamental principles of the law of personal property, particularly whether ownership entails the capacity to sell.

Question 9 Dignity This quite difficult question produced quite a mixed bag of responses. The best answers explored how the concept of dignity might be used to explain the ‘wrongness’ of acts where no infringement of autonomy arises.

MORAL AND POLITICAL PHILOSOPHY

This year’s Moral and Political Philosophy paper allowed many candidates to shine, with a third of the group (8 out of 26) achieving first class marks (70+). Four of these candidates did work that struck the markers as unusually good, earning marks of 73 or above, with two memorably good candidates tying for first place on 75. These two candidates showed rare philosophical talent, balancing learning, agility, rigour, maturity, and imagination to enviable effect. Their special achievements, however, should not be allowed to overshadow the generally very good standards across the board. Only two candidates ended up with marks below 60.

Answers were unevenly spread across the questions on the paper. Most of the moral philosophy answers were answers to question 1 (*eudaimonia* as an end in itself), 2 (the place of rules in consequentialism) or 3 (a sense of duty as alienating). These were the questions most directly corresponding to the ‘big traditions’ in Western ethics that are studied in the course (Aristotelian, utilitarian, and Kantian respectively). Predictably, the weaker answers tended to play up the corresponding tradition while focusing less on the particular puzzle mentioned in the question. Yet most candidates showed some awareness of the particular puzzle and many were able to engage with literature very specifically in point (e.g. Lyons, Hodgson, and Rawls on question 2, Williams and Railton on question 3). Questions 7 and 8, at the opposite extreme, attracted no answers. Question 5, on amorality, attracted a few answers from more daring candidates, which had the effect of polarising their marks. Two of the best answers, however, were answers to question 4 (moral remainders). One of the overall top-scoring candidates wrote an answer to this question of uncommon sensitivity and depth, suggestive of a beautiful soul as well as a fine mind.

Almost all of the political philosophy answers were answers to question 11 (equality under conditions of sufficiency). Again there were some general assessments of egalitarianism, tending to drift away from the question asked. Yet most candidates managed to muster at least some more focused argument, and to engage with some specifically relevant literature (e.g.

Frankfurt, Temkin). Questions 9 and 12 attracted no answers, and question 10 only a couple. The markers were disappointed not to have inspired a greater diversity of answers in political philosophy. Perhaps political philosophy suffers from being taught later than moral philosophy and/or from occupying a smaller share of the course and examination.

PERSONAL PROPERTY

1. This was a very popular question and on the whole done quite well. Some answers discussed irrelevant material (such as the ability to transfer title by deed, even though the question refers to delivery). Most candidates were able to demonstrate that the need for intention to transfer meant that delivery was, per se, insufficient. The best answers were able to give a detailed account of the ‘symbolic delivery’ cases.

2. This question was attempted by few candidates, but the small number of answers that it attracted were done quite well. Most attempted a review of the specific areas where the BFP defence operates, and showed how the present status of the defence is far removed from that suggested in the question. The best answered were able to link their discussion of defences to a justification for strict liability in conversion.

3. This was a fairly popular question. Weak answers tended to do no more than re-assert the distinction between property rights and personal rights. Stronger answers identified the question as being one about acquisition and looked at various ways in which contracts could lead to the acquisition of property rights, such as through sale. The best answers pointed out that the question referred to rights ‘created’ by contract, and that a sale merely transferred, rather than created a right. Some then looked at whether contracts to lease a chattel created property rights.

4. This was not attempted by many, but the answers that it did attract tended to be quite strong. Most saw that registration may be appropriate in certain lien and pledge cases where the interest is created without a transfer of possession. The best answers asked what could be registered in such cases as there is no documentation.

5. This was not a popular question, and attracted answers of variable quality. The better answers challenged the assumptions in the quote and asked whether English personal property law did operate a system of relative title. Surprisingly few answers referred to the statutory provisions for joining a third party with an interest in a chattel to the proceedings.

6. Again, this was not a popular question, and attracted varied answers. The better answers examined the meaning of the word ‘proprietary’, and argued that conversion could be considered a ‘proprietary’ claim in the weak sense that the claimant must show that he has a property right in order to succeed.

7. This was a popular question, although most answers were in the mid- II.I range. Whilst most answers could give examples to illustrate the differences between accession, mixture and manufacture, few probed the fact that there could be significant overlaps. For instance, given that an accession involves the merging of two things, why does this not count as a mixture? And as this resulting merger is, arguably, different from the original source materials, why does it not count as a new thing, as required for a manufacture? Few candidates probed these questions.

