

BCL and M Jur Examiners' Report 2003

The first thing to be said is that the faculty stands in enormous debt to Ms Julie Bass, the examinations officer and her assistant, Ms Lorna Costar. The nature of the exercise obliged Julie Bass to work incredibly long hours. She made no mistakes, and, without complaint, coped with a temperamental computer program, intolerable heat in her south-facing office (with no air conditioning), and not always completely co-operative markers. It does not bear thinking what would have happened if she had been less willing day in day out to do the work of three people. **Portable air conditioners are now available at a reasonable cost. One should be bought for that office.**

It is in the nature of an examiners' report to deal chiefly with things which need to be mended or improved. It is therefore as well to say at once that by and large these exams went off very well and without any serious disaster. The performances of the Vinerian, the Proxime Accessit, and the winner of the Clifford Chance Prize were spectacularly good, proof if any were needed that we still aim for and reach the very highest standards. That being said, there are some things that need attention. Magdalen may have set a record in having 8 distinctions, many of them prize-winning.

1 Statistics

The incidence of distinctions, passes, and fails is tabulated at Appendix 1.

2 Minutes of Marks Meetings

These are included as Appendix 2.

I: Preparing for the Next Examinations

3 Settling Examination Timetables

We promise the candidates that everything possible will be done to avoid their having to do two exams on one day. In the event this year some did have two in one day and a handful even had three slots running. We were told by the Examination Schools that every possible effort had been made to avoid this. Only when it was too late did the Chair realize that there were no exams at all scheduled for the Saturday. If Saturday had been used the pressure could have been taken off. This is not the only example of less than absolute helpfulness on the part of the Schools. **The Chair needs to issue a timely reminder, before Christmas, to alert the Schools to use best efforts to avoid two on one day for any candidate, and this must be followed up by early and active participation in the creation of the examination timetable.**

4 Internalizing Examining Procedures

There was some evidence this year that innovations and a welter of written instructions had undermined colleagues' understanding of the procedure. Many markers professed themselves in doubt as to what precisely they were meant to be doing and when. That insecurity, understandable at a time of rapid change, is highly undesirable. In some subjects there were departures from the written instructions. In one the marks were returned two days after the deadline, with really serious consequences the workload in the office in the preparation for the first marks meeting. We need to take steps to achieve a shared understanding of the examining process. This means reducing the written instructions to maximum brevity and clarity, using so far as possible identical procedures for BCL/ M Jur and FHS, and ensuring that the computer programs (which dictate reporting procedures) are likewise the same for both. **This exercise in simplification and unification, involving both the two Chairs and the Examinations Committee, should be finished in time for the new simplified instructions to be discussed by subject groups at their Hilary meetings. Brief discussion in those meetings will serve to spread the word and to recreate the internalized understanding of the examining process which we used to take for granted.**

5 A New Kind of Mistake to be Prevented

A mistake was made in 2003 which could have had disastrous consequences. In instructing the computer the Chair followed the Graduate Handbook's list of credit-weightings. One weighting was incorrect. The printed version had in fact been corrected by mass e-mail in October 2002. The Website version was also corrected at that time. Later failure to feed this into the computer program meant that the operation of the rule for awarding distinctions was vitiated in the case of every candidate who took that subject. Two pieces of good luck averted the worst. First, there were less than a dozen candidates taking that subject, and, secondly, an agonizing review of the transcript of each of them showed that only one had received the incorrect grading. That person had been awarded a pass and should have been awarded a distinction. Steps were immediately taken to correct the record. **In future the credit weightings as fed into the computer must be republished in the examiners' edict and, if it can be agreed by all concerned, must appear on the examination papers themselves.**

6 Materials in the Examination Room

There was a new person in charge at the Schools of the issue of our material to the candidates. He did an excellent job. There nonetheless remain three serious criticisms of the present system. First, the expense is colossal and wholly out of proportion to the use made of the material, which in many cases is nil. One single item, the new Enterprise Act, cost more than £1000 this year. Secondly, making sure that the right materials are bought and set out is a tense and error-prone business. Thirdly, which colours both the other two, many universities have no difficulty at all with a rule which allows candidates to bring in statutory material of their own, annotation being strictly forbidden but highlighting allowed. **If we are to continue to allow materials in some of the exams, we should go over to that system. And, whatever happens, we must reinforce the Christmas deadline for finalizing the lists of permitted materials.**

II: Better Information for Candidates

7 Choice of Subjects: Tactics and Distinctions

There were a number of complaints after the event this year from people aggrieved because, had they chosen different credit combinations, they would very probably have won distinctions. It is true that there were some very good people who suffered from the rule that a distinction is won when, no marks being below 60, a mark of 70 is achieved in at least 50% of the credit units. This means that a 70 in two 3-credit subjects will win a distinction if all the credits add up to 12 but not if they add up to 13. Differential credits entail this kind of outcome. We need to give clear and early warning. **A day is set aside for pre-term lecturettes on all the options. It would be good if on that occasion the Chair were given ten minutes to explain the operation the operation of the convention. A handout should be prepared with examples of the operation of the convention. That sheet of examples should be added to the statement of the convention in the Examiners' Edict.**

8 Format of Dissertations

For all theses from the M Stud up there is a statutory format. There was a flurry of anxiety as this year's deadline approached as candidates discovered, and found it difficult to believe, that there was no equivalent provision for dissertations. It is clear from the many questions then asked that the candidates would appreciate firm rules. **At the very least we should advise the candidates at the start of the year that they should use the statutory format for their dissertations. If that becomes standard practice, it will have the good side-effect of making it much easier to spot infringements of the word limit, just as the unvarying format makes it easy to recognise an overweight D Phil.** Since lectures are given to the research students on the format for all theses, the better solution in the longer term may be to require one format for all serious writing and to invite the taught course postgraduates to attend the relevant units of the course in legal research method.

III: The Divided Master's Cohort

9 Number of Questions

The BCL and M Jur command equal respect. Convention nonetheless currently allows the M Jur candidates to answer no more than three questions, while the BCL candidates often have to answer four. This reflects the faculty's recognition that M Jur candidates are almost always working in a second language. It might be that the aims of this concession could be better met in a different way. It might be, for instance, that the M Jur candidates should be given an extra half-hour. It has to be borne in mind that the number of questions in the exam bears on the pattern of the candidate's preparation. This gives rise to a second question, whether the number of questions to be answered should be tightly linked to the credits given, so that, for example, all 4-credit subjects would ask the candidate to do the same number of questions. **The Examinations Committee should be asked to consider these questions.**

10 BCL (ECL) etc

Just as very great care has to be taken with credit weightings and with the literature in which they are advertised, so it is necessary to ensure that the subjects which qualify a candidate for the specialized version of the BCL and M Jur are accurately identified. This year it proved to be a difficult and insecure job to establish who had obtained the unvarnished degree and who the specialised version in European and Comparative Law. There is also evidence that not all who are entitled to it actually want to have the 'ECL' label attached. The cumbersome recommendation below will not only overcome the difficulty of attributing the special label but will also allow those who do not want the ECL version to opt out even when offering subjects which would entitle them to it. **The rule should therefore be that nobody will get the BCL (ECL) or the M Jur (ECL) unless he or she enters for the examination expressly for one of those two specialized degrees and for a combination of examinations which qualifies for the specialized appellation.** This may mean that the examination papers will have to describe themselves as being for four degrees, BCL, M Jur, BCL(ECL) and M Jur (ECL) but there is no reason to run away from that.

IV: Marks

11 High Marks

The University has begun to encourage the use of higher marks than have been customary in our faculty. During the summer, after the issue of the Edict, the Chair received a communication urging the use of all the marks up to 85, which would make for an absurd fifteen differentiations within the top band. In the event the highest mark awarded was 78. It is tolerably clear that most markers still treat 74 or 75 as the highest available mark. We must be *ad idem* on this. Prizes are most obviously affected. **The Examinations Committee should restate the convention for the top of the scale, taking note of the difficulty of reaching up to 85 without altering the lines currently drawn below (which would be very unsettling and would put us out of line with all other law faculties in the country).**

12 Release of Marks

Colleges get the transcripts of their students. Those who teach the BCL and M Jur are not getting transcripts of students in their class. We are told that it is not in the power of the examiners to alter this practice. This contradicts the culture of the taught postgraduate courses, where the university teachers have the role and importance that tutors have in FHS. Those teachers have to write references. They also need to be able to compare the performance of their subject with others. **There must be a circulation of class-based transcripts to the relevant teaching group. This will conform to the practice of all other universities.**

13 Sensitive Marks

Everyone is fully aware that there are sensitive borderlines at and below 70 and 50 and 40 (the distinction line, the pass line, and the irredeemable fail line). More needs to be done to ensure that all markers keep fully in mind the sensitivity of the 60 borderline. However good the other marks, a

candidate with a mark below 60 cannot have a distinction without a waiver of the convention. For obvious reasons the convention is not waived except in a really extreme case. The examiners, though not the individual markers to whom the figure is not visible, also need to attend carefully to the weighted average of 65, because admission to the M Phil is in general made conditional on achieving that average. **Marks of 59 should be added to the list of those which are automatically double-marked before the first marks meeting.** A doubt having arisen, **the Examinations Committee should confirm that the marks which are irredeemable are 39 and below, the redeemable marks being 40-49.**

