

FORM OF REPORT ON EXAMINATIONS 2024/25

[In compiling their reports, examiners are asked to have regard to the Examinations and Assessment Framework and any applicable divisional/subject guidance. All parts of this report, with the exception of Section E of Part II, should be shared as a matter of course with joint consultative committees (or equivalents) and made available to students.]

Bachelor of Civil Law and Magister Juris

PART I

STATISTICS

A. [In each case please give the figures for the preceding two years in brackets.]
[Statistical data should not be provided for cohorts comprising five or fewer students.]
[Please delete the classified/unclassified examinations table as appropriate]

(1) Numbers and percentages in each class/category

BCL

Category	Number			Percentage (%)		
	2024/25	2023/24	2022/23	2024/25	2023/24	2022/23
Distinction	55	46	(60)	52	41	(49)
Merit	41	50	(46)	39	45	(38)
Pass	9	15	(13)	9	13	(11)
Fail	0	1	(3)	0	1	(2)
Total	105	112	(121)			

MJur

Category	Number			Percentage (%)		
	2024/25	2023/24	2022/23	2024/25	2023/24	2022/23
Distinction	12	9	(13)	29	26	(36)
Merit	23	12	(18)	55	35	(50)
Pass	7	12	(4)	17	35	(11)
Fail	0	1	(1)		3	(3)
Total	42	34	36			

(2) If vivas are used:

Please include numerical detail of any vivas which were held, with an indication of the effect of any vivas on classes or results.

Not Applicable

(3) Marking of scripts

Please give details of scripts which are not double-marked.

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

For each paper¹ there will be a team of at least two markers. For each paper, a minimum sample of 6 scripts, or 20% of the scripts, whichever is the greater number, will always be double-marked, as will:

- any other script/essay which the first marker found difficult to assess, and
- any script or essay for which the first mark is 63, 64, 68 or 69, and
- any script/essay which might be in line for a prize, and
- any script or essay for which the first mark is below 60, and
- any script which has an 'absent answer'.

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

NEW EXAMINING METHODS AND PROCEDURES

B. Please state here any new methods and procedures that operated for the first time in the 2024/25 academic year with any comment on their operation in the examination and on their effectiveness in measuring the achievement of the stated course objectives.

After a successful trial of running the BCL/MJur examinations in the new Bring Your Own Device (BYOD) format in 2023-24, the examinations were conducted in this format again this year. The BYOD format involves students undertaking examinations in person and on their own devices, accessing the examination paper through an Inspera lockdown software installed on the devices in advance.

Last year, due to various practical considerations (eg electric sockets capacity in rooms, internet stability, invigilation) the majority of the examinations were held at St Cross Building - in Law Faculty seminar rooms. This year, building on the experience gained and lessons learned, it was possible to hold all BYOD sittings in Examination Schools. In the lead-up to examinations, the Student Assessments Team purchased relevant equipment, carried out BYOD-specific training for invigilation staff and assessed the risks associated with internet instability for Inspera-based examinations.

Overall, thanks to the detailed preparation by the Student Assessments Team and good coordination with the Faculty, the examinations ran smoothly, with no major challenges. The student feedback suggests that it was a positive experience overall.

A noticeable improvement from last year was the timely and correct provision of examination materials for sittings in Exam Schools, as well as in colleges and other designated small room locations.

¹ In this context, 'paper' refers to each BCL/MJur option or half-option, including essay papers.

Problems with exam sittings which were reported through Mitigating Circumstances

This year's exceptionally high temperatures were reported as a source of difficulty in Exam Schools rooms where there is no air conditioning or fans, even though the hot conditions were mitigated by the University's permission to relax the academic dress expectations.

A small number of candidates taking examinations in half-options in Michaelmas and Hilary Terms were able to sit their exams in Exam Schools using Chromebooks provided by Schools, this being the standard means by which Exam Schools have been offering typed examinations since 2023. These exams ran smoothly, with no problems reported.

C. Please summarise any **future or further** changes in examining methods, procedures and examination conventions which the examiners would wish the faculty/department and the divisional board to consider. Recommendations may be discussed in further detail under Part II.

No future changes were recommended.

D. Please describe how candidates were made aware of the examination conventions to be followed by the examiners and any other relevant examination information.

Examination Conventions were made available on the relevant Canvas sites. These were supplemented by email communications ahead of all assessment periods.

PART II

[Part II contains more detailed discussion of the examination and individual papers etc. Examiners are asked to ensure that any comments that they do not wish to have transmitted to students are indicated clearly and are kept within the separate *Section E* of this report. The report should include the following sections:]

A. GENERAL COMMENTS ON THE EXAMINATION

[*Excluding* comments on identifiable individuals and other material which would usually be treated as reserved business. This section should include any matters which the examiners wish to draw to the particular attention of the responsible body, including any comment on statistical trends as shown in section A. It is especially helpful to have a comment on the overall standard of performance in the examination, including any trends in results or in relation to particular areas of the curriculum, and on any developments or changes to the existing course which might have been suggested by the examination process.]

As reported above, the examination overall went well. There was a rise in the number of Distinctions attained, with BCL Distinctions increasing by 11% and MJur Distinctions increasing by 3%.

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

[Chairs of examiners should include in the reports of their boards a commentary on any general issues relating to questions of equality and diversity, and of special educational needs (comments which might identify individual candidates should be confined to section E).

A breakdown of the results by gender for both the current year, and at least the previous 3 years should always be supplied, so that it is possible to track systematically gender differences in examination performance. In small cohorts this breakdown by gender may be omitted to maintain confidentiality. Where there is a noticeable gap in attainment between genders, boards are encouraged to place the breakdown of results by gender in Section E of the report, to avoid the risk that the data reinforces negative stereotypes regarding gender performance, in a context where students are using examiners' reports as part of their examination preparation.

This section of the report should also include comments on the effect of different methods of assessment (e.g. problem questions, extended essays, essay papers) on any observed differences.]

	2024/25						
	Total	Male	% of Male	% Cohort	Female	% of Female	% Cohort
All grades	148	83			65		
Distinction	67	44	53		23	35	
Merit	64	33	40		31	48	
Pass	16	5	7		11	17	
Fail	0	0	0		0	0	
Incomplete	1	1	1		0	0	
	2023/24						
	Total	Male	% of Male	% Cohort	Female	% of Female	% Cohort
All grades	154	103			51		
Distinction	55	38	37		17	33	
Merit	80	48	47		32	63	
Pass	26	15	15		11	22	
Fail	2	1	1		1	2	
Incomplete		1			0	0	
	2022/23						
	Total	Male	% of Male	% Cohort	Female	% of Female	% Cohort
All grades	161	88			73		
Distinction	73	48	55		25	34	
Merit	64	27	31		37	51	
Pass	17	9	10		8	11	
Fail	3	1	1		2	3	
Incomplete	4	3	3		1	1	

The pattern of a higher number of male candidates obtaining a distinction, compared to female candidates has continued, with it significantly increasing from a difference of 4% between male candidates and female candidates to an 18% difference, which puts it back at a similar level as 2022/23.

