

## **Student Handbook (Graduate Students) 2012–13**

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## A Introduction

Welcome to the University of Oxford.

This Handbook is a guide for students for the degrees of BCL, MJur, MPhil, MSt in Legal Research, and MLitt, and DPhil. There are separate Handbooks for students of the MSc in Law and Finance (the MLF) and the MSc, MPhil, and DPhil in Criminology and Criminal Justice, available from the Centre for Criminology. The people listed in 'Helpful people' table below will be glad to provide or to find any further information that you may need. Please bear the following in mind in using this Handbook:

- The Handbook provides a guide to the rules for each degree programme, but in case of any conflict, the *University of Oxford Examinations Regulations* (published in the "Grey Book") prevail. Amendments to the Regulations are published in the *University of Oxford Gazette* and updated in the online version of the Examination Regulations, so the online version is therefore the most up to date.
- We've included in this Handbook, under appendices, templates for taught and research students, and a statement about supervisory provision for research students; these documents repeat information that is covered in greater detail elsewhere in the Handbook but we hope they may be a useful summary.
- You can find a great deal of further information (in particular, information about members of the Faculty and their work) on the Law Faculty website:
- The Law Faculty Office communicates with students by way of messages to the Law Postgrads e-mail list, and we expect you to be reading those messages more-or-less daily.
- You are a member of a college as well as a student of the University. Your college will provide much of the support and many of the facilities you will need as a student, and will be able to provide you with information.
- There is a glossary of Oxford terminology at the end of the Handbook.

William Swadling and Stephen Weatherill  
Directors of Graduate Studies

## Helpful people

Geraldine Malloy	Graduate Studies Officer	<a href="mailto:geraldine.malloy@law.ox.ac.uk">geraldine.malloy@law.ox.ac.uk</a>	271496
Caroline Norris Marianne Biese	Administration Officers	<a href="mailto:graduate.enquiries@law.ox.ac.uk">graduate.enquiries@law.ox.ac.uk</a>	271491
Morag McCormick-Power	Academic Administrator	<a href="mailto:morag.mccormick-power@law.ox.ac.uk">morag.mccormick-power@law.ox.ac.uk</a>	271495
William Swadling	DGS(T)	<a href="mailto:william.swadling@law.ox.ac.uk">william.swadling@law.ox.ac.uk</a>	277869
Stephen Weatherill	DGS(R)	<a href="mailto:stephen.weatherill@law.ox.ac.uk">stephen.weatherill@law.ox.ac.uk</a>	279342
Charlotte Vinnicombe	Head of Administration	<a href="mailto:charlotte.vinnicombe@law.ox.ac.uk">charlotte.vinnicombe@law.ox.ac.uk</a>	271560
Timothy Endicott	Dean of the Law Faculty	<a href="mailto:timothy.endicott@law.ox.ac.uk">timothy.endicott@law.ox.ac.uk</a>	281050
Maureen O'Neill	Director of Development	<a href="mailto:maureen.oneill@law.ox.ac.uk">maureen.oneill@law.ox.ac.uk</a>	281198

## 1. Administration

The Law Faculty carries out its responsibilities for graduate students through two Directors of Graduate Studies: the Director of Graduate Studies (research students), and the Director of Graduate Studies (taught courses). They report to the Faculty's Graduate Studies Committee, which meets in first and sixth week each term. Representatives of BCL, MJur, MLF, MSc in Criminology, and research students attend meetings of the Graduate Studies Committee (on student representation, see A.6, below). In some cases the Graduate Studies Committee has power to act; in others it makes recommendations to the Law Board, which is the governing body of the Law Faculty. The Law Board includes the Directors of Graduate Studies; most other members are elected from the Faculty, and student representatives attend its meetings. The Law Board is responsible for administering and overseeing all teaching and examining in the Faculty, and for facilitating legal research. It meets twice a term in second and seventh weeks, and in the fifth week of the Summer vacation.

The Faculty's Head of Administration is responsible for day-to-day administration of faculty activities and the Law Faculty Office; the Academic Administrator is responsible for day-to-day administration of academic affairs for graduate (and undergraduate) students. The Graduate Studies Officer is responsible for administration of student status and progression through the degree programmes and the Student Administration Officers are responsible for student-related events and general course administration.

The tutor in your college with special responsibility for graduate students, and your college law tutors, are available to help and advise you. Any query concerning taught courses in the BCL and MJur should first be discussed with your college tutor, who will refer you to the Director of Graduate Studies (Taught Courses) if necessary. The Academic Administrator and the Graduate Studies Officer for the Law Faculty (Morag McCormick-Power and Geraldine Malloy respectively) are also able to help with queries relating to graduate taught courses and research degrees.

## 2. Lectures and Seminars

The lecture list is published at the beginning of each term. It may be accessed at [www.law.ox.ac.uk/lecture\\_lists](http://www.law.ox.ac.uk/lecture_lists). Corrections and changes to the timetable are also provided on that web page, and notified to students by e-mail as and when they occur. You are entitled to attend any lectures, classes and seminars except those where it is otherwise indicated on the lecture list. The list includes lectures and seminars designed for the undergraduate, BCL, MJur, and MSc syllabuses, and also for the Course in Legal Research Method. Lectures on the undergraduate ("Final Honours School") sections of the lecture list may be useful to graduate students; it is best to consult your supervisor or college advisor for advice.

All the faculties publish lecture lists and you may attend lectures in other faculties. There is also a "Special Lecture List", listing lectures by visiting speakers. The law lectures may take place anywhere in Oxford, but most are held in the St. Cross Building.

### 3. The St. Cross Building and Bodleian Law Library

The St. Cross Building contains lecture and seminar rooms, and the Law Faculty Office, and one of the best law libraries in the world: the Bodleian Law Library (BLL). There is a student common room next to the senior common room at the top of the main steps. Coffee, tea and snacks are available there. More substantial food is available at The Social Sciences Building, behind the St. Cross Building along Manor Road.

Your University card gives you swipe-card entrance to the law library, and your Oxford 'single-sign on' account gives you full access to the Bodleian's extensive electronic holdings.

Detailed information, maps and research guides are available in the BLL and on the library website (<http://www.bodleian.ox.ac.uk/law>). The BLL is not a lending library: books and journals etc may not be taken out. Items from other parts of the Bodleian and from the bookstacks can be ordered into the BLL. Self-service photocopying and printing and a computer with Kurzweil software (for blind readers) are available. The seminar room on the main floor may be used for discussions when not in use for classes.

Computers providing access to electronic holdings, the internet, Microsoft Office applications and EndNote are available in the upstairs gallery computer room, the graduate reading room, the Freshfields Bruckhaus Deringer IT training room and at various positions around the library. All computers have USB ports. If you prefer to bring your own laptop to the library, there are Ethernet points in various parts of the library, and wireless access in the main reading room and the graduate reading room. See the Computing Services page on the library website for more information.

**Do not leave your laptop unattended in the library or anywhere else** – use a computer cable lock or one of the lockers in the St Cross Building. Ask at the Porter's Lodge about lockers.

#### 3.1 Access to Electronic Library Services

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

Online tutorials for key legal and journal databases are available at <http://ox.libguides.com/lawindex>. The BLL gives many classes in how to more efficiently use databases or find online journals or investigate sources for particular areas of law. Students can also 'book a librarian' for a session: email: [law.library@bodleian.ox.ac.uk](mailto:law.library@bodleian.ox.ac.uk) or phone (01865 271 462). The Library distributes a Newsletter via the faculty's postgrad [LPg] email list and the Law Bod Blog (<http://lawbod.wordpress.com>) also provides current information.

### 3.2 Other Libraries

You are entitled to use all parts of the Bodleian and other OULS libraries (see [www.bodleian.ox.ac.uk/libraries](http://www.bodleian.ox.ac.uk/libraries)). Libraries of special interest to lawyers include:

the Old Bodleian Library in Catte Street with reading rooms for classical studies, history, theology including canon law, and early printed books

the Radcliffe Camera in Radcliffe Square with British Parliamentary Papers and official publications from several other countries and international organisations

the Rhodes House Library and the Vere Harmsworth Library (Rothermere American Institute) in South Parks Road, which contain American and Commonwealth history, politics and current affairs

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

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

## 4. Computing Services

### 4.1 Your Oxford 'Single-Sign On' Account, Access to Student Self Service, and Network Services

Your Oxford card and related 'single-sign on' account are your passports to university services. It gives you access to:

- the Student Self Service system (see below)
- the Graduate Supervision System for research students (see section B 3.1 for more information)
- electronic library services, such as Lexis, Westlaw, online journals etc
- Oxford email (<https://nexus.ox.ac.uk/>), to which all crucial university information will be sent, and which you can access via the internet or Outlook, Thunderbird or another email client, or redirect to your main email
- Weblearn (<https://weblearn.ox.ac.uk>), for course reading lists, lecture handouts etc
- registration and software for the Sophos anti-virus program – most university network points require use of current anti-virus software ([www.ITServices.ox.ac.uk/viruses/](http://www.ITServices.ox.ac.uk/viruses/))
- registration and software for the Virtual Private Network, which gives access to some Oxford wireless systems and access to the network from off-campus ([www.ITServices.ox.ac.uk/network/vpn/](http://www.ITServices.ox.ac.uk/network/vpn/))
- access to 'Eduroam' networks in Oxford and in other UK campuses ([www.ITServices.ox.ac.uk/network/wireless/services/eduroam/](http://www.ITServices.ox.ac.uk/network/wireless/services/eduroam/))
- file backup for your computer (available on campus only, see [www.ITServices.ox.ac.uk/hfs](http://www.ITServices.ox.ac.uk/hfs))
- other IT SERVICES - see <http://welcometoit.ox.ac.uk>. is at 13 Banbury Road, phone 273200, fax 273275 or e-mail [help@oucs.ox.ac.uk](mailto:help@oucs.ox.ac.uk)

For help with using the university's electronic and computing services, contact Sandra Meredith (Faculty – [sandra.meredith@law.ox.ac.uk](mailto:sandra.meredith@law.ox.ac.uk)), phone (01865) 271 499. Please use your Oxford email account for all email communication with the university.

## 4.2 University Rules for Computer Use

You are expected to adhere to the University's Computer Usage Rules and Etiquette guidelines and the Regulations Relating to the Use of Information Technology Facilities, which are available at <http://www.ict.ox.ac.uk/oxford/rules/>.

## 4.3 Email Lists

The Faculty's principal means of communicating with graduate students is via the postgraduate email list, to which all graduate students are automatically subscribed. Information about lectures and seminars, discussion groups, delegate elections, IT and library training, teaching opportunities, scholarships, library hours etc is distributed on this list. There is also an email list for research students only (the [law-res] email list), however all general information of interest to all postgrad students is sent to the [LPg] list. Students may subscribe to Faculty discussion group email lists.

Postgraduate email list messages have an [LPg] prefix in the subject line. **If you don't receive LPg emails, please notify the Faculty Office by emailing [lawfac@law.ox.ac.uk](mailto:lawfac@law.ox.ac.uk).**

## 4.4 Faculty Website and Weblearn

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

The Faculty intranet ([www.law.ox.ac.uk/intranet/](http://www.law.ox.ac.uk/intranet/)) provides an 'online editing system' (<http://denning.law.ox.ac.uk/oxfordonly/index.php>) that is used by taught course students to sign up for course options at the beginning of the year, and by research students to add information about their research interests, publications etc. Authorized students also use this system to add information about discussion group meetings and other events. Your username for the 'online editing system' is the first part of your Oxford email address (ie the bit before the @ symbol), and the default password is your University card number (the number above the bar code). You may change this password.

Weblearn (<https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law/subjects>) is used for all course materials (reading lists, lecture handouts) and tutorial sign-up. Your Weblearn username and password is your Oxford single-sign on (the one you use for email).

## 4.5 IT Support in the Faculty

Contact the Departmental Lecturer in Legal Research Skills, Sandra Meredith (271499, [sandra.meredith@law.ox.ac.uk](mailto:sandra.meredith@law.ox.ac.uk)) for help with general orientation to online services, one-to-one help with using legal and journal databases and research resources such as EndNote, NVivo, and basic computer applications, and for information about using Weblearn. Bento de Sousa (281269, [bento.sousa@law.ox.ac.uk](mailto:bento.sousa@law.ox.ac.uk)), our IT Support and Database Officer, can give advice on file storage and back ups, and may be able to offer limited help to graduate students having problems with their laptops or connecting to the network. Catherine Donaldson or Steve Allen (281681, [web.support@law.ox.ac.uk](mailto:web.support@law.ox.ac.uk)), the Faculty's web officers, can give you help with using the intranet and on-line editing

system. If your University card does not work in the swipe card machines at doors in the St. Cross Building, email [system.support@law.ox.ac.uk](mailto:system.support@law.ox.ac.uk).

#### 4.6 Oxford University Computing Services

Oxford University Computing Services (IT Services) provide the main University IT services. The IT Help Centre at IT Services gives support in using these services by email and phone. PCs and Macs with a wide range of software, printers, and scanners are available at the IT Services building for general use. IT Services also provides numerous courses in all manner of computing, from 'computing for the terrified' to training and testing for the European Computer Driving Licence to web publishing to using Photoshop to programming. Their courses in using Word are invaluable for thesis writers and their computer maintenance contracts are very competitively priced. The IT Services shop sells a limited range of computers, site-licensed software, USB keys, CDs, cables etc. For a general overview of services offered by IT Services go to <http://welcometoit.ox.ac.uk>. IT Services is at 13 Banbury Road, phone 273200, fax 273275 or e-mail [help@oucs.ox.ac.uk](mailto:help@oucs.ox.ac.uk)

#### 4.7 Student Self-Service

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

### 5. University Resources

The University has a vast array of resources for its students. Here is a list of some of them.

The Oxford University website	Main source of information about the University	<a href="http://www.ox.ac.uk">www.ox.ac.uk</a>
Oxford Examination Papers Online	Includes past BCL and MJur papers.	<a href="http://oxam.ox.ac.uk/pls/oxam/keyword">http://oxam.ox.ac.uk/pls/oxam/keyword</a>
The University Club	Social, sporting and hospitality facilities	<a href="http://www.club.ox.ac.uk">www.club.ox.ac.uk</a>
The Oxford University Student Union	Central student union for all Oxford students	<a href="http://www.ousu.org">www.ousu.org</a>
The Oxford University Law Society	Invites speakers, arranges moots and social activities	<a href="http://www.oxfordlawsoc.com">www.oxfordlawsoc.com</a>
The Oxford Union	Debating and discussion society	<a href="http://www.oxford-union.org">www.oxford-union.org</a>
The Language Centre	Library and language courses	<a href="http://www.lang.ox.ac.uk">www.lang.ox.ac.uk</a>
The Newcomer's Club	Resource for partners of University members	<a href="http://www.wolfson.ox.ac.uk/clubs/newcomers">www.wolfson.ox.ac.uk/clubs/newcomers</a>

University Sports Centre	Central focus for University sport	<a href="http://www.sport.ox.ac.uk/">http://www.sport.ox.ac.uk/</a>
Oxford University Gazette	Official journal of the University	<a href="http://www.ox.ac.uk/gazette/">www.ox.ac.uk/gazette/</a>
Careers Service	Information and guidance to students and graduates	<a href="http://www.careers.ox.ac.uk">www.careers.ox.ac.uk</a>
Oxford University Society	The University's official alumni organisation	<a href="http://www.alumni.ox.ac.uk">www.alumni.ox.ac.uk</a>

## 6. Law Graduate Students' Representatives and Association

Oxford's graduate law students have an association for the purposes of encouraging graduate law students to get to know one another, and co-ordinating academic and social events. The students' association depends on the work of elected student social representatives. Students who would be interested in serving their fellow students in this way are warmly encouraged to stand for these positions in elections run at the beginning of Michaelmas Term over the law postgraduate [LPg] e-mail list. The extent of community amongst the graduate law students ultimately depends on the effort each graduate is willing to make.

As well as social representatives, graduate law students also elect student representatives for Law Faculty committees in Michaelmas Term. A BCL representative, an MJur representative, an MLF representative, an MSc/MPhil (Criminology) representative, a first-year research students' representative, and a DPhil representative all attend meetings of the Law Faculty's Graduate Studies Committee, which is both a decision-making body and a forum for the discussion of graduate student issues. Some student representatives also attend other committees, including the Library Committee, the General Purposes Committee, and the Joint Consultative Committee (a committee to provide liaison between the Faculty Board and the graduate and undergraduate students in the Faculty), as well as the Law Board, to which committee decisions go for any final discussion and approval. It is useful for the Law Faculty to hear student perspectives, and student issues are best heard when students participate fully in such processes.

## 7. The Oxford University Commonwealth Law Journal

The Oxford University Commonwealth Law Journal (OUCLJ) is a project of the Oxford graduate law student body, produced under the aegis of the Oxford Faculty of Law. It is a fully peer-reviewed, student-edited journal, published twice yearly. Its aim is to foster international academic debate and exchange on a wide range of legal topics of interest throughout the Commonwealth. Graduate law students at Oxford have the opportunity to apply to be an Associate Editor of the OUCLJ (and subsequently to be an Editor). Associate Editors will have the unique opportunity to shape the content and future of the journal on behalf of the graduate student body, while also gaining invaluable publishing and editorial experience, and contact with legal scholars around the world. Student subscriptions to the OUCLJ are available at a reduced price. More information can be

obtained from the OUCLJ website: [www.law.ox.ac.uk/publications/ouclj.php](http://www.law.ox.ac.uk/publications/ouclj.php) or contact Stephen Dimelow (stephen.dimelow@mansfield.ox.ac.uk)

## **8. Oxford Student Legal Studies Research Paper Series on SSRN**

In addition to the University of Oxford Legal Studies Research Paper Series (RPS) on the Social Science Research Network (SSRN), the Faculty of Law has an Oxford Student Legal Studies Research Paper Series reserved for the work of Oxford graduate students in law. The editors are Professor John Gardner and Dr Justine Pila, supported by Sandra Meredith in the Faculty Office. For your work to be eligible to appear in the Student RPS you need to meet one of the following two conditions:

- A. You are a current PRS, DPhil, MPhil, or MSt student in the Law Faculty (or working on a highly legally-related topic in another Faculty) and you would like to post a draft or finalized chapter or paper or article; or
- B. You have successfully completed a BCL or MJur or MSc or MLF degree in the Law Faculty, and you would like to post the finalized Dissertation that you submitted for your degree.

Details about submission are available on the Faculty website.

### **8.1 Subscribing to the RPS**

The URL for the Oxford Student RPS homepage is <http://www.ssrn.com/link/oxford-student-LEG.html> . If you would like to add your name to the subscriber list, go to <http://hq.ssrn.com/jourlInvite.cfm?link=Oxford-Student-LEG> . Subscribing is free but requires an SSRN ID (also free).

The URL for the University of Oxford Legal Studies RPS is <http://www.ssrn.com/link/oxford-legal-studies.html> . If you would like to subscribe to this RPS, go to <http://hq.ssrn.com/jourlInvite.cfm?link=U-Oxford-LEG> .

## **9. Funding Opportunities**

General information about funding – including details of fees and potential sources of funding, can be found on the University webpages at [http://www.ox.ac.uk/admissions/postgraduate\\_courses/fees\\_and\\_funding/index.html](http://www.ox.ac.uk/admissions/postgraduate_courses/fees_and_funding/index.html)

The Law Faculty also has its own scholarships and has awarded over £160,000 to postgraduate students for 2012-13. Details of these scholarships and of college scholarships for which law students are eligible can be found at:

<http://www.law.ox.ac.uk/postgraduate/scholarships.php> . The Graduate Studies Officer or Academic Administrator can also advise.

## **10. Travel Grants**

Any graduate student taking a research degree under the auspices of the Law Board may apply to the Graduate Studies Committee for a grant for travel associated with their

studies. However, students funded by the ESRC or AHRC should apply for the Research Training Support Grant (RTSG) in the first instance, via their designated divisional contact. There are two possible grounds on which a grant may be given. The first is that empirical research is required to complete the project and that this empirical research may be undertaken at another location. The second is that a chapter of your thesis is being presented at an academic conference. Applications should always be made before the event. The normal limit for travel grants to any one student in any one year is £250. Further information and application forms may be obtained from Mrs Jackie Hall, Law Faculty Office, St. Cross Building (Tel: 271046; e-mail [jackie.hall@law.ox.ac.uk](mailto:jackie.hall@law.ox.ac.uk)) Any student undertaking overseas travel as a constituent of their studies, and with the approval of their supervisor will be entitled to insurance cover under the University scheme. To obtain the documentation which needs to be completed by them in order to obtain cover, they should contact Jackie Hall at the address above.

## **11. Research Ethics**

The University requires that staff or students who, in their role as members of the University, are conducting research that involves the participation of people who are not part of the research team should have their projects subjected to ethical review. This requirement covers not only medical or psychological in nature, but also those that involve interviews-based research or the collection of personal data. The requirement is that approval should be granted on behalf of the appropriate review committee (in the case of members and students of the Law Faculty, this is the Social Sciences & Humanities Inter-Divisional Research Ethics Committee) prior to the commencement of the research project.

The University's requirements for ethical review are detailed at <http://www.admin.ox.ac.uk/curec/>, and guidance, application forms, and submission details can be found here. Advice on the process (including guidance as to whether your project falls under the requirement for ethical review, if you are unsure) can be sought by emailing [ethics@socsci.ox.ac.uk](mailto:ethics@socsci.ox.ac.uk). Review can take up to two months from the point of submission, and you are therefore advised to seek guidance at the earliest opportunity, to avoid any delay.

## **12. Support for Students with Disabilities**

The University and colleges can offer support to students with disabilities in a number of ways. These are summarised in the University's Disability Equality Duty, which is reproduced at the end of this Handbook. Please contact Ms.Bury in the first instance:

Ms Juliet Bury -Personnel Officer  
Law Faculty  
St. Cross Building  
St. Cross Road  
Oxford OX1 3UL  
Tel No: 01865 281622  
Fax No: 01865 271493  
[juliet.bury@law.ox.ac.uk](mailto:juliet.bury@law.ox.ac.uk)

Ms Morag McCormick-Power  
Academic Administrator Faculty  
St. Cross Building  
St. Cross Road  
Oxford OX1 3UL  
Tel No: 01865 271495  
Fax No: 01865 271493  
[morag.mccormick-power@law.ox.ac.uk](mailto:morag.mccormick-power@law.ox.ac.uk)

The Disability Contacts work with the University Disability Staff and other bodies, such as the Bodleian Law Library, to help facilitate students' access to lectures, classes, and tutorials, and access to information. For further information about disability provision, please refer to the appendix on the Integrated Equality Policy, which reviewed provision in light of the Equality Act 2010.

### **13. Alumni Relations**

All law students at Oxford are members of both a college and the University and therefore they have shared allegiances. Undergraduate alumni are inclined towards contacting their colleges for most alumni matters yet increasingly become involved with Law Faculty offerings, such as Oxford Law Alumni Lectures for professional interaction and networking. Because the Law Faculty organises and provides all graduate supervision and runs the postgraduate taught courses, graduate students tend to have stronger ties with the Faculty.

The Law Faculty is eager to maintain contact with all law alumni, including those who go on to practice law from other Oxford faculties. To encourage this, the Faculty will continue to offer a selection of alumni events, both social and professional, which historically have taken place in the UK, America, Canada, India, Singapore, Hong Kong, China, and Australia with plans of increasing these events in the years ahead. Annually the Faculty sends out Oxford Law News to those Oxford alumni practicing or teaching law. Termly electronic updates are offered to those alumni who have shared their email with us. The Oxford University Lawyers via Linked in offers opportunities to share discussions with other Oxford law alumni across the world. To ensure that you are on our mailing list or to enquire how you might help organise an alumni events, please contact: Maureen O'Neill, Director of Development, Faculty of Law, St. Cross Building, St Cross Road, Oxford or by e-mail at [maureen.oneill@law.ox.ac.uk](mailto:maureen.oneill@law.ox.ac.uk). Finally, should you know of any Oxford Alumni who are not in contact with us but would like to be, please forward their contact details to Maureen O'Neill.

### **14. Careers**

Graduate students who have academic careers in mind may be able to obtain information about suitable vacancies from their tutors and supervisors. Academic posts are advertised in The Times Higher Education Supplement and in some other national newspapers. The Oxford University Careers Service, 56 Banbury Road, maintains comprehensive information on almost every career and notifies details of vacancies through its weekly newsletter The Bridge to those registered with it. For more information see [www.careers.ox.ac.uk/](http://www.careers.ox.ac.uk/)

## B Research

### 1. The Research Community in Oxford

The Law Faculty is home to a thriving community of research students. Students are encouraged to be involved in all aspects of academic life, including teaching as well as research. The Faculty has developed various opportunities, both formal and informal, for students to gain exposure to these facets of scholarly life.

#### 1.1 Teaching Opportunities

Both for material reasons and in order to gain experience, you may want to do some teaching during your period as a research student. Research students are permitted to undertake teaching for the Faculty once they have transferred to D.Phil. status, and may undertake teaching for other institutions prior to transfer provided that such undertakings have the support of their supervisor and do not involve a time-commitment in excess of six hours' teaching per week. There is a long tradition of informal arrangements for teaching by graduate students in the University, and the Faculty now has a programme of Graduate Teaching Assistantships (GTAs) for students in areas of need specified by the Faculty's subject convenors. GTAs are awarded £1000 by the Faculty and are expected to provide up to 48 hours of tutorial teaching over the course of the academic year, and may teach up to six hours in any given week ((including preparation and marking time). GTAs may, in exceptional circumstances, and with the permission of the Graduate Studies Committee, hold GTA positions in tandem with other posts as long as the total teaching hours per week are no more than six) The teaching itself will be paid for by colleges at senior tutors' rates (approximately £20 per hour of tutorial time). These positions are competitive and applications are due in Trinity Term (you will be advised of the precise dates in due course). More details will be distributed over the law postgraduate e-mail list, as will announcements about other teaching opportunities during the year.

The Faculty runs a teacher training course every year. It generally takes place very late in the summer vacation: dates for 2013-14 will be confirmed and notified to graduate students in due course. Completion of the course is required for GTAs and students who wish to be listed on the Faculty's Teaching Register. Other research students and new Faculty members may also participate. More details on this course will be made available in Hilary Term on the law postgraduate e-mail list. Students who have completed this course will be given a certificate which must be produced whenever any offer of employment is made. A letter from a student's supervisor must also be presented, which addresses the question whether the teaching obligation will endanger the punctual completion of the thesis. Students may not teach more than six hours per week.

