

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

REPORT OF THE BOARD OF EXAMINERS FOR 2010

1 Introduction

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

2 Timetable

The setting of the timetable for this year's examinations went smoothly. The exams started 2 days earlier than in 2009, on Monday rather than Wednesday of 10th week. This meant that papers were sat on only one Saturday (unlike 2007, 2008 and 2009 where two Saturdays were used). This worked well and it is recommended that this pattern be followed in 2011. As the exams are due to start a week earlier, this would mean that the exams should start on Monday of 9th week TT. In addition, all exams this year were sat in the morning. This was a good innovation, which was of benefit to those organising the exams, and to those taking the exams since it guaranteed that no candidates could have two papers on the same day. It is recommended that this practice also be continued next year.

3 Statistics

Attached at Appendix 2 are the numbers of entrants, distinctions, passes, and fails. The Examiners were pleased to note the high standard of achievement across the board. There were no failures and the average mark in the majority of papers was again above 67%.

The percentage of candidates gaining distinctions in the BCL was very high this year, with 57% of BCL candidates (51 students) gaining distinctions, compared with 45% (43 candidates) in 2009. The Examiners were struck by this very high number, and the significant increase from last year's figure. This increase occurred in the marking process prior to the first marks meeting (only one MJur candidate and no BCL candidates went from a pass to a distinction as a result of second marking between the two marks meetings). A number of explanations were put forward and the Examiners considered a number of issues including the statistics for individual papers, but no discernible pattern or explanation was apparent. It may be that this was just an exceptional year. However, if these figures are repeated next year then the Examiners suggest that this issue is examined more closely to determine whether changes need to be made to the way in which candidates are assessed.

The number of candidates obtaining a distinction in the MJur was much lower, at 18% (6 candidates). After a marked improvement in the number of MJur candidates obtaining distinctions in 2009 (34%, 12 candidates), the 2010 figure is more in line with the historical percentages of MJur candidates obtaining distinctions. The Examiners noted the disparity in the number of BCL and MJur candidates obtaining

distinctions and suggest that this is something that needs to be considered further by Examinations Committee.

Previous examiners' reports have noted with concern the gap in the performance of women and men on the BCL/MJur. This year, the Examiners were encouraged to note that although the gap still exists, it has narrowed considerably in both the BCL and MJur. In the BCL 53% of women (21 candidates) obtained a distinction, as compared to 60% of men (30 candidates). In the MJur 16% of women (3 candidates) obtained a distinction as compared to 20% of men (3 candidates). This is a significant improvement on 2009 when no women obtained a distinction in the MJur, as compared to 12 men. It is also notable that more women took the BCL and MJur in 2009-10 than in previous years. 44% of the BCL cohort were women in 2009-10 (as compared to just one third in 2008-09) and 56% of the MJur cohort were women in 2009-10 (as compared to 29% in 2008-09).

The Examiners noted these encouraging figures and hoped that this trend can be maintained. However, it is noticeable that of the 20 prizes awarded only 4 went to women. This may be an issue for further consideration.

4 Computer software

The computer software worked satisfactorily. However, the databases are urgently in need of modernisation. Law Board had agreed to introduce new software in 2010. However, this has not happened. This is problematic. The fact that the existing system works at all is largely due to the hard work, knowledge and ingenuity of Julie Bass in dealing with the existing system, and fixing problems as they arise. However this is not a good long term solution. The Examiners urge the Law Board to consider this issue again as a matter of urgency.

5 Turnitin

As in 2009, 'Turnitin' software was used to check for plagiarism in both the dissertations and in the Jurisprudence and Political Theory essays. In relation to the Jurisprudence and Political Theory essays, it was decided to submit one essay from each of 12 randomly selected candidates. In relation to the dissertations, it was decided to submit six randomly chosen dissertations. This followed the practice in 2009.

All candidates were required to submit both electronic and hard copies of their work. Turnitin reports were checked by one examiner in each subject. The process worked smoothly and no plagiarism was detected.

6 Setting of papers

The Examiners checked all draft papers line by line. This process yielded a substantial number of further queries on the vast majority of papers, which the Chair of Examiners subsequently discussed and resolved with individual setters of papers. This systematic process, although time consuming, is of great value in achieving consistency of style and standard across papers, as well as obviating queries during the exams themselves. In fact, during the exams, there were only two proof reading

errors and no substantive queries. Much credit is due to Julie Bass for her care in formatting the papers.

7 Information given to candidates

The Edict is attached as Appendix 3.

8 The written examinations

The examinations went smoothly. The Chair of Examiners attended at the start of each examination, as did the setter or an alternate. As in previous years, the Examiners wish to emphasise the importance of the Proctors' requirement that the setter or an alternate be present. This year, it quickly became obvious that there was no need for the Chair or Julie Bass to attend the conclusion of each paper.

Because there were examinations on one Saturday, Colleges with candidates taking papers on those days were asked to provide contacts available to deal with any problems, including emergencies.

9 Materials provided in the examination room

The Examiners wish to note, in line with previous Examiners' reports, the considerable expense involved in the provision of statutory materials by the University (and, from 2011, by the Faculty). The possibility that candidates be able to use their own materials should be urgently reconsidered. If Exam Schools are unwilling to check these materials, it may be appropriate for the setter or alternate who attends at the start of each exam to perform this function.