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

[This section should include the numbers taking each paper (core and optional). Where appropriate, and where the information is likely to be useful, it should also include the number of attempts and a breakdown of the marks on each individual question. This will help towards a judgement about whether candidates are achieving a balanced coverage of the syllabus.]

Option	Average mark	Number sitting	49 or below	50-54	55-59	60-64	65-69	70-74	75 and over
Advanced Administrative Law	68	25	0	0	0	6	7	11	1
Advanced and Comparative Criminal Law	70	10	0	0	0	0	4	6	0
BCL Dissertation	70	6	0	0	0	0	2	4	0
Business Taxation in a Global Economy	68	17	0	0	0	0	12	5	0
Civilian Foundations of Contract Law	71	3	0	0	0	0	0	3	0
Commercial Negotiation and Mediation	68	21	0	0	0	4	8	9	0
Commercial Remedies	65	47	0	1	4	12	17	12	1
Comparative Constitutional Law	71	4	0	0	0	0	0	4	0
Comparative Copyright	68	2	0	0	0	0	1	1	0
Comparative Human Rights	66	24	0	2	2	6	2	12	0
Competition Law	66	21	0	0	0	6	12	3	0
Conflict of Laws	65	36	2	0	2	8	14	10	0
Constitutional Theory	68	14	0	0	0	3	5	6	0
Constitutionalism in Asia	68	10	0	0	0	2	4	4	0
Contract	63	5	0	0	2	0	3	0	0
Corporate Finance Law	68	7	0	0	0	0	5	2	0

Option	Average mark	Number sitting	49 or below	50-54	55-59	60-64	65-69	70-74	75 and over
Criminology and Criminal Justice	67	1	0	0	0	0	1	0	0
Employment Law	64	1	0	0	1	0	0	0	0
Feminist Perspectives in Law	69	2	0	0	0	0	1	1	0
Human Rights at Work	69	18	0	0	0	0	8	10	0
Incentivising Aesthetic Progress	68	2	0	0	0	0	2	0	0
Incentivising Innovation	70	3	0	0	0	0	0	3	0
International Dispute Settlement	67	28	0	0	0	2	15	11	0
International Economic Law	66	12	0	1	0	3	5	3	0
International Environmental Law	68	15	0	0	0	3	7	5	0
International Law and Armed Conflict	68	17	0	0	0	2	6	9	0
International Law of the Sea	69	14	0	0	0	0	7	7	0
Jurisprudence and Political Theory	68	11	0	0	0	1	5	5	0
Law and Computer Science	69	12	0	0	0	0	6	6	0
Law and Regulation in the EU Internal Market	66	3	0	0	0	1	2	0	0
Law and Society in Medieval England	68	10	0	0	0	2	4	4	0
Law and Technology	68	9	0	0	0	1	4	4	0
Legal Concepts in Financial Law	69	22	0	0	0	0	15	7	0
MJur Dissertation	66	3	0	0	0	1	1	1	0
Mental Capacity, Choice and the Law	69	17	0	0	0	0	10	7	0
Modern Legal History	69	7	0	0	0	0	3	4	0
Philosophical Foundations of the Common Law	66	16	0	0	1	5	6	4	0

Option	Average mark	Number sitting	49 or below	50-54	55-59	60-64	65-69	70-74	75 and over
Philosophy, Law and Politics	68	10	0	0	0	1	6	3	0
Principles of Civil Procedure	68	35	0	0	0	0	22	13	0
Principles of Financial Regulation	69	6	0	0	0	0	2	4	0
Regulating Relationships: Violence and Intimacy	69	22	0	0	0	1	10	11	0
Regulation	67	15	0	0	0	2	7	6	0
Reproduction and Parenthood	67	13	0	0	0	0	10	3	0
Restitution of Unjust Enrichment	67	26	0	0	1	4	13	8	0
Tort	63	1	0	0	0	0	0	0	0
Trade Marks and Brands	68	2	0	0	0	0	1	1	0
Transnational Commercial Law	68	6	0	0	0	0	4	2	0
Trusts	64	2	0	1	0	0	0	1	0

D. COMMENTS ON PAPERS AND INDIVIDUAL QUESTIONS

[This part (which is likely to be the longest part of the report) should be physically separate. Together with the preceding sections, it will be scrutinised by teaching committees and examination committees, and made available to Joint Consultative Committees with Undergraduates and to college and departmental libraries. It must not therefore contain any material which would usually be treated as reserved business, and detailed comments do not need to be provided for individual papers comprising of five or fewer students. Departments are encouraged to refer to the exemplars for reporting on papers and individual questions provided in Annexe 1. These are non-prescriptive examples but highlight what is suitable for inclusion in this section.]

See Annexe 1 below

F. NAMES OF MEMBERS OF THE BOARD OF EXAMINERS

Name (Chair of Examiners) Anne Davies
Name (Internal Examiner) Imogen Goold, Richard Ekins, Dan Sarooshi
Name (External Examiner) Paul Mitchell

Annexe 1

Advanced Administrative Law Report

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The quality of scripts overall was extremely high. Of the twenty-five candidates, twelve achieved a mark in the 'distinction' range. This accorded with the examiners' expectations for a cohort of this caliber.

Brief remarks on individual questions

Please note the number of students answering the question, the range of marks, the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1	
No. of students who answered this question	17
Range of marks	62-74
Comments	
This question concerned judicial review of guidance and policy and its impact upon the judicial function. It was generally well done.	

Question 2	
No. of students who answered this question	15
Range of marks	63-76
Comments	
This question was split into a part (a) and (b). Nobody answered Part (b) on ouster. The part (a) question contained a range of arguments on the principle of legality, and examiners accepted multiple perspectives on the question.	

Question 3	
No. of students who answered this question	5
Range of marks	66-72
Comments	
This question, on the suitability of judicial review for addressing the challenges posed by 'algorithmic governance' was not particularly popular, but was well attempted, covering relevant authorities.	

Question 4	
No. of students who answered this question	9
Range of marks	60-72
Comments	
This was split into a part (a) concerning judicial review of ombudsmen and (b) concerning the ruling in <i>Cart v Upper Tribunal</i> [2011]. Most part (b) answers were	

intellectually conservative, supporting the UKSC holding. Part (a) was well-enough done, but most answers missed the core point that there's something unusual, about judicial review of an accountability mechanism (Ombuds).