Students are encouraged to register themselves on the Teaching Register, which is found on the Faculty's intranet. This is a resource for Faculty members to consult if they find themselves in need of teaching.

## 1.2 Research Opportunities

Graduates can undertake research assistance at the request of Faculty members. Requests for research assistance may be advertised on the Faculty email lists. All graduates (i.e. taught and research) can undertake *ad hoc* research assistance for which payment will be £14.80 per hour (inclusive of holiday pay). You may not undertake work as a Research Assistant during your first year of graduate research work. The Law Faculty will not fund more than 120 hours research assistance by any student in one year and there is a general expectation that graduates should not be undertaking more than six hours of paid work per week. Since claims for payment are submitted after the work is done, it is your responsibility to make sure that you do not go over the limit. Please note that you may not work as a research assistant for your own supervisor without the consent of the Director of Graduate Studies (Research).

## 1.3 Work Permits

If you want to do any work beyond a very limited amount of teaching and you come from outside the European Union, you are obliged to get a work permit. In practice the acquisition of short-term permits for intra-University work is usually reasonably straightforward. For general immigration and employment advice you are advised to contact the Work Permits Desk of the University. More information can be found at <http://www.admin.ox.ac.uk/ps/managers/appoint/permits/index.shtml> . (there is a link on the right of the page entitled Employing Overseas Students which is the most directly relevant).

## 1.4 Discussion Opportunities

Self-sustaining discussion groups are an essential part of the life of our graduate school. They are an important support to research. Knowing what others are doing and telling others what you are doing will help your work. For some years there has been a small fund through which the Law Board has met the minor expenses of running such a group.

A number of discussion groups are already in existence and their meetings are publicised by e-mail and on the web. Postgraduates who wish to set up a discussion group should consult <http://denning.law.ox.ac.uk/published/pdfs/discussiongroups.pdf> for more information on the process. Annual grants are normally available for discussion groups. Further details on discussion group funding can be found on the Faculty's intranet at <http://denning.law.ox.ac.uk/published/pdfs/gsfpolicy.pdf> .and will be made available in Weblearn.

## 1.5 Tuesday Research Lunch

There are usually fortnightly lunches during term time for research students to discuss their research with a more generalized audience. These lunches also provide a forum for discussing common issues of interest to research students. Past topics have included academic recruitment, the publishing process, the specifics of the Oxford research pyramid, the use of legal databases and the process of ratification of the European Constitution.

## 1.6 The Research Supervision Website

The Research Supervision Website is an initiative of the University's Learning Institute and contains useful information for research students, including explanations of Oxford's

policies and practice in relation to various aspects of research activity. The website can be found at

<http://www.learning.ox.ac.uk/supervision/>

whilst the following links provide a sense of the sort of issues covered:

Life as a doctoral student: more than research

<http://www.learning.ox.ac.uk/supervision/dphil/experiences/>

International students

<http://www.learning.ox.ac.uk/supervision/dphil/international/>

Problems: avoiding them and dealing with them

<http://www.learning.ox.ac.uk/supervision/supervisor/problems/>

Stages of the doctorate

<http://www.learning.ox.ac.uk/supervision/stages/>

Reading and writing in the doctoral

journey <http://www.learning.ox.ac.uk/supervision/stages/readwrite/>

Clarifying expectations

<http://www.learning.ox.ac.uk/supervision/stages/expectations/>

## 1.7 Publication Opportunities

From the beginning, you should keep one eye on the goal of publishing your work. Many doctorates are published, frequently by Oxford University Press, and many research students publish articles during their degree work. Even shorter theses sometimes become books, while others come out as articles or series of articles. It is a matter of pride to us to know that so much of the research which is done here succeeds in making this permanent contribution to the study of law. Some people make the mistake of thinking that they will have to exclude from their thesis anything that they have published in the course of their research. This is not right. **We encourage you to publish your work during your research, and to include it in your thesis.** There is a different bar, which is quite distinct, namely that there are strict rules against trying to get more than one degree wholly or partly with one piece of writing.

## 1.8 Plagiarism

The work that you present for your examination (this includes assignments, projects, dissertations and examination papers) must be your own work and not the work of another individual. You should not quote or closely paraphrase passages from any source (including books, articles, webpages, lecture or seminar papers or presentations, or another student's work), without acknowledging and referencing that source. If you do present someone else's work as your own work, you are committing plagiarism. That is cheating and the Faculty and the University treat any alleged offence of plagiarism very seriously. For further information about what counts as plagiarism, how to avoid plagiarism etc, please refer to section C 5 below – the information given in that section is applicable to both taught course and research students.

## 2. Four Research Degrees

**Important Note:** If you have any questions about your degree that are not answered here, or if you have any problem, please contact Geraldine Malloy or the Director of Graduate Studies for Research. Geraldine Malloy can provide you with the forms you will need for the various steps in your degree, or you can find them at

<http://www.ox.ac.uk/students/academic/graduates/forms/> Your supervisor can advise you on progress through your degree, and in particular on the academic standards that you must reach. But remember that administration of the degree is not the supervisor's job. It is your responsibility to complete the requirements for your degree, and it is the Faculty's job to support you, and to provide any advice that you may need about the requirements.

The Faculty offers four research degrees. The first year of research is substantially similar for all four degrees (see 2.7 below) but then leads to different outcomes depending on the degree registered for. Detailed regulations for all the degrees can be found in the Examination Regulations ('the Grey Book') which you will be given a copy of when you commence your studies, and which can be found online at <http://www.admin.ox.ac.uk/examregs/>

The following is a summary of the most relevant points in those regulations together with practical advice on details such as transfer materials, submission deadlines, etc.

### 2.1 The DPhil

The doctorate requires a thesis of up to 100,000 words. It should be completed in three or at the most four years. The thesis must make a significant and substantial contribution to its field. The examiners assess the contribution of the thesis having regard to "what may reasonably be expected of a capable and diligent student after three or at most four years of full-time study."

Students generally reach DPhil status by two routes: either they are admitted initially as Probationer Research Students and then transfer to DPhil status; or they complete the MPhil or MSt in Legal Research and are then readmitted to DPhil status. It is also possible to transfer from MLitt status to DPhil status, but this is unusual. Further information about transfer/readmission to DPhil status is given below in sections 2.8 and 2.9.

### 2.2 The MLitt

The MLitt requires a thesis of up to 50,000 words in length. It is completed in two or at most three years. The thesis must make a worthwhile contribution to knowledge and understanding within its field. In parallel with the provision for the doctorate, the examiners make their judgment bearing in mind what is reasonably to be expected of a capable and diligent student after two or at most three years of full-time study.

### 2.3 The MPhil

The MPhil constitutes the second year of the taught master's programme, the BCL, MJur or MLF, and can only be taken by a student who has done one of these degrees. For information on how to apply for the MPhil, see C.7, below. The MPhil requires a thesis of up to 30,000 words and must be completed in three terms.

## 2.4 The MSt in Legal Research

The MSt requires a thesis of up to 30,000 words and is in most respects identical to the MPhil but does not require applicants to have previously completed the BCL or MJur and allows students up to five terms to complete the thesis (though students seeking to go on to DPhil status after completion of the MSt are encouraged to submit the thesis within three terms)

## 2.5 Residence

The minimum residence requirement for the MSt is three terms of full-time supervised research in Oxford, for the MPhil three terms, for the MLitt six terms, and for the DPhil six terms. In the case of the DPhil, the requirement can be reduced to three terms if the candidate has already been in relevant postgraduate residence for at least three terms, as for example where a student has completed either the BCL/MJur/MLF or MSt/MPhil thesis.. There is a narrow discretion to grant dispensation from periods of residence, as for example, where your research requires you to travel abroad. Subject to that, you cannot obtain your degree unless your college certifies that you have fulfilled the residence requirements. Residence for a term requires that you be in Oxford for 42 nights during the term in question, “term” then being defined as the extended, not the full term. There are provisions for counting vacation residence instead, but they do not allow you to squeeze the equivalent of more than three terms into any one year. Most people remain in residence longer than is minimally required. Being “in residence” does not only mean living in Oxford. For the purpose of a research degree, it means being engaged in full-time supervised research in Oxford. You may not engage in any form of employment that is incompatible with that requirement, during your period of residence. Various forms of employment are compatible with the requirement, including limited amounts of teaching (which may actually enhance your research work). Work that will not hinder your research is fine, but you **must** discuss any substantial employment with your supervisor and the Director of Graduate Studies. See sections 1.1 and 1.2 above for further information about working.

## 2.6 Fees

Students for the MSt in Legal Research and the MPhil both pay a minimum of three terms of fees and will pay additional fees if holding MSt or MPhil status beyond three terms. MLitt students pay six terms of fees. Please note that if you are on the register for the MSt or MPhil for additional terms and receive supervision then you'll pay fees. For information on your fee liability you are strongly advised to refer to the Examination Decrees and Regulations of the University [http://www.admin.ox.ac.uk/examregs/52-00\\_APPENDIX\\_I.shtml](http://www.admin.ox.ac.uk/examregs/52-00_APPENDIX_I.shtml)

DPhil students pay up to nine terms of fees. If they have transferred to DPhil status from Probationer Research Student status or MLitt status then the nine terms includes fees paid whilst holding either status. Students admitted to the DPhil following completion of the MPhil or MSt in Legal Research may count three terms of fees paid during the course of either masters degree towards the nine term DPhil liability.

## 2.7 The Common First Year

Every research student begins work as either: 1) an MPhil (following completion of the BCL or MJur, 2) an MSt student, or 3) a Probationer Research Student (PRS). In their first year of research, all three sorts of research students will be doing very much the same thing, whatever their ultimate objective. All will complete the Course in Legal

Research Method and will write a substantial piece of research work. Participation in the Course in Legal Research Method (CLRM) is one of the conditions for being granted the Degree of MPhil or of MSt, or of being allowed to proceed from the status of Probationer Research Student to that of full DPhil Student or full MLitt Student. Please note that the Course in Theory & Method of Socio-Legal Research at the Centre for Socio-Legal Studies may also be taken in full or partial satisfaction of the requirement. This would be suitable for students undertaking partly empirical research. Further details of the CLRM can be found in Section 8 below.

## **2.8 Transfer from Probationer Research Student Status to DPhil or MLitt status**

By the end of the fourth week of your third term as a PRS, you need to apply to transfer to full DPhil status (or MLitt status, if that is the qualification you are ultimately seeking). This transfer requires successful completion of the Qualifying Test, in which your project and your achievements so far are assessed by two members of the Law Faculty who will read your written submission and then arrange an interview with you. You may, in exceptional circumstances, and with the support of your supervisor, apply to defer the date of PRS to DPhil status by writing to Geraldine Malloy. In no case may the materials for the Qualifying Test be submitted after the end of the fourth term from admission as a PRS.

### **2.8.1 The Purpose of Transfer of Status**

The Probationer Research Student (PRS) status is intended to be used constructively, permitting a wise choice of the research topic to be made in the context of broader reading as well as preliminary research, helping the student to become accustomed to the rhythm of graduate work, and allowing for the acquisition of any specific skills appropriate to the research.

The Transfer of Status assessment is to ensure that the student is making satisfactory progress in the development of the research, to ensure that the work is of potential D.Phil. quality, and that the methodology of the research is appropriate and practicable. The transfer process provides the opportunity for the student to discuss their work with two independent members of staff and to receive feedback. Broadly the assessment should show a plan for the thesis, which locates the research in the context of earlier work in the field, sets out the questions, hypotheses or issues on which it will focus, and describes and explains the methods by which these will be answered, tested or addressed.

The assessment procedures are intended to remove the risk of failure and to reduce the risk of referral as far as possible, and must therefore be as rigorous as necessary to achieve this.

The formal Regulations for Transfer of Status are set out in the general regulations of the *Examination Regulations*, and in the special regulations for individual subjects, grouped within their particular Division.

### **2.8.2 The Timing of Transfer of Status**

The *Examination Regulations* state that PRS status can be held for a maximum of six terms for students who commenced their studies before October 2011, and for a maximum of four terms for students commencing their studies from October 2011 onwards. However, Departments and Faculties are strongly encouraged by the University's Education Committee to require students to transfer status sooner, and in

the Law Faculty, transfer of status is normally required by the end of the fourth week of your third term as a PRS student. Any student who has not applied to transfer status by the end of their fourth term will be required to attend a formal academic review meeting involving their supervisor(s) and Director of Graduate Studies (or at least one other member of academic staff who may or may not be a future assessor for Transfer of Status). The purpose of this meeting will be to review progress to date, and to draw up a clear timetable to ensure that Transfer of Status is successfully achieved within six terms as required by the *Examination Regulations*. The student will also be required to apply for a formal deferral of Transfer of Status for one or two further terms using the form GSO.2b available from <http://www.ox.ac.uk/students/academic/graduates/forms/>. Students are required to complete the form, which should then be signed by the student's supervisor and College and be approved by the Director of Graduate Studies for Research.

In exceptional cases only, an extension of PRS status may be granted beyond six terms. Applications for such extensions should be again made using the form GSO.2b and will require the same approvals as above and, in addition, approval of the University's Education Committee as it requires formal dispensation from the *Examination Regulations*. Any extensions to PRS status do not affect the overall time permitted for registration on the D.Phil.

### **2.8.3. How to Apply for Transfer of Status (the Qualifying Test)**

Your Qualifying Test (QT) application should comprise the following items:

1. GSO.2 and GSO Law 2 form (obtainable from <http://www.ox.ac.uk/students/academic/graduates/forms/>) Students are required to complete the GSO.2 form and to provide supplementary information on development of both research specific and personal and professional skills during their time as a Probationer Research Student. Both the student's supervisor and College should then sign the form. Your supervisor will discuss possible QT assessors with you and then sign off on the Law 2 form once two names have been agreed and entered on that form. Your supervisor should contact the assessors to ascertain their willingness to act and available at the expected time.  
On the Law 2 form, you are also asked to indicate that you have successfully completed the Course in Legal Research Methods, the Course in Empirical Research Methods ,or Theory and Methods in Socio-Legal Research (if you haven't successfully completed the course at the point of applying for transfer, you will need to do so before your transfer can be approved).
2. Part A - A statement of the subject of your doctoral project in no more than 2,000 words (two copies). The statement must map out a thesis which will make a significant and substantial contribution to its field, and the proposed work must fit comfortably within your remaining two or, at most, three years. Many candidates use up about a third of their 2,000 word allowance in a general description of their proposed thesis, saying in connected prose what they hope to achieve and why it matters. It is a good thing, though not essential, to be able to say briefly how things stand in your field, so as to show what advance you hope to make. The remainder of the word allowance can usefully be devoted to a provisional contents page, showing the titles of the chapters and giving a short account of what each will do. Everyone understands that you cannot at this early stage be bound by this, also that there may be some chapters which you are not yet able

to see into with much clarity. Feel free to say that that is the case, if it is so. If you can outline the reasons for your uncertainty, so much the better. It is good to link this provisional contents page to a timetable. You need not go into great detail, but it is sensible to say roughly where you hope to be after one more year and how long you have set aside for writing up your final version. When it comes to confirmation of status towards the end of the second year, you will be asked for more a more detailed schedule leading to completion.

3. Part B - A substantial piece of written work (10,000 words for DPhil, 6,000 words for MLitt - two bound copies) which will generally be intended to form part of the proposed thesis (or if not, at least be relevant to the subject of the thesis) and must be written using the format for theses in law (below, 6.3). Your crucial task in the Part B submission is to show the reader that you can carry out the sustained argument that will be needed to accomplish the project you propose in your Part A statement. The best way to do that is usually to engage in an important part of the argument that the DPhil will present. The assessors will look to Part B for evidence that you have mastered the craft of serious legal writing and that you can conduct a complex argument in an orderly, structured and lucid manner. The argument should be clear and cogent, and not written so as to be intelligible only to a tiny number of insiders. Keep in your sights a notional reader who is well-informed and well-grounded in the law but not an insider within your own particular field - as it might be, yourself when reading someone else's article in a journal.

All submitted material and forms should be sent to Geraldine Malloy at the Law Faculty.

#### **2.8.4 The Transfer Assessment**

The Graduate Studies Committee/Director of Graduate Studies will appoint two assessors, taking account of the nominees proposed on the Law 2 form, neither of whom will normally be the student's supervisor (they will normally be academic staff working in the University of Oxford; only in exceptional circumstances will external assessors be appointed) to read the transfer application and to interview the candidate. It is permissible for the same assessor(s) to be used for both transfer and confirmation of status, and this person may also act as the internal examiner for the D.Phil. *viva voce* examination. Students should normally expect to be interviewed within one month of submitting their transfer application, though this may be longer during the vacation periods due to availability of the assessors. You should make sure you are contactable during that period; and if you haven't heard from the assessor within three weeks of the date on which you submitted the application, you are advised to contact Geraldine Malloy. The interview is not an official examination or *viva*, and *sub fusc* is not worn. The assessors will write a report and submit recommendations to the Graduate Studies Committee. Following their interview, students should normally expect to hear the outcome of their assessment within one month of the date on which the assessors received the materials, though this may be longer during the vacation periods.

#### **2.8.5 Instructions to Assessors**

Assessors are asked to contact students as soon as reasonably possible to arrange a time for the interview, or to explain problems in doing so. Students find it an anxious wait, and may have good reasons for wanting the assessment completed as soon as possible (please let Geraldine Malloy the Graduate Studies Officer- know if there is a problem in this respect at the time of application).

Assessors are invited to consider whether the student is capable of carrying out advanced research, and that the subject of the thesis and the manner of its treatment proposed by the student are acceptable for transfer to D.Phil. Assessors should judge the application against the criteria for success defined below. They should aim to provide constructive criticism and advice to the student to identify and address deficiencies and thereby strengthen their proposed research project, rather than to present a judgemental verdict. Dismissive or aggressive remarks are not appropriate. An application to transfer to D.Phil. status must provide evidence that the applicant can construct an argument, can present material in a scholarly manner, has a viable subject to work on, and can be reasonably expected to complete it in 3-4 years. However, the assessors should judge the submissions in the light of the fact that they usually reflect 3 or 4 terms work and are made at the early stages of the research project. The written work will not necessarily be, or read like, a final thesis. Omissions, unpersuasive arguments, or missing perspectives are not fatal unless they seem to indicate an inability to reach the necessary standard. The research proposal and thesis structure need not be completely finalised, but the student should have clearly defined ideas of what the research questions are, and have possible ways to answer them.

The joint assessors' report should be 1-2 pages in length, providing a permanent record of advice given to the student at this stage and a permanent indication of the student's progress. It should normally include a summary of the points raised in the interview, feedback on the written work submitted prior to the interview, comments on the positive aspects of the student's work, as well as any concerns about the student's progress and suggestions for the research going forward. Finally, for non-native English speakers, the report should indicate the assessors' view of the student's ability to present and defend the work in English.

Significant differences of opinion between the assessors will be adjudicated by the DGS and/or Graduate Studies Committee, in consultation with the assessors and supervisors.

#### 2.8.6 Criteria for Success

For transfer of status to be approved, the student will need to be able to show that their proposed thesis and treatment represents a viable topic and that their written work and interview show that they have a good knowledge and understanding of the subject.

#### 2.8.7 Outcomes of Transfer of Status

The assessors may recommend one of four outcomes, which must be considered and approved by the Graduate Studies Committee.

- (i) Successful transfer – Accompanied by suggestions and advice for future progress
- (ii) Referral for a second attempt at transfer (with or without a further interview) – This will normally involve the same assessors and take place within one term of the first attempt. If the first attempt is made in the fourth term or later of PRS status, a one-term extension of PRS status is automatically granted to allow the second attempt. This extension of PRS status does not affect the total amount of time permitted for registration on the D.Phil. The assessors should provide clear guidance on what needs to be done to improve the application prior to the second attempt at transfer being submitted. This may require additional written work or other evidence, and possibly the appointment of an additional assessor.

Referral should not necessarily be seen as a failure, it may simply represent attempts to ensure that the student's work is enhanced so that it is set on the best possible course.

(iii) Transfer to the MLitt - Although the work presented was not suitable for transfer to D.Phil. status, nonetheless, the assessors felt it was strong enough for the lower award which is a less demanding and shorter time-scale research degree.

(iv) Reject the application – The assessors cannot recommend transfer to either DPhil. status or the lower award, and thus it is recommended that the student should withdraw from the course.

At the first attempt at transfer only options (i)-(iii) will normally be chosen. At the second attempt, options (i), (iii) or (iv) can be considered. (Only in exceptional circumstances may a third attempt at transfer be made, and this would require the support of the Graduate Studies Committee and approval by the University's Education Committee).

If a student is transferred to the lower degree under option (iii), they may apply to transfer to D.Phil. status again until the end of their sixth term following admission to PRS status, however, the Graduate Studies Committee would need to be convinced that the research plan had been much approved.

A student who is not granted transfer on the second submission is permitted to request that she or he be allowed to register retrospectively for the MSt. If your supervisor supports this request, and it is feasible to convert the research into an MSt in the time left (bearing in mind that MSt students have up to five terms on the register), then this is a viable option. However, the request will not be granted unless your supervisor agrees to supervise, or alternative supervision arrangements can be made. If transfer to MSt status isn't feasible then, regrettably, there are no further means by which you can continue as a research student in the Law Faculty.

If following a second unsuccessful attempt at transfer, a student does not accept the recommendation to withdraw under option (iv), further action will be required. In such circumstances, informal counselling, involving the student's college, will form an integral part of the procedures. The Department should refer to the *Examination Regulations* governing the removal of a graduate student from the Register of Graduate Students for more information.

## **2.9 Admission to DPhil status after completion of MPhil or MSt**

To apply for admission to DPhil, you will need to complete the readmission form available from Student Self-Service (<https://www.studentsystem.ox.ac.uk> – see 4.1 above for further details). The form will be pre-populated with details that the University currently has on record for you, such as your personal details and your previous qualifications, but you will need to enter details of the programme you intend to study and any changes to the data we hold in your record. You will need to submit this form (to the Graduate Admissions Office) by 18 January 2013: we appreciate this is very early in the year, and that you might not be quite sure at that point whether you do or don't intend to carry on to doctoral study; we would recommend that if in doubt, you do at least submit this an application— if you then decide you don't want to carry on to DPhil status you can simply withdraw, whereas if you don't apply by the 18 January deadline, you can't decide later in the year that you do, after all, want to continue to the DPhil. As well as the form, you will also need to submit by the 18 January deadline what is known as Part A of the application for readmission - a statement of the subject of your doctoral project in no

more than 2,000 words. A detailed explanation of what is required is given above under 2.8.1 (those transferring from PRS to DPhil are required to submit the same document). Again, we appreciate that it is asking quite a lot of students to require them to have a doctoral proposal finalised so early and consequently, we will allow you to make minor revisions to the proposal before the Qualifying Test itself, which happens later in the year; but bear in mind that the proposal will be used by subject groups to determine whether they can provide supervision and provisionally offer you a place (conditional upon you obtaining either the MSt or MPhil and your performance in the QT), so needs to be as coherent and detailed as you're able to make it at that point. Later in the year, before unconditional admission can be approved, you will need to demonstrate to your college that you have the requisite funds for your doctorate, in the same way as you were required to provide financial assurances prior to admission to the MPhil or MSt.

You are required to submit your MPhil or MSt thesis no later than the last day of the vacation following Trinity Term (usually a date in early October). Once submitted, your thesis and (new) proposal will be sent to your examiners and you will be transferred to Probationer Research Student status (this is to ensure that you continue to hold student status whilst the examiners read the thesis and assess your application for transfer). **NB If you are able to do so, it is advantageous to submit your thesis significantly before the deadline;** that way, it may be possible for the assessment to take place and for your admission to DPhil status to be approved before the start of Michaelmas Term rather than our having to admit you to Probationer Research Student status – this can help in terms of simplifying your fee position and avoiding some complications regarding obtaining visas (for those who need them)

The thesis serves the same role as the Part B written submission that those applying for transfer to DPhil from PRS status submit (see 2.8.1 above) and in the viva voce examination described in 7, the assessors will seek not only to determine whether you should be awarded the MPhil or MSt but whether they can recommend that you be transferred to DPhil status. Consequently, they must make one of the following recommendations: award of the MPhil or MSt and admission to DPhil status; award of the MPhil or MSt and referral of Part A for revision and resubmission; referral of the thesis itself for resubmission for the MPhil or MSt (they cannot recommend referral of the thesis but admission to DPhil). The recommendations will be made in a report which you will have access to and which you will be able to use in making revisions to the Part A proposal and/or the MPhil or MSt thesis.

If you are admitted to DPhil status, then you may incorporate your MPhil or MSt thesis into your final DPhil thesis (students are generally not permitted to submit materials for more than one degree but this is an exception to that rule).

If you are awarded the MPhil or MSt but referred on Part A, you will continue to hold PRS status and may make one further application for transfer to DPhil status. You should normally do so within three months from the receipt of the report and you must do so before the end of your sixth term as a PRS student. On this second occasion you will need to submit a revised version of Part A and forms GSO.2 and Law 2 as described under 2.8.1 above. The second assessment will normally involve the same assessors, though exceptionally, you may, with the approval of your supervisor, request different assessors, and they can dispense with the interview if they feel able to recommend transfer to DPhil on the basis of the revised Part A alone.

If you are referred back on your thesis, your PRS status will be suspended, and your MPhil or MSt status will resume. You may make a further application for admission to DPhil status following the same procedures as outlined above. For information on your fee liability you are strongly advised to refer to the Examination Decrees and Regulations of the University. <http://www.admin.ox.ac.uk/examregs> or [http://www.admin.ox.ac.uk/examregs/52-00\\_APPENDIX\\_I.shtml](http://www.admin.ox.ac.uk/examregs/52-00_APPENDIX_I.shtml)

## **2.10 Incorporating a Completed Thesis**

As mentioned above, there is no bar to submitting work which you have published during your research work, but there is a general principle against trying to get an Oxford degree with or partly with work which has been submitted for another degree, whether at Oxford or at any other university. However, there are some exceptions; for law students the regulations work in the following way: a thesis/dissertation which has been submitted for the MPhil, MSt, or BCL can be incorporated in a subsequent DPhil thesis, but a thesis submitted for the MLitt cannot. A BCL dissertation can be incorporated in a subsequent MLitt but an MPhil or MSt thesis cannot. A BCL/MJur dissertation may cover the same area as a subsequent MPhil but the text of the former may not be incorporated directly into the text of the latter. In some cases people intend to incorporate their Oxford work in a thesis later to be submitted for another degree at another university. That is entirely a matter for that other university. Some permit that kind of incorporation, others do not.