14 Third Marking

Under the present rules a considerable number of scripts have been double marked before the first marks meeting. The examiners took the view that that did not preclude their asking for a double-marked script to be reconsidered between the two marks meeting. The rationale was that there was a difference between double-marking and re-marking in the knowledge that the candidate had landed on a sensitive (but undisclosed) borderline. To deny this last minute reconsideration to candidates who happened to have been double-marked seemed to the examiners not to be fair. **The Examinations Committee is invited to comment on this.**

V: Computer Program

15 Reliability

At several points in the final stages of the process the program proved itself unreliable, not in the sense that it confused marks or got its arithmetic wrong but rather in refusing to do exercises expected of it. At the very end, for instance, the Examinations Officer had to type up the results to be taken to Schools because the program would not disgorge them. The Examiners, having finished their work, could not therefore sign the list. This was the third such incident in the period after the deadline for submission of marks, in which time is at a premium and delay therefore intolerable. **As examiners we have no expertise in this sphere, but, inexpert as we are, we take the risk of saying that there is no excuse on the part of the computer officers for allowing the program to remain unreliable in this way.**

16 Flexibility

It appears that the program is at the moment insufficiently flexible in the sense that it cannot respond to all the orders we would wish to give it. In addition to what it is presently supposed to be able to do, it should henceforth have the capacity to **(a) show that a script has been marked more than twice; (b) produce at the end of the examiners' final meeting a complete list in which the candidates' numbers are replaced with names and all decisions as to prizes are included ; (c) to list by name the results of those 25 or so candidates who have conditional offers to do the M Phil; (d) to list the results not only by college for college tutors but also by subject for subject teachers in accordance with the recommendation in para 12 above.**

17 Stability

At the first marks meeting the examiners learn to read the complex printout quickly and reliably. It

is then extremely disorienting to find that the printout for the final meeting presents the picture in a different pattern. There appears to be no reason for this. **If possible, the printouts for the first and second meetings should conform to the same pattern.**

18 Feedback, Complaints and Appeals

After the results were published a number of candidates wanted feedback, some because they wanted to complain or appeal, some seemingly merely because they were interested to know more about the assessment of their papers. One did make a formal appeal, alleging that the rules for awarding distinctions were irrational and discriminatory.

That appeal underlines the need for oral and written information about the marking conventions at the start of the year. The edict comes too late. In the old days it would have been thought the earliest possible notification, but nowadays it would be inconceivable for the examiners to tinker with the conventions without consultation and a year's notice. It should therefore be possible to explain the conventions in the handbook. It is an important fact that there is absolutely no consensus as to the easiest route to a distinction. That is good, since if there were a consensus there might be some, though not much, truth in the suggestion of discrimination.

Equally important in the light of the growing demand for feedback is the need either to make perfectly clear that the rule is and will continue to be that there must be no communication whatever between examiners or assessors and candidates and that appeals must go through the Proctors or to reform the present regime and prepare for greater transparency, something which clearly could not be done by Law alone.

P. B. H. Birks (Chairman)

A. Briggs

J. Raz

A. A. S. Zuckerman

Appendices

Appendix 1: Statistics

Appendix 2: Notice to Candidates

Appendix 3: Awards and prizes

Appendix 4: Degree classifications

Appendix 5: Marks proportions on first reading

Appendix 6: Reports on individual papers

Appendix 7: External Examiners Report

APPENDIX 1

BCL/MJur 2004 – GENDER BREAKDOWNS

BCL Statistics

| <u>Result</u> | <u>Number</u> | <u>Percentage</u> |
|---------------------|---------------|-------------------|
| All | 68 | 100 |
| Pass | 40 (not 39) | 59 (not 57) |
| Route 1 Distinction | 28 (not 29) | 41 (not 43) |

Gender Breakdown for BCL

| | 2003 | | | |
|-------------|------|----|--------|----|
| | MALE | | FEMALE | |
| | No | % | No | % |
| Distinction | 23 | 46 | 5 | 28 |
| Pass | 27 | 54 | 13 | 72 |
| Fail | 0 | | 0 | |
| | 50 | | 18 | |

MJur Statistics

| <u>Result</u> | <u>Number</u> | <u>Percentage</u> |
|---------------------|---------------|-------------------|
| All | 66 (not 65) | 100 |
| Fail | 1 | 2 |
| Pass | 56 (not 55) | 85 |
| Route 1 Distinction | 9 | 14 |

Gender Breakdown for the MJur

| | 2003 | | | |
|-------------|------|----|--------|----|
| | MALE | | FEMALE | |
| | No | % | No | % |
| Distinction | 7 | 19 | 2 | 7 |
| Pass | 29 | 78 | 27 | 93 |
| Fail | 1 | | | |
| | 37 | | 29 | |

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

BCL/MJUR EXAMINATION 2003

NOTICE TO CANDIDATES

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

1. Timetable and Place of the Examination

All examinations will be taken at the Examination Schools in the High Street. *Sub fusc* must be worn. You are advised to reach the Schools no less than ten minutes before the stated time of the examination. A bell will be rung some minutes before the examination to give candidates time to move from the entrance of the building to the examination room. Notices in the Schools will direct candidates to the appropriate room. Seating in the examination room will be in alphabetical order, and desks will be identified by **name** only. Desks and even rooms may sometimes be changed for papers taken by smaller numbers of candidates, so candidates should check on the notice board in the Schools for each paper.

The timetables (Schedule I) will be ready in the very near future and will be displayed on the Exam Schools website. Hard copies of each candidate's personal timetable will be sent to his or her college by the Examination Schools shortly after the full timetable appears on the website.

No candidate is believed to have offered more than one of the papers scheduled for the same time. If you think that it is wrong, you must inform the Chair of Examiners through your college adviser without delay. Every effort has been made to ensure that you are not confronted by three or more examinations in consecutive slots, but this is sometimes unavoidable.

The first BCL written examination begins at 9.30am on Monday 7 July. The first MJur written examination begins at 9.30am on Monday 2 June. The last examination for both degrees begins at 2.30pm on Monday 14 July.

2. Examination Numbers and Anonymity and Examination Protocol

You will be informed of your examination number and you should bring to the examination room the note advising you of that number. You must not write your name or the name of your college on any answer book, essay or dissertation. Use only your examination number.

The Examination Protocol giving guidance on the conduct of the examination is attached to this notice as Schedule II, and you should read it before the start of the examination. Copies of the Protocol will not be provided on desks, and candidates must not take their own copy into the examination room (but it will be available from the invigilator).

3. Materials in the Examination Room

In some examinations statutes and other materials will be placed on the desks in the examination

room. The list is prescribed by the Law Board and cannot be altered or updated other than by the Law Board: in the event of any emergency change, this will be notified specifically to candidates. The list is attached to this notice as Schedule III.

Dictionaries

The general rules used by the Proctors are that language dictionaries are permitted under the following conditions:

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

Other materials

No other books or papers whatever may be taken into the examination room.

Rough work

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

Candidates' scripts

- (i) Anonymity To ensure anonymity you must write your **examination number only** in the appropriate place on the first page of each answer booklet. You must not write your name or college even if the booklet contains a box labelled 'name and college' That box must be left blank.
- (ii) Legibility Candidates must not write in pencil. Candidates submitting illegible scripts will be required to have them typed at their own expense. The Examiners will make every effort to identify such candidates as early as possible, but candidates who leave Oxford before 21 July 2003 are taking a serious risk.
- (iii) Handing in scripts It is the **candidate's own duty to hand in his or her scripts by placing them in the appropriate numbered box**, which will be pointed out by the invigilators. Any candidate who does not hand in a script must inform an invigilator before leaving the examination room.

4. Examination Technique

If you did not undertake undergraduate work elsewhere, and especially if you did it in another country, you are strongly advised to discuss the nature of Oxford law examinations with your college tutors and your peers. The underlying assumptions as to what constitutes a satisfactory, let alone an excellent, answer may differ substantially from those in your home jurisdiction. In particular, it is necessary to understand that the typical answer runs to three or four pages and that those marking the examination place great importance on the nature of the discussion that leads you to your final conclusion. If a question seems at first sight to admit of a satisfactory answer in one or two sentences, you must nevertheless take it as an invitation to engage in a critical discussion of the pros and cons. Even problem questions that ask you to advise one party must not be read as excluding discussion and critical comment of a kind no real party would wish to hear. These few suggestions do not in themselves give sufficient guidance. You must take advice on this matter and you must contemplate the papers set in earlier years in the light of the advice that you are given. See also the assessment standards attached as Schedule IV.