8. This attracted very few answers, but those answers tended to be very strong, and were able to apply s.20A and B to the question competently.

9. This was the most popular of the problem questions, and the answers it attracted were mainly strong. Where answers lost marks was in failing to consider the relationship between E and F, and whether F possessed on behalf of E.

10. This question was attracted only one answer.

PUBLIC INTERNATIONAL LAW

The overall performance of students in this paper was good with approximately 1 in 5 students achieving First Class marks and only 1% of papers marked below a Second. As in the previous year, there were problem questions as well as essay questions on the paper. Candidates were not required to answer a problem question, and, on the whole, essay questions were marginally more popular than problem questions. Nevertheless, practically every candidate answered at least one problem question, with a majority of candidates answering more than one problem question. All the questions on the paper were attempted. However, as is often the case, the question on international law and domestic law (a topic dealt with in the lectures but not covered in tutorials) proved to be the most unpopular question.

As in previous years, the weaker answers were those which tended to provide a general description of the topic or topics covered by the question without focussing on the specific issues raised by the question. The best answers were those which made good use of cases and periodical literature, thereby providing analysis that went beyond the lecture material and the material included in the textbooks.

There were some very good answers to the essay question on customary international law with some students producing excellent assessments of what constitutes *opinio juris*, and of the interaction between practice and *opinio juris*. Some very good answers were given by those students who understood the use of force question to require also consideration of issues of attribution and state responsibility in general. As was to be expected, the best answers to the problem questions were those which identified all the issues arising from the problem and paid the greatest attention to the important issues.

ROMAN LAW (DELICT)

Two of the eight candidates were awarded Distinctions this year; several of the others, who all achieved 2.1 marks, also achieved Distinction marks in particular questions. All questions but one were attempted; there was a reasonable spread, with the two most popular essay questions each attracting answers from half of the cohort. The overall standard was pleasing. Some candidates' answers, to both comment and essay questions, were weakened by poor identification of the relevant issues. Distinction answers, however, demonstrated gratifying breadth of insight and depth of critical analysis, based on impressive command of the set texts and secondary literature, and clear engagement with both doctrinal evolution and conceptual refinement over time.

TAXATION LAW

As in prior years there were 8 questions (6 essays and 2 problems) which gave considerable choice since the students all cover all of the core material in lectures, seminars and tutorials. Q.7 (problem question on employment and self-employment) was the most popular question; Q.3 (capital gains tax policy essay) and Q.5 (employment versus self-employment essay) were the least popular. The problem questions were popular, with nearly all of the candidates attempting at least one of the problems (although not required to do so).

Q.1 on tax policy invited the candidates to discuss the meaning of 'equity' and evaluate the extent to which the UK tax system is equitable. Most answers discussed conceptions of 'equity' in some depth and applied that discussion to specific UK rules. The better answers also engaged with other canons of taxation including neutrality, certainty and admin/compliance. Q.2 concerned tax avoidance and was answered quite well overall. Those students who analysed a range of recent and older cases on the *Ramsay* principle, showed some appreciation for the details of the GAAR along with other anti-avoidance tools, and engaged with the extensive literature on avoidance were duly rewarded. Q.3 on capital gains tax policy invited the candidates to consider liquidity, valuation, realisation, and lock-in effects, as well as the cases on the income/capital divide and the literature on comprehensive income taxation. Many of the answers to Q4 on the capital taxation of trusts were high-quality, showing a good appreciation for the operation of the CGT and IHT regimes as they apply to trusts. The better answers considered the pre-2006 regime and engaged with broad policy considerations such as neutrality and restricting tax avoidance. Q.5 on employment versus self-employment demanded an understanding of the cases on the borderline as well as cases and statutory provisions on deductions, particularly travel. Q.6 was a relatively straightforward two-part question and most answers identified and evaluated the key cases and statute.

Q.7 was the more popular of the two problem questions. The better answers engaged at some length with the cases distinguishing several employments from a profession. The facts in Q.8 raised a broad spectrum of major and minor employment tax issues, and invited some tax planning advice concerning IHT and CGT. Candidates for the most part spotted the correct issues, but the depth of analysis of those issues was variable.