## **2.11 Confirmation of DPhil Status**

### **The Purpose of Confirmation of Status**

The Confirmation of Status process allows the student to have an assessment of his/her work by two assessors, normally other than the supervisor(s), to give a clear indication of whether, if the work on the thesis continues develop satisfactorily, consideration of submission within the course of three further terms would appear to be reasonable. However, successful confirmation of status should not be seen as being explicitly linked to the final outcome of the examination of the thesis

The confirmation assessment is different to the transfer assessment. The assessors will be focusing on how the research is progressing, the quality of the draft chapters, and on the plan for completion. The assessors will therefore be looking to ensure that the student is making the appropriate amount of progress in the development of the thesis, so that submission will be achieved within three or at most four years. In doing so, they are also required to ensure that the student is not attempting to deal with an impossibly or unnecessarily large amount of material. The student should benefit from independent assessment of his/her work and should receive authoritative comments and suggestions on problems and how to address them. The assessors may be able provide guidance on how to better present the material, or on the use of concepts or methods. Even if the thesis is in good shape, the assessors may often stimulate valuable improvements to the thesis. However, the assessors may also identify any weaknesses in theory, research design, data collection and analysis, which may compromise the final thesis. It should also be remembered that the confirmation assessment is a test (which it is possible to fail), and receiving critical comments is often painful, and it may take some weeks to come to terms with them. Finally, the interview is a good opportunity to prepare for the *vive voce* examination of the thesis.

The formal Regulations for Confirmation of Status are set out in the general regulations of the *Examination Regulations*, and in the special regulations for individual subjects, grouped within their particular Division.

### **2.11.1 The Timing of Confirmation of Status**

#### i) Students who entered the D.Phil. as a Probationer Research Student

The general regulations of the *Examination Regulations* state that all students should apply for confirmation of status within nine terms of their admission as a graduate student. However, in this Faculty students are required under the subject specific regulations to apply for confirmation of no later than three terms after the Qualifying Test.

#### ii) Students who progressed to the D.Phil. from an M.Phil.

The general *Examination Regulations* state that all students should apply for confirmation of status within nine terms of their admission as a graduate student. For students who have previously completed an M.Phil., (with a thesis in the same broad field as the topic for the D.Phil.) and have progressed directly to D.Phil. status, this normally means that confirmation of status should be applied for by the end of the third term of the D.Phil.

#### iii) Deferral of Confirmation of Status

If a student is unable to apply for confirmation of status within nine terms of admission as a graduate student (or by the deadline defined in the subject specific regulations if later), they must apply for a deferral of confirmation of status, otherwise their student status will lapse and their name will be removed from graduate register. It is possible to apply for a deferral of confirmation of status for up to three terms, as long as the total number of terms from admission as a graduate student does not exceed twelve.

Any student who is considering applying for a deferral of confirmation of status will be required to attend a formal academic review meeting involving their supervisor(s) and Director of Graduate Studies (or at least one other member of academic staff who may or may not be a future assessor for confirmation of status). The purpose of this meeting will be to review progress to date, and to draw up a clear timetable to ensure that confirmation of status is successfully achieved within proposed period of deferral.

To apply for a deferral of confirmation of status, a student will need to submit the GSO.14B form: go to <http://www.ox.ac.uk/students/academic/graduates/forms/>. Students are required to complete the form, which should then be signed by the student's supervisor and College. The Director of Graduate Studies will then assess the application for deferral, taking into account any recommendations from the academic review meeting. If a student does not achieve confirmation of status within twelve terms of admission as a graduate student, his/her status will lapse. In exceptional cases only, deferral may be granted beyond twelve terms; however, this requires approval by both the Director of Graduate Studies and the University's Education Committee as it requires formal dispensation from the *Examination Regulations*.

### **2.11.2 How to Apply for Confirmation of Status**

Applications for confirmation of status should be made using the forms GSO.14 and Law.5 both available from <http://www.ox.ac.uk/students/academic/graduates/forms/>.

The GSO14 form should be completed by the student and then signed by the student's supervisor and college and should include details of any research specific and/or

personal and professional skills acquired, or further training needed in, and also information on any other related activities undertaken, e.g. presentation of posters, attendance at conferences etc.

The Law 5 form should be completed by the student after consultation with the supervisor to agree the names of the prospective assessors neither of whom will normally be the student's supervisor (they will normally be academic members of staff working in the University of Oxford; only in exceptional circumstances will an external assessor be appointed). Your supervisor should contact the assessors to ascertain their willingness to act and available at the expected time. The assessors will read the confirmation materials and interview the candidate. It is permissible for the same assessor to be used for both transfer and confirmation of status, and this person may also act as the internal examiner for the D.Phil. viva voce examination.

In addition you will also be required to submit/complete the following:

1. A statement giving the title of the thesis, and summarising each component chapter in approximately 100 words per chapter
2. An overview of the intended thesis, of approximately 1,000 words, stating how much of the thesis is complete and how much remains to be done (with an estimate of the probable date of completion)
3. A piece of written work, which shall normally be 20,000-30,000 words in length and intended to form part of the thesis.

The complete application for confirmation of status should be submitted to Geraldine Malloy at the Law Faculty.

#### **2.11.4 The Confirmation Assessment**

The Director of Graduate Studies will appoint two assessors – normally those proposed by student and supervisor on the Law 5 Form. Students should normally expect to be interviewed within four to six weeks of submitting their application, though this may be longer during the vacation periods due to availability of the assessors. The interview is not an official examination or viva, and sub fusc is not worn. The assessors will interview then write a jointed report and submit recommendations to the Graduate Studies Committee. Following their interview, students should normally expect to hear the outcome of their assessment with six weeks, though this may be longer during the vacation periods.

#### **2.11.5 Instructions to Assessors**

The assessors are asked to contact students as soon as reasonably possible to arrange a time for the interview, or to explain problems in doing so. Students find it an anxious wait, and may have good reasons for wanting the assessment completed as soon as possible (please let Geraldine Malloy the Graduate Studies Administrator know if there is a problem in this respect at the time of application).

An applicant for confirmation of status should be close to having a complete thesis plan, and the work submitted should be close to reading as a complete thesis chapter. In contrast to the transfer assessment, omissions and missing perspectives are much more serious at this stage, however if at interview the student can satisfy the assessors that matters will improve, this should not be a reason to decline recommending confirmation

of status. The work should be presented in a scholarly fashion and should be essentially of the standard expected of a D.Phil. thesis in the final examination, though it is not expected that every footnote should be in place yet etc. The assessors should judge the application against the criteria for success defined below. As with the transfer assessment, the assessors should aim to provide constructive criticism and advice to the student to identify and address deficiencies and thereby strengthen their thesis, rather than to present a judgemental verdict. Dismissive or aggressive remarks are not appropriate. If it is unclear during the assessment of how the research will be completed, or the proposal is over-large, the assessors may request a revised thesis outline or further written work before submitting the initial report.

The joint assessors' report should be 1-2 pages in length, providing a permanent record of advice given to the student at this stage and a permanent indication of the student's progress. It should normally include a summary of the points raised in the interview, feedback on the written work submitted prior to the interview, comments on the positive aspects of the student's work, as well as any concerns about the student's progress and suggestions for the research going forward.

In particular, the assessors are asked to consider the clarity of the goals, the chapter structure, the timetable for completion and progress to date, the significance to the existing literature and field, and to provide an evaluation of the written work submitted by testing whether the work is presented in a scholarly and lucid manner. More specifically, the assessors should consider commenting on whether the student has provided evidence of being able to undertake research that provides new knowledge/understanding which is capable of advancing their field, will withstand peer review, and may be suitable for publication. Also, they should consider whether the student has developed a systematic acquisition and understanding of the substantial body of knowledge at the forefront of their field and a thorough understanding of the techniques for research needed for advanced academic enquiry. Furthermore, the student should show the capacity to design carry through and defend the thesis within three or at most four years. Finally, for non-native English speakers, the report should indicate the assessors' view of the student's ability to present and defend the work in English.

Significant differences of opinion between the assessors will be adjudicated by the DGS and/or Graduate Studies Committee, in consultation with the assessors and supervisors.

#### **2.11.6. Criteria for Success**

For confirmation of status to be approved, the student will need to be able to show that the research already accomplished shows promise of the ability to produce a satisfactory thesis on the intended topic, the work submitted for assessment is of the standard expected of a D.Phil. thesis in the final exam, and the research schedule is viable so that the thesis can be completed within three or at most four years from admission.

Students must also show that they are able to present and defend their work in English.

### 2.11.7. Outcomes of Confirmation of Status

The assessors may recommend one of five outcomes, which must be considered and approved by the Graduate Studies Committee (excluding option (ii)).

- (i) Successful confirmation – Accompanied by suggestions and advice for future progress.
- (ii) Revision of application – The assessors may request further clarifications of the research proposal or completion schedule and/or additional written work before making a first recommendation. In such cases it should be possible to complete the additional work within the term of assessment.
- (iii) Referral for a second attempt at confirmation - This should normally involve the same assessors and take place within one term of the first attempt. If the first attempt is made in the final term permitted, a one-term extension is automatically granted to allow the second attempt. This extension does not affect the total amount of time permitted for registration on the D.Phil., however if the student has already been registered on the D.Phil. for twelve terms, the extension is counted as one of the potential nine terms of extension of time permitted under the general regulations. The assessors should provide clear guidance on what needs to be done to improve the application prior to the second attempt at confirmation being submitted. This may require additional written work or other evidence, and possibly the appointment of an additional assessor.

Referral should not necessarily be seen as a failure, it may simply represent attempts to ensure that the student's work is enhanced so that it is set on the best possible course. However, a referral will of course be very disappointing to a student and may take some time to get over, especially if the assessors comments are highly critical. Most students who do then go on to successfully complete the D.Phil. see the comments in retrospect as helpful, having given them the opportunity and incentive to make substantial improvements to the thesis and to avoid the risk of a far more costly and time-consuming referral of the final thesis.

- (iv) Transfer to *M.Litt.* - Although the work presented was not suitable for confirmation of D.Phil. status, nonetheless, the assessor(s) felt it was still strong enough for the lower award which is a less demanding and shorter-timescale research degree. In cases where transfer to lower award is approved, if the student is already in their ninth term or beyond, a formal extension of time will also be needed to allow the student to stay on the graduate register for the lower degree, otherwise their status will lapse, and they will have to subsequently apply for reinstatement to the graduate register.
- (v) Reject the application – The assessors cannot recommend confirmation of status, or transfer to the lower award, and thus it is recommended that the student should withdraw from the course. This exceptional outcome should only be used if the quality of the student's work has regressed to below the standard previously achieved for transfer of status.

At the first attempt at confirmation only options (i)-(iii) should normally be chosen. At the second attempt, options (i), (iv) or exceptionally (v) should be considered. The DGS/Graduate Studies Committee may also request additional work or other evidence, or appoint an additional assessor to help in making a final decision. (Only in exceptional circumstances may a third attempt at confirmation be made, and this would require the

support of the Graduate Studies Committee and approval by the University's Education Committee).

If following a second unsuccessful attempt at confirmation, a student does not accept the recommendation to withdraw under option (v), further action will be required. In such circumstances, informal counselling, involving the student's college, should be an integral part of the procedures. The Department should refer to the *Examination Regulations* governing the removal of a graduate student from the Register of Graduate Students for more information.

### **3. Supervision**

The Law Board will appoint someone to supervise your work. Some students have joint supervisors and many work with more than one supervisor during their degree. In providing you with a supervisor, the Law Faculty offers you something extremely valuable: a reader who will respond seriously and critically to your work. The supervisor will also advise you on your topic and how to develop it, and may guide you in your work in a variety of other ways. It is the single most important resource the Faculty provides. Your supervision arrangement is the responsibility of the DGS(R). If you think that a change would be helpful, bear in mind that a change in supervision is not a crisis; if the Faculty can help you with your project through a different supervision arrangement, please contact the Director of Graduate Studies for Research students. For further information see the Faculty's Statement on Supervision of Research Students (<http://denning.law.ox.ac.uk/oxfordonly/students/postgrad.php>, then go to the final item on the list of items entitled 'For research students').

#### **3.1 Graduate Supervision System (GSS)**

At the end of each term, your supervisor(s) will submit a report on your academic progress. To facilitate this reporting, the University operates an online Graduate Supervision System (GSS). Within this system, you have the opportunity to contribute to your termly supervision reports by reviewing and commenting on your own progress.

You are strongly encouraged to take the opportunity to review and comment on your academic progress, any skills training you have undertaken or may need to the future, and on your engagement with the academic community (e.g. seminar/conference attendance or any teaching you have undertaken).

Your supervisor(s) will review and comment on your academic progress and performance during the current term and assess skills and training needs to be addressed during the next term. Your supervisor should discuss the report with you, as it will form the basis for feedback on your progress, for identifying areas where further work is required, for reviewing your progress against an agreed timetable, and for agreeing plans for the term ahead.

When reporting on academic progress, students on taught courses should review progress during the current term, and measure this progress against the timetable and requirements for their programme of study. Students on doctoral programmes should reflect on the progress made with their research project during the current term, including

written work (e.g. drafts of chapters) and you should assess this against the plan of research that has been agreed with your supervisor(s).

All students should briefly describe which subject-specific research skills and more general personal/professional skills they have acquired or developed during the current term. You should include attendance at relevant classes that form part of your programme of study and also include courses, seminars or workshops offered or arranged by your department or the Division. Students should also reflect on the skills required to undertake the work they intend to carry out. You should mention any skills you do not already have or you may wish to strengthen through undertaking training.

If you have any complaints about the supervision you are receiving, you should raise this with your Director of Graduate Studies. You should not use the supervision reporting system as a mechanism for complaints.

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

To access the GSS, please visit <http://www.gss.ox.ac.uk/> You will be able to log on to the site using your single sign-on details. Full details of how to use the site are provided at the on-line help centre, however, should you need additional support, please contact your Graduate Studies Assistant in the first instance.

### **3.2 Meetings**

A question frequently asked is, 'How often should I see my supervisor?' Simple as the question sounds, it admits of no fixed answer. As you define your project, you may need to meet frequently. And in the period immediately before submission the same may be true. But when the work is under way there may be relatively long periods when you are making progress without needing to meet. While supervisors take different approaches, a meeting with your supervisor will ordinarily happen when you submit work. So the timetable is largely in your hands, and the way to make the most of your supervision is to submit written work often. In most cases, it is a mistake to go a month without submitting a substantial piece of written work. It helps a lot to go to any lectures or seminars which are being given by your supervisor or your supervisor's group.

The University Education Committee requires supervisors to:

- meet students regularly and return submitted work with constructive criticism within a reasonable time;
- be accessible to students at appropriate times when advice is needed;
- assist students to work within a planned framework and time-table;
- monitor students' ability to write a coherent account of their work in good English;

- attempt to avoid unnecessary delays in the progress of the research;
- pursue opportunities for students to discuss their work with others in the research community (including the presentation of research outcomes where relevant) at University, national and international level;
- arrange appropriate temporary supervision for the student during periods of leave.

### 3.3 Supervisor Away

If your supervisor is away for a term or more you will almost certainly require to be assigned to a new supervisor, usually only until the other returns. There is generally plenty of time to discuss the change, and where there is time your supervisor should talk the matter over with you. It is often possible to make informal arrangements which suit everyone, but it is essential that such arrangements be formalized through the Graduate Studies Officer using the **GSO.25** change of supervisor or appointment of joint supervisor form at <http://www.ox.ac.uk/students/academic/graduates/forms/> The Law Faculty cannot discharge its responsibilities through informal arrangements of which it knows nothing. The Faculty must at all times know who is supervising you and, except for very short periods, there must be no time during which you have no supervisor in Oxford.

### 3.4 Vacations

The traditional distinction between term and vacation means very little for those engaged in research. Work, if anything, intensifies when undergraduate teaching stops. You may need to make some allowance for the fact that after term supervisors are themselves desperate to get on with their research, which sometimes also means their going off to use libraries and other facilities in other places. Once again, the best solution is to talk things over with your supervisor. A prolonged absence, even during vacation, triggers the steps discussed in the previous section. Though the rhythm may change, supervision does not stop during the vacation.

## 4. Course in Legal Research Method

Participation in this course is **compulsory** for Probationer Research Students, MSt in Legal Research students, and MPhil in Law students.

The aim of this course is to assist our first-year or one-year research students in establishing a sound methodological base for their legal research and writing in its early stages. This we seek to achieve by providing a focus for structured and purposive discussion between graduate students and members of the Faculty about the methodology and problems of legal research and writing. This serves to emphasize the community of concerns between graduate students and law teachers in their legal research and writing activities, and helps to avoid or dispel the sense of intellectual isolation, which can inhibit the development of legal research work.

### 4.1 Teaching Programme

The course has two components. The first component is a series of seminars on various aspects of legal research method given by members of the Faculty in their areas of expertise. The second component is that each student must do an individual assessed exercise which consists of an oral and written presentation. These are designed to help individual students with the planning and development of their future research work and legal writing in their chosen area of work. The oral presentations will be given as part of

the two day Oxford Graduate Legal Research Conference currently scheduled for Monday and Tuesday of the first week of Trinity Term (dates to be confirmed).

Further information about the course (including details of seminars, attendance requirements, and details about the assessed exercises) can be found on the Course in Legal Research Method at <https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law/clrm>. Any students arriving in Oxford after the start of term should contact Dr Liz Fisher, the course convenor, to ensure that they are on the relevant mailing list for students taking this course.

## 5. Suspensions, Extensions and Dispensations

The Law Board has power to stop the clock by granting a suspension of status. If for any good reason you are temporarily not able to study, you may apply through the Graduate Studies Officer; the relevant forms are available from the webpage <http://www.ox.ac.uk/students/academic/graduates/forms/>. The Board can grant a maximum of six terms' suspension, but never more than one at a time. Suspension is different from extension. Extension allows more time. Suspension stops the clock. Students in receipt of scholarships (particularly AHRC scholarships) should ensure that they also secure the permission of the scholarship body for the suspension of time.

In exceptional circumstances, MLitt and DPhil students may also apply for extensions of time for anything up to six terms in the case of MLitt students or nine terms in the case of DPhil students. Extensions of time will only be granted one term at a time, unless there is an exceptional reason for granting more, but in no cases should more than three terms of extension be granted at any one time. Forms for applying for extension of time can be found on the same webpage as those for suspension of status. Students should be clear that extensions are not an entitlement and will only be approved if there is felt to be good cause for granting the extra time and if the application has the support of the student's supervisor and college (the same applies for suspension of status). Students in receipt of non-AHRC scholarships should ensure that they also secure the permission of the scholarship body for the extension. Students in receipt of AHRC scholarships should note that the AHRC does not approve extensions of time other than in the most exceptional circumstances, and failure to submit by the prescribed four year deadline (for DPhil students) may lead the AHRC to withdraw future funding for Law Faculty students.

We make no attempt to set out in detail in this handbook all the powers to extend deadlines and waive other rules. Very few people will need their help. For those who do, there are two guiding principles. The first is that provided you do have a genuine and strong reason for needing the dispensation it will probably be possible for you to get it. The second is that your chances of getting the help you need will be greatly improved if you talk to someone about it well before the burdensome rule operates. Take advice early. You can talk to your supervisor about it or to your college advisor, or, if that is not appropriate in your case, you can go straight to the Director of Graduate Studies (Research).

## 6. Submission of the Thesis

### 6.1 Stage 1: Application for Appointment of Examiners

As you approach completion of your thesis you have to apply for the appointment of examiners. <http://www.ox.ac.uk/students/academic/graduates/forms/>. The application requires signature by your supervisor, and another on behalf of your college.

You and your supervisor have a say in the choice of the examiners. In all cases (MSt, MPhil and DPhil), two examiners will be needed, one from Oxford and one external. The form asks for suggestions. It would be a rare case in which those suggestions were not accepted, and the Law Faculty Board would be unlikely to appoint others without first consulting with the supervisor, who in turn would be likely to consult you. It is not uncommon for the appointment of examiners to be a somewhat protracted process, especially where one suggested name turns out to be unable to act. It is therefore very important that you put in the relevant forms at the earliest opportunity to the Graduate Studies Officer, at least three to four weeks before you submit your thesis. Your supervisor should contact proposed examiners *informally* to ascertain whether they are willing to act and available at the expected time. The withdrawal of one name sometimes creates problems of imbalance. It is very important indeed that you should be contactable during this phase at the place in which you have said that you will be, and you should independently make sure that your supervisor knows how to get in touch with you quickly. In case of difficulty, the Research Degree Office, at the Examination Schools will contact your supervisor, and the supervisor will want to talk to you.

### 6.2 Stage 2: Submission of the Thesis

The deadline for submissions is the last day of the vacation which follows the term in which the thesis is due to be submitted. However you should aim to submit the forms at least 3-6 weeks before. Two bound copies, printed or typed, have to be put in. The only proper recipient is the Research Degree Office, at the Examination Schools (**not the St. Cross Building**). The thesis must state the number of words to the nearest hundred, and the number so stated must be within the prescribed word limit. There must be an abstract of the thesis, of about 300 words. At the end of the process, successful DPhil theses must be submitted for the Bodleian Library. Students for the MPhil and MSt are not required to submit Bodleian copies, but if they wish to do so, they should contact the Research Degree Office for further information about how to do so.

Be careful to comply with the Faculty's Format for Theses which follows this section. If you think you have not understood any of the requirements, you must raise the matter as early as possible with the Graduate Studies Officer.

### 6.3. Format for Theses in the Faculty of Law

1. 'Thesis' here includes not only the writing submitted for the DPhil, MLitt, MPhil, or MSt, but also the essay which is submitted by a Probationer Research Student for a Qualifying Test, and dissertations offered in the examination for the BCL or MJur. It does not include essays set by way of examination for the BCL or MJur.
2. Every thesis must include an abstract not exceeding 300 words. The abstract must contain no footnotes. The abstract must appear immediately after the title page. Its format is governed by regulations 7 to 10 below.

- 3.** Every thesis must contain a table of contents. The table of contents must state the titles of the chapters and their principal sub-divisions. The table of contents must be indexed to the pages where the chapters and first-level sub-headings begin. If required, a table of abbreviations should follow the table of contents.
- 4.** Every thesis which mentions cases and statutes must contain separate tables of cases and statutes. Unless there are very few cases and/or statutes, divide the tables into separate sections for separate jurisdictions. Arrange EC cases in chronological and numerical order. Any other tables should follow, eg tables of other primary legal sources (official papers treaties, UN documents, etc), and of tables and/or diagrams provided in the text. The tables must be indexed, so that each entry shows on what pages the case or statute in question is mentioned.
- 5.** A bibliography listing secondary sources (articles, books, monographs etc) in alphabetical order must appear at the end of the thesis. It should include all such sources cited in the thesis. It need not be indexed.
- 6.** The order of the thesis should be: title page, abstract, table of contents, table of abbreviations, table of cases, table of statutes, tables of other primary legal sources, table of diagrams and tables, main body of thesis, any appendices, bibliography. An index is not required. If there is one, it must come after the bibliography
- 7.** All footnotes and appendices are included in the word count. The abstract, the table of contents, the table of cases, the table of statutes, the bibliography, any headers or footers, and any index are not included in the word count.
- 8.** The thesis must be written in English
- 9.** The thesis must use A4 paper.
- 10.** The thesis must be word-processed using size 12 font on one side of the paper only, with a margin of 32 to 38 mm on the left hand side. Variations of font size may be used for headings, sub-headings, and footnotes.
- 11.** The lines in the main text must be double spaced (8mm).
- 12.** The first line of every paragraph must be indented unless the paragraph immediately follows a heading or sub-heading, or an indented footnote.
- 13.** Quotations must use single inverted commas, saving double inverted commas for use for quotes within quotes. Quotations longer than three lines must be presented as a double-indented, single-spaced paragraph with no further indentation of the first line. Such double-indented quotations must not use quotation marks.
- 14.** Endnotes must not be used. Footnotes must be internally single spaced with double spacing between the notes.
- 15.** The thesis must comply with OSCOLA (the Oxford Standard for Citation of Legal Authorities: <http://denning.law.ox.ac.uk/published/oscola.shtml>), or another useful standard for citation. You should consult your supervisor if you wish to depart from OSCOLA.

**16.** The thesis must be bound in a soft or hard cover. NB For BCL and MJur dissertations, any form of binding – e.g. spiral binding – is sufficient.

**17.** Where the thesis is offered as part of an examination which is assessed anonymously, it must not at any point divulge the identity of the candidate or the candidate's college.

**18.** The word limits for theses:

	minimum	maximum
DPhil	75,000	100,000
MLitt	40,000	50,000
MPhil and MSt	25,000	30,000
QT Part B (for DPhil)	8,000	10,000
QT Part B (for MLitt)	5,000	6,000
BCL or MJur dissertation	10,000	12,500

#### 6.4 The Title of the Thesis

The exact title has to be approved, and the thesis must be submitted under the approved title. However, it is relatively easy to obtain permission for a modification. There is a form for seeking this permission. It is available on <http://www.ox.ac.uk/students/academic/graduates/forms/>. Do not make the title too long. It is the business of your first few pages, not of the title, precisely to define your project and make clear what questions will and will not be addressed. Think of your title as the title of a book.

### 7 Examination

#### 7.1 Timing

The internal examiner will contact you to arrange the date of the viva. In the normal course you might expect the examiners to have fixed the date for the viva within three-four weeks from submission. The viva usually takes place roughly eight weeks after submission. Do not hesitate to contact the **Research Degree Office**, (researchexams@admin.ox.ac.uk) if you think something has slipped up. It is extremely important that the examiners should be able to contact you in the period after submission. The forms oblige you to say where you will be, but even so some people turn out to be very elusive. In addition to the contact point given on the form, examiners will generally try your address. If they cannot contact you, very long delay can ensue.

Examining a thesis is hard work and requires the examiners to clear a substantial slice of time. You cannot reasonably expect to be viva'd within a month of submission, but, if you have a good reason for needing a viva as early as possible, you can say so when you apply for examiners to be appointed. It is then sometimes possible to fix dates in advance. If you want to do this, apply for the appointment of examiners well ahead of the actual submission. Once again, be sure that all relevant people know where to contact you.