Question 5

No. of students who answered this question	9
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Range of marks	61-75
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This question asked: "When, if ever, should a court decline to award a remedy in a claim for judicial review after holding that an administrative decision or enactment was unlawful?" It was generally well done, but two of the scripts misinterpreted the question, either by narrowing it unduly to focus on a particular type of remedy or writing about a different subject matter altogether.

Question 6

No. of students who answered this question	4
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Range of marks	65-72
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This question asked students to discuss the possibility of placing all prerogative powers on a statutory footing. Surprisingly, no candidates addressed the fact that we struggle at any given time to identify all of the relevant prerogative powers.

Question 7

No. of students who answered this question	14
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Range of marks	60-74
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Comments

This question, on the impact of unincorporated treaties in English administrative law, was generally well done. Candidates advanced a range of sophisticated analyses of the case law that cast doubt on constitutional orthodoxy.

Question 8

No. of students who answered this question	8
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Range of marks	58-72
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Comments

This question was about the utility of 'tailoring' in the grounds of judicial review. Candidates tended to agree w/the prompt and rehearse the arguments of the authors of the article upon which the question was based.

Advanced and Comparative Criminal Law Examiner's Report

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

This was the fifth year of the ACCL paper, and 11 candidates sat the exam. Candidates had to answer two out of six questions in a take-home exam format. Candidates did best when they brought both doctrinal and theoretical perspectives to the law. Candidates who brought in comparative perspectives to aid their answers where the question was called for it achieved strong results. Where a question asks for how the law could be improved, or related questions, it is important that candidates are able to explain not just their ideas and values, but also how to implement them. This year there were generally strong answers, candidates performed effectively.

Candidates this year favoured questions on criminal procedure and sexual offences, though other questions were also answered. It was particularly important to be able to dispassionately review the possible formulations of an issue, and the theoretical frameworks to analyse it, showing awareness of the relevant strengths and weaknesses, before selecting the argument that best fitted the candidate's position.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1 was on the structure of criminal legal reasoning in England, and was not popular. The best ways to answer this question included seeing how the structure of reasoning affected not just normative claims to order or of substance, but also practical resolution of particular cases.

Question 2 required candidates to explore the reasons for intentional and negligence conduct being separated, and this typically included a discussion of recklessness, as well as other possible conative mental states. There was a lot of case law, as well as academic commentary available to candidates, and the best answers included a strong narrative for addressing the myriad issues that could be addressed, but not all of which needed to be.

Question 3 on murder/manslaughter provided an accessible question, but stronger candidates engaged with what levels of culpability makes a difference, and why. German law's *dolus eventualis* provides a nice counterpoint to the English use of intention to kill, and intention to cause GBH, as does even more onerous fault requirements, or indeed, the depraved heart forms of homicide in some other common law jurisdictions.

Question 4 focused on complicity, with a quote from *R v Hussain* introducing questions about causality, and the prime question being what justifies complicity liability. Good answers engaged with the difference between complicity as a mode of participation, and other justifications for simple principalship, as well as a number of other factors, including causation.

Question 5, about criminal procedure, required the careful analysis of what this field does well now, but what could be improved. Reform proposals received better marks when they were explained carefully, both for the need they filled, and the method of implementation.

Question 6, a popular question, asked candidates to consider what risks are "inherent" in sexual activity, if any, and who should bear what risks in relation to that activity. Some candidates went into almost polemical discussion about issues, but the best candidates

had solid sources, and consider the question carefully, rather than imagining it was a question simply about consent, as perhaps they wanted.

Business Taxation in the Global Economy

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

Students were required to answer 3 questions of 8. The overall quality of scripts this year was high and the examiners were pleased to see the clear effort that had gone into preparing for the exam and the high level of engagement with the materials. As well as the usual qualities of clear argumentation, sticking to the question and avoiding irrelevant or tangential materials, the best students were able to use materials from across multiple topics and to offer interesting and well-founded critiques.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

None of the students chose to answer questions 1 (aligning tax and financial accounting) and 2 (losses).

Question 3 focused on workplaces facilitating flexible work and invited students to engage with issues of horizontal equity among taxpayers, and tax as a social institution. The best answers analyzed how the current system treats people's choices, what are the implications of such treatment and offered some creative solutions, illustrating their arguments with potential alternative mechanisms.

Question 4 invited students to comment on the theoretical potential and practical problems raised by the use of 'ordinary profit' as a corporate tax base, and to consider alternative tax bases at a domestic level. Some students simply took this as an opportunity to describe everything they knew about corporate tax bases leading to unfocused and descriptive answers which in turn held back their marks. The strongest answers were able to offer their own views on the issue supporting them by literature and appropriate arguments.

Question 5 focused on ways to deal with tax avoidance in the UK and invited students to discuss whether this issue should be left in the hands of the judiciary. Successful answers critically engaged with the case law in this area and compared it with legislative solutions (in particular the GAAR), discussing each solutions' comparative advantages and demonstrated pitfalls.

Question 6a asked students to consider scraping the existing international business tax system and replacing it with a completely new system. Successful answers reviewed the structural issues plaguing the international tax system and provided some examples. They went on to explain why the efforts to fix the current system are unlikely to resolve some of the fundamental problems and further discussed why structuring a completely new system might be favorable, exemplifying how such a restructured system could be put in place and at what potential costs.

Question 6b took a slightly different perspective on the available alternatives to the international tax base and asked students to focus on destination-based taxes. Successful answers considered both the theoretical underpinnings for such a regime, and discussed the practical as well as the political challenges.

Question 7 considered the newly proposed Global Anti-Base Erosion (GloBE) rules and asked how a non-EU high income country might respond to it.

Successful answers considered possible reactions to various scenarios including the emergence of the new GloBE regime and its failure, and evaluated the potential costs and benefits from joining the regime or defying it.

Question 8 considered the case for cooperation in international business taxation focusing on potential tensions between rich and poor countries. The better answers addressed the question directly and focused on the business tax system, explained why it might be argued that it should be based on cooperation as a way to resolve its problems (and some of them argued against that). They further argued for the potential reasons why the system might be biased against poor countries and the best of them argued how such biases might be tackled.

Civilian Foundations of Contract Law

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

All students delivered excellent scripts north of 70. No detailed information can be provided, given the small number.
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Competition Law

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

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

The examination was taken by 24 candidates. On the whole, the scripts showed excellent command of the subject and very good analytical skills, with 3 candidates (12.5%) being awarded an overall mark of 70% or above.