There was an additional problem which arose in relation to statutory materials this year. On three separate occasions either the wrong statutory materials were put out by Exam schools, or statutory materials were not put out at all. Sometimes this related to all candidates, other times just some candidates. In each case the Exam schools did have the correct statutory materials in the building, but had picked up the wrong pile of documents, or had failed to collect the material at all. As a result of similar problems in the FHS the Chair of Examiners was aware of these potential difficulties and the problems were in each instance resolved before the start of the exam so that candidates were unaffected.

Where the wrong material was put out, it was generally an old version of the correct materials. One way to deal with this problem would be to instruct the Exam Schools to destroy old versions of statutory material where new materials are being provided. However, it will remain important for the Chair of Examiners and for the setter or alternate who attends at the start of the exam to be aware of this potential problem and to check statutory materials carefully, and early.

10 Marking and remarking

The routine marking of scripts prior to the first marks meeting of Examiners included the second marking (blind) of borderline scripts, and of a sample of others. Markers

were asked to ensure that all marks ending in 8 or 9 should be double marked. Where a script had been double marked, the markers submitted an agreed mark before the first meeting. Assessors were reminded that the Law Board had decided that a mark ending in 9 would not be an invitation to Examiners to reconsider the grade, but would be the final grade received by the candidate. This year, the vast majority of markers followed this formula, making the Examiners' task more transparent, consistent and considerably quicker. At the first marks meeting, the following principles were followed:

- a) No paper which had already been second marked would be read a third time. This meant that no papers ending in 8 or 9 were re-marked. This is in line with the instructions of the Examinations Committee;
- b) Marks ending in 7 would be remarked if they had not already been re-marked and a higher mark would make a difference to the overall class of degree. There was only one candidate at risk of failing, and in that case the failing mark did not end on a 7. In practice therefore the Examiners applied this principle to candidates who had the possibility of a distinction. A second reading was requested if a candidate had one mark of 70 or over, no marks under 60, and one or two marks of 67 which had not already been second marked;
- c) The Examiners also considered each candidate who had three marks of 70 or more and one mark below 70 in order to decide whether that fourth mark should be second marked, where the candidates might then be in line for the Vinerian or Clifford Chance prizes.

A total of 10 papers were re-marked between the first and second marks meetings.

The Examiners wish to stress the importance of availability of both the first and second markers, at least for consultation (if necessary by email), throughout the marking period and between the Examiners' first and second marks meetings. This year, the markers were indeed available in the vast majority of cases, greatly facilitating the task of the Examiners.

12 Medical Certificates, dyslexia/dyspraxia and special cases

A total of 12 medical certificates were forwarded to the Examiners, and one candidate was certified as dyslexic. Four candidates wrote some or all of their papers in their respective colleges. A further three candidates wrote some or all of their papers in a special room in the Examination Schools.

The following additional specific details are included at the request of the Proctors. In the BCL, medical certificates on behalf of six candidates, or 6.6 % of BCL candidates, were forwarded to the Examiners under sections 11.8 – 11.10 of EPSC's General Regulations for the Conduct of University Examinations (see *Examination Regulations 2009*, page 34). In the MJur, one medical certificate (from 2.9% of MJur candidates) were forwarded under the same regulations, making a total of 5.6% of BCL and MJur candidates combined.

The Examiners took account of these medical certificates but no medical certificate made a difference to the class of a candidate.

13 Thanks

The Examiners would like to conclude by expressing their warm thanks to the External Examiner, Nick McBride, for his help and advice throughout this process. Particular thanks are also due to the Examinations Officer, Julie Bass, who drives the examinations process with such commitment, efficiency and skill, and without whom the smooth operation of the examinations process would not be possible.

L Green
E. Fisher
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Appendices to this Report: (2) Statistics; (3) Notices to Candidates; (4) Prizes and Awards; (5) Mark distribution on first reading; (6) Reports on individual papers; (7) Report of Nick McBride, external examiner

Statistics for the 2010 Examinations

BCL

	2010						2009						2008						2007						2006					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Dist	30	33	21	23	51	57	26	27	17	18	43	45	23	27	11	13	34	40	29	31	12	13	41	44	29	32	9	10	38	42
Pass	20	22	19	21	39	43	35	37	17	18	52	55	27	32	24	28	51	60	25	27	28	29	53	56	26	29	26	29	52	58
Fail	0		0		0		0		0		0		0		0		0		0		0		0		0		0		0	
Total	50		40		90		61		34		95		50		35		85		54		40		94		55		35		90	

MJur

	2010						2009						2008						2007						2006					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Dist	3	9	3	9	6	18	12	34	0		12	34	8	13	1	2	9	15	7	11	5	7	12	18	5	8	6	9	11	17
Pass	12	35	16	47	28	82	12	34	11	31	23	66	29	49	20	34	49	83	34	51	20	30	54	81	28	44	23	36	51	80
Fail	0		0		0		0		0		0		1	2	0		1	2	1		0		1	1	1	2	1	2	2	3
Total	15		19		34		24		11		35		38		21		59		42		25		67		34		30		64	

APPENDIX 5

Raw Marks Statistics, BCL/MJur 2010 Marks distributions on first reading, as percentages