## 7.2 The Viva: A Public and Inescapable Event

The viva is a public event. **You have to wear sub fusc**, and so also do members of the University who come to spectate. Sometimes people do come. They are usually people who expect to go through the same ordeal themselves and want to see what it is like. The ordeal is also inescapable, in the sense that, however clear the examiners think they are as to their likely recommendation, they are obliged to conduct the oral examination. And you cannot get your degree unless you have been viva'd. Your supervisor can advise you on preparing for the viva. Its purpose is partly for the examiners to satisfy themselves that you have a sound grasp of the general area of your thesis, but the primary focus of the viva will be to give you an opportunity to defend your own work. Take your own copy of your thesis with you to your viva.

## 7.3 The Recommendation of the Examiners

The final decision lies with the Director of Graduate Studies (Research). The examiners do not decide. They recommend. It goes without saying that departures from the examiners' recommendation are rare. Nevertheless, the fact that the examiners cannot make the decision is a serious reason inhibiting their communicating to you the nature of their judgment. Some examiners feel more inhibited than others in this respect. Every effort will be taken to minimize the time within which you are kept in suspense, and the DGS(R) will take a final decision as soon as possible following the receipt of the report. But there may well be some delays. Sometimes the examiners are not able instantly to complete and submit their report after the oral examination. There may be grounds to refer the report to the Faculty Board. Hence you may have to wait for the final result.

## 7.4 Being Referred

You should remember that many candidates, even those who have written really excellent theses, are referred back for resubmission. There is often some aspect of the thesis which strikes the examiners as incomplete or unfocused. It is of course a blow to have to do more work on something, which you had hoped, was finished, but the result can be a substantial improvement in the work. To satisfy the examiners on resubmission it is vital that you read their report carefully and follow their recommendations as closely as possible. If they refer you, the examiners will tell you, in writing, exactly what parts of the thesis require to be rewritten and why. After you resubmit, there may or may not be a second viva, depending on whether the examiners need to meet you in order to decide whether you have done what they required.

If the examiners spot minor errors they may, without referring you, require the mistakes to be put right. If they take that course, you have to make the corrections before depositing the final version in the Library. Where corrections have been required, the Library copy must be accompanied by a signed statement from the examiners that the corrections have been implemented. You should remember that you cannot actually take your degree until the Library copy of the thesis has been deposited.

## 8. Electronic Submission and Publication

The University of Oxford is committed to the widest dissemination of research theses produced by its graduate students. The Oxford University Research Archive (ORA) is an online archive of research materials including theses created in fulfilment of Oxford awards, produced by graduate students at the University of Oxford.

All students following the DPhil, MLitt or MSc (by Research) who registered for the DPhil from 1 October 2007 onwards, are required to deposit a hardbound and a digital copy of their thesis with the Oxford University Libraries. The digital copy should be deposited in the ORA at <http://ora.ouls.ox.ac.uk>. Students commencing these degrees before October 2007 must deposit a hardbound copy but may also optionally submit a digital copy.

ORA provides maximum visibility and digital preservation for Oxford digital theses. Students should read important information about the deposit of and access to digital theses which is available at [www.bodleian.ox.ac.uk/ora/oxford\\_theses](http://www.bodleian.ox.ac.uk/ora/oxford_theses) and includes:

- Legal requirements and author responsibilities
- When to deposit the digital copy of your thesis
- How to deposit the digital copy of your thesis
- Open and embargoed access (for reasons such as sensitive content, material that would affect commercial interests, pre-publication or legal reasons) to all of part(s) of your thesis
- Information about file formats, fonts and file sizes

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[http://www.bodleian.ox.ac.uk/ora/oxford\\_theses/copyright\\_and\\_other\\_legal\\_issues/copy\\_right\\_held\\_by\\_third\\_parties\\_and\\_other\\_rights](http://www.bodleian.ox.ac.uk/ora/oxford_theses/copyright_and_other_legal_issues/copy_right_held_by_third_parties_and_other_rights)

We strongly encourage students to ascertain and arrange permissions for inclusion and distribution of material via the Internet where copyright is held by a third party as the items are gathered. This is similar to the process when writing a journal article or monograph. A 'Record of permissions' template has been created to assist with this process, see:

[http://www.bodleian.ox.ac.uk/ora/oxford\\_theses/copyright\\_and\\_other\\_legal\\_issues/copy\\_right\\_held\\_by\\_third\\_parties\\_and\\_other\\_rights](http://www.bodleian.ox.ac.uk/ora/oxford_theses/copyright_and_other_legal_issues/copy_right_held_by_third_parties_and_other_rights)

Please contact [ORA@bodleian.ox.ac.uk](mailto:ORA@bodleian.ox.ac.uk) if you require further information or have any queries regarding deposit of your digital thesis.

Students following Master of Philosophy in Law or the Master of Studies in Legal Research Master of programmes, in addition to the deposit of a hardbound copy, are invited to deposit a digital copy of their thesis voluntarily with the Oxford University Libraries. The digital copy should be deposited in the Oxford University Research Archive (ORA) at <http://ora.ouls.ox.ac.uk>

#### ***The Social Sciences Division – Restricted access arrangements***

Whilst the Social Sciences Division strongly supports open access to and wide dissemination of theses produced by its students, during the initial period whilst both authors and publishers adapt to open access, the Division has agreed that by default, access to the full text of digital theses will be **restricted for three years**. When completing the ORA online deposit form authors should therefore enter an embargo end date as three years from the date of deposit. There is no need to complete a separate GSO3.C Dispensation from Consultation form at the time of deposit.

During the period of the embargo, only the following information from your thesis will be available in ORA:

- (i) Item record (your name, thesis title, subject area) **and**
- (ii) Abstract **and**
- (iii) Full text search for single words or short passages of text.

At the time of deposit an author may request permanent closure in ORA under the following circumstances:

- (a) or digital material where copyright is held by a third party and permission to disseminate it via the Internet in ORA has not been granted by the copyright holder, the Law Faculty will grant permission for the copyright material to be deposited as a separate file from the thesis, on the understanding that the thesis will be available for consultation or reproduction but access to the copyright material will be restricted.
- (b) Where confidential material forms only a small part of a thesis and the force of the thesis will not be seriously impaired by the removal of such material, the Law Faculty may grant permission for the access to the confidential material to be closed on the understanding that the thesis will be available for consultation or reproduction but access to the confidential material will be restricted.

Authors can also choose to override the default embargo and make their thesis open access either at the time of deposit or at any time during the three year embargo. Authors who wish to make their thesis freely available on deposit should indicate as such on the Deposit and Consultation of Thesis form (GSO3A) and on the online ORA deposit form. Once the embargo is in place, students wishing to end it early should e-mail [ORA@bodleian.ox.ac.uk](mailto:ORA@bodleian.ox.ac.uk) with instructions. If you do plan to publish your research as a book or article it is not recommended to place your thesis on open access in ORA without first discussing this matter with your supervisor and consulting potential publishers to ascertain their policy. The embargo will be automatically lifted after the three year period, and it is the responsibility of the author to apply for an extension if required. **No reminder will be sent** and it will be assumed that the full text can be released if a Dispensation from Consultation form (GSO.3C) is not submitted (see below).

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- (i) You may apply for dispensation from consultation of the copy of your thesis deposited in the Bodleian or other University Library **and** of the electronic copy of your thesis deposited in ORA if you have a good reason for such a request. Reasons for requesting dispensation might include that consultation or reproduction would put at risk confidential material or invalidate an application for a patent on a product or process described in a thesis. Students are advised to be particularly mindful of the terms of any agreements with an outside body or sponsor governing supply of confidential material or the disclosure of research results described in the thesis.
- (ii) Dispensation will always be granted (a) in cases where confidentiality has been made a condition of access to materials that are subsequently incorporated in a thesis and (b) for material where copyright is held by a third party and permission to disseminate it via the Internet has not been granted by the copyright holder. Students should apply for dispensation by completing form GSO.3C,

available at: <http://www.ox.ac.uk/students/academic/graduates/forms/>

Authors sometimes include published journal articles within their theses. Authors needing to include such articles as part of the e-thesis can make the article freely available only in compliance with copyright permissions. See [www.sherpa.ac.uk/romeo.php](http://www.sherpa.ac.uk/romeo.php) for guidance or ask ORA staff ([ORA@bodleian.ox.ac.uk](mailto:ORA@bodleian.ox.ac.uk)).

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### ***Third party copyright***

If you have incorporated material within the thesis where copyright is held by an individual or group that is not the author (third party copyright) you will need permission to make such material freely available on the Internet. It is best to obtain such permission when sourcing the material. You need to provide proof of permission when depositing your thesis in ORA (e.g. e-mail or letter). Please contact ORA staff ([ORA@bodleian.ox.ac.uk](mailto:ORA@bodleian.ox.ac.uk)) if you are unsure. A useful template to keep track of permissions for use of third party copyright materials is available for download at: [http://www.bodleian.ox.ac.uk/ora/oxford\\_theses/copyright\\_and\\_other\\_legal\\_issues/copy\\_right\\_held\\_by\\_third\\_parties\\_and\\_other\\_rights/wording - thesis-seeking\\_permission\\_for\\_3rd\\_party\\_materials](http://www.bodleian.ox.ac.uk/ora/oxford_theses/copyright_and_other_legal_issues/copy_right_held_by_third_parties_and_other_rights/wording - thesis-seeking_permission_for_3rd_party_materials)

### ***Intellectual property rights***

If consultation or reproduction of all or part of the thesis would put at risk **confidential material** or invalidate an application for a **patent** on a product or process described in the thesis, or restricting access to the thesis is a requirement of any **agreements with an outside body or sponsor** governing supply of confidential material or the disclosure of research results described in the thesis, you should apply for dispensation from consultation. Please speak to your supervisor or Research Services if you are unsure.

### ***Plagiarism***

Making the thesis open access increases its visibility, gains recognition for the author and certifies them as author of the work. It can also give rise to concerns about increased risk of plagiarism. However, when work is available open access, plagiarism is easier to detect (by using a web search engine).

### ***General Queries***

Please contact [ORA@bodleian.ox.ac.uk](mailto:ORA@bodleian.ox.ac.uk) if you require any further information or have any queries regarding the deposit of your digital thesis.

## **8.1 Publication**

In the immediate aftermath of your examination, you may find it difficult immediately to turn back to your thesis. The sense of exhaustion will quickly wear off. And when it does you should do your best to bring it out either as a series of articles or as a book. Your supervisor and the tutors in your college will be happy to advise how to go about it and in particular how to get in contact with a publisher. Read the report of the examiners carefully and follow any advice given there on how to improve your work with a view to publication. It is important that the research which you have done should make its contribution in the most effective way. Often that means writing a chapter or two more,

and perhaps making some quite radical changes to others. It will be worth the effort. When you publish work arising from your research, we hope very much that you will remember, in advance, to draw the publication to the attention of the Faculty through the DGS(R). We do not lose interest in you or in your work when you leave.

## C The BCL And MJur

### 1. The Aims of the BCL and MJur

The BCL and MJur degree programme aim to:

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

**Note:** Details of how these aims are pursued are in the programme specifications available at: [denning.law.ox.ac.uk/published/documents.shtml](http://denning.law.ox.ac.uk/published/documents.shtml)

### 2. Teaching Arrangements

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

**Seminars:** Seminars are organised at Faculty level and are open to all students taking the BCL/MJur courses and (in general) to any other interested postgraduate student from the law faculty or beyond. Many seminars are convened jointly by two or three members of the relevant subject group. Some seminars have a tradition of attracting senior academic visitors and research students in addition to BCL and MJur students. Some attract postgraduate students from other faculties (e.g. politics, philosophy). Such intellectual and international cross-pollinations are welcomed and encouraged by many subject groups. In some courses there is one core seminar series closely corresponding to the syllabus; in others the syllabus is covered by a selection of different seminar series from which the students take their pick according to interest and intended intellectual emphasis. BCL/MJur students taking some interdisciplinary courses are encouraged to attend seminars in other relevant faculties. Every BCL/MJur seminar series is accompanied by published reading lists that are used by students in preparing for the seminars and in organising their study. Many students use the seminar reading lists as starting points for their own self-prescribed research and reading, rather than regarding the listed materials as sufficient for real mastery of the subject. However the listed materials in each course do represent the level and range of materials which the examiners are entitled to expect the students to have mastered.

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

**Tutorials:** In Oxford, a tutorial is a meeting lasting at least one hour and often 90 minutes, at which a single member of the subject group meets with between one and five students. The tutorial system is the second major teaching/learning component of the BCL/MJur programme. In view of the extensive diet of seminars, BCL/MJur tutorials do not generally provide full coverage of the course: instead, the two methods of course delivery complement one another – the tutorial demanding in-depth scrutiny of a particular aspect or aspects of a field of law that have been covered in more general terms through a seminar. Students are usually invited to nominate around four topics for tutorial discussion, typically using the seminar reading lists as the basis of preparation. Each selected tutorial topic is also typically associated with an essay question or a legal problem question (or a choice of such questions) suggested by the tutor, which might be drawn from a past examination paper or specially devised. Students will normally write an essay or problem answer for each tutorial, which is then used as the basis for tutorial discussion. Often, although not always, tutorials are provided at or near the end of the seminar provision for the year so as to allow for consolidation and revision. **Please note that tutorials are an absolutely crucial part of the course and you are expected both to ensure that you are free to attend them at the times agreed with your tutors and to submit written work for the tutorials as required by your tutors.**

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

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

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

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

Information about the subjects available in the BCL and MJur (and the permissible combinations of subjects) is given in section 8 below.

The Faculty welcomes student feedback on lectures and seminars. Questionnaires are issued during one week each term in the hope that students will comment anonymously on each lecture/seminar attended. In addition, at the end of the year the Faculty invites BCL/MJur students to complete an anonymous questionnaire about their experience of their degree programme as a whole.

### **3. Assessment for BCL and MJur**

The standard in the BCL and MJur is higher than that required in a first degree in Law. Students are expected to analyse material critically and to consider it from different perspectives. Attention is given particularly to policy issues, and you are encouraged to make your own contribution to the debate.

The formal assessment of most BCL and MJur courses is by written examinations, held at the end of the year. Typically these are of three hours' duration and require answers to three or four questions chosen from a range of about eight to ten. Attempting fewer than the required number of questions (or otherwise failing to follow the 'rubric' at the top of the examination paper) is penalised. Examinations are unseen, and you are not allowed to take books or notes into the examination room. However, in many examinations you will be provided with copies of statutory and other official material relevant to the subject: details of this are notified to you in advance. You will normally be required to hand write your examination answers, so you must take care that your handwriting is legible. If an examiner is unable to read what you have written, you may be required to have your script typed out, at your own expense.

If you think your performance in an examination will be or has been affected by factors such as illness, there are procedures for feeding this into the examination process, where it will, under appropriate circumstances, be taken into account. You should consult your tutor.

BCL courses and those MJur courses also on the BCL syllabus are examined in mid-June/early July. MJur courses drawn from the undergraduate syllabus are examined in early June. The BCL/MJur course in Jurisprudence and Political Theory is examined by the submission of three essays written unsupervised and unaided during the Easter vacation, on topics chosen from a list set by the examiners.

You will also be subject to assessment of a less formal character. Some seminar series offer students the opportunity to present their own papers. All courses on the BCL and MJur have a tutorial component (typically four tutorials for BCL/MJur courses and seven or eight for MJur courses drawn from the undergraduate syllabus). Tutorials are in groups of up to five students, but may often involve pairs of threes. They give you the opportunity to ask detailed questions, write essays, and receive feedback from your tutor. You should also have the opportunity - although as graduate students you are generally not required - to sit practice examinations if you want to. Please consult your tutor on this. Performance in tutorials, essays and practice examinations will be recorded by each tutor in a report to your college, which may of course be used in the writing of

recommendations etc. A very bad report might also be the basis for a college to invoke its academic disciplinary procedures. College reports are not, however, part of the degree classification process. The classification of the degree depends entirely on the formal examinations at the end of the year.

The assessment of each of your formal examination papers begins, obviously, with a grading of each of your answers. The examiners' approach to grading your answers is described below. Once they have graded your individual answers, they produce a grading for each of your examination papers. This will very often be an average of the grades awarded for the individual answers, though the examiners may depart from this average if for some reason it does not appear appropriately to reflect the true quality of your paper. Then they will take the grades awarded for each of your examinations and deduce from these which of the possible degree classifications you should be awarded (distinction, pass, fail). Their approach to this task, known as the "examiners' conventions", is also explained below.

These are the standards used in assessment of BCL and MJur examination answers:

**Distinction (70% and above):** Distinction answers are those that represent an excellent level of attainment for a student at BCL/MJur level. They exhibit the following qualities:

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

**Pass (50-69%):** Pass answers represent a level of attainment which, for a student at BCL/MJur level, is within the range acceptable to very good. They exhibit the following qualities:

- attention to the question asked;
- a clear and fairly detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- good synthesis and analysis of materials, with few substantial errors or omissions;
- a clear and appropriate structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- familiarity with theoretical arguments concerning the topic, and (especially in the case of high pass answers) a significant degree of critical facility.

**Fail (below 50%):** Qualities required for a pass answer are absent.

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

The "Examiners' Conventions" that will be used to work out whether your overall performance adds up to a distinction, a pass, or a fail, are as follows:

Scripts are marked on the University scale from 1 to 100. The highest mark awarded is not ordinarily expected to exceed 80. That said, outstanding scripts would be recognized by a high mark (eg 75+). In the BCL or MJur marks of 70 and above are Distinction marks and marks of 50-69 are pass marks. Marks of 49 or below are fail marks.

The short informal statement is that you get the BCL or MJur by passing all the subjects which you offer and you get a distinction if you do well in all subjects and have a distinction mark in two or more papers. The dissertation counts as one paper for these purposes. More fully and formally:

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

**Distinction.** For the award of a Distinction in BCL or MJur a candidate must secure marks of 70 or above on two or more papers. The dissertation counts as one paper for these purposes (please see section 8.3, below). In addition, there must be no other mark lower than 60.

*Incomplete scripts:* it is essential that candidates follow the instructions on the paper: failure to do so may result in a penalty. A paper will not be deemed to have been fully answered if a whole question has been omitted, or, where part of a question is separately numbered or lettered, part of a question has been completely omitted. 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. Where a candidate completes the correct number of questions, but fails to answer a question which is compulsory (for example where the candidate does not answer a problem question as required by the rubric of the subject paper), marks will be deducted and this will result in the candidate’s overall result in the paper being affected. 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.

It is important to appreciate that these conventions are not inflexible rules. The examiners have a residual discretion to deal with unusual cases and circumstances.

As for the discretion to depart from the normal conventions, candidates may be assured that it is not exercised except in very unusual circumstances in which the examiners are convinced that the convention would yield an indefensible result. The discretion has to be exercised rationally, and the primary component of rationality in this context is that all candidates should be subjected to exactly the same rules. It follows that the discretion will not be exercised in favour of a candidate merely because the marks very narrowly fail to satisfy the convention or against a candidate merely because they only very narrowly succeed in satisfying the convention.

### 3.1 Examination Procedures

Before marking begins, the team of markers for each paper meets to discuss how to treat individual questions and then liaise to exchange information about how candidates are handling questions. The marking process then involves the second marking of a random sample of scripts for each paper (if a particular paper only has a few candidates, then all the scripts may be second marked) after which all the markers for that paper meet and consider any differences arising, following which a single mark is agreed by the two markers of the scripts in question. Second marking is also applied to incomplete scripts (those on which questions haven't been fully answered), scripts where the exam paper rubric has been breached, potential prize-winning scripts, and any scripts identified by the first marker as unusual.

After this first stage, the examiners meet and compare the profiles for each paper, which may then lead to further re-readings to address any anomalies. Second marking will also be applied for candidates whose overall marks profiles place them on the distinction and fail borderlines, and may also be required to determine the winners of prizes. In exceptional circumstances (e.g. medical) third readings may take place.

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

### 4. Plagiarism

The work that you present for your examination (this includes assignments, projects, dissertations and examination papers) must be your own work and not the work of another individual. You should not quote or closely paraphrase passages from any source (including books, articles, webpages, lecture or seminar papers or presentations, or another student's work), without acknowledging and referencing that source. If you do present someone else's work as your own work, you are committing plagiarism. That is cheating and the Faculty and the University treat any alleged offence of plagiarism very seriously.

If you are unsure how to reference your work properly, and would like further advice, you should contact your Tutor or Supervisor, or the Director of Graduate Studies. Please also see <http://www.admin.ox.ac.uk/epsc/plagiarism/infograds.shtml> for more information (including an online tutorial) on plagiarism that has been developed by the University's Education Standards and Policy Committee. There are some particular areas of risk:

#### ***Getting ideas from other students' work.***

Students sometimes "borrow" work from other students. If the work is directly copied from them this will clearly be an obvious form of plagiarism but you also need to be aware that taking the structure and ideas from this work can also be plagiarism unless the source is acknowledged. Although it may sometimes be helpful to see how others have tackled issues, an important part of the learning exercise in Oxford is to work out how to present

an answer yourself. This is often an intellectual struggle but it is an important part of the educational process. By borrowing the work of others you therefore not only risk plagiarism but you are also less likely to develop your own intellectual abilities fully.

### **Articles etc.**

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

### **A brief example**

Source text, from S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 46 Cambridge Law Journal, 449, 455.

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

### **Plagiarised**

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

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

"Proprietary estoppel, like wrongs, unjust enrichment and other non-consensual sources of rights, always gives rise to an underlying personal liability"<sup>1</sup> and sometimes the courts will give a property right if necessary to protect reliance.

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

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<sup>1</sup> S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 46 Cambridge Law Journal, 449, 455

### **Non-Plagiarised**

Bright and McFarlane argue both that proprietary estoppel gives rise to personal liability and, further, that this will sometimes be coupled with a property right, but only if it is necessary to protect the reliance of the person to whom the representation was made.<sup>2</sup>

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

### **Textbooks and Cases**

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

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

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

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

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

## **5. Residence**

The three University "full" terms, called Michaelmas, Hilary and Trinity, last eight weeks each. But terms simply set the periods during which formal instruction by way of lectures and seminars and most tutorials are given. The University functions throughout the year: you will need to work in vacation as well as in term time (less reasonable breaks) and you should not in any way feel inhibited from making contact with your supervisor, college tutor or other member of the Faculty out of term.

The official requirements for residence are however measured by terms. Residence for a term means that you must have been in Oxford for 42 nights, not necessarily consecutive, during that term. (For this purpose the "term" is longer than the eight-week

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<sup>2</sup> S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 46 Cambridge Law Journal, 449, 455

full term: the relevant dates are given in the Examination Decrees, the University diary, and various other places.) Your college will be called on to certify this before you can obtain your degree.

## 6. MPhil/DPhil status after the BCL or MJur or MLF

Students who complete the BCL or MJur or MLF may then continue either to the MPhil or to DPhil/Probationer Research Status. Admission to the MPhil is available only to those who have completed the BCL and MJur or MLF and proceed directly to the MPhil in the next academic year (for the purposes of the regulations, the MPhil is viewed as being the second year of a two-year course and the BCL or MJur as the first year). Occasionally, students may be allowed to defer admission to the MPhil, but only in exceptional circumstances. If you complete the MPhil you may then continue to the DPhil (see section B 2.9 above). Alternatively, you may choose to seek admission to the doctoral programme immediately after the BCL or MJur or MLF in which case, rather than apply for the MPhil, you would apply for DPhil/Probationer Research Student status (this would involve your being admitted as a Probationer Research Student in the first instance before transferring to DPhil status as described in Section B 2.8 above). In both cases, admission will be conditional on the quality of your research proposal, availability of supervision, and any other academic conditions imposed by the relevant subject group – this will normally mean attaining a particular average in the BCL/MJur/MLF examinations (the figure in question will vary between subject groups and candidates). There are various considerations that may lead you to choose to one of these two routes rather than the other: you may only want to do a one-year masters research degree rather than proceeding to the doctorate, or you may want to attain the additional qualification of the MPhil before proceeding to the DPhil. Conversely, there may be considerations such as funding that would lead you to choose the DPhil/PRS route. Home/EU students should note that the AHRC do not provide grants for those taking the MPhil.

### 6.1 How to apply for admission to the MPhil or to DPhil/PRS status

Providing there is no break in your study and you apply to be admitted the academic year directly following that in which you took the BCL/MJur/MLF, you may apply using the readmissions forms available from the Student Self Service system (<https://www.studentsystem.ox.ac.uk>). These will be pre-populated with details that the University currently has on record for you, such as your personal details and your previous qualifications, but you will need to enter details of the programme you intend to study and any changes to the data we hold in your record. Apart from the OSS form, those going on to M.Phil. will also be required to submit a research proposal and a Law 1 form obtainable from the Graduate Studies website at <http://www.ox.ac.uk/students/academic/graduates/forms/> whilst those going on to PRS status will be required to submit a research proposal. The proposal should be approximately two pages in length and should have a working title and a short synopsis and, unless it is self-evident, should indicate the areas or subject matter the proposed dissertation will cover. In both cases, applications should be submitted by 18 January 2013.

## 7. Undertaking paid work as a BCL or MJur student

The Faculty strongly advises BCL and MJur students against the undertaking of any paid work during term time – the BCL and MJur are very demanding courses and we feel the doing so is likely to have a detrimental effect on your studies and your final exam results. However, there is a general convention that graduates may undertake up to six hours per week of paid work and that also applies to BCL and MJur students. The Faculty would not normally expect to employ current BCL and MJur students in any capacity (e.g. as tutors or research assistants to Faculty members).

## 8. Courses in the BCL and MJur

### 8.1 The Available Courses

Below is a listing of all the courses which are currently recognised as available to be taken in the BCL and/or MJur.

The courses are grouped into two categories. This is of significance for the rules governing the availability of these courses for those doing the BCL or MJur which are described below.

**List I** Courses available to BCL and MJur students alike.

\* Indicates courses for which a prior knowledge of the relevant aspects of common law is necessary/desirable – MJur students are advised that they should familiarise themselves with those aspects of Common law underpinning the subjects in question if they do wish to take these options.