First class answers generally displayed a strong grasp of the underlying material, underscored by significant and sustained references to case law and commentary, balanced with robust analytical engagement. Weaker answers tended to miss substantial issues, neglect critical analysis, fail to engage in detail with case law and misconceive the relevant law, or how that law ought to be applied to the facts.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Overall, essay questions proved less popular among the candidates:

Question 1 addressed the scope of analysis under the merger regulation and whether it should be dominated by competition considerations. Three candidates attempted this essay question, one achieving a first class mark.

Question 2 focused on self-preferencing and leveraging theories of harm. None of the candidates attempted this essay question.

Question 3 explored the utility and efficiency of public and private enforcement. None of the candidates attempted this essay question.

Question 4 focused on the goals of EU and UK competition laws, with an optional focus on sustainability considerations. This question was attempted by 7 candidates, with one candidate achieving a first class mark.

Most candidates focused answered the problem questions. These offered a mixture of scenarios involving Article 101 TFEU, Article 102 TYFEU, the European merger Regulation, UK law and enforcement.

Question 5 predominantly focused on horizontal agreements and enforcement actions. It was attempted by 16 candidates, with two achieving a first-class mark.

Question 6 predominantly focused on online sales and vertical agreements. It was attempted by 12 candidates.

Question 7 predominantly focused on platform competition, the abuse of a dominant position, and the acquisition of an undertaking. It was attempted by 15 candidates.

Question 8 focused predominantly on information exchange, signalling and the establishment of a joint venture. It was attempted by 16 candidates, with one achieving a first-class mark.

Conflict of Laws

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

Scripts were generally of a good quality, with some very impressive answers to both essay and problem questions. Overall, problem questions were substantially more popular than essays, with almost two-thirds of the candidates answering three problem questions and very few candidates answering more than one essay. The best scripts displayed a lightness of touch, and clear minded thinking in their analysis, suggesting time well spent on distilling the issues and on planning the shape of the answer. In this arena, length and quality are not necessarily proportionate. Weaker scripts hinted at time management difficulties, or poor question choice.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1

Candidates unsurprisingly took a wide range of approaches in identifying “ideal principles” governing jurisdiction, and used different elements of the English legal framework to examine their application in practice. Stronger answers took a more co-ordinated approach to the question, examining the inter-action of the principles as well as their individual application.

Question 2

Candidates, on the whole, showed good knowledge of modern and older case law bearing on the topic (fraud in the recognition and enforcement of judgments), but there was only limited evidence of a sharp focus on the way in which the question was formulated (by reference to the principle that ‘fraud unravels everything’).

Question 3

This was the least popular of the questions on the paper. The provocative formulation of the (fictional) quote seemed to stir little emotion.

Question 4

Candidates were offered a choice of essays, which related to the ‘selected topics’ seminar. The best answers combined material from the reading list, with the candidates’ own analysis of the theoretical principles underlying the topic at hand.

Question 5

A very popular problem question, requiring analysis of jurisdiction and choice of law questions and of the inter-relationship between them. The best answers kept in mind distinctions between the legal and factual bases of the potential claims against B and C, while recognizing that questions of appropriate forum demanded a holistic approach. In a significant number of cases, otherwise good answers were marred by a fleeting, one-dimensional examination of the alternative scenario.

Question 6

The question, somewhat unusually, had a transactional focus, but was generally well-handled. Candidates were generally able to distinguish the effects of the assignment of claims against the debtor, from its effects between assignor and assignee. Most (but not all) realized that even purchasers of expensive luxury watches are likely to have the status

of consumers. Surprisingly few analysed the implications of granting security over tangible movable property in the form of the watches.

Question 7

A very popular question, which required candidates to demonstrate knowledge of the rules governing enforcement under the Hague Conventions 2005 and 2019 and the common law. To answer the question convincingly, it was necessary to navigate a 'battle of the forms' issue to resolve a conflict between the terms proposed by F and G. A range of choice of law approaches for this component were suggested, and credit was given in all cases for sensible analysis of the point.

Question 8

Although this question legitimately raised questions as to the enforceability of a (future) foreign judgment, it centred on the steps that the University could take before an English court to strengthen its position (and that of its employees and representatives) with respect to the claims brought before the foreign court. This demanded knowledge of rules of jurisdiction, of choice of law and of individual forms of relief (esp. anti-suit injunction, negative declaratory relief). Most answers covered the ground effectively, while overlooking or bypassing the argument that there was a contractual right not to be sued in the foreign forum.

Constitutional Theory

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The standard was generally very good indeed, with 43% of scripts earning marks of 70 or above. The more successful scripts were well-organised, and defended a clear answer to the question set, responding intelligently to objections that have been made or might be made to the candidate's conclusions. The matters addressed in the course involve deep controversies, and we recommend that students deal with controversy very directly, being careful to point out the force in opposing arguments. Answers that discussed the general topic without defending conclusions did not gain as high a mark as answers that gave a balanced but conclusive argument.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

1. Democracy: No answers- the students tended to avoid the political theory end of constitutional theory, and kept more to the legal end.
2. Immunity from change: very popular; a rather wide-open question; the best answers pointed out the variety of constitutional rules and principles, and the variety of ways of making them more or less immune from change.
3. The state: generally very well done.
4. Judicial review: very popular; the best answers gave balanced defence of a clear answer, rather than sitting on the fence or being polemical.
5. Representation and the separation of powers: there were some imaginative answers to this rather difficult question; it wasn't enough just to say something about representation, and something about the separation of powers.
6. Rule of law: less popular than expected; those who chose it did well.
7. Federalism, subsidiarity, and constitutional identity: A complex question; there were some good, thoughtful answers.
8. Political parties: few answers; the best got into the value as well as the defects of party systems.

Constitutionalism in Asia

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

Overall, the scripts were strong. The answers demonstrate students' capacity to engage with theoretical debates on major topics on Asian constitutionalism. The students demonstrate their critical thinking and ability to integrate various materials in different seminars. Some strong scripts content original analysis and typology and theoretical reflections. Weaker scripts are descriptive.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

1. What is "Asian" about constitutionalism in Asia?

In overall, the answers to this question are strong. Some weaker scripts identify the features of Asian constitutionalism but do not provide sufficient explanations of the reasons of these features.

2. Why do countries make constitutions?

This is a common question. Weaker scripts confuse the reasons of making constitutions and the functions of constitutions.

3. How can a constitutional amendment be unconstitutional?

This is a less common question. The scripts are generally strong, explaining both the procedures and substances of unconstitutional constitutional amendments.

4. Why do constitutional courts cite international law?

This is a less common question. The script is generally good, explaining reasons for judicial citations of international law in constitutional adjudication.

5. Why are guarantor institutions created?

The scripts are generally strong.

6. How do social movements matter for constitutionalism?

This is the most common question. The scripts are generally strong. Some weaker scripts are descriptive.

7. What explains the divergence in the roles of courts in advancing rights of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) People??