Paper name	Av. Mark	Number sitting	----- Mark rangers (%) -----					
			49/less	50/54	55/59	60/64	65/69	70/over
Advanced Property and Trusts	69	10					70	30
BCL Dissertation	68.9	7					71	27
Commercial Remedies	66.7	27		4	7	11	33	44
Comparative and European Corporate Law	67.4	17				18	53	29
Comparative Human Rights	67.6	39				16	45	37
Comparative Public Law	67.7	15				7	53	40
Competition Law	65.8	11				45	27	27
Conflict of Laws	65.8	20		5	5	20	40	30
Constitutional Principles of the European Union	69.6	5				20	20	60
Constitutional Theory	64.7	19		11	5	16	47	21
Corporate and Business Taxation	67.8	12			8	17	33	42
Corporate Finance Law	67	20				30	35	35
Corporate Insolvency Law	68.1	17				6	59	35
Criminal Justice and Human Rights	68.6	11				9	36	55
European Community Environmental Law	68.7	3					67	33
European Employment and Equality Law	70.5	2						100
European Private Law: Contract	65.2	10				40	40	20
Evidence	67.2	13				23	38	38
International Dispute Settlement	66.1	17		6	6	12	41	35
International Economic Law	67.7	7					71	29
International Intellectual Property Rights	64.5	10				60	30	10
International Law and Armed Conflict	69.1	12				17	25	58
Jurisprudence and Political Theory Essays	67.5	13				23	38	38
Law and Society in Medieval England	61	2		50			50	
Law in Society	66.3	12				42	17	42
Medical Law and Ethics	68.3	22					68	32
MJur Dissertation	63.7	7			14	57	14	14
Philosophical Foundations of the Common Law	65.9	13				46	23	31
Principles of Civil Procedure	67.7	28				14	46	39
Punishment, Security and the State	65.9	7				29	71	

Raw Marks Statistics, BCL/MJur 2010
Marks distributions on first reading, as percentages

Paper name	Av. Mark	Number sitting	----- Mark rangers (%) -----					
			49/less	50/54	55/59	60/64	65/69	70/over
Regulation	69.2	6				17	33	50
Restitution of Unjust Enrichment	67.1	30			7	17	30	47
Roman Law (Delict)	67.3	3					67	33
Socio-Economic Rights & Substantive Equality	69	10					60	40
The Law of Personal Taxation	68.2	6					50	50
Transnational Commercial Law	64.8	16	6		6	25	25	38

APPENDIX 6

INDIVIDUAL REPORTS

CORPORATE AND BUSINESS TAXATION

This paper was generally well done, with almost half the class obtaining a distinction and a number of others in the high 60s. All questions were attempted, although the distribution of answers was uneven. The question on fundamental reform of corporation tax was popular and attracted some sophisticated answers that used the economic material sensibly. The question on tax losses was also done by a number of students – perhaps not surprising in view of the current economic climate. The case law on this topic was not always as well analysed as it should have been but the policy discussion was good on the whole. Question 6 on groups was answered well by those attempting it, and the European and domestic material was integrated in an appropriate way. Question 4 on the Court of Justice decisions on direct tax and the problem of tax harmonisation within the EU had a good take up and showed clear understanding of the issues. Question 2 on the application of accounting practice to tax law was mostly managed well, with some analytical responses, although there was not always enough reference to the rules on loan relationships, despite these being expressly referred to in the question. The question on controlled foreign companies and the exemption system for foreign dividends was only taken up by one candidate. The law in this area is very new and there are also proposals for further change and this may have made students wary. Questions 7 and 9 were not popular, probably because each of them involved combinations of topics, although the issues raised were clearly associated and it was appropriate to expect them to be considered together. Question 8, a problem question, also brought in a range of topics concerned with calculating the profit base for tax purposes. This question was attempted by a number of candidates and was mostly answered successfully.

CRIMINAL JUSTICE AND HUMAN RIGHTS

This was an exceptionally good year with over half of the students taking this course receiving a distinction (6 distinctions; 5 2:1s). The lowest mark was 64% and the highest mark was 74%. The quality of the answers was generally exceptionally high, and the candidate who received 64% had noticeably less material knowledge than the other candidates. The examination calls for a clear overview of the case materials, the theoretical literature, and signs of critical and analytical argument. In all of the distinction papers these qualities were more than evident. Those with high 2:1s also showed signs of these qualities, but may have had less extensive knowledge than those in the first class category. There was a considerable range of answers across the subject materials, and the top answers were genuinely outstanding. An excellent year.

CONFLICT OF LAWS

The rubric for the paper was unchanged from previous years: eight questions of which four were set as essays and four as problems. As ever, the standard as a whole was high, with only two final marks finishing below 60. However, at the top end it was felt that there was a lack of the sustained excellence which has set apart the very best papers in the past; and it appeared

that one or two of the candidates who might have been the very best had mis-handled the timing or planning required to avoid falling short.

Once again, the problem questions proved to be more popular than the essays, with very few tempted to tackle the first essay on choice of law (a sign of the times?). The distribution of answers to the problem questions was fairly even, as was the commission of commonly recurring errors. The year will eventually arrive, in which every candidate realises that if one of the parties (defendant *or* claimant) is domiciled in a Member State of the EU, the provisions of Article 23 of the Brussels Regulation are applicable to any agreement on jurisdiction. But this was not that year.