Advanced Property and Trusts  
 Commercial Remedies  
 Comparative and European Corporate Law [Not running in 2012-13]  
 Comparative and Global Environmental law  
 Comparative Equality Law  
 Comparative Human Rights  
 Comparative Public Law  
 Competition Law  
 Conflict of Laws  
 Constitutional Principles of the EU  
 Constitutional Theory  
 Corporate and Business Taxation  
 Corporate Finance Law  
 Corporate Insolvency Law\*  
 Criminal Justice and Human Rights  
 European Business Regulation (the law of the EU's internal market)  
 European Intellectual Property Law  
 European Private Law: Contract  
 European Union as an Actor in International Law [Not running in 2012-13]  
 Evidence\*  
 International and European Employment Law  
 International Law and Armed Conflict  
 International Dispute Settlement

International Economic Law  
 International Law of the Sea [ Not running in 2012-13]  
 Jurisprudence and Political Theory  
 Law and Society in Medieval England  
 Law in Society  
 Medical Law and Ethics  
 Personal Taxation  
 Philosophical Foundations of the Common Law\*  
 Principles of Civil Procedure  
 Principles of Financial Regulation  
 Punishment, Security and the State  
 Regulation [Not running in 2012-13]  
 Restitution of Unjust Enrichment\*  
 Roman Law (Delict)  
 The Roman and Civilian Law of Contracts

**List II** Courses derived from the syllabus of the BA in Jurisprudence (available to MJur students only, who may pick one course only from this list)

Administrative Law  
 Commercial law  
 Company law  
 Comparative Law: Contract  
 Contract  
 Copyright, Patents and Allied Rights (may not be taken in conjunction with Copyright, Trademarks and Allied Rights or European Intellectual Property Law)  
 Copyright, Trademarks and Allied Rights (may not be taken in conjunction with Copyright, Patents and Allied rights or European Intellectual Property Law)  
 EU Law (may not be taken in conjunction with Constitutional Principles of the EU from list I)  
 EU Human Rights  
 Family  
 Land

Any amendment to the above list of courses will be posted in the Law Faculty Office by the Monday of week minus 1 of the first term (generally late September) (in the case of new subjects, announcement will be made in the Oxford University Gazette by the same date).

## 8.2. Course Requirements and Permitted Combinations of Courses

- (a) If you are a BCL student, you must take any four options from List I, or three options from List I and a dissertation (subject to the rules below):
- (b) If you are a MJur student, you must take either
  - (i) Any four options from list I
  - (ii) Three options from list I and one option from list II
  - (iii) Three options from list I and a dissertation (subject to the rules below)
  - (iv) Two options from list I, one option from list II, and a dissertation.
- (c) Whether you are a BCL or a MJur student, you may not take:

- (i) Two courses having the same syllabus;
- (ii) Any course with the same title and/or syllabus as one which you have previously taken in the Oxford BA in Jurisprudence or Diploma in Legal Studies.

The timetable for BCL/MJur teaching is crowded and some combinations of courses are impossible. The impossible combinations have been chosen to minimise the number of students typically affected. You can find the latest list of incompatible courses at <http://denning.law.ox.ac.uk/postgraduate/clashes.shtml>

### **8.3 Optional Dissertation in the BCL and MJur**

A BCL or MJur student can offer a dissertation, in lieu of one written examination.

The dissertation must be written in English

It must not exceed 12,500 words which includes notes, but which does not include tables of cases or other legal sources.

The subject must be approved by the Graduate Studies Committee.

The Committee will take account of the subject matter and the availability of appropriate supervision. Candidates must submit the proposed title and description of the dissertation in not more than 500 words, not later than Monday, Week Minus One of Michaelmas Term (the first day of registration) to the Academic Administrator.

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

The dissertation (two copies) must be delivered to the Clerk of the Examination Schools for the attention of the Chairman of the BCL and MJur Examiners. It must arrive not later than noon on the Friday of fifth week of the Trinity Full Term in which the examination is to be taken.

The topic of your dissertation may (and often will) be within the area of one or more of your taught courses, and/or in an area which you have studied previously. But any part of the dissertation which you have previously submitted or intend to submit in connection with any other degree must be excluded from consideration by the BCL and MJur Examiners. Although BCL students cannot take the List III courses, they are allowed to offer a dissertation within these fields. BCL students may offer a dissertation which does not fall into the field of any BCL course, if a suitable supervisor within the Faculty can be found. Candidates for the MJur will not normally be given approval to do a dissertation on a subject which falls within List I (those subjects which entail an advanced knowledge of the common law).

Once you have received approval for your dissertation topic at the start of Michaelmas term, the topic may not be changed. This is because supervisors and examiners have already been approached and have agreed to act on the strength of the original proposal.

However, it is accepted that, in the light of your work on the dissertation, the title (not the topic) may change. If that happens, you should agree a new title with your supervisor then email both the new title and the old title to Geraldine Malloy [geraldine.malloy@law.ox.ac.uk](mailto:geraldine.malloy@law.ox.ac.uk) and ask your supervisor to send an email indicating that he/she supports the proposed change. Approval for the change will then be sought from the Board of examiners. Proposed new titles should be communicated to Geraldine Malloy as soon as possible and no later than **Friday of week 1 of Trinity Term**. If your dissertation is submitted with a title different from that approved, the examiners have the right to refuse to examine it.

Please be aware that you must follow the Law Faculty's format for theses in writing your dissertation. See section 6.3.

#### **8.4 Registration for BCL/MJur courses**

You register for your choice of courses using the Faculty's online registration system. Registration is during week 1. It is possible to change courses later (any time up to the end of week 4, when you submit your examination entry form through your college) but changing your course choice after week 1 will incur the risk of additional timetable clashes in Hilary Term or Trinity Term, as well as the risk of a less satisfactory examination timetable.

In exceptional circumstances, it is possible to change your options after week 4 of Michaelmas Term. Please note however, that changes of course after the Friday of the First Week of Hilary Term are prohibited.

### **9. Descriptions of Courses in the BCL/MJur**

Please note: (i) Teaching in some subjects may not be available every year; (ii) Every effort has been made to ensure that references to statutory materials to be supplied in examinations are correct at the time of going to press, but these are liable to change and definitive information will be provided to candidates by examiners nearer the time of the examinations; (iii) Descriptions of List III subjects can be found under the FHS Syllabus in the Student Handbook (Undergraduate Students).

#### **Advanced Property and Trusts**

The course explores the foundations of the institutions of property and trusts. It combines conceptual and functional analysis of doctrine with more abstract theoretical enquiry. Ideas and perspectives are drawn from moral and political philosophy, history, and economics, as well as more formally legal, comparative and jurisprudential analyses. Some knowledge of the legal details of property in one or other legal system will be essential for students taking the course. A common-law background is not a prerequisite; much use will be made of English law and other common law systems, but we will also draw upon civilian legal systems in our explorations.

The course gives students an opportunity to study fundamental institutions of private law with wide ramifications in the social sciences and humanities. Students will be exposed to the widest possible range of research and teaching in property law and trusts drawing on visiting scholars as well as Oxford faculty. The topics discussed are all ripe for exploration as areas of future research.

The course will divide into three areas:

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

The course will be taught by means of seminars supplemented by lectures and tutorials, led by the convenors, Joshua Getzler and Alexandra Braun. The core seminars are spread over Michaelmas and Hilary terms. Students will be provided with course materials accessible through the internet and the intranet, together with material in university and college libraries. Students will explore the reading materials and address a set of thematic questions, on which they will be asked to prepare brief notes. In approximately the fourth and eighth weeks of Michaelmas and Hilary terms seminars will not be given; instead tutorials will be provided in those four weeks, for which students will be asked to prepare essays on given topics. Each student will thus have the opportunity to take a set of up to four tutorials in the midst of their seminar learning across the first two terms. In Trinity Term students will be given the opportunity to consolidate their learning in occasional seminars where they will take the lead in discussion and in presenting topics, with extra readings supplied to help with deeper exploration of issues. The tutorials and third-term seminars will assist students in preparing for assessment.

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

The course is taught mainly by:

Joshua Getzler, Professor of Law and Legal History, Fellow of St Hugh's College  
Alexandra Braun, CUF Lecturer in Law, Fellow of Lady Margaret Hall

**Materials available in exam:** This will be a closed-book examination.

### **Commercial Remedies**

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

The intention is to have 11-12 seminars, 4 tutorials and 2 introductory lectures, across Michaelmas and Hilary. The standard exam for the BCL (ie, 3 hour closed book) will be

set. The course will be primarily structured in terms of the functions or goals of the different civil remedies. It will therefore cover, for example, compensation, restitution for wrongs, punishment, declaring rights, compelling performance, preventing (or compelling the undoing of) a wrong, termination for breach of contract, agreed remedies, and election between remedies.

### **Comparative and European Corporate Law - [Not running in 2012-13]**

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

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

The course assumes students have knowledge of the basic structure of corporate laws, such as would be gained from an undergraduate course (regardless of jurisdiction). MJur students who have previously studied company law in another jurisdiction may find it helpful to take Company Law at the same time.

The teaching group comprises Professor J Armour, and Ms J Payne. Teaching consists of a combination of lectures, seminars, and tutorials. Guest lectures by visiting academics may also be given at various points.

### **Comparative and Global Environmental Law**

Environmental law regimes now operate at the local, national, transnational and international levels in relation to a wide range of environmental problems. This course is a study of these regimes in comparative perspective so as to highlight not only the similarities and differences between them, but also the types of intellectual challenges they create for scholars and lawyers. In particular, a feature of these regimes is their legal and regulatory complexity. Topics covered include the role and nature of environmental principles; the role of courts; the nature of environmental decision-making processes (including the roles of science and participation); environmental impact assessment; nature conservation; chemicals regulation; transgenic agricultural regulation; integrated pollution control; emission trading schemes; commercial transactions; and private law. Reading will be drawn from case law, policy, legal, socio-legal and interdisciplinary literature and consists of 14 seminars and 4 tutorials which will run over MT, HT and the first third of TT. There are no pre-requisites for the course.

The convenor for the course is Dr Liz Fisher and the course is taught by a small group of Faculty members.

### **Comparative Equality Law**

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

The first half of the course approaches the subject thematically, while the second half of the course addresses individual grounds, ending with a consideration of remedial structures. Theory is integrated throughout the course, and the relationship between grounds of discrimination and other human rights is explored. The course will be predominantly based on materials from the US, Canada, South Africa, India, the UK, EU, and ECHR, although some materials from other Commonwealth countries or individual European countries will be included. International human rights instruments are also examined. Employment related discrimination is generally dealt with in the International and European Employment Law course. The course does not require previous knowledge of equality or discrimination law.

The course is taught by a series of 14 seminars, in MT and HT. A number of lectures will be provided at the beginning of the course providing a 'toolkit' on various specific issues such as comparative methodology. There will be a tutorial at the end of each term and two further tutorials in TT. A series of guest seminars will be arranged throughout the year, but particularly in TT. The course is taught by Professor Sandra Fredman, Dr Tarunabh Khaitan, Mr Nick Bamforth and Dr Cathryn Costello., Justice Kate O'Regan (one of the first justices on the South African Constitutional Court) will give a series of seminars in TT.

**Teaching Conventions:** The course is structured as follows:

1. Theory: Two seminars deal expressly with theories of equality, examining the development from formal to substantive equality; and considering the relationship with other key concepts, such as autonomy, social inclusion, dignity and diversity. These theoretical insights are integrated and re-visited in the substantive law that follows.
2. Context and comparative methodology: This seminar situates each jurisdiction in its legal, social and historical context, and addresses contrasts and similarities. This functions as an important basis for comparative methodology.
3. Grounds: This seminar asks how protected groups have been identified in different jurisdictions in the light of the theoretical issues identified earlier.
4. Legal concepts: Two seminars address the legal concepts used in different jurisdictions to encapsulate the right to equality and non-discrimination. These include

direct discrimination or disparate treatment; indirect discrimination or disparate impact; duties of accommodation; proportionality and justification.

5. Affirmative action: The final seminar in this part of the course uses affirmative action to test the theoretical, comparative and substantive concepts developed thus far.

6. Specific grounds: Six seminars in the second term are devoted to specific grounds (race, gender, sexual orientation, religion and belief, disability and socio-economic disadvantage) in each case dealing with theory, comparative jurisprudence, international conventions and interaction with other human rights. For example, the seminar on race deals with the meaning of 'race', critical race theory, the relationship between 'race,' ethnicity, colour and nationality; as well as race hate speech and minority rights. It draws on comparative jurisprudence as well as international and regional instruments on race and minority rights. Specific attention is also paid to intersectional discrimination and conflicts between different grounds.

7. Remedies and compliance: This seminar considers judicial and non-judicial enforcement measures with particular emphasis on proactive duties.

### **Comparative Human Rights**

The course involves a study of human rights drawing on legal materials primarily (though not exclusively) from the United Kingdom, the United States, the Commonwealth and Europe. The course considers the meaning of particular human rights and their significance in theory and in practice, and the approaches taken by the legal institutions designed to protect them at the national and European regional levels, including those of the European Convention on Human Rights and the European Union. A number of specific substantive issues (most notably, freedom of speech and protection from discrimination) are studied in depth to illustrate the complex interplay between theory, legal concepts and procedure, and between legal and non-legal sources of protection.

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

Teaching is in the form of a two-hour seminar which runs each week during Michaelmas and Hilary Terms.

### **Comparative Public Law**

Judicial protection against unlawful (and sometimes lawful) legislative and administrative acts or rules is of concern to individuals and companies in a variety of contexts. This course covers the central aspects of procedural and substantive judicial review under the public law of England, France and the European Union. The course will consider these issues against the constitutional framework which exists in the three systems.

Throughout the course the emphasis will be on making comparisons between the different systems. To facilitate this each of the topics studied will be analysed within the same week's work.

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

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

Advice on this and other aspects of the course is available from the course convenor, Professor P P Craig (St. Johns College). The course is taught by Professor P P Craig, S. Boyron and Dr A Young.

Teaching is primarily through lectures and seminars in Michaelmas and Hilary terms. Tutorials will be available in Trinity Term. The structure of the course is as follows. In Michaelmas Term there will be lectures which deal with the central aspects of procedural and substantive review in the three systems. The lectures are designed to lay the foundations for seminar discussion that will take place in Hilary Term, and the first half of Trinity Term. The lectures and seminars will cover the following topics: the constitutional foundations of the three systems; procedural review; review for jurisdictional error; improper purposes; irrationality; proportionality; legitimate expectations; equality; and fundamental rights; damages actions, including damages for losses caused by lawful governmental action.

**Teaching Conventions:** The treatment of substantive law takes account wherever appropriate of the different procedures which are applicable under the laws of the United Kingdom, France, and the European Communities. Some of the examination questions will enable candidates to place principal emphasis on comparison between any two of the three systems studied during the course. Other examination questions will require candidates to make comparisons between all three systems.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

## Competition Law

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

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

**Seminars:** Competition law is taught in seminars by Dr Ariel Ezrachi, Slaughter and May University Lecturer in Competition Law, and Mr Aidan Robertson, visiting lecturer and barrister, Brick Court Chambers.

**Tutorials:** In addition to the seminars, a course of four tutorials will be given in the Hilary and Trinity terms. Tutorial arrangements will be made in due course. All students taking

tutorials will be asked to submit written work before they attend tutorials.

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

### **Teaching Conventions:**

The teaching of this subject is based on the assumption that the matters listed below are included in the syllabus: (i) European Union law under Articles 81-86 Treaty of Rome, and Regulation 139/2004 EC (the EC Merger Regulation); (ii) United Kingdom competition legislation set out in the Competition Act 1998 and the Enterprise Act 2002 together with associated subsidiary legislation. Knowledge is also required of the common law doctrine of restraint of trade, though not as it applies to employment contracts; (iii) The practice and procedure of governmental institutions in the application of competition law; (iv) The general principles of economics relating to competition law.

Detailed knowledge is not required of specific UK statutes, applying competition policy in specific industries, including the Financial Services, Telecommunications, Water, Gas, Electric and Rail industries.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

For The University of Oxford Centre for Competition Law and Policy see:  
[www.competition-law.ox.ac.uk](http://www.competition-law.ox.ac.uk)

### **Conflict of Laws**

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

In England the subject has an increasingly European dimension, not only in relation to the jurisdiction of courts and the recognition and enforcement of judgements but also for choice of law as it applies to contractual and non-contractual obligations. The purpose of the course is to examine the areas studied by reference to case law and statute, and to aim at acquiring an understanding of the rules, their operation and inter-relationship, as would be necessary to deal with a problem arising in international commercial litigation.

The teaching is principally in the hands of Adrian Briggs and Edwin Peel. In principle the course is introduced by a set of lectures, covered by a set of seminars which take the form of problem classes; and supplemented by a diet of tutorials.

### **Teaching Conventions:**

Candidates will not be required to show knowledge of (i) state and diplomatic immunities; (ii) jurisdiction in admiralty actions in rem; (iii) family law and the law of persons; (iv) succession to property and the administration of estates; (v) negotiable instruments; (vi) foreign arbitral awards. Nevertheless candidates may be required to show such outline knowledge of the choice of law rules relating to marriage and the law of persons as is necessary to understand analyse and explain the doctrines of characterisation, *renvoi*, and the incidental question.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### **Constitutional Principles of the EU**

The purpose of this course is to provide an advanced understanding of the constitutional questions of the EU. We pose the general question whether the law of the European Union can make sense as a coherent order of principles. The subject matter is EU Law as it stands today, in light of the case law of the European Court of Justice and general principles that can be borrowed from domestic constitutional theory or public international law. The readings will constitute mostly of cases of the ECJ and opinions of the Advocate General, combined with some cases from the United Kingdom and suitable readings in law and jurisprudence. Topics will include the nature of the EU as a constitutional state in the making or a *sui generis* international organisation; the ECJ doctrine of the 'autonomy' of EU law; the principle of direct effect; the principle of supremacy; non-discrimination; citizenship; human rights; remedies and procedural autonomy. We shall discuss the diverse approaches in the works of scholars such as Lenaerts, Von Bogdandy, Kumm, Habermas, Weiler, MacCormick, Wyatt, Weatherill, Craig, Hartley, Kirchoff and others.

**Teaching Conventions:** Some knowledge of EU law is a requirement. A good background in jurisprudence, perhaps at undergraduate level at a UK university, will be an important advantage

### **Constitutional Theory**

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

**Teaching Conventions:** Detailed knowledge of the British Constitution is not presupposed. Though the course is not focused on the British Constitution, it may draw examples from the British Constitution to illustrate broader theoretical points.

### **Corporate and Business Taxation**

Are multi-national companies escaping taxation by tax planning and shifting profits? Where should they be paying tax and on what basis? Should we abolish corporation tax altogether and find some other way to tax business? Recent discussions in the media

and by politicians and pressure groups have underlined that this is not just a technical area. It raises ethical, political, constitutional and economic questions at both the national and international level.

This course is unusual in the extent to which it integrates all these approaches with a rigorous examination of the legal issues, making it suitable for all with a wide interest in the area as well as those wishing to specialise in taxation and/or corporate law.

Tax law is central to all businesses and of significance to many business transactions. It helps to shape business law and many commercial decisions. The Corporate and Business Taxation course is suitable not only for tax specialists but also for all students interested in business and commercial law at a practical or theoretical level. The course aims to introduce students to the issues surrounding taxation of domestic and multi-national corporations as well as that of unincorporated businesses. It uses UK tax law as a starting point for a broader study of tax principles, concepts and policy issues relevant to all tax systems at a national level. Using the same starting point, the course also examines some of the problems surrounding cross-border taxation ('international taxation') and the significant impact of EU law on business taxation. Detailed legal issues are studied in depth, always placed in their theoretical, economic and business context. Critical analysis of the policy underlying the law and the way it is implemented is encouraged, as is the introduction of comparative material from other jurisdictions. The course is therefore appropriate for students from a variety of backgrounds, whether or not they have studied tax before. It is regularly taken successfully by BCL and MJur students and MLFs also find that the course fits well with their other studies.

The course is taught by Judith Freedman, Professor of Taxation Law, and Glen Loutzenhiser, Pinsent Masons University Lecturer in Tax Law, with guest lectures from leading researchers at the Oxford University Centre of Business Taxation, and from other distinguished tax practitioners and visiting academics. For further information please contact Professor Freedman at [judith.freedman@law.ox.ac.uk](mailto:judith.freedman@law.ox.ac.uk)

No prior study of tax law, company law or economics is required, although those with no knowledge of company law may need to do a small amount of background reading, on which advice will be given. Students who have studied tax elsewhere will usually find the course builds on their previous studies well. There will be NO CALCULATIONS. Students must be prepared to read many types of material and consider how policy issues and technical law interact. UK tax law, which forms a key component of the course, is statute based, so legislation must be studied, but case law is also important. Readings from public finance and accounting literature will be recommended on some topics: these will be accessible without specialist knowledge. Many of the readings will be available electronically and detailed reading lists, materials and guidance are posted on Weblearn. The syllabus is wide and the subject fast moving, so that the precise focus may vary from year to year.

Central themes are

The tax base- i.e. what should be taxed and when? If we are to tax profit, how should this be defined? What are the alternative bases for taxation?

The unit of taxation i.e. who should be taxed? The individual? The single company? The corporate group as a whole? A multi-national group as a whole? The ultimate shareholders? Consumers?

How are taxes at each level integrated with each other?

What are the special problems of small business taxation?

What distortions and problems are encountered in corporation tax, especially corporate financing, and how are these used in tax planning - e.g. the debt/equity differential; use of tax incentives; corporate residence; transfer pricing in multinational groups?

Who should do the taxing and set the rules? How should taxation be allocated between jurisdictions in the light of increasing mobility of capital and technological developments?

What is the role of national governments, international bodies such as the European Union, the EU Court of Justice and the OECD? What is the role of double taxation treaties? Is there a future for a Common Consolidated Corporate Tax Base in the EU?

What is tax avoidance in a business context and how, and to what extent, should it be restricted? To what extent and how can this be done by national tax authorities and what forms of international co-operation are possible for controlling transfer pricing, the use of low tax areas and similar activities?

The examination format allows students to focus on areas and approaches that interest them, although the entire course must be studied to gain a complete overview and understanding. The teaching consists of lectures and seminars spread over Michaelmas and Hilary terms with two or three lectures in Trinity Term. Some of the lectures provide background structure for the seminars and some are given by very distinguished guest lecturers drawn from practice and academia. There are four tutorials given by the course lecturers - one in MT, one in HT and two in TT. Written work is set and marked for each tutorial.

If you would like to look at some materials you can find some contrasting views from [The Tax Justice Network](#) and from the [Confederation of British Industry](#).

For an excellent book on the need for radical reform of tax law, see the [Mirrlees Review](#)

You could also visit the [Oxford University Centre for Business Taxation](#) site.

For full reading guides see Weblearn resources.

**Teaching Conventions:** Examination questions will not be set on the details of VAT or stamp duty nor directly on material taught in detail on the Personal Taxation Course.

**Materials available in exam:** Tax legislation: details to be advised.

## Corporate Finance Law

The limited company is a hugely popular business vehicle, and the primary reason for this is its ability to act as a successful vehicle for raising business finance and diversifying financial risk. All companies need to raise money in order to function successfully. It is these "money matters" which are at the heart of corporate law, and an understanding of the ways in which companies can raise money, and the manner in which their money-raising activities are regulated, is central to an understanding of how companies function. The aims of the course are (a) to explain the complex statutory provisions governing the issue and marketing of corporate securities, against the background of business transactions; (b) to explore the fundamental legal propositions around which corporate finance transactions are usually organised and (c) to examine the means by which money is raised by borrowing and quasi-debt and different methods of securing debt obligations. Technical issues will therefore be placed in their economic and business context. There is a strong emphasis on the policy issues underlying the legal rules. The course focuses on the forms of corporate finance and on the structure

and regulation of capital markets. The course also examines the attributes of the main types of securities issued by companies and the legal doctrines which are designed to resolve the conflicts of interests between shareholders and creditors. Consideration is given to the EU directives affecting the financial markets, especially the manner in which they have been implemented into English law. Many of the issues arising are of international importance and the course examines the harmonisation of these matters within the EU.

This course will be of interest to any student wishing to develop a knowledge of corporate law, as well as to those who are corporate finance specialists. No prior knowledge of the subject is required, nor is it necessary to have studied company law, though this will be of significant advantage. Those with no knowledge of company law will need to do some additional background reading prior to the start of seminars, and advice can be given on this issue. MJur students are welcome, especially if they have prior knowledge of corporate finance in their own jurisdictions, but they must be prepared to engage with the case law and with UK statutes where appropriate.

The teaching group comprises Professor Paul Davies, Professor L Gullifer, Mr C Hare, Professor J Payne and Mr J Prassl. The teaching consists of lectures and seminars in Michaelmas and Hilary terms, and four tutorials spread across the year. The tutorials will be arranged in the seminars. Corporate finance practitioners will also give guest lectures throughout the year.

The main areas studied are: 1. Equity financing including the legal nature of shares, minimum capital requirements, payment for shares, raising additional capital, dividends, reductions of capital, financial assistance, gearing issues, and reform options in these areas. 2. Legal issues arising in relation to secured and unsecured debt, including analysis of contractual techniques for the protection of creditors such as covenants, set-off, guarantees and other credit protection. 3. Analysis of proprietary techniques for the protection of creditors, including the different forms of security, priority between different creditors, re-characterisation issues and the reform of this area of the law. 4. Legal issues arising from the transfer of debt, and from debt structures involving multiple lenders such as bond issues and syndicated loans. 5. Public distributions including choice of market issues, the role of institutional investors, the structure and regulation of public offers and listing, enforcement of the listing rules and civil liability for defective prospectuses. 6. The ongoing regulation of the capital markets including disclosure issues, insider dealing and market abuse. 7. Takeovers including the regulation of takeovers, the duties of the target board, equality of treatment of shareholders, the rationales for takeovers, and a comparison with schemes of arrangement. 8. The use of private equity in corporate finance. 9. The role of corporate governance in corporate finance.

**Materials available in exam:** Butterworth's Company Law Handbook (2009). Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### Corporate Insolvency Law

Corporate insolvency gives rise to a number of fascinating and complex questions. Which assets can be claimed by the company's creditors? What should be done with them? How should the proceeds raised be distributed amongst the creditors? How should those responsible for the company's losses be dealt with? In addition, many interesting questions from other areas of law (particularly property law) come to be raised and explored in the context of insolvency. The course seeks to develop an understanding of the ways these issues are resolved by the current law. Students will also be expected

to analyse and evaluate the law, and consideration will be paid to the business context in which insolvency disputes arise.