5. Jurisprudence and Political Theory Interviews

If you are offering essays in *Jurisprudence and Political Theory* you must read these instructions very carefully; they deal with the arrangements which are made as a safeguard against plagiarism. There will be no 'essay vivas' at the end of the examining process. Instead some candidates will be summoned to discuss their essays with two members of the faculty. It is likely that about four candidates will be so summoned. The precise number will vary according to the number of candidates who offer this option. The summons will come in the first two weeks of Trinity Term, to a meeting in fourth week or thereabouts. The purpose of these meetings is solely to provide a check against the danger of plagiarism. The interviewees will be chosen by lot. The interviews, which will generally last about fifteen minutes, will be informal. Academic dress need not be worn. The faculty members who will conduct them will be drawn from those who are not Examiners. They will not report on the quality of the work. Using the

examination number of the candidate, they will report to the Chair of Examiners only that they are, or are not, satisfied that the essays were the candidate's own work.

6. Submission of Essays and Dissertations

If you are offering essays or a dissertation, you must read the following instructions very carefully. Your attention is particularly drawn to the requirements as to the number of copies to be submitted and to any requirements that submissions be typed.

Jurisprudence and Political Theory Essays

Jurisprudence and Political Theory will be examined through three essays. Topics for essays will be prescribed by the Examiners and published on the notice board of the Examination Schools, by noon on the Friday of the eighth week of Trinity Term, 14 March 2003. Candidates may obtain a copy of this notice from the Examination Schools' Reception desk. You will be required to select three topics from a list of six. The three essays, which you submit, must be, in aggregate, not shorter than 5,000 words and not longer than 8,000 words. See *Examination Regulations 2002* (for the academic year 2002-03) p 872. Disregard of these limits may be penalised; see further below. Each essay must state on its first page the number of words that it contains. The essays must be typed and each one must be separately stapled.

Two copies of each essay must be delivered to the Clerk of the Examination Schools, addressed to the Chairman of the MJur Examiners, Examination Schools, High Street, Oxford, OX1 4BG, by noon on Friday 25 April 2003. Late submission may be penalised; see *Examination Regulations 2002* p1033. With your essays you must include a separate sealed envelope containing a certificate, signed by yourself, to the effect that the essays are your own work, and that you have received no help, even bibliographical, with the preparation of them. Your tutor in Jurisprudence and Political Theory or, if that tutor is not available, a law tutor at your college, must countersign the certificate confirming that, to the best of the tutor's knowledge and belief, these statements are true. In the sealed envelope, you must also include a list of the titles of the essays which you have submitted, the total number of words used in the essays, and add both your examination number and your name and college. Unless in exceptional circumstances, this sealed envelope will not be opened until the marks for the essays have been finally determined.

You must not put your name or the name of your college on your essays, but only your examination number. The examination number must be written both on the essays themselves and on the envelope in which they are submitted. The only place in which you should write your name and college is on the papers inside the sealed envelope referred to in the previous paragraph.

Dissertations

If you are offering a dissertation you must read very carefully the requirements set out in the *Examination Regulations 2002* (for the academic year 2002-03) pp 871-872. The requirements set out there are not repeated here. The Examiners draw particular attention to the word limit and to the requirement that every dissertation must include a table of cases with page references. Disregard of these matters will be penalised; see further below.

Dissertations must be typed, *and the number of words must be stated on their first page*. You must ensure that your examination number, but neither your name nor the name of your college, appears on the dissertation. If bound copies that you submit do bear your name on the spine, or on the title page, or elsewhere, you must mask the name with tape or in some other effective manner. You must hand in the copies of your dissertation to the Clerk of the Examination Schools in a sealed envelope. Your examination number and the words "BCL Dissertation" or "MJur Dissertation", as appropriate, must be written on the envelope. Dissertations must be delivered by noon on Friday 30 May 2003 (Friday of fifth week of Trinity Term). Late submission may be penalised; see the *Examination Regulations 2002* p 1033. Submission of a dissertation the title or subject matter of which is different from that approved by the Law Board may also be penalised; see the *Examination Regulations 2002* p 1034.

Exceeding the word limits

The *Examination Regulations 2002* p1033 say:

'Submission of Theses or other Exercises

10. Where a candidate for any written examination (other than the D.Phil., M.Litt., or M.Sc. by research) in which a thesis (or other Exercise) may be, or is required to be, submitted as part of that examination presents a thesis (or other exercise) which exceeds the word limit prescribed by the relevant statute, decree, or regulation, the examiners, if they agree to proceed with the examination of the work, may reduce the mark by up to one class (or its equivalent). Where a candidate submits such a thesis (or other exercise), the title or subject matter of which differs from that which was approved by the faculty board concerned, the examiners may similarly reduce the mark by up to one class (or its equivalent).'

The Examiners are naturally bound by this. It is necessary, however, to give guidance on the meaning of a 'word' in this context. Because of the manner in which word count software operates, items are treated as words in circumstances where this should not be the case. For example, 'All ER' may be counted as three words. To deal with this, the examiners have determined that an allowance of an extra 3% should be permitted to candidates (should they wish to use it) above the figure of 12,500 stipulated in the Examination Regulations. The word count that appears on the dissertation must be the actual word count produced by the software. The word count must include all footnotes and endnotes, but not any bibliography. You must ensure that any automatic word-count on the word-processing program you use is set to count footnotes and endnotes.

Basis of assessment

The Examiners draw attention to the provision in the *Examination Regulations* 2002 p 872 that they are obliged to judge the extent to which a dissertation affords evidence of significant analytical ability on the part of the candidate.

7. Change of Options

The Chair of Examiners hereby gives notice of consent to any variation of options made without direct reference to the Chair but reported to the Clerk of the Examinations Schools by Friday of the first week of Trinity Term (2 May 2003), **except** any variation which will affect the timetable. The Examination Schools will tell you whether your proposed change is compatible with the timetable.

8. The Question Papers

Subject to the innovations mentioned in this section, the form and scope of papers will be the same as last year.

Global Comparative Financial Law

This is a new paper for a new subject. There will be ten questions, some of which may be sub-divided. BCL candidates must answer four questions. MJur candidates must answer three questions.

Globalisation and Labour Rights

The paper will be divided into Parts A and B. Candidates will be required to answer three questions, choosing at least one from each Part.

Part A will cover: the impact of globalisation on labour rights; the International Labour Organisation; corporate codes of conduct, social labelling and investor initiatives.

Part B will cover: the role of the World Bank, Organisation for Economic Co-Operation and Development, and the United Nations Global Compact; unilateral and regional approaches to labour rights, and the World Trade Organisation.

Comparative Public Law

Eight questions will be set and not ten as hitherto.

Corporate and Business Taxation

Nine questions will be set and not ten as hitherto.

Corporate Insolvency Law

There will be two problem questions as opposed to three last year.

Principles of Civil Procedure

Ten questions will be set.

FHS Papers available for MJur

Contract

The Sale and Supply of Goods to Consumers Regulations 2002 are on the syllabus but the Regulations will not be provided in the examination room because questions will not be set that necessitate a detailed knowledge of them.

9. Marking Conventions

Scripts are marked on the University scale from 1 to 100. In practice a mark above 75 is very rarely seen, and a mark of 80 would indicate an utterly exceptional script. 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 assessment standards are shown in the paper attached as Schedule IV.

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

- (a) For the award of the 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.
- (b) For the award of a Distinction in the BCL or MJur a candidate must secure marks of 70 or above on 50% or more of the credit value of the subjects taken, and there must be no mark lower than 60.

In applying these conventions the examiners will treat a mark for a dissertation in the same way as a mark for an examination paper.

10. Incomplete Scripts

Where a whole question has been omitted, or, where part of a question separately numbered or lettered has been completely omitted, candidates must realise that, in the normal case, but subject to the examiners' discretion exercisable in special circumstances, the overall mark will be calculated on the basis that no marks at all were awarded for the missing work. Where a candidate completes the correct number of questions, but fails to answer a question which is compulsory (eg where the candidate does not answer a problem question as required by the rubric of that paper), marks will be deducted and this may affect the final result. It is therefore of the utmost importance that candidates comply with the rubric of the paper and answer the number and type of questions stipulated. Candidates who write answers in note form may also expect to have their overall mark for the paper reduced.

Candidates for whom English is not their first language will not lose marks on account of linguistic and stylistic infelicities which do not affect the substantive merits of the answers.

11. Publication of Class List

The Examiners hope to publish the lists in the late afternoon of 25 July 2003. The list will be posted in the Examination Schools. Results will not be available over the telephone from the Examination Schools or from the Law Faculty Office. The Examination Schools send individual results directly to candidates by post. They will also be available through candidates' colleges; your college office will advise you on how you may obtain them.

12. Illness or other Causes affecting Candidates for Examinations

The Proctors have authority to authorise special arrangements for candidates who for medical or other sufficient reasons are likely to have difficulty in writing their scripts or completing the examination in the time allowed. If this applies, you should consult the appropriate college officer, (usually the Senior Tutor). Where a candidate's performance in any part of an examination is likely to be, or has been, affected by factors such as illness or disability the candidate may, through the appropriate college officer, inform the Proctors of these factors, and the Proctors will pass this information to the Chair of Examiners if, in their opinion, it is likely to assist the Examiners in the performance of their duties. See further *Examination Regulations* 2002 pp999 – 1002. The examiners cannot take account of any special circumstances other than those communicated by the Proctors.