The scripts are generally strong. Weaker scripts are descriptive rather than explaining the reasons for the differences.

8. Can constitutionalism promote economic development?

This question was not answered.

Human Rights at Work

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The Human Rights at Work assessment requires students to complete two essays from a choice of six questions over a period of two weeks. All six questions attracted some answers, though the questions on Article 11 ECHR and on the right not to be unfairly dismissed were the most popular. Overall, the answers were of a high standard, reflecting the strength of this year's cohort. The very best scripts brought a degree of originality to the analysis and evidenced the candidate's own careful reflection on the material studied.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

In relation to question 1, on whether all labour rights should be regarded as human rights, the very best answers paid careful attention to the use of the word 'all' in the question and examined whether it might be appropriate to regard some labour rights as human rights but not others. In other cases, a detailed analysis of the relevant material was the key to success: for example, the cases relevant to question 2, on Article 11 ECHR, and the content of the Platform Work Directive in question 6, on algorithmic management.

International Environmental Law

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The overall performance by students in the International Environmental Law option was excellent. The exam contained several questions that required independent thought, and it was clear that the candidates had absorbed, processed and built on the material covered in the course. All candidates sitting the examination achieved grades in the 60s or higher, with six candidates achieving distinction grades. The top three scripts, in the early to mid-70s, were superb, and contained insights that built on and extended what the course had covered. No script was marked below 61. All questions were attempted by at least three candidates.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

The most popular question by far was question 7 (designing a climate agreement in the current geo-political context) followed by questions 5 (IEL in national courts), 1 (is IEL 'fiddling' as the planet burns?) and 6 (state-centrism of IEL).

The question on designing a climate agreement in the current geo-political context elicited some descriptive responses synthesizing the key features of the Kyoto Protocol and the Paris Agreement, but the better scripts built on the design features of these instruments, discussed effectiveness and feasibility, and proposed interesting hybrid instruments tailored to the current geo-political context.

The question on IEL in national courts elicited solid responses, with the better among them arriving at a carefully argued and caveated conclusion based on a wide range of case law across jurisdictions. The cross-cutting question on whether IEL is 'fiddling' as the planet burns, required students to first curate a set of issues that needed to be addressed, and then discuss them. The selection of issues was as insightful as their discussion, with some taking a bold critical lens to the entire field.

The question on state-centrism was well answered with the better scripts demonstrating a fine-grained understanding of the limits of IEL. The more challenging and less popular questions, question 2 (harm prevention/global commons), 3 (reliance of treaty regimes on soft law), 6 (right to a healthy environment) and 8 (ICJ's forthcoming Advisory Opinion on climate change), presented candidates an opportunity to showcase original and thoughtful analysis.

The best scripts responded to these questions and wove in fine-grained analysis with extensive reference to case law, literature and treaty provisions. For instance, the better responses to the harm prevention/global commons question engaged in a detailed discussion of the elements of the harm prevention principle, and the extent to which the procedural duties attached to the principle could be applied to issues relating to the global commons.

The better responses to the treaty regimes/soft law question explored and catalogued the interplay between soft law, such as COP decisions, with specific treaty provisions, arriving at finely argued and well supported conclusions. The question on the ICJ's AO, attempted by just a few, attracted some imaginative but well-reasoned responses. More generally, the best answers engaged directly with the question, were well-structured, and demonstrated strong narrative development, as well as detailed knowledge of the key legal

instruments, case law and academic authority. This was evident in many of the answers in this year's scripts.

Jurisprudence and Political Theory

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Most of the essays were on Questions 1-4 on topics in legal philosophy. Of the remaining two on topics in political philosophy, Question 5 on the grounds and scope of justice was more popular than Question 6 on the role of consent in relation to criminal or other restriction of some activity. One candidate was set an old regs paper and wrote on legal epistemology, the nature of law, and general ethics.

Law and Computer Science

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

This is the sixth year that we have run this course jointly between the Faculties of Law and Computer Science, where it is open to students on the BCL/MJur/MLF and 4th year/MSc courses respectively. As in previous years, the course contains two components: the written paper, which is the subject of this report; and a practical project, which required students to work in interdisciplinary groups of 8 (four from each discipline) to produce a legal product based this year on their choice of technology. The practical project is marked simply on a three-mark scale: unsatisfactory, satisfactory – or satisfactory+. Such was the quality of this year's projects that all students received an S+ mark. In Law this does not have any implications for the candidates' overall degree classification, though such a mark can – at the margins – have that effect in Computer Science.

As is always the case, the best scripts are those in which the candidate has researched and engaged deeply with material from both disciplines such that were it not for the logistics of marking the paper it might be hard to tell whether it had been written by a student from the Law Faculty or from the Department of Computer Science. This is always the key goal of the course and one that is emphasised to students throughout the sessions they attend. Weaker scripts, as is usual, tended to engage with their own discipline without fully considering the other, or to approach the relevant issues in a broader, more journalistic manner, when what is required is a detailed, technical understanding and analysis that evidences a genuine academic understanding of the subject. In line with our practice in previous years, the Computer Science marks were scaled to accommodate the fact that Computer Science makes full use of the range of marks between 70 and 80 while law does not. As always, all scripts from both Faculties/Departments were marked independently. This year as the result of the sabbatical of the CS Convenor every script was seen by three markers; the Law Convenor marking both questions, one from CS marking the part A question and the usual Convenor from CS marking the part B question, thereby ensuring that all scripts were considered from both a Law and a CS perspective. As in previous years there continued to be minimal or no difference between the marks awarded by each examiner. Where there were minor discrepancies, these were discussed and a final mark agreed upon.

Brief remarks on individual questions

Please note the number of students answering the question, the range of marks, the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1	
No. of students who answered this question	1
Range of marks	
Comments This was a relatively unpopular question which asked candidates to examine whether there is a sharp line between augmentation and automation of legal processes or whether, once technology is involved in a process this will inevitably change the way in which the process takes place and potentially also its substantive outcomes, so that even if the human judge or decision-maker is not wholly replaced their decision may still be altered. Good answers would have examined examples of augmentation and automation in practice, such as those relating to the traffic penalty tribunal, and would also have considered the underlying technological possibilities for automation and	

augmentation, clearly distinguishing between different forms of technology (e.g. ML as opposed to symbolic AI) and how these might have an impact on human behaviour.

Question 2

No. of students who answered this question	8
Range of marks	64-71

Comments

This question asked candidates to comment specifically on the working, advantages and disadvantages of LLMs as opposed to other forms of technology and then to reflect on what implications these technical conclusions might have for their use in the legal system. Good answers considered the technical literature on their potential drawbacks, such as the 'stochastic parrot' issue, and the 'reversal curse', while also exploring potential techniques for improving LLMs' performance (such as Chain of Thought reasoning and Retrieval Augmentation) and the extent to which these improvements are successful. Successful answers also considered existing uses of LLMs in the legal sector. Weaker answers tended to conflate LLMs with algorithmic decision-making, addressing general issues relating to use of AI rather than those specifically pertaining to LLMs.