TORT

The overall standard in this paper seemed slightly higher than in recent years, and this was particularly noticeable in the answers to problem questions, which were handled competently by most candidates. The standard of the essay answers was generally less high, partly because many candidates paid insufficient attention to the question that had actually been asked. A particular problem was candidates not distinguishing between questions (or parts of questions) that were descriptive and those that were normative. Some candidates paid a heavy price for their failures in these respects.

Question 1 (rights and tort law)

There was a smattering of responses to this question, but in general (and with a few notable exceptions) it was not handled particularly well. All too often, it seemed that the question was a refuge of last resort for candidates scrabbling around for a fourth question, and this resulted in a number of apparently prepared essays on various topics, which had little or nothing to do with the question of rights.

Question 2 (standard of care)

This was one of the more popular essay questions, but it was not particularly well answered in general. A common weakness was not realising that the question posed was entirely normative. Far too many answers were essentially descriptive, and failed to consider in any depth whether a ‘rigorously objective’ standard of care was appropriate. Another problem was that – despite the clear steer in the question – very few candidates considered whether a ‘rigorously objective’ standard of care should be applied when a defendant pleaded that a claimant had been contributorily negligent. On the other hand, there were some very good answers that squarely addressed the possible justifications of the objective standard and their implications.

Question 3 (duty of care)

This was the most popular essay question. The standard of the answers varied considerably, from predictable run-throughs of the various so-called ‘tests’ for the existence of a duty of care to sophisticated analysis of the precise role played by the duty concept in modern negligence law, and critical engagement with the academic literature. Many of the answers (including some of the better ones) focused unduly on the second part of the question, which required candidates to look at the current role of the duty of care in the negligence enquiry before considering critiques of the concept. Candidates apparently unaware of the recent academic debates in this area did not perform well, and nor did candidates who failed to address the role of duty at a *general* level (as opposed to its role in a particular area of negligence law familiar to the candidate).

Question 4a (factual causation)

This was a popular question, which tended to produce solid but uninspiring answers. The question called for systematic analysis both of the exceptions to the but-for test and their possible justifications. Many candidates focused almost entirely on the former and neglected the latter, and there was also a general tendency to narrow the discussion down to one or two pet topics, such as the *Fairchild* principle and recovery for lost chances. Other weaknesses were a failure to engage more than superficially with the academic literature, and unarticulated assumptions that but-for causation was not made out on the facts of *Bonnington Castings v Wardlaw* and *Chester v Afshar*. The absence in most answers of discussion of the multiple causation problem (*Baker v Willoughby*, *Jobling v Associated Dairies*) was also disappointing.

Question 4b (legal causation/remoteness)

The answers to this popular question revealed that many students are no longer cognisant of the – admittedly controversial – distinction drawn by many textbooks and academic writers between ‘factual’ and ‘legal’ causation. The result was that many of the answers to this question dealt at length with the ‘but-for’ test and its exceptions (the subject-matter of the other part of question 4). As the terminology is contested, these candidates were not penalised, but close attention was paid to whether those who treated ‘legal causation’ as synonymous (for these purposes) with ‘causation’ answered the question as they should then have understood it. In any case, on any conceivable interpretation of the question the remoteness issue was central, and failures to discuss this in sufficient depth *were* sanctioned. Unfortunately, even those candidates who did focus on remoteness and intervening acts tended not to produce very strong answers.

Question 5 (trespass)

Sadly, this question produced no answers. This was disappointing, as a number of relevant cases appear on the core reading list, and the topic has also been lectured on in recent years.

Question 6 (economic torts)

This question was one of the less popular essay questions. It was generally handled well, although some candidates failed to differentiate in their answers between the two separate claims being made in the second sentence of the Fleming quotation.

Question 7 (defamation)

This question was one of the less popular essay questions. One or two candidates appeared to have prepared essays on the Defamation Act 2013, and focused almost entirely on that enactment. This was not a very persuasive approach to a concept largely worked out in the case law. The better answers effectively blended general discussion of the concept as developed in the case law with discussion of the changes wrought by the Act.

Question 8 (occupiers' liability/defences/vicarious liability problem)

This question was very popular and was generally handled competently, although it was surprising how many candidates missed the (highly topical) illegality issue, and how many treated the vicarious liability point at the end of the problem as an afterthought that did not require sustained analysis. It was also disappointing that Carl's failure to wear his spectacles was so frequently dealt with as a volenti issue instead of a question of contributory negligence. The treatment of the occupiers' liability issues was generally stronger, and there was some good analysis of the question of who qualified as an occupier, and whether the various potential defendants had been at fault. There was also some very good discussion of the Occupiers' Liability Act 1984, although many candidates did not examine the requirements for a duty laid down in section 1(3) of that Act in sufficient depth. Finally, some candidates mistakenly thought that the *Various Claimants v CCWS* case, which concerns relationships *akin to* employment, was relevant where an *actual* employment relationship existed between the relevant parties.