Professor P. B. H. Birks
Chair of Examiners
11 March 2003

Schedule I – Examination Timetable
Schedule II – Examination Protocol
Schedule III – Materials in the Examination Room
Schedule IV – Assessment Standards

Schedule I

TRINITY 2003

Degree of Bachelor of Civil Law

| | | | |
|-----------|---------|---------|---|
| Monday | 7 July | 9.30 am | Personal Taxation. European Employment and Equality Law. Roman Law (Delict). Global Comparative Financial Law. |
| | | 2.30 pm | Restitution. European Business Regulation. |
| Tuesday | 8 July | 9.30 am | International Dispute Settlement. |
| | | 2.30 pm | Competition Law. Comparative Human Rights. |
| Wednesday | 09 July | 9.30 am | Conflict of Laws. International Environmental Law. |
| | | 2.30 pm | Intellectual Property Rights. |
| Thursday | 10 July | 9.30 am | Transnational Commercial Law. International Human Rights and the Law of War. |
| | | 2.30 pm | Corporate Insolvency Law. Philosophical Foundations of the Common Law. Regulation. |
| Friday | 11 July | 9.30 am | Corporate and Business Taxation. Crime, Justice and the Penal System. Principles of Civil Procedures. |
| Monday | 14 July | 9.30 am | Evidence. Globalization and Labour Rights. |
| | | 2.30 pm | Comparative Public Law. |

Candidates are requested to attend at the EXAMINATION SCHOOLS.

P. B. H. BIRKS

Chairman

11/03/03
EBCL0203T

TRINITY 2003

Degree of Magister Juris

| | | | |
|-----------|---------|---------|---|
| Monday | 02 June | 9.30 am | Contract. |
| Wednesday | 04 June | 9.30 am | Jurisprudence. |
| Saturday | 07 June | 9.30 am | Administrative Law. |
| Monday | 09 June | 9.30 am | European Community Law. |
| | | 2.30 pm | Public International Law. |
| Tuesday | 10 June | 9.30 am | Company Law. |
| Wednesday | 11 June | 9.30 am | Labour Law. Criminal Law. |
| Thursday | 12 June | 9.30 am | Comparative Law: Contract (French). |
| Friday | 13 June | 9.30 am | International Trade. |
| Monday | 07 July | 9.30 am | Roman Law (Delict). European Employment and Equality Law. Global Comparative Financial Law. |
| | | 2.30 pm | Restitution. European Business Regulation. |
| Tuesday | 08 July | 9.30 am | International Dispute Settlement. |
| | | 2.30 pm | Competition Law. Comparative Human Rights. |
| Wednesday | 09 July | 9.30 am | Conflict of Laws. International Environmental Law. |
| | | 2.30 pm | Intellectual Property Rights. |
| Thursday | 10 July | 9.30 am | Transnational Commercial Law. International Human Rights and the Law of War. |
| | | 2.30 pm | Corporate Insolvency Law. Regulation. |
| Friday | 11 July | 9.30 am | Corporate and Business Taxation. Principles of Civil Procedures. |
| Monday | 14 July | 9.30 am | Globalization and Labour Rights. |
| | | 2.30 pm | Comparative Public Law. |

Candidates are requested to attend at the EXAMINATION SCHOOLS.

P. B. H. BIRKS
Chairman

11/03/03EMJU0203T

Schedule II

BCL/M.Jur 2003

EXAMINATION PROTOCOL

1. Please check that you are seated at the right seat.
2. Do not turn over the examination paper or begin writing until you are told you may do so.
3. You may remove gowns, jackets and ties during the examination, but you must be correctly dressed in *sub fusc*. before you leave the examination room.
4. Do not put your name or college on any answer book. Write only BCL or MJur (whichever is appropriate), the title of the paper and your examination number in the spaces provided.
5. Please read the instructions on the front of your answer book and observe them.
6. If you have been permitted by the Proctors to use an English dictionary during the examinations, it will be inspected by an Examiner at the beginning of the examination. It should be left on your desk at the end of each paper until the examination is concluded.
7. You may not leave the examination room before 30 minutes after the beginning of any examination, nor in the last 30 minutes of any examination.
8. Do not bring refreshments into the examination room. Water is available in the lobby just outside the room. It is not to be brought into the room. If you would like a drink of water or to visit the lavatory please contact one of the invigilators by raising your hand.
9. If you require more paper, raise your hand (preferably with a piece of paper in it) and it will be brought to you.
10. Shortly before the end of each examination, you will be given an oral notice of the time remaining. At the end of the examination you will be orally notified to stop writing. Whatever you may have been told to the contrary, you are expected to stop writing your answers immediately and to put your papers together, if you have more than one book, tagging them together with the tag provided.
11. At the end of each examination, you will be called upon to deposit your script in the boxes provided.
12. Do not write on any of the statutory or other material provided in the examination room. Statutes may be randomly inspected during the course of the examination to monitor this instruction. Leave the statutes on your desk when you leave.
13. At the end of the last examination, please go directly to your college. In order to avoid nuisance to other members of the public, the Proctors' rules clearly prohibit you from assembling for any purpose in a public place at the end of this paper.

Schedule III

UNIVERSITY OF OXFORD

FACULTY OF LAW

MATERIALS IN THE EXAMINATION ROOM 2003

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

Company Law

Butterworth's Company Law Handbook, 15th edition, 2001 or, insofar as insufficient copies are available, 16th edition 2002

There is no substantial difference between the editions as far as FHS/Diploma in Legal Studies/MJur candidates are concerned. Copies of the 15th and 16th editions have been placed at the reserve desk in the Bodleian Law Library for candidates' reference in advance of the examination.

Comparative Law of Contract

Arts. 4-6; 1101-1122; 1126-1167; 1183-1184; 1382-1383 of the French Civil Code.

Contract

Blackstone's Statutes on Contract, Tort, and Restitution (by Francis Rose), 12th ed, 2001/2002

Criminal Law

I.Dennis (ed), Criminal Law Statutes 2002/3, Sweet and Maxwell, 2002

European Community Law

Rudden and Wyatt's *EU Treaties and Legislation*, 8th edition, OUP, 2002

Family Law

Blackstone's Statutes on Family Law, 10th edition 2001-2002

International Trade

Butterworth's Student Statutes, Commercial and Consumer Law, 2nd edition, ed. Richard Hooley, 1999-2000

Labour Law

Butterworth's Student Statutes, Employment Law, Deborah Lockton, 3rd edition, 2000/2001

Land Law

Sweet & Maxwell's Statutes Series, Property Law 2002/3, 8th edition

Principles of Commercial Law

Butterworth's Student Statutes, Commercial and Consumer Law, 2nd edition, ed. Richard Hooley, 1999-2000

Public International Law

Blackstone's International Law Documents, 5th edition, 2001

Tort

Blackstone's Statutes on Contract, Tort and Restitution (by Francis Rose), 12th ed, 2001/2002

Trusts

Sweet & Maxwell's Statutes Series, Property Law 2002/3, 8th edition

European Community Competition Law (Special Subject)

1. Rudden and Wyatt's *EU Treaties and Legislation*, 8th edition, OUP, 2002
2. Community Guidelines on State Aid for Rescuing and Restructuring Firms in Difficulty – OJ 1999 C288/2
3. Regulation 1/2003, O.J. L/1, 4 January 2003

European Community Social, Environmental and Consumer Law (Special Subject)

Rudden and Wyatt's *EU Treaties and Legislation*, 8th edition, OUP, 2002
EC Directive 89/622 OJ 1989 L359/1
EC Directive 92/41 OJ 1992 L158
EC Directive 98/43 OJ 1998 L213/9 (subsequently annulled)

Introduction to the Law of Copyright and Moral Rights (Special Subject)

Blackstone's Statutes on Intellectual Property, 5th edition

II. BACHELOR OF CIVIL LAW/MAGISTER JURIS

Comparative Law (Delict)

(Course not available in 2002-2003)

Comparative Public Law

Rudden and Wyatt's *EU Treaties and Legislation*, 8th edition, OUP, 2002

Competition Law

Blackstone's UK and EC Competition Documents, 2nd edition, 2002, ed. Middleton

The Enterprise Act 2002

Regulation 1/2003, O.J. L/1, 4 January 2003.

The Commission's 'Guidelines on Vertical Restraints', O.J. 2000, C 291/1

Conflict of Laws

Civil Jurisdiction and Judgments Act 1982, sections 32-34

Contracts (Applicable Law) Act 1990 (the whole act)

Private International Law (Miscellaneous Provisions) Act 1995, sections 9-15

Civil Procedure Rules 6.17-6.21

Council Regulation 44/2001/EC

Corporate and Business Taxation

Tolley's Yellow Tax Handbook Parts I and II, 2002-2003

Corporate Finance Law

(Course not available in 2002-2003)

Corporate Insolvency Law

Butterworth's Company Law Handbook, 15th edition 2001 or 16th edition 2002

The Enterprise Act 2002

European Business Regulation

Rudden and Wyatt's *EU Treaties and Legislation*, 8th edition, OUP, 2002

EC Directive 89/646 OJ 1989 L386/1

EC Directive 93/37 OJ 1993 L199/54

EC Directive 89/665 OJ 1989 L395/33

EC Directive 98/34 OJ 1998 L204/37

EC Directive 92/30 OJ 1992 L110/52

Community Guidelines on State Aid for Rescuing and Restructuring Firms in Difficulty – OJ 1999 C288/2

Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to de minimis aid

Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and

88 of the EC Treaty to State aid to small and medium – sized enterprises.