The course begins with an overview of the functions of insolvency procedures. It then examines, in the context of winding-up, the relationship between insolvency law and the general law of property and obligation, and the extent to which insolvency law interferes with rights accrued under the general law, and examines the rationality of the legal principles underlying the rules relating to the treatment of claims and the distribution of assets in winding up. The course then turns to consider procedures that are capable of securing the continuation of viable businesses, often referred to as "corporate rescue". The most significant of these is the administration procedure, but administrative receivership, which it is gradually replacing, is also still of some practical importance. They raise interesting and complex questions about the allocation of decision-making power, and the mechanisms for ensuring the accountability of decision-makers. More informal procedures, in particular schemes of arrangement, are also considered. Company law also has a role to play in relation to insolvent companies, raising in particular such questions as the liability of a parent for the debts of its subsidiary and the responsibilities of directors under general law and under insolvency legislation. Lastly, the issues discussed throughout the course are considered in a comparative context, and the problem of cross-border insolvency, particularly in the context of the EC Regulation on Insolvency Proceedings, is examined.

No prior knowledge of the subject is required, nor is it necessary to have studied company law, though this is of some advantage. MJur students are welcome, especially if they have prior knowledge of corporate insolvency in their own jurisdictions, but they must be prepared to engage with the case law and with UK statutes where appropriate.

The teaching group comprises Professor J Armour, Professor L Gullifer, Professor J Payne, Professor G Moss and Professor H Eidenmueller. The teaching consists of a combination of lectures and seminars. Guest lectures by visiting academics and practitioners may also be given at various points. Revision tutorials will be arranged in the seminars.

**Materials available in exam:** Butterworths Company Law Handbook (latest edition) . Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### **Criminal Justice and Human Rights**

This course will look at the development of human rights principles in relation to the criminal justice system, looking in detail at the interaction between human rights discourse and the theory and practice of criminal justice. The focus will be upon the European Convention of Human Rights and the Human Rights Act 1998, in relation to the criminal justice system of England and Wales, but further comparative material from other jurisdictions will be drawn upon where relevant. After beginning with a critical look at human rights discourse, the course will adopt the method of detail – taking a number of discrete topics and examining each of them in terms of the theoretical underpinnings of the particular right, the human rights reasoning adopted by the courts, and the implications for criminal justice policy. Among the rights thus examined will be the privilege against self-incrimination, the right to privacy in relation to surveillance, and the protection of personal liberty with respect to imprisonment. The course will end by drawing out specific themes relating to human rights and anti-terrorist measures, and more generally the interface between human rights and security concerns.

Teaching will be delivered in the form of weekly seminars, held in the first six weeks of Michaelmas and Hilary terms. All students enrolled in this course are expected to attend these seminars, and to read and think about the assigned materials in advance of the seminar. The seminar will be introduced by a Faculty member, followed by discussion, usually based around a set of questions distributed in advance. Tutorials in this subject will be available in the first four weeks of Trinity Term.

**Teaching Conventions:** Teaching in this subject is based primarily on seminar reading lists which will be provided by the course co-ordinator at the start of each term. These reading lists indicate the essential material with which students are expected to be familiar in the examination and may also indicate some further reading. No statutory or other material is provided to students in the examination.

### **Dissertation**

A BCL, MJur or MLF student can offer a dissertation, in lieu of one law option. The dissertation must be written in English. It must not exceed 12,500 words which includes notes, but which does not include tables of cases or other legal sources. The subject must be approved by the Graduate Studies Committee. The Committee will take account of the subject matter and the availability of appropriate supervision. Candidates must submit the proposed title and description of the dissertation in not more than 500 words, not later than Monday, Week Minus Two of Michaelmas Term to the Academic Administrator

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

The dissertation (two copies) must be delivered to the Clerk of the Examination Schools for the attention of the Chairman of the BCL and MJur Examiners, or the Chairman of the MLF Examiners, as appropriate. It must arrive not later than noon on the Friday of fifth week of the Trinity Full Term in which the examination is to be taken.

The topic of your dissertation may (and often will) be within the area of one or more of your taught courses, and/or in an area which you have studied previously. But any part of the dissertation which you have previously submitted or intend to submit in connection with any other degree must be excluded from consideration by the BCL, MJur and MLF Examiners.

Although BCL students cannot take the List III courses, they are allowed to offer a dissertation within these fields. BCL students may offer a dissertation which does not fall into the field of any BCL course, if a suitable supervisor within the Faculty can be found. Candidates for the MJur will not normally be given approval to do a dissertation on a subject which falls within List I (those subjects which entail an advanced knowledge of the common law).

### **Teaching Conventions:**

Once you have received approval for your dissertation topic at the start of Michaelmas term, the topic may not be changed. This is because supervisors and examiners have

already been approached and have agreed to act on the strength of the original proposal. However, it is accepted that, in the light of your work on the dissertation, the title (not the topic) may change. There is a mandatory procedure for you to follow in the event that you wish to change the title of your dissertation. It is not enough for you simply to enter your revised title on the BCL/MJur/MLF examination entry form. Nor may you enter such a revised title on your BCL/MJur/MLF examination entry form without first going through the following procedure. The procedure is to fill in the form at [www.ox.ac.uk/students/course\\_guidance\\_supervision/graduates/forms/](http://www.ox.ac.uk/students/course_guidance_supervision/graduates/forms/) and submit this to Geraldine Malloy (Geraldine.malloy@law.ox.ac.uk) for the approval of the Director of Graduate Studies. The form must be submitted no later than the Friday of week 3 of Trinity Term. If your dissertation is submitted with a title different from that approved, the examiners have the right to refuse to examine it.

Please be aware that you must follow the Law Faculty's format for theses in writing your dissertation. See section 6.3 of the Graduate Student Handbook (for the BCL/MJur) and section 7 of the MLF Student Handbook (for the MLF).

### **European Business Regulation: the law of the EU's internal market**

This course examines the legal basis of the "level playing field" of the internal market of the European Union, covering the law of free movement across borders (goods, establishment and services), as well as competence to regulate the internal market, with special reference to the function of harmonisation of laws. Some or all of selected topics in public procurement, consumer law, company law, state aids and energy law will be addressed. The principal course objective is to enable students to acquire knowledge and understanding of the law in relation to the above subject matter, and to be able to discuss critically at an advanced level the legal and policy issues arising there from - including in particular the relationship between the judicial and the legislative contributions to the making of the EU's internal market.

The normal pattern of teaching involves seminars and lectures in Michaelmas and Hilary Terms, and tutorials in Trinity Term. The teaching group includes, but is not necessarily limited to, Professor S R Weatherill, Dr Angus Johnston, Professor D A Wyatt.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### **European Intellectual Property Law**

The course in European Intellectual Property Law covers all the main forms of intellectual property (principally, copyright, trade mark and patent). It explores the theoretical foundations of and justification for the different rights as well as their application in a number of settings. The most contested issues in intellectual property law are closely connected to developments throughout the arts and technology, as well as to evolutions in marketing and popular culture, and thus the course will be of interest to students from a number of backgrounds and with a variety of interests. In the United Kingdom, intellectual property law is increasingly Europeanised, which informs the structure and content of this course. Because European law is both informed by international developments in the field, and in turn informs the shape of intellectual property law in so many countries throughout the world, the course thus takes on an international and comparative dimension. The course is taught by Professor Graeme Dinwoodie, Professor Ansgar Ohly, Dr Justine Pila and Dr. Emily Hudson in a series of lectures, seminars and tutorials over Michaelmas, Hilary and Trinity Terms. Teaching is through fourteen seminars. The seminars are supported by four introductory lectures (one at the beginning

of the course and one as we start discussion of each of Copyright, Trade Marks and Patents), and by the provision of six tutorials. Reading lists are posted using Weblearn. Students taking the course may also audit the undergraduate IP seminars of Lord Hoffmann, Dr Pila, and Dr. Hudson.

This course will be taught by Professor Dinwoodie, Professor Ohly, Dr Pila and Dr Hudson in a series of lectures, seminars and tutorials held in Michaelmas, Hilary and Trinity Terms.

### **European Private Law: Contract**

European Private Law is an emerging and dynamic subject. It concerns the gradual approximation and harmonisation of the national private laws of the European Union's Member States, one of the most fascinating contemporary developments in the law. The Europeanisation of private law has two dimensions. One is fairly imminent and extremely relevant to legal practice. It concerns the implications of existing legislation and case-law emanating from the organs of the EU for national private laws. The other is more forward-looking and rather of a scholarly nature. It relates to a number of academic proposals for common European rules and principles in the area of private law, based on thorough comparative research. Thus European Private Law combines issues from at least three branches of legal scholarship, ie European Law, (national) Private Law and Comparative Law.

The course attempts to combine these disciplines, constantly approaching particular problems from a European point of view as well as from the perspective of various national private laws, thus necessarily adopting a comparative approach. The course first considers fundamental questions relating to the desirability, the constitutional legitimacy and the feasibility of the harmonisation of Private Law in Europe. An overview of the existing state of European Private Law, the imminent developments and the long-term proposals by various groups of academics is provided. The main part of the course consists in the study of a limited number of specific substantive issues taken from one of the core areas of private law, the law of contract. These are studied, as far as possible, with reference to primary materials, ie legislation and case law, and are likely to include topics such as pre-contractual liability, formation of contract, third parties in contract, mistake, good faith, standard terms, supervening events, breach of contract and remedies. Examples from national legal systems will mainly be drawn from English, French and German law. If, however, another legal system offers an interesting and original solution this will also be taken into account.

This approach already indicates that the course does not aspire to cover the whole of contract law with all its, say, constitutional and procedural implications, in all or even the most important European legal systems, but is rather of a more topical nature. The search is for – common or diverging – solutions to legal problems arising in all legal systems (including EU law and recent proposals for further harmonisation). These are looked at both from a rather technical point of view and with respect to the underlying principles so that a balance between 'black letter' law and general policy issues is struck. Participants will thus be in a position to evaluate the status quo of European contract law(s), the potential for further harmonisation and the methodological implications of this process. The principal objective of the course is to enable students to acquire knowledge and understanding in the area of European Private Law and to discuss and assess critically at an advanced level the legal and policy issues arising therefrom. Participants may expect to gain a deeper understanding of the nature of contract law, basic knowledge of the major European traditions in this area of the law and the ability to master a wide range of strongly heterogeneous sources – all of which are competences and skills of increasing importance in a Europe growing together.

**Materials available in exam:** Details to be advised. Materials supplied when the examination was last set (2011) are listed on the front of that year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### **European Union as an Actor in International Law - [Not running in 2012-13]**

The process of European integration has entailed a transfer of foreign relations powers from the Member States to the European Union (EU) that does not follow the lines of any other legal development. It is different from the experience of federal States, in so far as the devolution of foreign relations powers is only partial, and it has certainly not entailed the disappearance of the Member States as international legal persons. On the other hand, the quantity and the quality of the functions exercised by the EU on the international plane, and its capacity to develop its own course of foreign relations, makes it an entity with few, if any, traces of resemblance with other existing international organisations.

The course deals with questions at the intersection of European law, public international law, and international relations. It looks both to the inside, giving an overview of the foreign relations law of the EU, and to the outside, examining the legal framework in which the EU acts on the international plane. Looking at some of the core areas of international law, the course examines the problems of and prospects for a supranational actor in a legal system which is still largely dominated by States. The ultimate question to be explored: Is international law adapting to a new actor or must the EU assume statehood to be a full actor in international law?

The course covers the following topics: the foreign relations law of the EU, the relationship between international law and European law, treaty relations of the EU and its member States (mixed agreements), the EU as a creator of customary international law, the EU as a member of international organizations and a party before international tribunals, international relations and diplomatic powers of the EU, promotion and enforcement of international law by the EU (sanctions, human rights, standards of democratic governance), the transatlantic divide between the EU and the US on matters of international law, violations of international law by the EU and its member States and their international responsibility.

The course is directed at graduates with an interest both in international law and European law. Basic knowledge of these subjects is an advantage. Students without such knowledge will be directed to basic reading in these fields.

Teaching consists of 12 two-hour seminars and four tutorials. The seminars aim to encourage extensive class participation and students will have the opportunity to present short papers for discussion by the group as a whole. Tutorials will provide the opportunity to write essays and discuss essay and examination technique. Seminars will be conducted in Michaelmas and Hilary Term. Tutorials will be held in Hilary and Trinity Term. Detailed handouts and reading lists are distributed during the year. In addition, there is a reader for the course available.

**Materials available in exam:** Blackstone's EC Legislation 2008-2009, 19th edition 2008; Blackstone's International Law Documents, 8th edition, 2007.

## Evidence

The Law of Evidence is a valuable subject in the BCL because it is in all common law jurisdictions still dominated by common principles. This means that overseas graduates can both bring more to it, and gain more from it.

The aim of the course is to establish the basic structure of this branch of the law to which all students can relate the knowledge they acquire so as to be able to grasp it instinctively and to be able to “think on their feet.” It is the one area which lawyers need to know in detail rather than know how to acquire since problems arise, often unexpectedly, in the course of a trial for which no preparation has been possible. The more thorough the understanding of basic principles the more readily the detail can be slotted in, or created. All of these features owe their existence to the fact that the law has been gradually accreted by individual decisions of the judges in the course of trials, sometimes without the benefit of extensive reference to materials. It is because judges have so often drawn upon their instinct for the fundamentals of this branch of the law that it has developed so similarly in different jurisdictions, and has largely resisted radical statutory intervention.

These factors have also created an opportunity for useful academic reflection to draw out the principles often left unarticulated beneath the surface of the decisions. The subject has benefited from a succession of particularly talented commentators such as Thayer and Wigmore in the United States, and Cross in the United Kingdom. It tends to be in the forefront of change as increasing efforts are made to streamline civil litigation, and to cope more effectively with an increasing tide of criminal cases. These have led to the proposal of a number of innovations such as the reform of the hearsay rule, and changes in the evidential use of silence or an accused person’s previous record. The law is also adapting to newer forms of record-keeping, and the exploitation of the possibilities offered by video-recording.

In all jurisdictions the subject is in constant ferment with new codes and consolidations under consideration or implemented. Since the subject tends to highlight perceived tension between the efficient resolution of disputes and the importance of resolving them fairly, it is never short of topicality or fierce controversy.

The course in Oxford concentrates more on central principles than on the minutiae of procedure, and makes an effort to draw upon the experience of the whole of the common law world.

Unlike most other BCL courses, the Law of Evidence is taught, as to the core, through 7 tutorials. There are also a range of lectures. Seminars, 6 in number, are held in Trinity Term.

A comprehensive reading list is available to support students reading the subject, and this is supplemented by a number of courses of lectures each developing a particular central aspect of the subject in more depth than is possible in a general survey of the whole subject. The main seminar currently takes place in Trinity term and is designed to explore particularly topical or difficult subjects by setting problems. The teaching group regards tutorials as very important, and these are arranged by the course convenor, at instance of college tutors. The examination is in the third week of the Summer vacation.

**Teaching Conventions:** The following topics comprise the elements of the examined course; General Concepts: Relevance and Admissibility; Burden and Standard of Proof; Presumptions; Functions of Judge and Jury; Witnesses (including Character); Course of

Evidence; Character of Parties; especially the Accused in Criminal Cases; Evidential Privileges; Public Interest Immunity; Opinion Evidence; Hearsay, including Common Law and Statutory Exceptions; Confessions and Unfairly/Unlawfully Obtained Evidence; Evidential Use of Silence (in both Criminal and Civil cases) and Police Questioning; Identification; Human Rights Implications of Evidential Rules and Principles.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### International and European Employment Law

This course has the aim of providing a general understanding of international labour or employment law. For this purpose, the course compares and contrasts international labour standards with those of the EU, particularly by examining the interaction between the international labour standards which have been developed and maintained by the International Labour Organisation and those of the EU's laws and policies.

Recent decades have witnessed a series of transformations of the aims of the European Union. The founding assumption in the Treaty of Rome that economic integration would naturally bring about social development has been abandoned. The Treaty of Amsterdam included a proper legal basis for EU employment law and strengthened and expanded EU equality law. The Treaty of Lisbon elevated the status of the EU Charter of Fundamental Rights, with its extensive social and labour rights content. Yet, the social dimension of the EU remains contested, and arguably subordinated, to policies designed to maximize the competitiveness and flexibility of the European labour market, in particular in order to create employment under the European Employment Strategy. Meanwhile, significant evolutions have also occurred in the policies and strategies of the ILO itself; and all these evolutions now have to respond to a growing sense of economic and social crisis which is both European and global.

This course aims to develop a critical perspective whereby students can assess these developments against the background of international labour rights and labour standards, including those of the International Labour Organisation and the Council of Europe (both ECHR and European Social Charter and Revised European Social Charter). It will begin with an examination of the development of the roles of the ILO and the EU in employment law from a historical, theoretical and institutional perspective, and proceed to focus on particular rights and issues, most notably, the right to collective bargaining and action and strike; the right to participate in enterprise governance; the right to job security and 'fair and just working conditions'; and the right to equality in employment across various grounds, in particular sex, race, age, disability, sexual orientation and religion. These rights will be studied in depth to illustrate the complex interplay between the EU and international norms, and between various forms and sources of protection.

The course does not presuppose that students should have taken an undergraduate labour law or EU law course. The course will be taught in a varied format, including six or more seminars in Michaelmas Term and six or more in Hilary Term. The teaching is coordinated by Dr Alan Bogg, and the course will this year be taught by him with Dr Cathryn Costello, Professor Anne Davies, Professor Mark Freedland and Professor Sandra Fredman. Other academics will also contribute from time to time in areas of their particular expertise. There will be tutorials to back up the seminars, each student receiving up to four tutorials from a wide menu. These tutorials are offered throughout the academic year, in order to give practice in writing essays in this subject.

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

**Materials available in exam:** Details to be advised.

### International Dispute Settlement

The course on International Dispute Settlement is concerned with the peaceful settlement of disputes involving the application of international law, including inter-State disputes, and disputes between States and individuals or corporations.

One part of the course is concerned with the study of a range of institutions concerned with dispute settlement such as arbitral tribunals, the International Court of Justice, and more specialised bodies such as the International Centre for the Settlement of Investment Disputes, the World Trade Organisation, and other institutions handling economic and political disputes. The institutions selected for study vary from year to year.

The second part of the course provides an outline of the principles of procedural law that operate in international tribunals, including international commercial arbitration tribunals. This part of the course involves the study of issues such as jurisdiction and admissibility, the determination of law governing procedure and the law governing the merits of a case, remedies, the recognition and enforcement of judgments and awards, and the review of judgments and awards.

Teaching consists of weekly seminars in the Michaelmas and Hilary Terms, in some of which students will present short papers for discussion by the group as a whole. There will be four tutorials over the course of the year. The examination is held at the same time as the other BCL/MJur examinations, in the summer vacation.

Detailed handouts and reading lists are distributed during the year. The most recent handouts are posted on the Faculty's intranet.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### International Economic Law

This course introduces students to the main principles and institutions of international economic law. It focuses primarily on the institutions and substantive law of the World Trade Organisation (WTO) and the General Agreement on Tariffs and Trade (GATT). In addition to introducing participants to the major legal disciplines under the GATT/WTO and the basic principles and core concepts of the GATT/WTO (Base on in-depth study of the relevant GATT/WTO case law), the course considers the underlying philosophy of free trade and a number of the controversies concerning the future evolution of the WTO and its relationship to globalisation, regionalism, and the attempt by States to achieve other policy objectives (such as protection of the environment). No prior knowledge of international law or economics is necessary. Students without such knowledge will be directed to basic reading in these fields.

Lectures will be delivered in Michaelmas and Hilary Terms. Tutorials will be scheduled in due course. The examination is held at the same time as the other BCL/MJur examinations. Detailed reading lists are distributed at the start of the course.

**Materials available in exam:** The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations (Cambridge University Press : 1999)

## International Intellectual Property

This course has been replaced by European Intellectual Property Law from 2011/2012.

## International Law and Armed Conflict

This course will examine the international law issues which arise in relation to armed conflicts. The course covers the law relating to whether States may use force, the law that applies during armed conflicts, as well as other legal problems that arise with regard to armed conflicts. One of the themes running through the course will be how international law regulates cross-border conflicts involving non-State actors. The course will be divided, broadly speaking, into two parts. Part one will consider the international legal issues relating to whether and when States are entitled to use armed force. In this part of the course, we will examine the content of the prohibition of the use of force contained in the UN Charter as well as the exceptions to that prohibition. In particular, we will examine the scope of self-defence in international law, (especially as it applies to attacks by non-State groups). Questions to be considered include the criteria for a lawful response in self-defence and the legality of anticipatory/preemptive self defence. This part of the course will also consider other possible exceptions to the prohibition of the use of force - such as the doctrine of humanitarian intervention or responsibility to protect. The last section of the first part of the course will examine the powers of the United Nations to authorize the use of force for peacekeeping and peace enforcement.

The second part of the course examines the law that applies during an armed conflict. We will address the distinction between the law applicable to international armed conflicts and that applicable to non-international armed conflicts. We also consider the extent to which the so called "Global War on Terror" should be considered an armed conflict to which international humanitarian law applies. In this part, we will also gain an overview of the "Geneva law" relating to the humanitarian protection of victims of war and the "Hague law" relating to the means and methods of warfare. In particular, we will examine the distinction between combatants and non-combatants and the law that applies to the detention of lawful and unlawful combatants in time of armed conflict. We then turn to the law that applies to the conduct of hostilities, examining in particular the rules relating to targeting and weaponry. Finally, we consider the extent to which international human rights law applies in time of armed conflict.

**Teaching Conventions:** The course will be taught through a series of seminars and tutorials which will be held mainly in Michaelmas and Hilary Terms. Students will be expected to have done the reading prior to the seminars. Students will also be expected to come to the seminars prepared to discuss the issues raised in the reading. On occasion, students will be expected to give short oral presentations (about 10 minutes) on an issue to be discussed in the seminar.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

## International Law of the Sea - [Not running in 2012-13]

The Law of the Sea course is concerned with public international law and not with commercial shipping law.

The course provides a comprehensive grounding in the subject, combining the study of maritime zones (such as the territorial sea, Exclusive Economic Zone, Continental Shelf

and High Seas), with the study of the main bodies of law regulating users of the seas (such as navigation, fishing, pollution, scientific research and military activities).

The teaching involves relating the problems of the law of the sea to underlying principles and policy factors and to other relevant areas of general international law, including sources, the law of treaties and principles of state responsibility.

The teaching consists of weekly classes in the Michaelmas and Hilary Terms, in some of which students will present short papers for discussion by the group as a whole.

Lectures/Seminars: each is one two-hour session.

The examination is held at the same time as the other BCL/MJur examinations, in the summer vacation.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### **Jurisprudence and Political Theory**

Students taking Jurisprudence and Political Theory have the opportunity to participate in wide-ranging but analytically precise discussions of the presuppositions and methods of legal, political and therefore also, to some extent, moral philosophy, and of related social theories in their bearing on the institutions, norms and methods of legal systems. The syllabus covers the concepts of law, legal system, legal right and legal obligation; the nature of adjudication and judicial discretion; the range and limits of law as a means of social control; the individual's moral duty to obey the law; the individual's moral rights against his or her government; and the justification of political (including judicial) authority. Much of, for example, Dworkin's *Law's Empire*, Raz's *The Morality of Freedom*, and Finnis's *Aquinas* was earlier presented and discussed in this course's seminars, which provide a good context for critical testing of advanced work-in-progress. The seminars do not necessarily cover all of the topics mentioned in the syllabus, and of those covered some may be covered in much greater depth than others. Nevertheless the syllabus gives a good general indication of the field to which the seminars and the eventual list of examination essay topics relate.

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

Seminars specifically designed for students on this course are convened by Dr J Dickson, Professor T A O Endicott, Dr P Eleftheriadis, Professor J M Finnis, Professor A M Honore, Professor J Gardner, Professor L Green, and Dr N Stavropoulos. However,

those taking the paper are also encouraged to participate in seminars taking place elsewhere in the university, particularly in some of those advertised on the Philosophy Lecture List. The same holds for lectures. Those who are not conversant with the basics of political philosophy, in particular, should consider whether to attend lectures on the undergraduate courses in Ethics (see the Philosophy Lecture List) and the Theory of Politics (see the Politics Lecture List). Lectures from the undergraduate Jurisprudence course in the Law Faculty would also help those who need to be more familiar with the basics of legal philosophy.

This course is among those supported with detailed material on the [Legal Philosophy in Oxford website](#)

Four tutorials will be provided in HT, usually in groups of two or three. These are arranged by the teaching group and neither students nor college tutors need take any steps to organise them.

**Teaching Conventions:** Examination is by the submission of three essays, written over the Easter vacation. According to the relevant Regulation, "Candidates offering Jurisprudence and Political Theory will be examined by the submission of three essays. Topics for essays will be prescribed by the examiners and published on the notice board of the Examination Schools, High Street, Oxford, OX1 4BG, on the morning of the Friday of eighth week of the Hilary Term preceding the examination. The examiners shall offer a choice of six topics from which candidates shall be required to select three. The total length of the three essays submitted shall not be less than 5,000 words, nor more than 8,000 words. Two copies of each essay submitted must be delivered to the Chairman of the BCL Examiners, Examination Schools, High Street, Oxford OX1 4BG, by noon on the Friday preceding the beginning of the Trinity Full Term in which the examination is to be taken. Essays need not be typed, but a candidate who submits an essay which in the opinion of the examiners is not clearly legible may be required to have a typed copy made at his or her own expense. Every candidate shall sign a certificate to the effect that the essays are his or her own work, and that no help was received, even bibliographical, with their preparation, and the candidate's tutor or tutors in Jurisprudence and Political Theory or, if not available, a Law tutor in the candidate's own college shall countersign the certificate confirming that, to the best of his knowledge and belief, these statements are true. Candidates shall further state the total number of words used in their essays. This certificate shall be presented together with the essays." Footnotes, bibliographies etc. are included in the word count. The prohibition on help with the essays extends to help from fellow students as well as help from tutors et al. Your essays may be subject to testing for plagiarism using software called Turnitin.

**Materials available in exam:** Not applicable

### **Law and Society in Medieval England**

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

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

This course was formerly run as *Legal History: Legislative Reform of the Early Common Law*.