Question 3

No. of students who answered this question	6
Range of marks	66-70

Comments

This question asked candidates to examine how legal reasoning might differ from concepts such as 'logic' as used in computer science. Good answers included technical attempts (largely unsuccessful) to use symbolic AI to replicate inductive legal reasoning before noting challenges to such translation from law to CS raised by matters such as the use of vague terms (Endicott etc). Strong answers examined not only whether the two are different but also whether it matters, and whether it might in some instances be possible to replace legal reasoning with statistical inference and if not, why not.

Question 4

No. of students who answered this question	21
Range of marks	66-71

Comments

This was by far the most popular Part A question, raising all the big themes of the 'tech for law' part of the course. Strong answers demonstrated an ability to blend a deep, technical understanding of the different methods which might be used to automate aspects of the legal process, their shortcomings and the research done to overcome those disadvantages, with an understanding of the different aims of law and legal process which might be fulfilled in this way. Good answers tended to examine Susskind's output v process thinking contrasts, examining when the hole in the wall, i.e. a ground-truth accurate answer might be all that is required, against more process-based dignitarian concerns which might support use of human judges even if their outputs are potentially less accurate, consistent etc than automated ones.

Question 5

No. of students who answered this question	2
Range of marks	71

Comments

This question required students to engage with either the legal definition of crypto assets within the framework of property law, or the property-based concepts of intellectual property, or both, examining how precisely the relevant technology (blockchain, LLMs respectively) operate and how this poses challenges for either concepts of personal or intellectual property. Ideally candidates would extend the discussion to examine whether our existing frameworks and means of conceptualising these rights are fit for purpose in the context of digital technology.

Question 6

No. of students who answered this question	5
Range of marks	65-70

Comments

This question required candidates to understand the potential harms that might be caused by algorithmic decision-making (not just bias but also other forms of inaccuracy, rigidity, de-individuation etc) and which areas of law currently apply to those, before considering whether the tools of public law designed to improve fairness and transparency in decision-making generally might be helpful or applicable in this context. As always, the best answers were able to move from a deep technical understanding of how the ADM might be undertaken, to identifying how this may give rise to potential harms to examining how the law might respond. The rigidity but clarity of a rules-based system, for example, may raise different challenges from the opacity but greater flexibility of a ML one.

Question 7

No. of students who answered this question	10
Range of marks	66-72

Comments

The concept of 'harm' was not defined in this question, leaving candidates a wide range of possibilities they could discuss successfully. This included areas usually covered by the idea of 'harm' in law (tort law, criminal law) as well as the concept of algorithmic 'harm' (bias, non-representation etc). Good answers were able to examine the success or otherwise of existing areas of law (for example criminal law arguably provides some good examples of what not to do), and potential alternatives suggested for future development (such as the debate over the use of strict liability in tort law, or the adaptation or different application of discrimination law to deal with bias). Here again, the best answers were able to combine technical knowledge of the way in which these harms can arise with legal and technical proposals for their resolution.

Question 8

No. of students who answered this question	3
Range of marks	65-68

Comments

This question required students to examine the various possible underlying theories behind the law of data protection (privacy, fairness, prevention of abuse of power, accuracy in ADM) before examining whether these concepts or their application in existing law are sufficient to deal with the challenges arising from digital technology. Good answers would also consider whether other areas of law (competition law, public

law, discrimination law) might be better placed, given the technical detail of the specific challenges.

Question 9

No. of students who answered this question	1
Range of marks	

Comments

This question asked for a broader perspective on the role in particular of interdisciplinarity in ensuring that law is able to keep pace with developing technology. The requirement to refer to at least three topics covered on the course nevertheless left candidates with a wide range of examples from which to choose, as positive examples of successful interaction and responses, negative examples where the two have failed to operate together well, or gaps where a response is currently needed but has not yet been provided. As long as candidates were able to demonstrate a detailed understanding of the technical challenges and the law's existing or potential responses to them answers would be able to score highly.

Law and Regulation in the EU Internal Market

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

This was a course in which six academics successively taught three students. By agreement, only four colleagues contributed two questions each to the paper. Competition law and environmental law were thus taught on the course, but left out of the paper.

The most popular questions were the first two, on harmonisation and on consumer law, respectively, as well as on the Social Progress protocol. Each of these attracted two answers. The questions on free movement of goods, company establishment, and gambling were each chosen by one student. No student answered a question on the conflict of laws.

The quality of the answers was very good throughout, but none were excellent. One paper was so long that its argument suffered. Even in the absence of word limits, this kept it from earning full marks. All papers were affected by a dearth of critical analysis of the jurisprudence and of the secondary literature.

There was also not as much penetrating discussion of the case law as we had expected from a group of very strong postgraduate students. What is more, two of the three performed to a first-class standard in the tutorials that were offered. It seems that the students devoted, by choice or compulsion, more revision time to their other courses.

Nevertheless, with such a small sample few generalisations are possible. Likewise, marks or marks ranges are meaningless in light of these numbers.

Legal Concepts in Financial Law

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The paper consisted of 8 questions, 2 of which were problem questions, and students had to answer 3 of them. The quality of the scripts this year was very good. Of the 31 scripts, 8 received distinctions, and the rest received merits. The average mark was 68%. The most popular question was question 4 on intermediated securities, while the least popular questions were question 5 on set-off (which received 5 answers), and question 1 on characterisation (which received 4 answers, but of a very good quality). Overall, weaker answers tended to stick closely to the lectures and a few pieces of secondary literature (especially textbooks) and tended to be descriptive. Stronger answers were more analytical, displayed clearer thinking about the materials in the course, and engaged directly with the reasoning in the cases.

Modern Legal History

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

A pleasing set of results, with some very strong scripts. There were two strong distinctions, and two others which also reached distinction level.
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Brief remarks on individual questions

Please note the number of students answering the question, the range of marks, the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1	
No. of students who answered this question	3
Range of marks	63%-67%
Comments The answers were generally well informed but tended to rely too much on secondary sources and lacked sufficient coherence of argument for distinction.	

Question 2	
No. of students who answered this question	2
Range of marks	65%-70%
Comments	

Question 3	
No. of students who answered this question	
Range of marks	
Comments	

Question 4	
No. of students who answered this question	3
Range of marks	65%-70%
Comments What distinguished the better answers from the weaker ones was how far the candidate engaged with the question, focusing on the specific politics of codification.	