This was the time the course had to take into account the application of the rules in both 'Rome I' and 'Rome II' and problem questions were set which required an appreciation both of how each is intended to operate in itself, but also in relation to the other. The awareness of both was, generally, good, even if few were tempted to embark on a full scale appreciation by also answering the first essay.

EVIDENCE

Thirteen candidates took the Evidence paper in the BCL in 2010. Five achieved a first class mark, whilst nobody wrote a paper of lower than upper second standard. As in previous years, candidates demonstrated a marked preference for the problem questions. Indeed, two of the essay questions were attempted by nobody. Nor did anybody attempt the last problem question. Favoured were the problems (largely) about bad character or hearsay, with candidates showing a welcome detailed knowledge and understanding of the provisions of, and cases about, the Criminal Justice Act 2003.

Overall, the pleasing quality of the candidates seemed to be entirely at one with recent experience.

LAW IN SOCIETY

Twelve candidates sat the examination. Five obtained distinctions, the others all passed, with no mark lower than 62. Candidates were given a choice of ten questions from which to choose three. A few questions proved most popular, a few others unpopular, the rest fairly evenly spread. The best papers were very good, but not absolutely outstanding, while the overall standard, as the distribution of marks shows, was very satisfactory.

CONSTITUTIONAL THEORY

The paper was similar in format to those of previous years. On the whole, the results were good, with 4 papers achieving Distinction, 12 papers achieving a mark above 60, leaving only 4 papers in the 50-60 range.

Although the questions covered the full range of topics treated in the course, answers tended to cluster around questions which seemed to have particular salience for the candidates. In particular, the questions concerning democratic theory (especially the question on

referendums), the question on the justification of judicial review and the two questions on constitutional interpretation accounted for well over half of all the answers written.

Overall, the standard in the written exam was high, though there were not as many stellar Distinctions as last year. This year, there was no mark higher than 70. Those papers achieving Distinction were notable in their fluency, range, originality and ability to draw fruitful connections among different themes in the course. Several candidates fell just below the borderline of Distinction, which were confirmed after second-marking. In comparison with the papers that attained a Distinction, these tended to be less original and somewhat narrow in their approach to the questions. Among the papers nearer the class average, the commonest weaknesses were: an excessive reliance on material drawn solely from the seminars, errors in representing the views of some writers, and a failure to address familiar objections to the answer that they favoured.

LAW AND SOCIETY IN MEDIEVAL ENGLAND

Only two candidates took this option this year and there was marked disparity in their performance in the examination. There was no overlap between the questions answered by the candidates.

PRINCIPLES OF CIVIL PROCEDURE

The number of candidates taking the paper was 28. Normally, about 60% are BCL candidates and 40% are MJur candidates. This year, however, only a few MJur candidates sat the exam.

The standard of answers was very high; 10 candidates obtained a distinction and only three candidates failed to score over 65; none fell below 60. Amongst the first class scripts one exceptionally outstanding; it achieved 75, the highest mark ever awarded in the examination of this subject.

The course provides students with opportunities to conduct independent research in their areas of special interest. This approach was reflected in both the structure of the paper and in the answers given by candidates. The more successful candidates demonstrated knowledge of the subject that went beyond the materials indicated in the reading list or addressed in lectures and seminars, and original analysis. All the questions had takers, with relatively little “bunching” around particular questions subject to two exceptions: question 4(b), on settlement of class actions, and question 7, on rule making powers, had few takers.

COMPETITION LAW

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

Papers submitted by candidates this year were of a high standard. As in the previous year, the majority of candidates tackled problem questions. The four problem questions covered the enforcement of Article 101 TFEU, Article 102 EC, the European Merger Regulation and UK

Competition Law. Most popular were the problem questions dealing with Article 102 TFEU and the abuse of dominant position, and the problem question dealing with the Merger Regulation. The majority of answers to problem questions were of very high standard and included references to market definition and structure, to substantive provisions and to enforcement considerations.

Out of the four essay questions, the most popular was the question on the Commission's approach to loyalty rebates and the Guidance Paper on its Enforcement Priorities. The other essay questions dealt with the enforcement of Article 102 and the Chapter II prohibition in the UK, the European Court's and Commission's approach to information exchange agreements, and the analysis of anticompetitive object under Article 101 TFEU.

The examination was taken by 11 candidates, 3 of whom achieved a first class mark.

THE LAW OF PERSONAL TAXATION

There were six candidates, who answered a wide spread of questions. Their answers were impressive and attracted correspondingly high marks.

EUROPEAN COMMUNITY ENVIRONMENTAL LAW

A solid set of scripts in which candidates displayed an excellent understanding of the material. Particular strengths of the answers were candidates had a very good grasp of the legislative frameworks and relevant legal doctrines and an appreciation of the themes cutting across different subject areas.

COMPARATIVE HUMAN RIGHTS

The examiners considered that every question required critical analysis. The very best answers demonstrated: (1) a mastery of the detail, with the essence of cases being stated succinctly together with analysis of individual judgments, where necessary; and (2) some degree of original thinking, either by giving a novel criticism of a case or line of cases, or offering a novel solution to the problem under consideration (this was rarer). The weaker answers summarised key cases at length and repeated themes discussed at length in class, often linked only weakly to the direct question asked, and without demonstrating further thinking about them. The weakest failed even in this, or missed the point of the question. The paper was intended to be testing, and required a knowledge of the materials as a whole. Even among the better candidates, there was an apparent tendency to limit revision to particular issues or to particular jurisdictions.