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

The primary teaching method is by eight fortnightly seminars running from mid Michaelmas to early Trinity terms.

This course is taught by Dr Paul Brand and Dr Mike Macair.

### **Law in Society**

The basic training required for all new graduate students is provided by the [Theory and Methods in Socio-Legal Research](#) course, which is compulsory for all Centre students in the first year of their research degrees.

Law is not only a means for giving certainty and stability to private relationships and maintaining social order, but also an instrument for directing society and solving social issues. The operation of law in society raises important issues of both a theoretical and an empirical nature: how does law actually function in society and how can this be understood? The first part of the course introduces these issues and considers the social foundations of law. The second part extends the scope to the study of law in non-western environments and issues considered by anthropologists of law.

Scholarship concerning law and society takes two directions. The more theoretical asks questions about law as a social formation, how law fits into society, what function it has, and how it interrelates with other aspects of society. Empirical approaches ask how law works in practical situations by conducting in-depth research into specific areas. These include regulation, businesses practices and the use of official discretion and considers matters such as the relationship between law and social rules, how courts work in practice and how administrative and regulatory bodies apply the law. These studies are the basis for observing more general patterns concerning the ways law works in society. The first part of the course brings together these two directions, showing how theoretical ideas inform empirical research and visa versa.

The second part asks how we are to understand the different systems of law found in other societies. On what grounds can we even define them as law? These questions are central for anthropologists of law but arise, in practical ways, for those concerned with the implementation of international law and development projects and the promotion of good governance and democracy around the world. How do our laws and legal practices conflict with, complement or undermine their practices and expectations? These issues are considered in the context of classic sociological theories and anthropological approaches to the study of diverse forms of law. Asking about the other also causes us to reflect on the parameters and cultural specificity of our own concepts of law and students will be encouraged to think constructively and critically about familiar legal phenomena and their universal application.

The course is convened by Professor Denis Galligan and Dr Fernanda Pirie of the Centre for Socio-Legal Studies. There are weekly seminars in Michaelmas and Hilary Terms.

Assessment is by a three hour written examination.

**Materials available in exam:** none

### **Medical Law and Ethics**

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

Topics to be covered include consent to treatment, the regulation of medical research, confidentiality in the doctor-patient relationship, abortion, ownership of body parts and organ donation, death and dying, medical negligence, public health, and the rationing of health care resources in the UK National Health Service. As the course progresses, we will also encourage students to be aware of the current issues in medical research and healthcare provision that are being reported in the media.

The course will be taught by Dr Imogen Goold, Dr Jonathan Herring and Dr Jane Kaye with contributions from other members of the faculties of law and medicine in Oxford, and visiting speakers. There will be twelve seminars, eight in Michaelmas Term and four in Hilary Term, and four tutorials, one in Michaelmas and three in Trinity. The seminars will involve extensive class participation and the tutorials will provide an opportunity to practise essay writing and to prepare for the examination.

### **Personal Taxation**

Taxation comprises a difficult and complex mass of material. It is hard to deny that proposition, but the Oxford Personal Tax course is designed to be questioning and challenging. For a start, only a limited range of taxes is within the syllabus: income tax on trusts and annual payments, capital gains tax and inheritance tax. Legislative and judicial methods of countering tax avoidance are dealt with in depth. We attempt to teach the material in such a way that the detail is much less important than the cases and the ideas underpinning the law. Company taxation is not covered in the Personal Tax course, but is dealt with in the Corporate and Business Taxation course. The two tax courses on the BCL are complementary but are also completely freestanding so may be taken alone or together depending on the student's interest. It is not essential to have studied tax previously in order to take either the Personal Taxation course or Corporate and Business Taxation but students who have studied the subject at undergraduate level will find that the material in the graduate courses will flow on well from their initial courses and will enhance their existing knowledge of taxation. A theme that runs through a significant proportion of the course is the way in which trusts are affected by taxation, particularly in comparison with taxation of individuals. This involves considerable use of trusts cases and theories - not surprising when one remembers the number of trusts cases that have arisen in a taxation context. Accordingly, it is not advisable to study Personal Taxation unless you have covered Trusts already or are taking it as an option in the MJur. Personal Taxation offers the opportunity to consider an almost entirely statutory area and study the reaction of the judiciary to it. This is particularly revealing in the fast developing area of judicial reaction to tax avoidance schemes. This is an area of intense judicial activity and disagreement, at its heart being the question as to how far the courts should go to defeat schemes that set out to frustrate the intended effect of taxes or exemptions from taxation. This is an area that benefits from comparisons with other countries, although most of Personal Taxation has its focus on purely English taxation provisions.

**Teaching Conventions:** This course covers selected topics within (a) Income Tax; (b) Capital Gains Tax; (c) Inheritance Tax and other methods of taxing capital; (d) general responses to tax avoidance. The taxes are to be studied with particular reference to the taxation of gifts and settlements. Candidates will not be examined on the details of the Finance Bill or Act of the year of examination. Candidates are advised not to offer this paper unless they have studied the law of Trusts in their first law degree course. Income Tax comprises: (i) Principles of the general charge to tax on individuals and families: personal reliefs and allowances in general; (ii) taxation of settlors, trustees and beneficiaries; foreign element relating thereto. Capital Gains Tax comprises: (i) General charge to tax on individuals; (ii) disposals and acquisitions of assets in general; (iii) gifts and settlements; (iv) disposal on death and administration of estates; (v) computation of gains and losses in general (but not the rules relating to leasehold interests, or wasting assets); (vi) exemptions; (vii) foreign element. Inheritance Tax comprises: (i) historical background; (ii) general charge to tax on individuals; (iii) settled property; (iv) administration of estates; (v) reliefs and exemptions; (vi) valuation; (vii) foreign element.

**Materials available in exam:** Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see [www.oxam.ox.ac.uk](http://www.oxam.ox.ac.uk))

### Philosophical Foundations of the Common Law

This course explores the principles which may be thought to underlie each of the three areas it is concerned with – contract, tort, and the criminal law – and the relations between them.

Do notions such as causation, intention and foresight, which figure in all three areas, lend them doctrinal unity, or do these branches of the law represent different (complementary or conflicting) principles? For example: can one or other of them be understood as embodying principles of corrective justice, while the others are based on considerations of distributive justice? Does the law, in these areas, reflect moral concerns, or pursue efficiency or some other goal, or is it the case that no underlying principles can be discerned? Does the law make sense only in the light of certain assumptions about the nature of persons (e.g. that they are rational choosers, that they are autonomous beings)? These are some of the issues explored in this course.

The course presupposes knowledge of the basic doctrines of contract, tort, and criminal law. While some philosophical background might be helpful, it is not essential.

The main teaching is by seminars. At least two but not necessarily all three of the areas identified in the syllabus (criminal law, torts, contracts) are covered in depth in any given academic year. Up to four tutorials are also provided, and these are arranged centrally via the seminars. The course is among those supported with detailed material on the Faculty's [Jurisprudence website](#)

**Teaching Conventions:** Teaching will be based on the assumption that: 1. Students are to be introduced to the study of philosophical issues through the study of doctrines of English common law, with comparisons to other legal systems as appropriate. 2. At least two but not necessarily all three of the areas identified in the syllabus (criminal law, torts, contracts) will be covered in depth in any given academic year. 3. In the study of doctrines, special emphasis is to be given to similarities and contrasts between the three specified areas of the common law. 4. Students are to be given the opportunity of discussing problems local to each of the specified areas as well as problems that cut across them.

## Principles of Civil Procedure

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

Both lectures and seminars involve active student participation. The course consists of 16 to 22 lectures (some of 2 hours each), 8 seminars and 4 to 5 tutorials. The lectures are normally held in Michaelmas and Hilary Terms and the seminars in Trinity Term.

The seminars address central issues in contemporary procedure in England and elsewhere. The sessions are conducted by Professor Zuckerman with guest speakers, such as scholars, practitioners and judges from England and abroad. Tutorials may be concentrated in one term or spread over two or three terms and will be taken with Professor Zuckerman and Mr Higgins.

The course contains the following topics: A - General theory of civil adjudication B - An introduction to English civil procedure C - The procedural implications of the European Convention on Human Rights D - Adversarial Freedom, Court Control and Timely Justice; Sanctions for non-compliance with rules or orders; Summary Adjudication E - Interim injunctions F – Disclosure, including legal professional privilege and search orders G - Class Actions H - Appeal and Finality of Litigation I - Justice and Costs: The “winner recovers costs from loser” rule v. The no-costs rule; Economics and justice: hourly fees, conditional fees, contingency fees; Protection from costs: payment into court; security for costs; wasted costs orders J - Public Law Litigation: Intervention in proceedings; funding of public law litigation; peculiar features of litigation in specialist tribunals such as the Immigration Appeal Tribunal

**Teaching Conventions:** The exam consists of 10 essay questions (some of them offer a choice between 2 alternatives) of which candidates must answer 3 questions.

## Principles of Financial Regulation

Financial regulation is subject to rapid change, and its optimal content is hotly debated. This course will introduce you to the underlying principles which various forms of financial regulation seek to implement. The focus is on the financing of firms and their interaction with capital markets. Students completing this course will be able to understand the regulatory goals of market efficiency, investor protection, financial stability and competition, and the principal regulatory strategies that are employed to try to bring these about in relation to financial markets and financial institutions. The course will conclude with a consideration of the structure of financial regulators, both at the domestic and international level. Students having taken the course will be able to assess critically new developments in financial regulation and their implementation in novel contexts.

The course is co-taught by Professor John Armour, Mr Dan Awrey, Professor Paul Davies, Professor Colin Mayer and Ms Jennifer Payne

## **Punishment, Security and the State**

The proposed course aims to provide an in-depth understanding of the theoretical underpinnings, justifications, and contemporary practices of punishment and security. The subject is approached from criminological, socio-legal, philosophical, and historical perspectives. The course explores the role of the state in the exercise of its most coercive functions against individual citizens – whether punishing those found guilty of criminal wrongdoing or taking security measures against those deemed to pose a risk to the safety of the public and the nation.

In Michaelmas Term it will focus on ‘why we punish’ by examining major debates in penal theory concerning the justification and rationale for punishment (not least desert theory and its critics, communicative and consequentialist theories). The second half of the term will consider ‘how we punish’ by exploring diverse social, economic and political aspects of punishment and examining whether it is possible to do justice to difference.

In Hilary Term the focus will shift from punishment to the pursuit of security and critically examine what is meant by security (whether, for example, as pursuit, commodity, or public good). Successive seminars will consider whether the growth of markets in private security and the development of communal and personal security provision evidence the fragmentation or dispersal of state power. They will go on to examine exercises in state sovereignty in the name of risk management, counterterrorism, and migration and border control. These reassessments of state power permit significant intrusions into individual freedom and the deployment of exceptional measures and the course will address important questions about the limits of legality and the balancing of liberty and security.

In Trinity Term two final seminars will provide an opportunity for critical reflection and engagement with issues raised throughout the course. The first will examine the case for ‘civilizing security’ and consider how security should be pursued, distributed, and governed and by whom; the second returns to the question of punishment to explore the notion of penal excess and the case for penal moderation.

The course will be taught by 12 seminars and 4 tutorials spread across Michaelmas and Hilary Terms (six seminars and two tutorials in each) with 2 further summative seminars in Trinity providing an opportunity for critical reflection on the whole course. The standard exam for the BCL (ie, 3 hour closed book) will be set.

The focus of teaching will be the weekly seminar which all those taking the course are required to attend. Students will be expected to read and think about the assigned materials in advance of the seminar. The seminar will be introduced by a Faculty member, followed by discussion, usually based around a set of questions distributed in advance. In addition the Centre for Criminology organizes seminars during the academic year at which distinguished invited speakers discuss current research or major issues of policy. This programme is advertised on the [Centre's website](#) and all students are encouraged to attend.

**Teaching Conventions:** Details to be advised

**Materials available in exam:** Details to be advised

**Regulation - [Not running in 2012-13]**

Regulation is at the core of how modern states seek to govern the activities of individual citizens as well as corporate and governmental actors. Broadly defined it includes the

use of legal and non-legal techniques to manage social and economic risks. While regulation is traditionally associated with prescriptive law, public agencies and criminal as well as administrative sanctions, the politics of the shrinking state and deregulation have meant that intrusive and blunt forms of legal regulation have given way at times to facilitative, reflexive and procedural law which seeks to balance public and private interests in regulatory regimes. Policy debates have addressed whether there is actually too much, too little or the wrong type of regulation.

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

The course is taught through 15 two hour seminars - which provide opportunities for active student participation – over Michaelmas and Hilary terms. Four tutorials spread over Hilary and Trinity terms will support students' exam preparation. The 3 hour written examination at the end of the course involves essay questions.

The convenor of the course is Dr. Bettina Lange and the course is taught by a small group of Faculty members. If you have any questions about the contents, approach or teaching methods of this course do not hesitate to contact me:  
[bettina.lange@cls.ox.ac.uk](mailto:bettina.lange@cls.ox.ac.uk), Room 280, Centre for Socio-Legal Studies, Social Science Building, Manor Road.

**Materials available in exam:** Details to be advised.

### **Restitution of Unjust Enrichment**

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

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

that understanding to the courts in accessible modern language. These aims are helped by keeping an eye on the main lines of civilian solutions to the problems with which the common law has to wrestle.

Note that this course is concerned only with restitution of unjust enrichment. Restitution for wrongs is not part of the course and is dealt with in the Commercial remedies course.

Teaching is through twelve seminars. The seminars are supported by two introductory lectures and by the provision of four tutorials. A detailed account of the course is produced every year in and posted on this site. The subject of every seminar is set out, with a list of cases and other materials to be read, together with questions and problems intended to stimulate thought.

**Materials available in exam:** None.

### **Roman Law (Delict)**

The Roman Law option focuses on set texts from the Institutes and Digest. Its primary aim is to understand those texts and the ideas and methods of the great Roman jurists who wrote them. The secondary aim is, by comparison, to throw light on the law of our own time. It caters for the interests of those who are interested in making use of their classical background or of developing the knowledge of Roman law they have acquired by taking the 'A Roman Introduction to Private Law' course in Law Moderations, although it is not essential to have done the Roman Law course for Mods. It allows students to study in some detail the outlook and methods of reasoning of the classical jurists who provide the models on which professional legal argument has ever since been based. In practice this will lead to discuss fundamentals of the law of delicts/torts, aided by the comparison with English cases. The lectures are based, so far as the Roman law is concerned, on the set texts, in English translation. Indeed, one of the advantages of this course from the point of view of students is that the body of relevant texts and other authoritative material is more limited than it is in most, perhaps all, the other options. It is possible to concentrate on detail. In the examination candidates are required to comment on selections from the set translated texts and on questions regarding the literature given for the texts. Knowledge of Latin is not required or necessary, sensitivity for the philological aspects of the originals, when relevant, is. Much literature will quote Latin phrases but in practice this should not cause problems; for fully cited texts either the translation is present in the set texts or it is separately provided.

There will be seven seminars in Michaelmas Term, on quasi-delict, furtum and the lex Aquilia, and eight in Hilary Term on the lex Aquila, noxal liability and iniuria. Students will be offered four tutorials, to be arranged by their college tutors.

This subject cannot be taken by an Oxford graduate who has offered Roman Law in the Final Honour School.

**Teaching Conventions:** The emphasis is on the Roman Law of delict and the underlying concepts of delict in those times and as such, but candidates will also be required to compare the Roman Law with the relevant portions of the English Law of Torts. This paper shall not be offered by any candidate who offered Roman Law (Delict) when he or she passed the Final Honour School of Jurisprudence. Candidates will be expected to show competent knowledge of those parts of the Institutes of Gaius and of the Institutes and Code of Justinian which bear upon the subject, as well as of the general law and the history of the sources so far as is necessary for the proper understanding of the subject.

## The Roman and Civilian Law of Contracts

The purpose of the course is to study the Roman Law of Contracts in detail, particularly the Law of Sale, and to examine, subsequently, on this basis, doctrinal and philosophical aspects of the Civilian law on contracts as it developed from ca. 1100 AD till the middle of the 19th century, with where possible a comparison with and excursus into English law.

The course is structured as follows: 1. General I. 2. General II: conditions, error, performance 3. Contractus litteris, Contractus re (loan for consumption [mutuum], loan for use [commodatum], deposit [depositum]). 4. Sale I: general, price, price must be certain, price must be real; the object (res); emptio spei and emptio rei speratae, res extra commercium, sale of goods of third party, sale of purchaser's own thing, sale of debts; pacts. 5. Sale II: duties of the seller, duty to transfer property, duty to deliver possession, latent defects, damages for non-delivery. 6. Sale III: transfer of possession/property, passing of risk, eviction. 7. Mandate, Partnership. 8. Contractus verbis: the stipulation, use of writing. With every sub-subject point of departure are the relevant Roman texts, with subsequently mediaeval and later commentaries, which will show how the texts were interpreted and eventually adapted to contemporary use. Out of the mass of commentaries several important and influential ones are chosen (like Bartolus, Voet). For application cases of the Roman-Dutch jurisdiction will also be chosen, which is still present as South-African law. In view that we rely basically on English translations (exception: Wolff in a French translation), much attention will be given to the basic texts (Digest) and the 17th and 18th century authors who have been translated. A syllabus will be available from early October 2011.

**Teaching Conventions:** The seminar will meet forthnightly in MT and HT, in arrangement with the students. Two tutorials will be given. The exam will consist of 8 questions, out of which 3 must be chosen.

**Materials available in exam:** None.

## Transnational Commercial Law

With the growth of international trade has come a growing recognition of the benefits to be obtained through the harmonization of international trade law. Transnational commercial law consists of that set of rules, from whatever source, which governs international commercial transactions and is common to a number of legal systems. Such commonality is increasingly derived from international instruments of various kinds; such as conventions, EC directives and model laws, and from codifications of international trade usage adopted by contract, as exemplified by the Uniform Customs and Practice for Documentary Credits published by the International Chamber of Commerce and the Model Arbitration Rules issued by the UN Commission on International Trade Law. Underpinning these are the general principles of commercial law (*lex mercatoria*) to be extracted from uncodified international trade usage, from standard-term contracts formulated by international organisation and from common principles developed by the courts and legislatures of different jurisdictions.

The first part of the course concentrates on the general framework, policies and problems of transnational commercial law, while in the second part these are examined in the context of specific international trade conventions, model laws and contractual codes, so that the student gains a perception of the way transnational law comes into being and helps to bridge the gap between different legal systems.

The course will be taught by Dr Thomas Krebs (convenor) and Professor Stefan Vogenauer. There will be eight lectures in Michaelmas Term. There will then be a weekly two-hour seminar in Hilary Term. There will also be four tutorials. The lectures and seminars will examine the following main areas: General issues of harmonisation; Recurrent problems in harmonisation through conventions; Harmonisation through specific binding instruments (Vienna Sales Convention); Harmonisation through contract and institutional rules; Harmonisation through model laws; The future development of transnational commercial law.

Note. This course is open to a maximum of twenty-four students in any one year. If applications exceed this number, a ballot will be held.

**Teaching Conventions:** The purpose of the course is to examine the reasons for the emergence of transnational commercial law, its nature and sources, the institutions and methods by which harmonisation is achieved and some of the key problems involved in harmonisation. Specific Conventions and other instruments of harmonisation selected for study in the second half of the course are chosen as vehicles to illustrate the general principles and problems discussed in the first half of the course, not as fields or, substantive law to be covered. Accordingly students are not expected to familiarise themselves with all the substantive rules of these instruments or of the areas of law (sale, contract, etc) to which they relate but rather to study them as illustration of the harmonisation process and as methods of bringing about a rapprochement between different legal systems in the field of commercial law.

**Materials available in exam:** Goode, Kronke, McKendrick, Wool, *Transnational Commercial Law – Primary Materials* (Oxford, 2007).

## Appendix: University Policy Statements and Codes of Practice

### 1. Integrated Equality Policy (including references to Disability Equality Policy)

#### ***The University's aims***

1. The University of Oxford aims to provide an inclusive environment which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all its staff and students are respected to assist them in reaching their full potential. The University will work to remove any barriers which might deter people of the highest potential and ability from applying to Oxford, either as staff or students.

#### ***The University's commitment***

2. No prospective or actual student or member of staff will be treated less favourably than any other, whether before, during or after their study or employment at the University of Oxford on one or more of the following grounds (subject to any legal constraints and in relation to the protected characteristics laid out in the Equality Act 2010): age; colour; disability; ethnic origin; gender reassignment; marital or civil partnership status; nationality; national origin; parental status; pregnancy or childbirth; race; religion or belief; sex; sexual orientation; or length or type of contract (e.g. part-time or fixed-term). The University has approved separate policies for race ([Race Equality Policy](#)), disability ([Disability Equality Policy](#)), and gender ([Gender Equality Policy](#)) to meet the specific obligations of the Race Relations (Amendment) Act, the Disability Discrimination Act 2005 and the Equality Act 2006. These are currently under review in light of the Equality Act 2010.

3. With regard to staff, this policy applies (but is not limited) to advertising of jobs and recruitment and selection, to training and development, to opportunities for promotion, to conditions of service, benefits, facilities and pay, to health and safety, to conduct at work, to grievance and disciplinary procedures, and to termination of employment.

4. With regard to students, this policy applies (but is not limited) to admissions, to teaching, learning and research provision, to scholarships, grants and other awards under the University's control, to student support, to university accommodation and other facilities, to health and safety, to personal conduct, and to student complaints and disciplinary procedures.

5. In order to realise its commitment, the University will:

promote the aims of this policy, including the provisions for prevention of less favourable treatment laid out in paragraph 2;

promote equality and good relations between people who share a relevant protected characteristic and people who do not share it;

be proactive in eliminating discrimination, including harassment and bullying, through training and the production and dissemination of codes of practice and guidance;

have regard to its obligations under relevant legislation, including the requirement to carry out impact assessments in certain areas, and ensure that its policies, codes of practice and guidance mirror the same, and reflect the provisions of new legislation;

whilst acknowledging that they are not legally binding, have regard to any Codes of Practice issued or adopted by the Equality and Human Rights Commission;

make this policy, as well as all codes of practice and guidance available to all staff and students; and

regularly review the terms of this policy and all associated codes of practice and guidance.

## **Responsibilities**

Council and its major committees

**6.** It is the responsibility of Council and its major committees to provide mechanisms through which the University's strategic objectives for equality and diversity can be delivered and also to work in partnership with colleges to agree a fair and equitable division of responsibility under current and future equality legislation.

Pro-Vice-Chancellor (Personnel and Equality)

**7.** The Pro-Vice-Chancellor (Personnel and Equality) is appointed by Council to provide leadership in all matters relating to Equality and Diversity and to oversee the development of equality policy frameworks and their application in the University, working as appropriate with those colleagues and bodies, including those committees with responsibility for student matters, that have specific mandates.

The Equality and Diversity Unit

**8.** The Equality and Diversity Unit has the responsibility of considering all existing and emerging equality legislation with a view to identifying relevant issues, which are then translated into key university policies for approval by relevant bodies. The Unit provides information and guidance to divisions, departments and faculties to enable them to discharge their responsibilities and to support senior members of the University in showing leadership on equality and diversity issues. The Unit facilitates central consultation with specific groups of staff and students. The Unit provides monitoring of key strategic issues and also drafts publications for approval by the relevant bodies as appropriate. The Unit also provides support services to staff and students with regard to harassment issues, childcare, and disabilities and specific access needs.

Divisions, Departments & Faculties

**9.** Heads of Divisions, Departments and Chairs of Faculty Boards, of both academic and administrative departments, are responsible for the day-to-day implementation and delivery of the University's strategic objectives for equality and diversity in that division, department or faculty in accordance with the guidance attached to this policy.

The University Estates Directorate

**10.** The University Estates Directorate has primary responsibility for facilitating the accessibility of the University's buildings for disabled users, in collaboration with the Head of the Department or Faculty concerned.

All staff and students

**11.** This policy applies to all members of the university community, both students and staff, whether permanent, temporary, casual, part-time, or on fixed-term contracts, to job

applicants, to student applicants, current and former students, to associate members, and to visitors to the University.

**12.** These members of the university community have a duty to act in accordance with this policy, and therefore to treat colleagues with respect at all times and not to discriminate against or harass other students or members of staff, whether junior or senior to them.

**13.** The University expects all its staff and students to take personal responsibility for familiarising themselves with this policy and to conduct themselves in an appropriate manner at all times to respect equality of opportunity for all staff, students, applicants and visitors. The University regards any breach of this policy by any employee(s) or student(s) as a serious matter to be dealt with through its agreed procedures and which may result in disciplinary action.

### **Complaints**

**14.** Any prospective or current student or member of staff who has a complaint concerning a breach of this policy may bring such a complaint to the University. Information and guidance on complaints procedures is available at the end of this document.

### **Review**

**15.** Council will review the integrated policy on a three year cycle, in tandem with the policies on race, disability and gender equality. The first such review was due to take place in Hilary Term 2012.

Race

Gender

Disability

Age

Religion and Belief

Sexual Orientation

Information and guidance on complaints procedures.

#### **Students**

Proctors	<u>Complaints Procedures</u>
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#### **Staff**

Personnel	<u>Grievance procedure for all academic and academic related staff</u>
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Personnel	<u>Grievance procedure for all university support staff</u>
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Equality & Diversity	<u>University Policy and Procedure on Harassment and Bullying</u>
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## **2. Maternity/Paternity/Adoption Leave**

To support students seeking to take parental leave, the University's Student Maternity, Paternity and Adoption Leave Policy, (which you can download from (<http://www.ox.ac.uk/media/global/wwwoxacuk/localsites/studentgateway/documents/University%20Policy%20on%20Student%20Maternity%20Paternity%20and%20Adoption%20Leave.pdf>)) provides

details of the arrangements for undergraduate, postgraduate taught, postgraduate research and overseas students who are about to have or adopt a child. The policy outlines how much leave students are entitled to, access to University facilities, graduate accommodation and childcare services and the provision for a flexible return to full-time study.

Postgraduate research students should particularly note the requirements for applying for maternity leave, including the forms required and timings for notifying their college, supervisor and Director of Graduate Study.

Postgraduate students currently suspended from study (prior to 17 June 2011) to take parental leave may not make retrospective requests for their leave to be recalculated under the new arrangements. If you have already taken the six terms of leave your board may allow and have taken parental leave you may apply via your college to the Education Committee for permission to suspend your studies for a further period.