European Employment and Equality Law

Blackstone's EC Legislation, 13th edition 2002-3, OUP

Evidence

Butterworth's Student Statutes, Evidence, 5th edition if available, otherwise 4th edition

Intellectual Property Rights

Blackstone's Statutes on Intellectual Property, 5th edition

Directive 97/55/EC amending Directive 84/450/EC concerning misleading advertising so as to include comparative advertising.

The Registered Designs Regulations 2001, Statutory Instrument 2001 No 3949

"Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs" Official Journal L 003, 05/01/2002 p.0001-0024

International Dispute Settlement

Blackstone's International Law Documents, 5th edition 2001

International Environmental Law

P. W. Birnie and A. E. Boyle, Basic Documents on International Law and the Environment, OUP, 1995

2000 Cartagena Protocol on Biosafety to the Convention on Biological Diversity

1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change

International Human Rights and the Law of War

Blackstone's International Law Documents, 5th edition 2001

International Law of the Sea

(Course not available in 2002-2003)

Problems in Contract and Tort (German and English Law Compared)

(Course not available in 2002-2003)

The Law of Personal Taxation

Tolley's Yellow Tax Handbook, Parts I and II, 2002-2003

Transnational Commercial Law

Collection of primary materials compiled by the course directors:

EC Convention on the Law Applicable to Contractual Obligations (Rome, 19 June 1980)
Principles of International Commercial Contracts (Rome, 1994, UNIDROIT)
The Principles of European Contract Law Parts I and II
Vienna Convention on the Law of Treaties 1969
Uniform Law on the Formation of Contracts for the International Sale of Goods 1964
Uniform Law on the International Sale of Goods 1964
United Nations Convention on Contracts for the International Sale of Goods 1980
ICC INCOTERMS 2000: Rules for the Interpretation of Trade Terms (CIF, FOB and DDU)
Convention on International Interests in Mobile Equipment
Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment
United Nations Convention on Independent Guarantees and Stand-By Letters of Credit 1996
ICC Uniform Rules for Demand Guarantees 1992 (No 458)
ICC Uniform Rules for Contract Bonds 1994 (No 524)
ICC Uniform Rules for Contract Guarantees 1978 (No 325)
ICC Uniform Customs and Practice for Documentary Credits (1993 Revision – UCP 500)
ICC International Standby Practices ISP 1998
UNIDROIT Convention on Financial Leasing 1988
UNIDROIT Convention on International Factoring 1988
UNCITRAL Arbitration Rules 1976
UNCITRAL Model Law on International Commercial Arbitration 1985
The New 1998 ICC Rules of Arbitration
Hague Convention on the Law Applicable to Contracts for the International Sale of Goods 1986
New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958
Brussels Convention of 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters as Amended by the San Sebastian Convention
Inter-American Convention on the Law Applicable to International Contracts 1994

Schedule IV

BCL/MJUR EXAMINATIONS 2003

Assessment Standards

Distinction

>70 (For the award of a Distinction in BCL/MJur a candidate must secure marks of 70 or above on 50% or more of the credit value of the subjects taken, and there must be no other mark lower than 60.)

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 (For the award of the degree of BCL/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 below 40 is not susceptible of any compensation.)

Pass answers represent a level of attainment which, for a student at BCL/MJur level, are 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

<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’.

Allen and Overy Prize in Corporate Insolvency Law

Sunil Popuri

Lady Margaret Hall

Allen and Overy Prize in Global Comparative Financial

Oren Bigos

Magdalen

Clifford Chance Prize for the Best Performance in

Paul-John Loewenthal

St John's

Herbert Hart Prize in Jurisprudence and Political Theory

Tanusri Aragam Prasanna

Magdalen

John Morris Prize in The Conflict of Laws

Benjamin Joseph Doyle

Magdalen

KPMG Prize in Corporate and Business Taxation

Vrinda Sharma

St Catherine's

Monckton Chambers Prize in Competition Law

Paul-John Loewenthal

St John's

Olswang Prize for Intellectual Property Rights

Paul-John Loewenthal

St John's

Rupert Cross Prize in Evidence

Benjamin Joseph Doyle

Magdalen

Simms Prize in Crime, Justice and the Penal System

Aman Ahluwalia

St Catherine's

Simms Prize in Crime, Justice and the Penal System

Shiu Man Wan

Pembroke

Vinerian Scholarship

Benjamin David Allgrove

Magdalen

Vinerian Scholarship Proxime Accessit

Benjamin Joseph Doyle

Magdalen

Winter Williams European Business Regulation Prize

Gaetane Sibille Olivia Goddin

Lady Margaret Hall

Winter Williams Restitution Prize

Benjamin David Allgrove

Magdalen

APPENDIX 4

UNIVERSITY OF OXFORD
DISPLAY LIST

Candidates who have agreed to the publication of their names

Names of candidates who in Trinity Term 2003
have satisfied the Examiners for the
Degree of Bachelor of Civil Law

| | |
|--|--|
| Ahluwalia, Aman (ECL) (S.Cat) | Mills, Dominic W.O. (Ch.Ch.) |
| <i>D</i> Allgrove, Benjamin D. (Magd.) | Panaccio, Charles-Maxime M. (Mans.) |
| <i>D</i> Atrill, Simon P. (ECL) (S.John) | <i>D</i> Patsaouras, Alexander (ECL) (Worc.) |
| <i>D</i> Balance, James C. (S.John) | <i>D</i> Piggott, Daniel S. (Magd.) |
| Bhandari, Abhimanyu (ECL) (S.Cat.) | <i>D</i> Popuri, Sunil (ECL) (LMH) |
| <i>D</i> Bigos, Oren (ECL) (Magd.) | <i>D</i> Prasanna, Tanusri A. (Magd.) |
| Boswell, Andrew T. (Hert.) | <i>D</i> Rabinovitch, Ryan P. (Wadh.) |
| Brar, Jasveer K. (S.Hil.) | Ramlall, Vishva V. (ECL) (S.Pet.) |
| Chan, Cho W.R. (Pemb.) | Reddy, Vinay (ECL) (Ch.Ch.) |
| Cheng, Thomas K.H. (ECL) (Mert.) | Rizvi, Moshfeque (Pemb.) |
| <i>D</i> Coldrick, Emmet (Exeter) | <i>D</i> Robertson, Dominic E. (ECL) (Oriël) |
| <i>D</i> Curran, Christopher J. (Mert.) | Rosenblum, Nimrod (ECL) (SEH) |
| Dadbakhsh, Reza (S.Hugh) | <i>D</i> Saha, Gautam (ECL) (Queens) |
| <i>D</i> Davies, James E. (Hert.) | Selvam, Vijay S.V. (ECL) (Trin.) |
| Derbyshire, Hugh E.H. (ECL) (Exeter) | <i>D</i> Shapiro, Amy (Ball.) |
| <i>D</i> Doyle, Benjamin J. (Magd.) | Sharan, Varsha (ECL) (S.Hugh) |
| Epstein, Amnon (ECL) (Worc.) | Sharma, Priyanka (ECL) (S.Cat.) |
| Gilbreath, Cinnamon P. (Linc.) | Sharma, Vrinda (S.Cat.) |
| Girvan, Peter M. (ECL) (Hert.) | <i>D</i> Shirley, James P. (New) |
| Gorasia, Paras R. (ECL) (Exeter) | Sit, Yat-Wah W.E. (ECL) (Wadh.) |
| Hatzis, Nicholas (ECL) (LMH) | <i>D</i> Steele, Iain T. (ECL) (Magd.) |
| <i>D</i> Hicks, Edward G.D. (Oriël) | <i>D</i> Sulan, David R. (Keble) |
| Jones, Claire L. (ECL) (Exeter) | <i>D</i> Taylor, Rachel E. (ECL) (S.Cat.) |
| Kayes, Gareth R. (New) | <i>D</i> Tong, William S.H. (ECL) (S.Cat.) |
| Lim, Sing Siong S.C. (Worc.) | Wagstaff, Robert H. (Exeter) |
| Liu, Christine Y. (ECL) (S.Cat.) | Wan, Shiu M. (Pemb.) |
| <i>D</i> Marolia, Dilshad (ECL) (Linc.) | Wong, Cheuk H.E. (ECL) (SEH) |
| <i>D</i> Martin, Sarah G.A. (Magd.) | Yowell, Paul W. (ECL) (Ball.) |

D indicates the names of candidates adjudged worthy of Distinction by the Examiners

(ECL) indicates the names of candidates who have been awarded the degree of Bachelor of Civil Law in European and Comparative Law

The Vinerian Scholarship was awarded to Benjamin David Allgrove

25/07/2003
EBCL

Examiners

UNIVERSITY OF OXFORD
DISPLAY LIST

Candidates who have agreed to the publication of their names

Names of candidates who in Trinity Term 2003 have satisfied the
Examiners for the Degree of Magister Juris