Question 1 on the concepts of 'autonomy' and 'dignity' was difficult question, requiring a sophisticated knowledge of the case law across a wide variety of different areas and jurisdictions. Question 2 on the appropriate role of empirical evidence in human rights adjudication also required a broad knowledge of the materials and an ability to discuss the cases from a perspective other than purely doctrinal. Question 3 asked how, if at all, the particular history of certain countries is used by courts to justify greater restrictions on freedom of expression and freedom of association, and whether such uses of history are appropriate.

There were several good answers drawing on incitement to racial hatred and denial of the Holocaust, although some otherwise good answers were marred by lack of equivalent detailed knowledge of the materials raising issues in freedom of association. Question 4, on whether the protection of ‘freedom *of* religion’ is, and should be, seen by courts also to require the protection of ‘freedom *from* religion’, There was a tendency to rely too heavily on materials relating to the US First Amendment. Question 5 asked whether the different conclusions courts reach about whether human rights have been violated can be explained primarily by differences in the standards of review these courts apply, Some weaker candidates were confused as to what was meant by the ‘standard of review’. Question 6 asked how different courts resolve the apparent conflict between freedom from torture and the state’s interest in protecting its citizens. Greater care should have been taken in identifying clearly the nature of the state's interest in protecting its citizens’ life. The German Aviation case was underused. Some answers tended to simply restate the jurisprudence and state the compromises reached in each jurisdiction, rather than explore them critically. Question 7, on the extent to which courts regard the issue of whether a foetus is a rights-holder as an appropriately to be determined by the legislature was the most widely answered question. The better answers discussed individual judgments from a wide variety of jurisdictions and attempted to develop a taxonomy of different approaches. Question 8, on the extent to which affirmative action programmes are viewed by courts as legitimate only if temporary, required a detailed knowledge of individual judgments within cases, especially the relevant US cases. Some answers usefully combined the discussion of temporary measures with the question of whether affirmative action ought to be regarded as an exception to or manifestation or even requirement of equality. Question 9, on the treatment by courts of arguments based on ‘morality’ in cases considering the justification of limits on freedom of speech, freedom from discrimination, and privacy, was generally a well-answered question, but there was a tendency to sacrifice depth of analysis on some of the key issues in favour of reciting the numerous authorities that are were relevant to the question. The best answers struck a better balance between the two. Question 10 asked whether reasons justifying the use of comparison in the academic study of human rights law, if any, also justified the use of comparison by judges in the interpretation of human rights guarantees. As this was a commonly discussed theme in the course, it was to be hoped that more would have sought to distinguish or compare the ways that academics might use comparison with the way judges do, and deliver a critical analysis in that light. Lack of clear attention to the distinct question asked was a common problem.

SOCIO-ECONOMIC RIGHTS AND SUBSTANTIVE EQUALITY

This is the third year that this course has run, and the examiners were again impressed at the high quality of candidates’ work in this subject. There were 11 candidates who took the course this year, one M Jur and 10 BCL. Four candidates gained first class grades. All the remainder achieved grades between 67% and 69%, giving an excellent average of 69%. One candidate unfortunately withdrew.

The majority of candidates tackled questions 2 (right to a home), 3 (underlying theory), 4 (right to health) and 8 (reasonableness). Fewer tackled the remaining questions, with, somewhat surprising, none tackling question 5 (minimum core and the right to education.) Question two attracted some of the best answers. Question 3 was generally well done, but candidates tended to be pay too little attention to the possible alternatives. Question 4 attracted good answers, but more attention to the specific focus on the limitations of a court procedure would have

improved the grade. Question 8, the most popular was well done, but there was at times too great an emphasis on the minimum core.

Examiners paid particular attention to the extent to which candidates were able to answer the question, structure their argument, make use of a wide range of material, appropriately use comparative law methodology and provide a critique of their own. The best answers were those which were able to synthesise the material into an argument which addressed in a critical and even innovative way the specific challenges raised in the question, rather than simply providing a discussion of the whole area. On the other hand, candidates were at times too bland, attempting to cover too much ground in a particular question, with the resulting sacrifice of depth of analysis. Overall, however, the level of knowledge, the ability to apply theory to substantive materials and the interest and enthusiasm displayed by candidates were all of a very high standard, making it a pleasure to mark this subject.

CORPORATE FINANCE LAW

The standard of answers was very good, with a high proportion of marks above 65 and 35% at 70 or above. There were no scripts below 60%. The most popular questions were Qs 1, 3, 4, 5, 6 and 9, but every question on the paper was tackled. It was particularly pleasing that most candidates answered questions on both the debt and equity financing aspects of the course. On the whole the scripts showed a good command of the principles at work in this subject, and at the top end there were some very thoughtful and interesting answers. Those who were prepared to tackle the intricacies of the particular question set (eg in Q6 to separate and contrast the needs of the company and lenders in relation to the floating charge) were rewarded accordingly.