Question 5	
No. of students who answered this question	2
Range of marks	67%-69%
Comments The answers were solid on the general topic of contract law: neither teased out sufficiently the notion of 'irrationality', particularly as reflected in the structure and form of English contract law.	

Question 6	
No. of students who answered this question	2
Range of marks	70%-73%
Comments These were detailed and informed answers engaging thoughtfully with the doctrine.	

Question 7	
No. of students who answered this question	1
Range of marks	72%
Comments A very sound treatment of the topic.	

Question 2	
No. of students who answered this question	1
Range of marks	73%
Comments A very good answer.	

Philosophical Foundations of the Common Law

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

There was a good spread of answers across the tort, contract, and crime questions, and some solid answers to the causation question; very few candidates attempted the general cross-over question.

There were four Distinctions and of the remainder of candidates, half of the cohort obtained a Merit mark. The Distinction scripts were notable in their more precise articulation of particular claims, distinguishing and assessing different lines of argument for a conclusion, and their development of arguments in greater depth. They were also distinguished by their carefulness: their claims were qualified when necessary; they adverted to clear potential objections and sometimes registered when further analysis would be required to substantiate a conclusion fully.

Weaker scripts did not spend any or much time explaining what is meant by a concept – for instance, such and such a feature of the law might be described as evidence of tort law's 'bilaterality' without the latter concept(s) being explained. There was also occasionally a tendency in some weaker scripts to use particular legal examples – or philosophers - almost as if they were *authorities* for the truth of some philosophical proposition.

Philosophy, Law & Politics

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The overall quality of the scripts was good. In MT, some essays were very strong while others were solid 2.1s. In HT, the essays followed the same pattern. Most of the essays in HT were chosen on the democracy seminar rather than the conservatism seminar. There were complaints from students about the conservatism seminar so this is not surprising.

Brief remarks on individual questions

Please note the number of students answering the question, the range of marks, the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1	
No. of students who answered this question	5
Range of marks	58-70
Comments This question allowed students to march through material in the course and add any original insights. It was the most 'typical' of exam-submission type questions.	

Question 2	
No. of students who answered this question	4
Range of marks	62-74
Comments This question was somewhat atypical in that it was very general, with the purpose of allowing students to do a deep dive into material that interested them most and gave them the most range for originality. The best essays were in response to this question.	

Question 3	
No. of students who answered this question	1
Range of marks	65
Comments This was by far the most difficult question that required deep grasp of material and an ability to go beyond what we learned in class to answer a difficult question that is not a 'stock' question in the field. The one brave soul who answered the question did just fine.	

Principles of Civil Procedure

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

This was the first year when candidates were examined exclusively via a take-home essay assessment. The participation was particularly high this year, given that thirty-five (35) candidates wrote and submitted essays. The overall performance of the cohort was rather strong, as 37% of the candidates achieved a mark of 70 or above and no candidate achieved a mark below 65. This year's assessment method contributed to such good results. Candidates were given a few days to develop their arguments and appropriately formulate their answers and, hence, they were able to produce well-written and -argued essays of high quality. All candidates managed to showcase at least a more-than-adequate knowledge and mastery of the course materials, while distinction-level scripts included some quite impressive answers to questions on bias, finality of litigation, collective redress and pre-action disclosure, while questions on interim injunctions and AI/technology and the civil justice system also received multiple exceptional answers. All questions on the paper were attempted by at least one (1) candidate. Due to this year's assessment method, a somewhat stricter evaluative approach was preferred, which explains while the average mark is slightly lower (68,48) compared with last year's average mark (69). Emphasis was put on attention to detail and the ability to directly address the questions at hand without dedicating most of the essay to a general discussion of the broader topic. Good and comprehensive argumentative structure, profound normative analysis of the relevant legal rules, creative and combined utilisation of the course materials, as well as originality and critical attitude pertaining to the advanced arguments, were rewarded. Scripts, which predominantly provided a summary of the pertinent case law and existing academics' opinions on the topics were given marks ranging from 65 to 68 based on their precision and clarity.

Brief remarks on individual questions

Please note the number of students answering the question, the range of marks, the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Question 1	
No. of students who answered this question	20
Range of marks	64-73
Comments	
The question on judicial bias/impartiality proved the most popular by far, as more than half of the cohort attempted it. As a result, there was a great variety of marks with the average mark being 68.25. The top answers were of exceptional quality. In general, candidates were expected to engage in various conceptual analyses and clarifications regarding multiple manifestations and species of judicial bias and to assess the effectiveness of various legal proxies for identifying them. A complete answer should also inquire whether certain forms of biases are desirable in the context of modern adjudication. The least successful answers predominantly focused on extensive criticisms of the current test for apprehended bias and simply reiterated existing scholarly opinions found in the germane literature.	

Question 2	
No. of students who answered this question	12
Range of marks	64-72
Comments	

A somewhat popular question, the question regarding finality of litigation ended up being the one getting the worst average mark overall (67.91). Perhaps, this was a corollary of the fact that candidates had to discuss a quite lengthy quote containing a proposal for the ideal formulation of the law on claim preclusion and questions based on quotes tend to be more challenging. Successful answers managed to identify the problems plaguing this area of law, which motivated the proposal, as well as the proposal's weaknesses and to offer their own account of how the germane legal rules should be formulated. Answers that got a mark below 67 failed to profoundly engage with the quote's parts, neglected to mention the methodological divergences of the different finality-related doctrines, and overly focused on describing and clarifying existing legal principles.

Question 3

No. of students who answered this question	4
Range of marks	67-72

Comments

The second least popular question was the one concerning collective redress/class actions, probably because mastery of this multi-layered topic requires familiarity with a plethora of source materials. The average mark for the relevant answers was 68.75. Candidates were called to compare the English representative action with a typical class action and to evaluate whether the former could fulfill the role/objectives of the latter. The essays were assessed based on how comprehensive their attempts at comparing the two regimes were (how many common characteristics and differences were identified) and on how they managed to link the comparisons with the considerations for and against adopting a full-scale class action. A candidate provided a remarkable answer that offered significant insights into the deficiencies, but also the hidden strengths of the representative action.

Question 4

No. of students who answered this question	11
Range of marks	67-72

Comments

This was the only question that allowed candidates to choose between two alternative sub-questions, the first of which regarded general disclosure and the second pre-action disclosure. However, the latter overshadowed the former, which, being the least popular question, was attempted by only one student, who provided a quite satisfactory answer. The sub-question regarding pre-action disclosure was less theoretical, as well as more straightforward and focused on the relevant case law. As a result, it invited candidates to deploy their skills in doctrinal analysis and to comment on certain relatively recent developments on Norwich Pharmacal orders. This sub-question was the one with the highest average mark (69.6), for most candidates offered remarkable answers worthy of distinction. Emphasis was put on each candidate's ability to combine and reconcile conclusions from different cases, as well as to flag out inconsistencies among them.