Question 9 (pure economic loss/psychiatric illness/damage problem)

This problem question was reasonably popular. It raised a number of difficult issues across a range of topics in negligence law, and the candidates who tackled it generally handled these quite well (some exceptionally well). Candidates tended to apply the 'assumption of responsibility' concept effectively, although the *Caparo* limits on the extent of the duty of care in such cases were often ignored. Many candidates also failed to advert to the Defective Premises Act 1972, while many of those who did advert to it failed to consider the precise scope of the Act. The number of candidates who demonstrated a good understanding of the complex structures issue was pleasing, although more reference could usefully have been made to the academic literature on it. More attention should have also been paid to the possibility that the contamination of the house amounted to property damage. With regard to the psychiatric illness issues, Isla's position tended to be handled better than Harry's. Finally, very few candidates gave proper consideration to the question of when any property damage had occurred, and the implications this might have for Harry and Isla's positions.

Question 10 (omissions/third parties/public authorities problem)

This was also a reasonably popular question, and again in general it was answered competently. Nancy's position tended to be handled better than Laura's, perhaps because it was covered by

more recent authority, although not all candidates spotted that there were two distinct bases on which Nancy might bring a claim against the police. There was surprisingly little discussion of whether Oxbridge Council's decision to change its child protection protocol was justiciable in negligence. Many candidates considered *Michael v CC of South Wales Police* in admirable depth, although there was a tendency to consider the decision in isolation rather than tying it into broader trends. It was also surprising that so many candidates appeared to think that dissenting judgments carried authority when it came to identifying the current state of the law. A few candidates failed to comply with the instruction to limit their advice to possible claims in negligence.

Question 11 (product liability problem)

This was the least popular problem question. It was generally well-handled, although a surprising number of candidates failed to discuss many of the potential defendants against whom Wendy and Quentin might have had claims, in particular the possibility of suing the Sparkling Wine Society as an 'own-brander' under section 2(2)(b) of the Consumer Protection Act 1987. Systematic consideration of all the potential defendants one-by-one tended to produce stronger answers. There was a tendency not to discuss the development risks defence in section 4(1)(e) of the Act in sufficient detail and depth, and there was also some confusion over the actionability of property damage under the Act. Many candidates missed the possibility of Vitreous plc raising a section 4(1)(d) defence in the alternative scenario.

Question 12 (private and public nuisance problem)

This was a very popular question, and again it was generally handled competently. The analysis of the public nuisance issues was stronger than in the recent past. There was however little awareness that blocking the entrance to premises could amount to a private nuisance, and many candidates missed the possibility that the damage to the car might be actionable in private nuisance as a form of consequential loss. The treatment of the 'coming to the nuisance' issue was generally competent, as was the discussion of the possibility of *Rylands v Fletcher* liability in respect of the escaping foam (although many candidates appeared to be unaware of the existence of the 'act of a stranger' defence). On the other hand, there was some confusion over the assessment of damages for private nuisance, and the discussion of the alternative scenario was often disappointing, with inadequate citation of relevant authority and insufficient consideration of the implications on these facts of the analysis of private nuisance as a tort against land in the leading case of *Hunter v Canary Wharf*.

TRUSTS

The standard of scripts this year was generally fine, but a little lacklustre – this may perhaps be partly attributable to being the sixth exam students sat in six days. Most candidates seemed knowledgeable and to have understood the core principles of the course. But a substantial number of students let themselves down by answering problem questions very badly indeed. Answering (at least) one problem question is compulsory in order to test that candidates are able to apply their knowledge to a particular scenario. This is an important skill, but does not seem to have been mastered. It is a shame that a large number of scripts contained three well-written essays, and a poor response to a problem question, which inevitably dragged marks down.

Answers to essay questions naturally scored more highly if they focussed on the actual question set, rather than the question students had hoped to see on the paper. Whilst it is pleasing that students engage with secondary material and read about the leading cases, it is worth reiterating

that this is not a substitute for reading the leading cases themselves. Many students were obviously relying exclusively on textbook accounts of the law, and incorrectly presenting the views of authors as settled law.