CORPORATE INSOLVENCY LAW

Seventeen candidates (sixteen BCL and one MJur) attempted this paper. The overall standard of the scripts was very high. Six candidates were awarded marks of 70 or above, and the average mark was 68%. Questions 4 and 5 were particularly popular, and no candidate attempted the problem questions.

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

TRANSNATIONAL COMMERCIAL LAW

The standard of papers this year was high, with seven out of sixteen candidates being awarded a Distinction. Candidates showed great familiarity and a high degree of critical understanding of the subjects discussed during the course. There was a tendency, however, particularly among weaker candidates, to submit answers which paid insufficient attention to the questions asked.

Question 1

The best answers to this question discussed both sets of rules, summarising them correctly and evaluating them in their particular contexts, before then turning to the *lex mercatoria*. Weaker answers were clearly prepared essays on the *lex mercatoria*, with little or no engagement with the two sets of arbitration rules.

Question 2

While it is certainly not wrong to hold strong opinions, some candidates went a little far in expressing their rather strong pro or contra ratification views. The better answers were more balanced, using the material covered during the course to present a fair picture of the CISG, and then arriving at a tentative conclusion.

Question 3

Again, this question produced a number of prepared *lex mercatoria* answers. Good answers concentrated on the Unidroit Principles and their self-declared status as a codification or restatement of the *lex mercatoria*.

Question 4

There were a number of well-informed and well-argued answers to this question. The best ones compared the operation of commercial credits to the operation of demand guarantees and then pointed out why those differences made it desirable to make them subject to different sets of rules.

Question 5

Some candidates simply produced their prepared essays on the Cape Town Convention. Good answers looked at Cape Town in the context of legal harmonisation (as required by the question). The best answers showed an awareness of the practical innovations (in particular the involvement of industry in the drafting of a binding convention).

Question 6

Most of the answers produced were of satisfactory quality. The better ones went beyond the delocalisation debate and asked more pragmatically when and how courts might assist in arbitrations. The very best ones looked at the different sets of arbitration rules to show to what extent the involvement of national courts was envisaged by them.

Question 7

The two problem questions found few takers, probably because they required knowledge of several areas of law covered in the course. However, most of the answers to this question were satisfactory, although very few answered all three parts of the question equally well.

Question 8

Again, few takers (two, to be exact), but those were both fine. Given the small number of candidates attempting this question, it is difficult to make any general comments.

COMPARATIVE PUBLIC LAW

The BCL/MJur paper on Comparative Public Law was done to a high standard this year, as in previous years. There was no 'weak' script, a significant percentage scored distinctions, and

the remainder of the candidates achieved marks in the high 60s. The candidates showed a good knowledge of the three legal systems studied, UK law, French law and EU law. The answers generally combined detailed understanding of the primary materials, combined with attention to the policy and normative aspects of the subject.

EUROPEAN EMPLOYMENT AND EQUALITY LAW

Two candidates sat the exam in EEEL and both were awarded Distinctions. The candidates answered a range of questions, across both the collective employment law and equality law sides of the course, including Questions 1, 2(b), 5, 6 and 8.

Question 1 demanded a breadth of knowledge, including, but not confined to, the role of the social partners in social dialogue and EES.

Question 2(b) required demonstration of a deep understanding of the ECJ's rulings in the *Viking Line* and *Laval* cases, the scope of EU competence, and the role of the ECtHR on the right to collective action.

Question 5 on the gender pay gap required knowledge of the empirical material, as well as the legal responses. Attention to changing labour market structures and horizontal segregation enhanced the empirical discussion.

Question 6 allowed candidates a choice of grounds of discrimination to discuss, and answers dealt variously with race, sex and age. The better answer displayed not only acute attention to the caselaw, but also brought an incisive understanding of conceptions of discrimination.

Question 8 required detailed knowledge of the range of Directives mentioned in the question, as well as consideration of their overall coherence.

INTERNATIONAL ECONOMIC LAW

The level of performance of the students who wrote the International Economic Law examination paper was, in overall terms, very good. The average mark was just under 68%. In terms of a more detailed breakdown, there were 29% of students who obtained a Distinction class mark, and 71% of students who obtained a mark between 65-69%.

Among those who obtained a high 2:1 class mark (above 65%), there were a number of students who were just under the Distinction level. These students may likely have achieved a higher, possibly Distinction class, mark if they had been more consistent in employing an analytical, as opposed to a descriptive, approach to the material being considered in their answers.

More generally, a number of papers would have scored higher if they had answered more specifically the question being asked rather than providing a formulaic, general essay on the topic of the question.

INTERNATIONAL DISPUTE SETTLEMENT

The general standard of this year's examination scripts was again high, with the best scripts evidencing a combination of extensive reading and perceptive analysis of primary materials. Every question was answered by at least one candidate, and variations in the quality of answers do not indicate that any part of the syllabus was found to be more difficult than any other.

This year the scripts were also noticeably more focused on the precise questions asked, rather than generalised essays surveying whole areas of the law.

The main lesson to be drawn from the scripts seems to be that careful and detailed thought given throughout the year to the issues raised in the course, and consideration of the links between different elements of the course, is the best route to success in the examination.

ROMAN LAW (DELICT)

Three candidates took the exam. Two questions were not taken at all, one question was taken by all, and for the rest the choice of questions was evenly spread. The questions appeared to be well-balanced and provided ample opportunity to demonstrate knowledge and insight. The results of the exam were more than satisfying to excellent.