Question 5	
No. of students who answered this question	5
Range of marks	66-70
Comments	
<p>The question on Legal Professional Privilege proved less popular compared to previous years, as only five (5) candidates attempted it, making it the third least popular question. This can be explained by the fact that this year's question was somewhat unconventional, since it did not solely focus, as usual, on potential control mechanisms of the privilege, but instead asked candidates to appreciate the need for its qualification based on its non-absolute character. Candidates that dedicated inadequate attention to the examination of the privilege's non-absolute character and its exceptions were given lower marks. In general, answers that distorted what the question precisely required and simply evaluated potential qualifications/restrictions on the application of the privilege were deemed inferior to those that focused on whether such qualifications/restrictions are actually needed, given the privilege's scope and rationale.</p>	

Question 6	
No. of students who answered this question	10
Range of marks	67-72
Comments	
<p>The question on Public Interest Immunity and Closed Material Proceedings received multiple successful answers achieving an average mark of 69.2. This year the question asked candidates to evaluate whether the well-known dilemma between PII and CMP (which roughly translates into a dilemma between procedural fairness/natural justice and factual accuracy) can be adequately resolved by litigant choice. In that regard, the answers that got the highest marks were those that assessed whether litigant choice is a satisfactory solution to this difficult problem, while extra points were given to those, who managed to struck a good balance between the travails of litigant choice and the normative dimensions of the aforesaid dilemma and to make sufficiently fleshed-out suggestions pertaining to superior alternative solutions to the problem.</p>	

Question 7	
No. of students who answered this question	17
Range of marks	66-71
Comments	
<p>The second most popular question was the one on interim injunctions. This time candidates were called upon to comment on a famous quote by Spry from the perspective of interim injunctions or freezing orders or both. The flexibility offered by the question probably contributed to its popularity. The quote in question was quite extensive and touched upon some of the most esoteric aspects of the court's power to formulate and grant novel interim remedies. The answers were marked based on the candidates' ability to identify, interpret, and assess relevant cases but also to identify the normative considerations associated with any understanding of the court's concerned power. Scripts awarded a distinction were those that delved into the related but distinct concepts of 'jurisdiction/power', 'discretion/practice', and 'equitable principles.'</p>	

Question 9	
No. of students who answered this question	16
Range of marks	66-71
Comments	
<p>The question on AI/technology and the civil justice system was a favourite for another year, being the third most popular. Nonetheless, this year's question partially deviated from the typical format and focused primarily on the benefits of modern digital strategies,</p>	

which are not related to (generative) AI. This seemed to have confused some of the candidates who gave answers dealing predominantly with issues associated solely with AI. Therefore, the best answers were those, which were characterised from precision and managed to appreciate the potential contribution of modern technological means and developments to access to justice and the quality of legal services. Since the question, asked whether the potential of AI could divert attention from other digital strategies, an investigation of AI' disadvantages but also superior capabilities in comparison to those strategies was also an integral part of a perfect answer. Answers that provided creative and profound arguments were given higher marks compared to those that provided just a summary of the relevant sources.

Principles of Financial Regulation

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

A total of 14 candidates sat this exam. The overall standard of the scripts was higher than last year, with four distinctions awarded and no script marked below 60. The highest individual mark was 73, which was also the highest mark awarded to any single essay by both examiners—suggesting that there were few truly outstanding scripts. The average mark was 66.7, higher than in previous years but consistent with the longer-term trend noted in last year’s report.

Many candidates were able to draw on the materials covered in class and in their readings to provide a general overview of the topics addressed by the essay questions. While this demonstrates a solid high-level understanding, students often struggled to engage with the subtleties and nuances of the questions or to apply a critical lens to the issues raised. This explains why many essays clustered around the average, with relatively few receiving very high or very low marks. Essays at the lower end often failed to address part of the question or focused on irrelevant material, whereas the strongest essays approached the questions with clarity and showed a degree of maturity in engaging with the materials.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

The eight essay questions offered (of which students were required to answer three) were chosen relatively evenly. Question 6, on macroprudential supervision, was the most popular (8 students), while question 1, on short selling, was the least attempted (2 students).

Answers to the questions concerning banking regulation (questions 2, 4, 5, 6, and 8) were often quite descriptive, resulting in many similar responses. However, some stronger essays demonstrated students’ ability to handle technical concepts with confidence and to assess the relative merits of regulatory mechanisms in ways that went beyond the material taught in class. In particular, question 8 elicited the most diverse and interesting set of answers.

Answers to the questions on financial market regulation (questions 1 and 7) and consumer protection (question 3) were clumsier overall, in that they missed part of the question or reflected some misunderstandings of the materials covered in class and in the readings. Conversely, strong essays on these questions were in general creative and original, and reflected some maturity in students’ understanding of the relevant materials.

Regulation

Summary reflections on the paper as a whole

Please comment on the distribution of questions answered, the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

Students had to choose 2 questions out of 6 questions. The questions that students did choose reflected the range of questions set for the paper and thus the full range of the syllabus taught.

The scripts reflected overall good quality answers, ranging from the low 60s to mid 70s. Ideally there would have been a greater range of first class marks in the answers, and consideration will be given to this in the preparation for and feedback in relation to the formative tutorial essays during the forthcoming academic year, by drawing students' attention to the importance of their own critical reasoning, defining key concepts deployed in answers and acute attention to the specific essay question asked, including, where relevant, detailed discussion of legal provisions.

Regulating Relationships

General comments: Please comment on the overall quality of the scripts, the distribution of marks and anything else worth noting and learning from (including suggested actions).

The questions covered the topics in the seminar well. The scripts were generally very well answered, with the best students drawing on material on particular issues, but placing them in the context of the whole course. Around half of scripts obtained distinction marks, reflecting the very high quality of responses. Question 1 received only one answer, perhaps because it was less clearly directed at a singular seminar topic.

Comments on individual questions: Please comment on the overall quality of answers, notable weaknesses in the answers (and/or question) and anything else worth reporting and learning from (including suggested actions).

Generally the answers were of a very high quality. It was good to see students taking advantage of the time provided by the extended assessment to think deeply about the topics. The best candidates were able to discuss individual topics, but place them within the context of the course as a whole,, referring to themes across seminars. Strong answers were also able to integrate the theoretical material with practical examples from case law to show how the more abstract concepts applied in the “real world”. Only a few of the scripts were not sufficiently directed towards the question asked and lost marks for that. The weaker scripts also needed to do more to show reflection and assessment of the readings in addition to summarizing them.