Q1 elicited some excellent discussion of the nature of the beneficiary's rights under a trust. Weaker answers failed to discuss what "core proprietary right" might mean, or show much awareness of the academic debate or relevant cases.

Q2 was a very popular question. It was straightforward, but often not done well. Few candidates considered both the meaning and implications of "void" in the context of the question. Both the "fraud explanation" and the "dehors the will theory" needed to be analysed critically, and a coherent argument needed to be made. It was not uncommon for an answer to say that neither the fraud explanation nor the dehors the will theory were satisfactory, and then confidently assert that secret trusts should not be void. The conclusion must match the argument.

Q3 was generally done very well. The best candidates displayed an impressive analysis of cases such as *Regal*, *Murad* and *Boardman v Phipps* and provided a balanced discussion. Many candidates were able to engage with the wider debates surrounding the nature of fiduciary obligations in a sophisticated manner.

Q4 was not very popular, and elicited a number of bland answers. A willingness to engage with all aspects of the question was important, as was an understanding of recent case law (eg the *Independent School Council* case).

Q5 was very popular. But candidates who failed to appreciate the difference between "substantive institutions" and "purely remedial institutions" would have done better by choosing a different question. This was not a question about remedial constructive trusts but about whether constructive trusts are remedial. Some answers to this question were too narrow and therefore lacked balance. Whilst candidates might have been frustrated not to see a question set exclusively upon the recent Supreme Court decision in *FHR*, or on the "family homes" cases, it was disappointing to see some candidates twist this question so that they could regurgitate a pre-prepared answer. Those candidates did not score highly.

Q6 was another very popular question. The quality of responses was decidedly mixed. Some candidates did not consider "all the alternative analyses", and few adequately considered why a trust should arise at all. A significant number of answers failed accurately to explain what Lord Wilberforce in *Quistclose* and Lord Millett in *Twinsectra* actually said. There were, however, some excellent answers which engaged with both the leading cases and the academic commentary in order to make a coherent argument.

Q7 was a popular question. Weaker candidates only considered unincorporated associations, or private purpose trusts, but not both. Stronger answers considered possible links between the two.

Q8 was popular. It attracted many weaker candidates, no doubt happy to see "*Vandervell*" on the exam paper. But focussing on the resulting trust missed the point of this question. Strong answers considered other possible justifications for section 53(1)(c), and how the provision applies in a range of different circumstances.

Q9 was not very popular. But those who answered this question tended to score highly, displaying clear views about whether a beneficiary should be able to sue for “an equitable debt” or “equitable compensation”, and why breach of trust might be treated differently from breach of contract (or tort).

Q10 was also not very popular, but also tended to be answered well. One common weakness was a focus upon either knowing receipt or dishonest assistance. The question called for consideration of both. Some strong answers offered clear reasons for distinguishing between the two.

Q11 was by far the most popular question on the paper. Candidates were no doubt attracted by the fact that the law in this area is well-known, and the key issues predictable. It is therefore particularly disappointing that answers to this question were generally poor, and pulled down candidates’ marks. It is not good enough simply to regurgitate what was said in leading decisions without any attempt to apply the law to the facts of the case at hand. A surprising number of candidates had obviously not read *Re Tuck* (if the case was even cited), and with very few exceptions part (ii) was done badly. There was even a hint at the end of the question that it might make a difference if the trust had been established *inter vivos*, but few students understood this. Candidates who wrote that a trust of alcohol for minors is unlawful were grasping at non-existent straws.

Q12 was quite popular, and generally done well. The covenants to settle point was straightforward. The transfer of shares problem was harder. Weak answers simply asserted that “equity sees as done that which ought to be done”, without noting that there is no obligation to make gifts, and without really thinking through the issue at hand. Strong answers considered cases after *Pennington v Waine* and were able to grapple with the problems of detrimental reliance raised on the facts.

Q13 was not popular. But it was a straightforward question on tracing, which required consideration of the controversial topics of backwards tracing and the change of position defence. A couple of very impressive answers offered balanced advice as to the prospects of success on these points, given the unclear state of the current law.

Q14 was not very popular, but elicited some impressive answers. Weaker candidates simply failed to spot the similarities with decisions such as *Tribe v Tribe*, and were unable convincingly to apply the different views of section 53(1)(b) to the facts of the case.