PHILOSOPHICAL FOUNDATIONS OF THE COMMON LAW

There were thirteen candidates. Four secured overall marks of 70 or above, the highest being 72. The worst overall mark was a 60, although some marks for individual answers fell into the 50s. While the best candidates wrote distinctive and even original answers paying close attention to the particular question asked, there were also many survey answers showing a good grasp of the literature in the general neighbourhood of the question, but with much less focus.

Some questions on the paper seem to have held a particular attraction for the survey-writers. Five candidates chose the combination of questions 1 (legal uses of strict liability), 6 (crimes as public wrongs) and 8 (causal chains), and four of these ended up with a run of middling marks, having written a set of competent but hard-to-differentiate answers. Question 1 was the most popular question overall, attempted by all but one of the thirteen candidates. Although it attracted three terrific answers, it was perhaps a bit of an old chestnut and did not bring out the best in everyone who was drawn to it. Some took the opportunity boringly to outline the Nagel article from which the quotation in the question was drawn. Question 6, the second most popular question, favoured by nine candidates, only earned one candidate a mark over 70. Where most came unstuck was in the contrast between the conceptual and the normative limbs of the question, with nobody cleanly picking up on the fact that if crimes are public wrongs by their very nature, then there is no further question of whether they should be! Question 8, attempted by eight candidates, was a more straightforward proposition. Yet even it could be interpreted either widely (as a general question about causation in the law) or narrowly (as a question about the doctrine of *novus actus interveniens* in particular). The two best answers gave the second interpretation. The only other question on the paper which attracted a critical mass of candidates was question 5 (reparative damages). There were five attempts at this, of which most emphasised tort remedies at the expense of contract remedies. This was surprising, but formed part of a wider pattern. Few candidates appear to have made the contract part of the course their main focus this year.

There were two attempts at question 7 (contracts among strangers and familiars), one attempt at question 3 (attempted torts) and one attempt – yielding the best answer of any we saw this year – at question 2 (justification and excuse in private law). Alas, question 4 (on intention in contract and in criminal law) was favoured by nobody at all.

EUROPEAN PRIVATE LAW: CONTRACT

Ten students sat the exam, eight of them MJur. They had a choice between ten questions. All of the questions were attempted, apart from the one on remedies, with those on consideration, contracts for the benefit of third parties and interpretation most frequently chosen. The students showed that they were familiar with the subject-matter and had worked hard. Questions were normally addressed head-on, and the trap of writing up pre-rehearsed essays was avoided. The best papers stood out by their engagement with the primary sources as well as the underlying policy issues. It was possible to award two distinctions, and all the other papers turned out to be in the upper second class range.

INTERNATIONAL LAW AND ARMED CONFLICT

Overall, the performance of candidates in this paper this year was excellent. Of the 12 candidates who sat the exam, 7 achieved distinction marks with most of the others very close to that standard as well. On the whole, candidates wrote excellent answers which displayed wide reading of the literature and good command of relevant debates, theories, cases and other authorities. The very best answers considered different approaches to the issues identified and, most importantly, provided evidence of personal reflection on those issues by setting out an argument which indicated the candidate's own views.

Questions 2, 6 and 7 were not particular popular. The best answers to question 1(b) not only discussed whether post 9/11 practice should be considered as altering the ICJ decision in the Nicaragua case on armed attack by non-State groups but also the impact of that practice on anticipatory/pre-emptive self-defence. Question 3 produced excellent answers on the ways in which transnational armed conflicts may be internationalized and which also examined the precise consequences of internationalization. Answers to question 4 set out the different assertions made in the quotation and responded to each in turn. Question 5 tended to produce wide ranging discussion on the crime of aggression but most answers were not as well structured as they could have been. Also answers to this question tended not to express their own views on the justiciability of the crime of aggression, the role of the Security Council, and the question of the consent by the aggressor State. The best answers to question 8 considered whether the Security Council has the power to act for humanitarian purposes; the right/authority of the General Assembly and individual states to do so under existing international law; as well as whether the law should be changed to accommodate such a right.

ADVANCED PROPERTY AND TRUSTS

Ten sat the paper. Standard was very high this year, with six students at high 2.1 levels and three producing 1st class performances. The top student of the year went beyond skilled exegesis and analysis and demonstrated striking creative flair.

There was a good spread across topics, though oddly no takers for Question 6 on the obligational nature of the trust, a topic of great importance in the year's teaching. However debates on the 'right to a right' thesis clearly informed many of the other topics tackled in the examination.

Question 1 on 'bundle of rights' and Question 2 on wealth and property could have been answered with more critical attention to the leading writers' work, eg Honoré, Hohfeld, Harris and Penner; each of these authors bring very different approaches to ownership analysis, and simple exegesis does not always reveal what is at stake in choosing one or the other theoretical perspective. The puzzle of the *numerus clausus* in property law (Question 3) attracted many good answers, with adept use of comparative material, though only some answers reached more deeply into the juristic and policy issues at stake. Questions 4 and 5 on (in)corporeal property and the asset partitioning effects of the trust fund attracted a small number of takers who gave a good synthesis of positive law and conceptual inquiry.