- Arnold, Florian B. (ECL) (BNC)
 Barretto, Ana C.H. (S.Cat.)
 Bologan-Vieru, Otilia (ECL) (SEH)
 Bomhoff, Jacobus A. (ECL) (Ch.Ch.)
 Chretien, Joseane (ECL) (BNC)
 Croquet, Nicholas A.J. (ECL) (Linc.)
 Dhennin, Sylvain-Gerald G. (ECL) (Jesus)
- D* Dutta, Anatol A.K. (ECL) (S.Cat.)
D Einarsson, Olafur J. (ECL) (S.John)
 Endter, Florian M. (ECL) (S.Cat.)
 Formina, Anna (Univ.)
- D* Glodenyte, Agne (ECL) (Pemb.)
 Goddin, Gaetane S.O. (ECL) (LMH)
- D* Goelz, Alexandra E. (S.Hil.)
 Heidbrink, Jakob J.D. (ECL) (Ch.Ch.)
 Herr, Gunther (ECL) (Keble)
 Jagersberger, Barbara B.D. (ECL) (S.Hil.)
 Joly, Melanie (ECL) (BNC)
 Labus, Tijana (ECL) (Keble)
- D* Lehtimaki, Mika J. (S.John)
 Liang, Qinghua (ECL) (Worc.)
 Lindberg, Jan K. (ECL) (Worc.)
- D* Loewenthal, Paul-John J. (ECL) (S.John)
 Marosi, Zoltan (ECL) (SEH)
 McInnes, Scott G. (ECL) (S.John)
 Meuwese, Anne C.M. (Ball.)
 Michelzon, Irene (ECL) (SEH)
 Mizulin, Nikolay (LMH)
- Moeller, Karl R. (ECL) (Magd.)
 Molnar, Gabor L. (ECL) (SEH)
 Mostrova, Slavka (ECL) (Pemb.)
 Persin, Tamara (ECL) (SEH)
 Pivetta, Lucia (ECL) (S.Cat.)
 Puglielli, Elisa (ECL) (S.Hugh)
 Ramirez Montes, Cesar J. (ECL) (S.Cat.)
 Repieuski, Pavel O. (ECL) (LMH)
 Schall, Edgar A. (LMH)
- D* Schmitt, Alexander (ECL) (Ch.Ch.)
 Schoefer, Florian (ECL) (S.Anne)
 Schumann, Stefan T. (ECL) (LMH)
- Shakhrazieva, Sofiya (Worc.)
 Skoba, Laine (ECL) (S.Cat.)
 Stratakis, Alexandros (ECL) (SEH)
 Tikhonovetskiy, Dmitri (ECL) (S.Cat.)
 Tryggvason, Haraldur F. (ECL) (S.Cat.)
 Van Schaik, Freya Y. (ECL) (Pemb.)
- D* Van Wymeersch, Laurence A.M. (ECL) (S.Hugh)
 Wang, Jiangyu (ECL) (S.Anne)
 Wang, Qing (S.Cat.)
 Wang, Zhong (ECL) (S.Cat.)
 Weidt, Heinz G. (ECL) (Trin.)
 Wohlgemuth, Peter M. (ECL) (SEH)
 Xiao, Linghong (ECL) (H.Man.)
 Yuan, Jiechen (ECL) (Corpus)
 Zang, Yunwen (ECL) (S.Hugh)
 Zhao, Ling (ECL) (Queens)
 Zheng, Hui (ECL) (S.Cat.)

D indicates the names of candidates adjudged worthy of Distinction by the Examiners

(ECL) indicates the names of candidates who were awarded the Degree of Magister Juris in European and Comparative Law

The Clifford Chance Prize for the Best Performance in M.Jur was awarded to Paul-John Loewenthal

25/07/2003
 EMJU

Examiners

APPENDIX 5

Raw Marks Statistics, BCL/MJur 2003

Marks distribution on first reading, as percentages

.....Mark ranges (%).....

| Paper Name | Av. Mark | Number Sitting | 49/less | 50/54 | 55/59 | 60/64 | 65/69 | 70/over |
|---|-----------------|-----------------------|----------------|--------------|--------------|--------------|--------------|----------------|
| BCL Dissertation | 66.8 | 21 | 5 | | | 24 | 43 | 29 |
| Comparative Human Rights | 62.4 | 24 | 8 | 4 | 17 | 25 | 21 | 25 |
| Comparative Public Law | 67 | 17 | | | 6 | 24 | 24 | 47 |
| Competition Law | 66.1 | 29 | | | 10 | 24 | 48 | 17 |
| Conflict of Laws | 66.5 | 29 | | | 7 | 17 | 45 | 31 |
| Corporate and Business Taxation | 66.8 | 11 | | | 9 | 27 | 18 | 45 |
| Corporate Insolvency Law | 61.5 | 17 | 6 | 12 | 6 | 47 | 12 | 18 |
| Crime, Justice and the Penal System | 68.2 | 6 | | | | | 67 | 33 |
| European Business Regulation | 65.8 | 36 | | | 8 | 25 | 47 | 19 |
| European Employment & Equality Law | 67.5 | 11 | | | | 18 | 64 | 18 |
| Evidence | 66.5 | 8 | | | | 38 | 38 | 25 |
| Global Comparative Financial Law | 64.8 | 54 | | | 17 | 30 | 26 | 28 |
| Globalisation and Labour Rights | 68.4 | 9 | | | | 11 | 56 | 33 |
| Intellectual Property Rights | 64.8 | 25 | | | 8 | 40 | 40 | 12 |
| International Dispute Settlement | 61.9 | 34 | | 6 | 21 | 47 | 21 | 6 |
| International Environmental Law | 65.4 | 10 | | | 20 | 10 | 50 | 20 |
| International Human Rights and the Law of War | 67.3 | 13 | | | | 23 | 38 | 38 |
| Jurisprudence and Political Theory Essays | 69.5 | 19 | | | | 11 | 42 | 47 |
| M.Jur Dissertation | 65 | 10 | | | 10 | 20 | 60 | 10 |
| Personal Tax | 68 | 3 | | | | | 67 | 33 |
| Phil. Found. Common Law | 65.2 | 12 | | | | 58 | 17 | 25 |
| Principles of Civil Procedure | 67.2 | 14 | | | | 29 | 36 | 36 |

| Paper Name | Av. Mark | Number Sitting | 49/less | 50/54 | 55/59 | 60/64 | 65/69 | 70/over |
|--------------------|-----------------|-----------------------|----------------|--------------|--------------|--------------|--------------|----------------|
| Regulation | 66.1 | 9 | | | | 56 | 22 | 22 |
| Restitution | 67.3 | 25 | 4 | | 4 | 8 | 32 | 52 |
| Roman Law (Delict) | 61 | 2 | | 50 | | | 50 | |

APPENDIX 6

INDIVIDUAL REPORTS

CORPORATE AND BUSINESS TAXATION

This was the second year of the course, and, as last year, the papers were generally of a high standard with a good proportion of distinctions and no fails. MJur candidates took the course for the first time this year, alongside BCL students, and performed well in the examination.

As suggested by the examiners last year, the number of questions was reduced from ten to nine, with two problem questions instead of three. This did not appear to result in any difficulties, since no candidate attempted more than one problem question in any event and all areas taught were examined. Nine questions should be the norm in future. All questions were attempted by at least one candidate. There was some bunching around question 1, a theoretical question on the different models of corporate tax, which was almost universally well done, showing understanding of the concepts as well as their application. Other more specific essay questions on corporate groups and on the purchase by a company of its own shares also attracted impressive answers, including excellent discussion of some problematic case law. The question on EU tax developments was answered only by one candidate (who made a commendable attempt); probably because this is a difficult and fast moving area, rather than through lack of interest.

Essays remain more popular than problem questions. Those who did attempt question 9 did it very well indeed, giving clear and careful analysis of some difficult areas, and this was reflected in the high marks awarded. The answers to the topical small business tax-planning problem, which required knowledge of a number of areas, were mixed: one candidate obtained a distinction but others lacked the range and precision necessary for such a question. The best of the papers demonstrated an impressive ability to deal critically with a variety of materials and approaches. Candidates with slightly lower marks still showed an understanding of the subject but either gave insufficient critical analysis or displayed less detailed and sophisticated knowledge of the material.

CONFLICT OF LAWS

In line with the change to the rubric introduced in 2002, there were eight questions on the paper: four essays, three problems and one consisting of both elements. As ever, the standard as a whole was high, with only two final marks finishing below 60. Where lower marks were scored, either overall or on individual questions, this was usually the consequence, in problems, of too narrow a focus on one or two issues, to the detriment of many others that were also present.

The first essay (an either/or variety dealing with Jurisdiction) proved to be most popular and was generally well-answered, but it was surprising how few were the remaining shortcomings of Council Regulation (EC) 44/2001 observed by those submitting an answer to part (a). Of the remaining essays, question three (on the non-enforcement of foreign public law) was also popular and answered reasonably well, but only a few showed signs of real and in-depth analysis of the issues involved. Question two (*renvoi*) and four (characterisation of restitutionary claims) were less popular, but generally answered very well.