### **3. Law Faculty Statement of Provision for Graduate Taught Students**

This template relates to the BCL and MJur course; there is a separate document covering the M.Sc. and M.Phil. in Criminology and the MLF

***Who is the Course Director with overall responsibility for students on this course?***

The course director is the Director of Graduate Studies for taught courses (DGS(T)), Mr Bill Swadling, Brasenose College. Queries about course administration should be directed in the first instance to the Academic Administrator, Ms Morag McCormick-Power (from April 2013, Mr Paul Burns).

***What induction arrangements will be made?***

Induction arrangements are preceded by a letter sent by e-mail during the summer to all those students due to start the course in October, informing them of which course options will be available, providing details of when students need to arrive in Oxford, and providing a list of frequently asked questions. This is followed by a further communication later in the summer giving students passwords to the faculty's induction website, which contains the induction timetable, handbooks, etc.

The induction programme itself takes place in minus 1<sup>st</sup> Week and 0<sup>th</sup> Week preceding Michaelmas Term, and includes: registration with the faculty, a social event, a question and answer session about the course and the faculty more generally, a programme of taster lectures familiarising students with the course options available to them, IT sessions introducing students to electronic resources, and a library induction introducing students to the Bodleian Law Library.

The induction arrangements aim to provide students with information about course content, and the faculty's facilities and resources, as well as providing opportunities for students to meet and get to know their classmates.

***What is the overall length of the course, and for how many weeks are students expected to work in Oxford?***

The BCL/MJur course takes slightly over nine months, from initial induction through to the final examinations, so typically students will be in Oxford from late September

through to mid July. Oxford University has three terms, each of 8 weeks duration, known as Michaelmas Term (October to December), Hilary Term (January to March), and Trinity Term (April to June). You will be expected to be resident in Oxford for each of the 8 weeks of term. You will be free to leave Oxford after the end of each term but are advised to return during the week prior to the start of the next term (referred to as 0<sup>th</sup> Week).

Written exams will take place shortly after Trinity Term, typically late June / early July, and you will need to ensure that you do not leave Oxford until after your exams have finished. Exam results will normally be published from mid to late July.

***What is the pattern of lectures, classes, seminars, tutorials and self-directed work for this course?***

BCL students choose their courses from a selection of around thirty. Each student takes either four courses, or three courses and a dissertation. Students must receive approval for their proposed dissertation topic before they are permitted to commit to this option. In addition to the courses available to BCL students, MJur students may also choose from a range of options available to students in the undergraduate Jurisprudence degree. Teaching is shared between the Faculty and the colleges and a typical course option might have one or two Faculty organized events per week, usually lectures or seminars. At some point in the year there will also be a course of tutorials in each course at college level.

All examinations, except the essay based exam for Jurisprudence and Political Theory, and the dissertation, take place at the end of the year, in late June/early July. Students will be expected to undertake substantial amounts of reading arising from lectures, seminars, and tutorials, and will also be required to submit written work for some of the seminars and most of the tutorials.

***What one-to-one or small group teaching will students on this course receive?***

Small group teaching is provided through the tutorials that form an integral part of all BCL/MJur courses, and which provide direct interaction between students and leading experts in the relevant field. A student can expect to receive two to four tutorials for any given option. While one-to-one tutorials are unlikely (2-4 is the norm), those writing dissertations also receive a number of one-to-one sessions with their dissertation supervisors.

***Who will take overall responsibility for an individual student's progress and for completing the joint progress report form in each term of the course?***

The tutorial nature of teaching for the BCL means that there is no joint progress report completed for students taking the course. Instead, tutorial reports are completed on the OxCORT system, as for undergraduate tutorials. College advisors take responsibility for individual students' progress.

***What workspace will be provided? What IT support/library facilities/experimental facilities will be available?***

Along with research students, BCL/MJur students share the Bodleian Law Library Graduate Reading Room, which has wireless access and Ethernet sockets. Public access PCs are provided on all three floors of the library, and wireless network coverage includes the central part of the library, which also contains a number of Ethernet sockets

for readers' use. There are PC training rooms in both the Law Faculty and the Bodleian Library, and both the faculty and the Library have IT Training and development officers, who offer general support and specific training in the use of the many legal databases the Library services provide.

The Bodleian Law Library is one of the largest faculty-based libraries in the University, and offers almost all of its paper holdings – some 400,000 items – on open shelves. It has excellent US and Commonwealth materials, strong European and international collections, and extensive holdings in the philosophy and sociology of law and in criminology.

***What opportunities are provided for students to take part in research seminars or groups? What formal graduate research skills and transferable skills training will be provided?***

Every BCL/MJur option has a seminar component. Students taking the option are expected to attend these seminars, but may also attend seminars given for options for which they have not officially registered, but which are of interest to them. Beyond the confines of the BCL/MJur course itself, there are a wide variety of seminars offered by the different research groups, which may be of interest to taught course students, research students, and Faculty members. These are supplemented by a number of discussion groups which have regular lunchtime meetings where members (graduate students or Faculty members) present work in progress or introduce a discussion of a particular issue or new case. These may involve guest speakers from the faculty and beyond.

Graduate skills training takes the form of a series of sessions offering training in the use of the Bodleian Law Library's legal and journal databases.

***What are the arrangements for receiving student feedback on provision and for responding to student concerns?***

Concerns that relate to a particular course should be discussed with the course convenor in the first instance, or with the Director of Graduate Studies for taught courses if the student prefers. Concerns of a more general nature should be discussed with the College advisor (see under 11, below, for further details), or with the Director of Studies for taught courses.

Students may also raise issues through the Graduate Studies Committee. The Committee includes both a BCL and MJur student representative whose role it is to put to Committee any issues brought to their attention by the students they represent. Beyond the faculty, the Oxford University Student Union also has expertise in the area of academic welfare and offers several publications and services that may be of use to you. These include the provision of study skills sessions with an expert in this area. Information can be found on their website at <http://www.ousu.org>

***What arrangements for accommodation, meals and social facilities will be made for students on a graduate taught course?***

Many colleges will be able to provide you with accommodation. Generally speaking, your college will provide meals through the year, but provision will vary from college to college, especially during vacations, and you will need to familiarize yourself with your college's detailed arrangements. In addition, there are usually self-catering facilities available in graduate accommodation. You will be a member of the Middle Common

Room (MCR), or equivalent, of your college, which is the main social centre for graduates. The MCR provides a common room and usually organizes a programme of social events throughout the year. The college will also provide a bar, some computing facilities and a library, and may often have dedicated funds for research (conference and field grants).

The MCR represents the interests of its members to the college through an elected committee or through elected representatives to college committees. Again, details will often vary from college to college. Graduates are also welcome to participate in all other social and sporting activities of the college. Please see individual college websites for further details about all aspects of college provision.

***What arrangements are in place for pastoral and welfare support?***

There is an extensive framework of support for graduates within each college. Your college will allocate you a College advisor from among its senior Members, usually in a cognate subject, who will arrange to see you from time to time and whom you may contact for additional advice on academic and other matters.

In college you may also approach the Tutor for Graduates and /or the Senior Tutor for advice. The Tutor for Graduates is a fellow of the college with particular responsibility for the interests and welfare of graduate students. In some colleges, the Senior Tutor will also have the role of Tutor for Graduates. Each college will also have other named individuals who can offer individual advice.

At central university level, the student union, OUSU, can offer advice and help through its Student Advice Service, details can be found at <http://www.ousu.org/front-page/1/welfare/SAS/> The University also has a Student Counselling Service, and details are available at <http://www.ox.ac.uk/students/shw/counselling/>

**4. Law Faculty Statement of Provision for Graduate Research Students**

***What arrangements will be put in place for supervising the graduate's work?***

You will have a named supervisor or supervisors, normally as indicated in your offer letter, who will have overall responsibility for the direction of your work on behalf of the Faculty. Typically, you should expect to have individual meetings with your supervisor for one hour not less than two to three times each term, but the frequency may vary according to the time of year and according to the stage you are at in your research programme. Further information about the role of the supervisor is provided below in Appendix A Research Supervision: a brief guide.

***What induction arrangements will be made?***

You will have Faculty induction before the beginning of your first term, when you will receive an induction pack of essential information and guidance. The main induction to the Faculty is provided in the week preceding the start of Michaelmas Term. Other arrangements will be made for students starting at other times of the year. Your supervisor(s) will arrange more specialised induction subsequently, and you should make a particular effort to meet with your supervisor during induction week to discuss your studies. In addition, all students are invited to attend a Social Sciences Division induction event through the Social Sciences Doctoral Training Centre. Invitations will be sent out

via the Social Sciences Division and the event will take place on the afternoon of Wed 17 Oct 2012 (week 2).

***What workspace will be provided?***

Workspace will be related to individual circumstances and the facilities available within the Faculty. There is a dedicated graduate reading room available in the Bodleian Law Library. This includes 50 study spaces, many of which are equipped with an Ethernet socket. Wireless access is also available. Graduates are able to store their personal effects in lockers at the St Cross Building. Students in Socio-Legal studies and Criminology will have access to workspace at the affiliated centres.

***What IT support/ library facilities/ experimental facilities will be available?***

The faculty has its own IT provision and specialist IT support staff including an IT Learning and Teaching Officer, an IT Support and Database Officer, and Web Development and Support Officers. You will have access to the Bodleian Law Library and the Social Sciences Library (in addition to other university libraries, and the centrally provided electronic resources) and experimental facilities are available where relevant. Training on how to use the Library's legal and journal database is jointly provided by the Law faculty and the Bodleian Library. Training begins at induction and continues in special sessions through term. These are advertised at [www.ouls.ox.lac.uk/law](http://www.ouls.ox.lac.uk/law)

***Which research seminars will be available?***

You will have access to the seminars that the Faculty organises, and those which individual research groups or groups with common areas of interest organise for their own members and others within the Faculty. You will also have the opportunity to access seminars organised by other departments in areas relevant to your research area. Students may also attend MSc in Criminology and Criminal Justice seminars. Seminars are listed at <http://denning.law.ox.ac.uk/postgraduate/bclcourses.phtml> and <http://www.crim.ox.ac.uk/graduate/msc/structure/coursestructure.html>

***What access to research funds will be available?***

The faculty has a number of studentships and other small grants for research students (for example, to assist with conference attendance or fieldwork expenses). The Law Faculty also runs a Graduate Travel Grant scheme, which is open only to research students who are either conducting empirical or archival research elsewhere in order to complete their degree, or who are presenting a chapter of their thesis at an academic conference. A small grant is typically available during the course of the academic year. For students on studentships that include an amount to support their research, such as research council studentships (typically AHRC or ESRC Research Training Support Grants), you will be expected to exhaust this source of funding first before any application to the Faculty's Graduate Travel Grant scheme will be considered.

***What formal graduate research and skills training will be provided?***

You will have the opportunity to attend a variety of skills training sessions offered by the Faculty as appropriate to different stages of your graduate career, as well as training geared to your specific research needs. The Law faculty requires every research student to complete the Course in Legal Research Method (though see below provisions for students in Criminology and Socio-Legal Studies). The course aims to assist research students in establishing a sound methodological base for their legal research and writing

in its early stages. It is structured around discussions between graduate students and members of the Faculty. Further information about the course can be found at <http://denning.law.ox.ac.uk/oxfordonly/students.clrm.shtml>.

Students working in /Criminology may, with the permission of the Director of Graduate Studies (Research), take two out of three courses in empirical research methods (Research Design and Data Collection, Social Explanation and Data Analysis, and Qualitative Methods) in place of the course in Legal Research Method. Students working in Socio-Legal Studies will take the course in Theory and Method in Socio-Legal Research, which covers theoretical approaches as well as practical research skills such as use of databases and library resources.

There are also opportunities to access advanced and specialist research training provided elsewhere in the Social Sciences Division and University, via the Social Sciences Doctoral Training Centre. Further information is available on the Research Methods hubs pages ([Qualitative Methods](#) and [Quantitative Methods](#)) of the [DTC WebLearn site](#), and you can enrol via the [Student Enrolment System](#).

The Social Sciences Division organises an Academic and Professional Development Programme covering a range of relevant generic skills. Details of the programme are available via the [Student Enrolment System \(SES\) in WebLearn](#).

Information about training and other courses offered across the University is available through the University Skills Hub <https://weblearn.ox.ac.uk/portal/hierarchy/skills>. This site provides information about transferable skills development for research students and research staff at Oxford University.

***What opportunities will be available for developing and practicing teaching skills (for second and third year graduates)?***

For advanced research students who are interested in teaching, the faculty runs an annual teacher training seminar. This seminar is mandatory for the faculty's Graduate Teaching Assistants (GTAs). Law Faculty Graduate Teaching Assistantships are created in areas of Faculty need and GTAs are awarded £1,000. They are expected to provide 48 hours of tutorial teaching for colleges in an academic year. Additional opportunities to undertake tutorial teaching in colleges are available outside the GTA scheme. All students proposing to teach are strongly encouraged to take the Faculty annual teacher training seminar.

***What arrangements for accommodation, meals and social facilities, will be made, on a year round basis?***

Law Faculty seminars bring research students together with academic and other research staff to hear about and debate on-going research, and to provide an opportunity for networking and socializing. Postgraduate research students in law participate in subject specific discussion groups that are organized by graduate students and Faculty members and meet regularly each term. These lunches, sponsored by the faculty, provide research students with further opportunities to present their work and also allow a forum for discussion of areas of common interest.

**Colleges:** Many colleges will be able to provide you with at least one year's accommodation. Generally speaking your college will provide meals throughout the year,

but provision will vary from college to college, especially during vacations, and you will need to familiarise yourself with your college's detailed arrangements. In addition there are usually self-catering facilities available in graduate accommodation. You will be a member of the Middle Common Room, or equivalent, of your college, which is the main social centre for graduates. The MCR provides a common room and usually organises a programme of social events throughout the year. The college will also provide a bar, some computing facilities and a library, and may often have dedicated funds for research (conference and field grants). It also represents the interests of its members to the college through an elected Committee or through elected representatives to College Committees. Again, details will vary from college.

Central: Graduate Research Students may become members of the University Club in Mansfield Road, and participate in the range of sporting and cultural activities provided by the University.

***What arrangements are in place for pastoral and welfare support?***

Department: Within the Faculty, your supervisor, Director of Graduate Studies (Research) and Academic Administrator are all available to offer support or advise you on where to obtain appropriate support. The faculty also has its own Graduate Studies Officer, who answers questions and advises on students' progress

College: There is an extensive framework of support for graduates within each college. Your college will allocate to you a College Advisor from among its Senior Members, usually in a cognate subject, who will arrange to see you from time to time and whom you may contact for additional advice and support on academic and other matters. In college you may also approach the Tutor for Graduates and/or the Senior Tutor for advice. The Tutor for Graduates is a fellow of the college with particular responsibility for the interests and welfare of graduate students. In some colleges, the Senior Tutor will also have the role of Tutor for Graduates. Each college will also have other named individuals who can offer individual advice. The University also has a professionally staffed confidential Student Counselling Service which offers assistance with personal, emotional, social and academic problems.

Central: The University provides a Student Counselling Service and Careers Service: (<http://www.admin.ox.ac.uk/shw/counserv.shtml>) (<http://www.careers.ox.ac.uk/>).

***What arrangements are in place for gaining the views of research students?***

Individual student feedback is sought regularly through such means as taught course evaluation forms. The Faculty's Graduate Studies Committee (GSC) has five postgraduate representatives: one BCL, one MJur, one MSc, one first year research student, and one DPhil. The GSC meets twice a term and postgraduate students are given a chance to help shape the agenda and prepare papers for each meeting. They are active participants on the Committee and consult with their respective constituencies on issues of interest. The Director of Graduate Studies (Research) confers with the representatives, and also holds a termly party for all research students, at which they are invited to talk to him or her about their programme, or to arrange a meeting.

At divisional level, there is a PGR Discussion Forum, made up of student representatives from each department/faculty of the division. Issues raised by this body are reported to the Division's Graduate Studies Committee.

The views of research students are also sought by both the Faculty and the University through questionnaires. The faculty questionnaire is administered in the summer and is available online on the faculty's intranet. The director of Graduate Studies (Research) considers the feedback and uses this data in future planning. The feedback is also shared with the faculty.

***Appointment of supervisors for Graduate Research Students***

The supervisory structure and sources of support: Graduate research students will have a named supervisor or supervisors, normally as indicated in the offer letter, who will have overall responsibility for the direction of the student's work. In the case of joint supervisions, one of the two supervisors will be identified as the principal supervisor (in most cases this will be the supervisor first appointed) and will have responsibility for ensuring effective liaison between the two supervisors.

Typically, students should expect to have individual meetings with supervisors for one hour not less than two to three times each term, though the frequency may vary according to the stage the student is at in his/her research programme.

If a supervisor is going on leave, then he/she is responsible (with the help of the Director of Graduate Studies Research, as required) for either arranging alternative supervision; or confirming that he/she will continue to supervise students, on the understanding that the supervision thereby provided will not fall below the Faculty's supervisory norms.

Graduate research students will be made aware that as well as their supervisor(s) they may also seek advice from the Director of Graduate Studies Research

In all cases students should also expect to be able to approach a college advisor, appointed by the student's college. The college may also have procedures in place to monitor the overall well-being of the graduate research student. If the college identifies any concerns which might impact on the academic progress of the student concerned, and which may not already have been recognised in Faculty reports, it may refer these in confidence to the Director of Graduate Studies Research, who will initiate such action as seems to him/her to be necessary in the individual circumstances.

The Law Faculty seeks to implement the following supervisory norms:

Post	Expected number of supervisees	Normal maximum
CUF	2	3
UL and Reader	3	5
Professor	3	7

The supervisor shall normally be someone of sufficient standing to be able to operate with credibility on behalf of the responsible body

The main supervisor shall normally be a member of academic staff of the University, or a college fellow, with appropriate standing and expertise.

Where specialist supervision is needed that is not available from a member of academic staff or college fellow, or a person holding, in the department, a substantial external fellowship or equivalent, a senior member of research staff (Grade 8 or above) may be appointed as a subject specialist supervisor, OR, in appropriate cases, a supervisor may be appointed who is external to the University of Oxford. In either of these circumstances, an experienced member of academic staff shall always be appointed as joint supervisor.

Someone who has sufficient experience to be able to provide appropriate guidance to the student about the necessary procedures and, in particular, the academic expectations associated with an Oxford doctorate in their subject area.

At least one supervisor will currently be engaged in research in the relevant discipline(s) so as to ensure that the direction and monitoring of the student's progress is informed by up to date subject knowledge and research developments.

Appropriate support and training will be given to new supervisors.

Each new lecturer will be invited to a one-to-one consultation with the Division's Educational Development Adviser shortly after starting in Oxford. This consultation will provide an opportunity for individuals to explore their own professional development needs and what aspects of the educational development programme of the Learning Institute might be of help. All those appointees new to supervision shall be encouraged to attend the Learning Institute's Seminar on Graduate Supervision (<http://www.learning.ox.ac.uk/index.php> ).

For members of academic staff in their first period of office, departments will appoint an adviser who will, amongst his/her other duties, provide advice, support, and guidance on teaching, and supervision of research students. New academic staff will also have access to general support and advice from the Director of Graduate Studies Research. The supervision record of a new member of academic staff is included in the review prior to appointment to retiring age, and a high standard of supervision is expected.

When a supervisor is not a member of academic staff at the University, or a fellow of an Oxford college, or with previous supervisory experience, an experienced member of academic staff will be appointed by the department either as a joint supervisor or, where this arrangement is not available or appropriate, as a designated advisor to the supervisor, and will be expected to act as mentor specifically to support research supervision; when the supervisor is a member of contract research staff, s/he will be expected to attend the Learning Institute seminar and will be allocated a designated advisor.

A candidate should not be admitted if there is no suitable specialist supervision available in the University or its colleges.

Someone who is able to undertake the tasks assigned to the supervisor in the memorandum and notes of guidance including integrating them into the national and international network in their subject.

In terms of academic standing and experience, this is dealt with above.

Faculty guidelines regarding frequency and duration of meetings between supervisor and student, and arrangements for cover during supervisor's absence are specified under *supervisory structure and sources of support* above.

Someone who has sufficient security of tenure to make it likely that they will see the student's research through to successful conclusion.

Normally, nobody should be appointed as supervisor if it is known at the time of the appointment that he or she will not be in post at the time the student is due to complete the programme in question.

### ***Change of supervisor***

Where a student's research changes focus such that their current supervisor may no longer be the most appropriate person to provide guidance on the revised topic, then the current supervisor should liaise with the Director of Graduate Studies Research to determine whether an alternative supervisor should be appointed and to identify a prospective alternative. It should be noted that such a change of research focus is unusual and the revised topic will need Graduate Studies Committee approval, as will the change of supervisor.

Where a student's research changes in such a way that an additional supervisor is needed, then the current supervisor should liaise with the Director of Graduate Studies Research to identify a prospective joint supervisor. In such cases the existing supervisor will then be responsible for ensuring effective liaison between him/herself and the newly appointed joint supervisor. Such circumstances do not normally warrant the approval of a change of research topic by the Graduate Studies Committee, but the existing supervisor should liaise with the Director of Graduate Studies Research if he/she feels the change is significant enough to raise this as a possibility.

Where a student feels that there are good grounds for contemplating a change of supervisor, this should first be discussed with the supervisor concerned, or if this seems difficult, with the Director of Graduate Studies Research or their deputies, or the college adviser (see Memorandum of Guidance for Supervisors and Research Students, *Examination Regulations*, 2009, p.842). If this involves concerns over the quality of supervision, students should be encouraged to seek to resolve the matter by informal means where possible, but should be made aware of the University's formal complaint procedures. The procedures adopted by the Proctors for the formal consideration of complaints and appeals are described in the Proctors and Assessor's Memorandum [<http://www.admin.ox.ac.uk/proctors/pam/>] and the relevant Council regulations [<http://www.admin.ox.ac.uk/statutes/regulations/>].

### ***How skills training needs are to be assessed.***

Graduate research students will have the opportunity to attend a variety of skills training sessions offered by the Faculty, as appropriate to different stages of their graduate careers, as well as training geared to specific research needs, which will be agreed in consultation with supervisors. The Law Faculty requires every research student to complete the Course in Legal Research Method or equivalent courses for students working in Socio-Legal Studies or Criminology. The CLRM course aims to assist research students in establishing a sound methodological base for their legal research and writing in its early stages. It is structured around discussions between graduate students and members of the Faculty. For further information see

<http://denning.law.ox.ac.uk/oxfordonly/students/clrm.shtml>. Graduate Research Students are required to successfully complete this course or the equivalent Socio-Legal Studies/Criminology course as a condition of transfer/admission to D.Phil. student status. The Social Sciences Division organises an Academic and Professional Development Programme covering a range of relevant generic skills and which research students are encouraged to attend. Details of the programme are available via the [Student Enrolment System \(SES\) in WebLearn](#).

Information about training and other courses offered across the University is available through the University Skills Hub: <https://weblearn.ox.ac.uk/portal/hierarchy/skills>. This site provides information about transferable skills development for research students and research staff at Oxford University.

## Glossary of Oxford Terminology

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

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

**BCL** (Bachelor of Civil Law): So called, but it is actually a *postgraduate* degree in *English* law. Its history and name are medieval, like the MA. But it evolved after World War I into a demanding postgraduate course taught by the professors of the University, as well as college tutors, in a combination of seminars and tutorials. In 1927, the exams for the BCL were in Common Law, Conflict of Laws, Equity, Evidence, Jurisprudence, Roman Law: Ownership and Possession, Roman Law: Locatio Conductio and Societas, Real and Personal Property, and Public International Law. This year there are 29 subjects in the BCL.

**Common Room:** in a College, a name for the organization of the academic staff (Senior Common Room), the undergraduates (Junior Common Room) or the graduate students (Middle Common Room; members of the MCR are typically given membership of the JCR as well). These names are used because along with other facilities, those organizations usually provide a room where you might find coffee and newspapers, or at least comfy seats. The Senior Common Room in the St. Cross Building is only a room, not an organization.

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

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

**DGS(Research):** the Law Faculty's Director of Graduate Studies (Research).

**DGS(Taught):** the Law Faculty's Director of Graduate Studies (Taught Courses).

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

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

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

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

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

First Public Examination: see Law Moderations.

**Graduate:** a person who has received a university degree.

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

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

**Isis:** The Thames, while running through Oxford.

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

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

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

**MA** (Master of Arts): a degree awarded to a student who completes the BA, and then survives for 21 terms (7 years) after matriculating without going to prison. MAs outrank any person who does not have the degree of MA, other than doctors of divinity, medicine and civil law. From 1334 to 1827, candidates for the degree had to vow never to lecture at Stamford.

**MJur** (Magister Juris): a taught postgraduate degree introduced in 1991, and designed as a counterpart to the BCL for students who have been trained in law outside the common law jurisdictions. MJur candidates may take one of the Oxford undergraduate common-law courses, and are eligible for most of the BCL subjects. There are 41 subjects in the MJur this year.

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

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

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

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

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

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

**Lecturer:** a teacher holding one of a variety of academic posts. Most fellows of colleges are also university lecturers. Some college lecturers do not have university posts. Some university lecturers have no college affiliation. Some lecturers give lectures, some do not. The term 'lecturer' is a complex piece of jargon that is used in various

defined senses in employment contracts, and is not especially important for any other purpose.

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

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

**Postgraduate:** a graduate who is a student.

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

**Professor:** the holder of a senior academic post with responsibilities to teach for the University but not for a College, or an academic holding another post on whom the title has been conferred as a sign of distinction (twenty-one of the seventy-six academic postholders in the Faculty are professors).

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

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

**Reader:** the holder of an academic post intermediate between a university lectureship and a professorship, or an academic holding another post on whom the title has been conferred as a sign of distinction. It used to be an important post that gave some remission from undergraduate teaching; now it is most often given as a title of distinction (there are roughly seven readers in the Law Faculty).

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

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

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

Second Public Examination: see **Finals**.

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

**Sending down:** requiring a student to leave the University.

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

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

**Senior Tutor:** the officer in a college who has overall responsibility for academic affairs. The fellow who has been at the college the longest is usually called the 'senior fellow'. The tutor in a particular subject who has been at the college longest is usually called the 'senior subject tutor' (so the law tutor who has been there longest is the Senior Law Tutor).

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

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

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

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

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

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

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