The three problems (principally contract, tort and enforcement of judgments) were just about equally popular. A partial weakness where tort was concerned was a failure to appreciate a number of possible “escape” routes into English law via section 14 of the 1995 Act and, with only one or two exceptions, a failure to spot the incidental question which should have led to the consideration of choice of law in contract. The final question (on movable property) was part essay and part problem: those who spotted that the problem largely consisted of a number of diverting points and adhered to

the relatively simple solutions available were suitably rewarded.

Overall, one trend which was picked up last year was noted again this year, i.e. a less than full appreciation of the relationship between jurisdiction and choice of law. There was also some evidence that this was part of a wider failing to make best use of the theoretical underpinnings of the subject: this is a matter which is to be addressed, in part, in a slight amendment to the course content for next year.

EVIDENCE

Eight candidates sat the Evidence paper. Three were awarded distinction mark. The paper followed the usual format of three essay titles and five problem questions, with each candidate being required to answer three questions including at least two problems. Consistently with the pattern of recent years most candidates elected to answer three problems. The most popular questions were Q.7, which all candidates chose to answer, and Q.4, which six of the eight chose to answer. Perhaps significantly, these were the three problem questions which asked exclusively about evidence in criminal trials, the other three problems involving both civil and criminal proceedings. On the whole the standard of answers was very satisfactory and the best answers were very good indeed. One issue which was notably dealt with less well than others by most all most candidates was that of basic relevance. In particular, few candidates seemed aware of the case law considering the potential relevance of sums of cash in drugs cases and that considering what might be relevant in support of a disputed identification. That said, most candidates exhibited mastery of a range of statutes and common law doctrines, and made points which drew on the case law of the European Court of Human Rights and of courts in overseas jurisdictions.

RESTITUTION

The standard of papers was, as usual, very high. Candidates made good use of case-law and academic literature, though in some (relatively few) instances, answers degenerated into a list rather than an argument. On the whole, there were no systematic errors. There was a fairly even spread among questions, though no-one attempted Question 10 (Illegality). The most popular questions were Question 5 (ignorance) and Question (change of Position).

CRIME JUSTICE AND THE PENAL SYSTEM

Six candidates sat for the examination. Three candidates achieved a distinction and the other three very good passes. Answers were generally wide-ranging and thoughtful, but occasionally marred by insufficient attention to the precise terms of the questions set. Two candidates appear to have spent too long on their first two answers, or so the relative brevity of their final answer would indicate. Overall, however, the performance under examination conditions of this year's cohort was very pleasing; empirical, theoretical and normative issues were generally handled skilfully. As in previous years, the question on victims proved popular, but most questions attracted at least one taker. The exceptions were a question on racial discrimination and a question on how a retributive theorist might justify the punishment of an impoverished thief.

PRINCIPLES OF CIVIL PROCEDURE

The majority of candidates demonstrated both a good command of the literature and that they had given some serious thought to matters of principle. As a result the general average was considerably

higher than last year. Two questions were particularly challenging. Question 6, concerning procedural truth, attracted only 2 answers (one of which was first class). But question 7, concerning the provision of security as a condition to participation in litigation, had no takers. Two candidates used similar materials in answer to two different questions. They were not penalised for doing so, but had their marks been marginal, the examiners might have been less inclined to give them the benefit of the doubt. Candidates should therefore be advised to avoid making use of the same materials in more than one question. If they feel obliged to do so, they should at least provide a justification.

COMPETITION LAW

The examination was taken by 9 BCL candidates and 20 MJur candidates. There were no really poor scripts, only three below 60 being awarded. On the whole the scripts showed a good command of the basic principles of the subject, although the recent UK case-law was often lacking. The examiners noted that there was an absence of really excellent scripts, with the exception of two candidates who achieved marks of 74 and 75 respectively (both MJur candidates). In addition to these two, the examiners awarded four marks of 70, the rest of the candidates achieving marks between 60 and 69.

Some questions naturally proved more popular than others. Essay questions 2 (modernisation) and 3 (essential facilities), and problem questions 5 (cartels and enforcement) and 8 (parallel conduct and abuse) attracted many takers, whereas essay question 4 (competition law and sport) and problem question 7 (*Wouters*) were both extremely unpopular. This was a pity, as both topics had been emphasised in the seminars. There were no breaches of rubric, and it was interesting to note that most candidates tackled two essays and one problem, rather than *vice versa*. One worrying aspect was that far too many candidates submitted short work on the final answer; this was not confined to the MJur.

THE LAW OF PERSONAL TAXATION

Three BCL candidates took this paper. There were no MJur candidates. The marks on the scripts were in the range 66-70. Of the ten questions set, only five were attempted. The questions include three problems (of which a candidate is required to answer at least one). All the candidates answered two problem questions, and each problem question was attempted by at least one candidate. Only two of the seven essay questions were attempted, and this reinforces the point made by last year's examiners that serious consideration should be given to reducing the number of questions on the paper from 10 to, say, 7 or 8. The problem answers showed considerable knowledge, although there were occasional weaknesses in analysis, but overall the results indicated a high level of competence or better.

COMPARATIVE HUMAN RIGHTS

The standard of scripts this year was very high, and a good number of scripts were a pleasure to read. Answers were assessed according to five criteria, namely, whether the candidate answered the question; detailed knowledge of primary sources, particularly case-law and constitutional provisions; structure of answers; comparative methodology and critical assessment. These were demanding criteria, and candidates needed to do well on all of them to score highly. A good number did, and many achieved high grades. Those who did not tended to lapse on the structure, critical assessment and comparative methodology criteria; their knowledge of the materials was generally good. The difficult balance between detailed knowledge and critical appraisal remains elusive for a minority. Answers tended to be clustered around a few topics, but the breadth of knowledge across the course

was nevertheless satisfactorily evidenced by cross-allusions to other sections.

CORPORATE INSOLVENCE LAW

The standard of the performance of candidates in this paper was very pleasing. The selection of questions was widely distributed and given the small number of candidates taking the paper, this meant that most questions only had one or two takers. The problems were difficult but problem 8. dealing with the concept of assets was extremely well done. One topic that had no takers was question 1. dealing with Part 2 of the Enterprise Act 2002. There appear to be two reasons for this. Candidates do a certain amount of topic shopping and administration is not one of their favourite topics. Also, the Enterprise Act is a difficult piece of unsatisfactory legislation to digest and I think candidates may have prudently decided to avoid it. The other question which attracted no takers was question 8. dealing with connected person. It may simply be that this was a little on the boring side as it involves an analysis of horrendously technical legislation. It has been said in the past it did attract some very good answers. The answers to question 9. were also very strong and it is clear that the candidates enjoy dealing with the dispensation issue – this was a topic that featured large in seminars. The candidates are clearly marrying policy, statutory regulation and a strong analytical approach to case law which produces well crafted answers.

TRANSNATIONAL COMMERCIAL LAW

The standard this year was solid and was a marked improvement upon the standard achieved by candidates in the examination in 2002. There were five first class scripts and no fails.

All questions were attempted by candidates, with the exception of question nine. Question 2 was the most popular question and it produced a number of very good answers. Most answers were very competent and there are no glaring deficiencies to report. The principle weakness was a failure to focus on the issue or issues expressly raised by the question. Too many candidates wrote generally on the topic raised by the question and, as a consequence, failed to address the specific issue raised in sufficient depth.

INTELLECTUAL PROPERTY RIGHTS

The paper was generally well done and a consistently solid standard attained by the great majority of students. The coverage provided by the questions proved fair, although the occasional student seemed rushed for time or justifiably misunderstood a question – fortunately very much the exception. Questions on patents tended to be avoided (as in the past), as did a question on copyright involving an intricate problem, but those wishing to write an essay on copyright had enough to choose from. No particularly outstanding paper but no particularly awful one either. The standard as between BCL and MJur students, including written expression, seemed quite comparable. There was very little variation between first and subsequent marking, and agreed marks were readily achieved.

COMPARATIVE PUBLIC LAW

There were a number of very good papers in Comparative Public Law, which was expected given the quality of those taking the seminar this year. A number of distinctions were awarded in the BCL and there were also very good scripts produced by those doing the MJur, of which secured distinctions. There were no failures and only one weak paper. The most popular questions were those on

proportionally, legitimate expectations, misuse of power, and constitutional principles. The candidates demonstrated an impressive knowledge of the positive law, understanding of the relevant normative issues, and an ability to make perceptive comparisons between two or three legal systems within the time constraints imposed by the examination.

EUROPEAN BUSINESS REGULATION

The general standard achieved by the 36 candidates was high. Some questions were considerably more popular than others, but all questions attracted takers. Some candidates would have benefited from a greater readiness to depart from the conventional wisdom and form and express their own views on the practice of the Community institutions, and in particular the case law of the Court of Justice.

EUROPEAN EMPLOYMENT AND EQUALITY LAW

The overall standard of answers was high. Almost all of the eleven candidates had a good command of their material and presented their arguments well, and no script was seriously deficient.

A marked tendency was for candidates to concentrate their answers upon the questions concerned with equality issues, somewhat to the neglect of other aspects of the course. It is for consideration whether future question papers should be structured so as to ensure that candidates were required to spread their answers more broadly across the syllabus.

INTERNATIONAL ENVIRONMENTAL LAW

This year the international environmental law scripts were particularly well done, with half the candidates achieving 67% or higher and only two candidates dipping below 60% (57% and 59%). Two of the ten candidates received firsts in this subject. Taken as a whole, the scripts demonstrated a sound grasp of the sources and principles of international environmental law as well as an in-depth knowledge of particular treaty systems. Most popular were the questions integrating human rights and trade law issues with environmental concerns (Qs.2 and 3 in particular), with Q.1 also stimulating thoughtful and wide-ranging answers drawing on general international dispute settlement and ADR principles. The best scripts were able to draw on general international law principles regarding matters such as treaty interpretation and state responsibility, whilst also demonstrating a sound knowledge of substantive environmental law. As in previous years, there appears to be a preference for habit and species protection over pollution and regional approaches to environmental conservation. No student attempted questions 4, 7, 8 and 10.

INTERNATIONAL HUMAN RIGHTS AND THE LAW OF WAR

Thirteen students sat the paper this year (18 in 2002). As in past years, both BCL and MJur students were required to answer 3 out of 8 questions. The topicality of the course and current events doubtless contributed to the choice of questions, with the most popular being Q8(a) on the 'doctrine' of humanitarian intervention – 11 answers.; Q1 on the US *National Security Strategy* – 8 answers; Q3 on the protection of human rights in time of emergency – 7 answers; and Q2 on the principles of distinction – 6 answers. None of the remaining questions attracted more than three answers (and Q4 not one). The quality of responses varied considerably. The examiners noted a strong tendency among some candidates *not* to answer the question directly, even where they clearly knew the subject rather well, while some others settled more for a policy approach than for an answer which

integrated both policy and law.

INTERNATIONAL DISPUTE SETTLEMENT

The examination performance by students was solid. There were three distinction class marks, twenty-three marks between 60-70%, and only eight students with marks between 53-59%. The general standard of exposition in the answers was good, but the performance of a number of students would have been enhanced if they had not simply recounted their knowledge in a particular area but paid more attention to answering the questions asked.

ROMAN LAW (DELICT)

There were only two candidates, one of whom got a distinction both in this paper and overall. The performance in the compulsory questions on the texts left room to infer that insufficient attention had been paid during the course to explaining the expectations of the examiners in that kind of question. The instruction 'Comment without translating' produced some answers which were barely more than paraphrases of the texts themselves, which would be regarded as a serious fault even in Roman Law Moderations. It will be necessary to attend to this underestimate of the examiners' expectations.

PHILOSOPHICAL FOUNDATIONS OF THE COMMON LAW

The overall quality of the papers was high. All candidates exhibited a firm grasp of the material, and a sound understanding of the required balance between exposition and analysis in their essays. Most candidates were able to draw helpful parallels between, or offer insightful juxtapositions of, the different branches of the common law, thus revealing their ability to synthesise the four separate parts of the course (criminal law, contract law, tort law, and causation) and bring them bear (in various combinations) on many of the particular issues at stake. The fact that members of the rather large team of contributors to the course have written quite extensively on many topics, worked as something of a two-edged sword. Whereas this fact ostensibly assisted all candidates in forming their grasp of the relevant debates and the pertinent views, some seemed somewhat reluctant to engage critically with the work of the tutors, to the detriment of the analytical quality of their essays. The best essays, inasmuch as they involved consideration of such work, were those that offered at least some critical evaluation or critique of it.

GLOBAL COMPARATIVE FINANCIAL LAW

This was a new course without a historical archive of questions. To compensate for this the lecture note hand-outs contained a set of sample questions on each topic and the students wrote a mock exam at the end of Hilary as a dress rehearsal. Fifty-four students sat the final examination in about 60/40 proportion of MJur and BCL respectively.

The ten questions were mainly wide and sweeping without tricky corners so that the emphasis was on synthesis and distillation and so that no student would be daunted but the best students could show their paces and have their qualities recognised. All the questions were answered; there was some bunching of popular topics but six of the core topics each attracted around 25% of the students and only one question (on regulation) did not have many takers. The "big picture" question – on whether the world is harmonising or fragmenting in this area of law and what should be done about it – drew almost as many opinions as there were papers. The question on whether the trust is essential in international financial law showed that, once the basic idea is understood, the students had no

difficulty in critically exploring its applications in the legal infrastructure.

The papers were pleasingly impressive. They all demonstrated, to one degree or another, a confident grasp of the three foundations of the course – policy, doctrine and deals – on an international scale, an ability to analyse cogently and succinctly and an ability to marshal telling examples from the world’s legal systems to illustrate the argument. Fine and sometimes provocative points were advanced with zeal and enthusiasm. Altogether there were 28% distinctions with only a few falling below the 60% level – the lowest mark was 55%. The leading fifteen papers showed great maturity of thought and the best paper richly merited the award of the Allen & Overy Prize.

GLOBALISATION AND LABOUR RIGHTS

In last year’s Examiners’ report it was noted that candidates in this subject had attempted a narrow range of questions, focusing in particular on questions relating to the ILO. This year, the examination was divided into Part A (which included questions on the ILO) and Part B (which included questions on international economic organisations). Candidates were required to take at least one question from each part. This strategy proved successful in ensuring that candidates answered on a variety of topics. Each question on the paper was tackled by at least one candidate.

The overall standard of answers was extremely high. Most candidates had a very detailed knowledge of the material and were able to present their argument effectively. The only question which gave rise to difficulties was Question 8, on Article XX of the GATT. This question was attempted by almost all candidates. Most had a good grasp of the jurisprudence and literature surrounding this provision, but the weaker candidates failed to relate their knowledge to the issue of labour rights.

JURISPRUDENCE AND POLITICAL THEORY

There were 19 scripts. The average quality of the essays on the different topics was broadly the same, showing no marked imbalance between the topics. The distribution of essays among the topics was less even with 5, 10, 7, 14, 10 and 11 essays for each of the topics. The overall quality was very good, and 9 first grade marks were awarded, with no real duds, and some in the high 60s. On the whole the essays were clear, well argued, using the literature critically, and included a good number of insightful arguments. Some candidates did not venture far in their readings. Some did, but I nevertheless feel that we should encourage our students to read a little more broadly.

REGULATION

General comments

All questions were answered. A good general spread of answers obtained, although the most popular were 3, 6 and 7.

The standard was generally impressive, with the papers ranging from solid to excellent. At the top end, the standard was even higher than in previous years, with several very high quality papers, and no poor ones. All candidates appeared to pay attention to the structure of their answers, and particularly pleasing this year was the extensive use of supporting evidence from case studies and hypothetical examples to illustrate and support the arguments presented.

In general, weaker performances rested on the degree of analytical depth evident in the quality of the answer, or a lack of careful attention to the central issues raised by the question posed. The questions

in Part B were perhaps more challenging than in previous years, in so far as they tended to require candidates to think laterally and creatively about the material that they had studied throughout the course, rather than throwing up issues that had been addressed very directly throughout seminar and tutorial discussion. In light of the difficulty of the paper, the quality of papers was particularly good.

Question 1

This question was answered by only one candidate, whose attempts were handled to good effect.

Question 2

Only one candidate attempted this question (part b). The answer demonstrated clarity and depth of insight, illustrating a creative awareness of the various and sometimes conflicting ways in which regulatory techniques may be understood.

Question 3

Six candidates answered this question, making it the most popular question in the analytical section. The better answers demonstrated strong critical ability, in seeking to identify weaknesses and problems with Ayres and Braithwaite's pyramid of compliance, linking it to other facets of the regulatory enterprise arising in other strands of literature.

The weaker answers were largely descriptive, providing an account of the regulatory compliance literature, with particular emphasis on the finds of ethnographic studies of behaviour of regulatory enforcement officials, but were thin on critical analysis.

Question 4

This question was answered by two candidates and was tolerably well done. However a sharper analytic lens for the second aspect of the question regarding a possible metric for trade-offs would have improved the answers, illustrating a common weakness with discussions of legitimacy.

Question 5

Only one candidate attempted this question. It was carefully and quite impressively done, though Shapiro's personal endorsement of the deliberative ideal was (questionably) assumed.

Question 6

This question attracted responses from five candidates, and their responses were generally thoughtful and perspective, making it probably the best-treated question in the paper along with question 8.

Question 7

This was a popular question. It was on the whole well done. The weaker answers made very little (if any) attempt to explore the concept of risk, while other candidates often stretched the notion of risk in rather surprising ways – one suspects - so as to enable them to focus on the particular aspect of the case examples which they sought to highlight in their answers.

Question 8

Three candidates attempted this question, and the quality of answers was very high. There was a particularly pleasing critical analysis of the nature of self-regulation, and how self-regulation might be implemented in a practical context.

Question 9

This was an unusual question, attracting responses from two candidates. The responses demonstrated

an admirable degree of creativity and thought.

Question 10

Only one candidate attempted this question. It was fairly well done, though the conflation between private enforcement and self-regulation missed some of the nuances of the question.