Question 7 on fiduciaries attracted a number of good answers, but few were fully abreast of the recent burst of theoretical work on the relations of fiduciary law and contract/tort, and some of the answers gave graceful restatements of basic case-law only and did not go much further into questions of how fiduciary law informs the structure of private law obligations. Question 8 on Locke, possessory rights and self-ownership, and Question 9 on economic analysis, and Question 10 on (anti-)commons attracted careful answers showing strong engagement with the key arguments up to the modern classics such as Epstein, Nozick, Cohen and Heller. Hegelian theory was trailed in the course but not strongly taught, so it was refreshing to see many students using Hegel's ideas to bring up new perspectives, especially on Locke and possession. Question 11 on native title was particularly popular and well done, with students bringing to bear practical knowledge of how the new precedents work and fail to work in various common-law jurisdictions. Question 12 on constitutionalization of property attracted few answers, despite its growing importance in the case-law. Students may have perceived that the UK and EU debate on this problem has only just begun, with US theorization of takings having only marginal relevance.

This year's candidates did excellent work showing skill and engagement with the themes of the course. The very best candidates were able to analyze complex theoretical and positive materials with great confidence and go on to make new and interesting claims.

COMPARATIVE AND EUROPEAN CORPORATE LAW

This paper was sat by 17 candidates. The questions were answered to a high standard. 5 candidates obtained a mark of 70 or better and a further 9 a mark in the range 65-69.

Questions 1(takeovers) and 4 (board structure and composition) were especially popular, being answered by 12 and 14 candidates respectively (ie they accounted together for just over half of all the answers written). In relation to question 1, which asked for a comparison of English and Delaware rules, it was often argued that these bodies of rules, although formally very different, produced similar outcomes in practice, but the mechanisms whereby this (at first sight) surprising result was achieved were not always clearly identified or fully explored. On 4, which focussed on board responsiveness to shareholders, some candidates wrote about employee representation at board level without linking these requirements to the question.

There was a second group of moderately popular questions, answered by 5 or more candidates: Q 2 (convergence of company law systems); Q 5 (duty of care); and Q 9 (European legal forms).

CONSTITUTIONAL PRINCIPLES OF THE EUROPEAN UNION

There were only five candidates taking the paper. All candidates performed very well, three were awarded distinctions. No candidate attempted questions 7 and 8. The most common failing – speaking relatively here – was the lack of focus on the particular subject matter of the question. The best answers offered a thorough analysis of the law combined with an informed account of the relevant theory. In some cases there was a very original answer to the question, which constituted an original contribution to the subject as a whole.

MEDICAL LAW AND ETHICS

Candidates performed very well on this paper. All candidates showed a good grasp of the basic legal and ethical principles. Many candidates showed a good knowledge of the academic literature. The best candidates were able to use this to answer the question posed. The less strong candidates simply set out the views of commentators, without expressing their own responses to these. It was good to see some candidates bringing in comparative material in answering the questions, although that was not required.

Question 1: This was a popular question. The best answers explored the meanings of autonomy and the different ways in which the concept is used in medical law and ethics.

Question 2: This question was answered by very few candidates.

Question 3: This was answered by many candidates. Weaker answers discussed all the issues surrounding end of life issues. The better answers focused in on the meanings of ‘sanctity of life’ and discussed the extent to which the law respected it.

Question 4: This question was generally answered. Many candidates pointed out that it was not possible to take a neutral response to the regulation of abortion. The best answers explored the idea of moral neutrality and broader issues concerning the interaction of medical ethics and law.

Question 5: There were several answers to this question. Candidates were expected to consider both professional regulation and clinical negligence in answering this.

Question 6: This was a popular question. Strong answers explored the role of the courts in regulating rationing decisions. The analysis of the ethical issues raised was weak in some answers.

Question 7: This was a fairly popular question. Candidates correctly focused on the notion of reproductive autonomy and the broader issues about the role of the state in assisted reproduction.

Question 8: Only a few candidates answered this question. Candidates needed to bring out the different interests involved in medical research and explore how they could be balanced.

Question 9: Not many candidates answered this question. It was generally well done with answers bringing out the practical and legal difficulties in providing an effective protection for confidential information.

Question 10: This was a popular answer and was very well done. There was some very impressive analysis of the issues raised. It was good to see candidates thinking carefully about the different way that the concepts of property and human rights could be used to protect interests in body parts.

COMMERCIAL REMEDIES

This was the first year in which this course has been run. The general standard of the scripts was very high. Of the 27 candidates, 12 were awarded marks of 70 or above. Each of the 8 questions was attempted by at least one of the candidates but by far the most popular questions were question 2 ('*Wrotham Park* damages'), question 3 (penalty clauses) and question 7 (problem question on remedies for the tort of nuisance). It was particularly encouraging in relation to question 7 to see that candidates had a coherent view of all the remedies available irrespective of whether those remedies were common law (compensatory damages or punitive damages or '*Wrotham Park* damages') or equitable (injunction or an account of profits).

PUNISHMENT, SECURITY AND THE STATE

There were seven candidates for this examination. There were no distinctions and the marks fell in the relatively narrow range between 62 and 69. Answers were spread quite evenly among the questions set. All questions bar one (q.4) were attempted by at least one candidate, most were attempted by two or three.

In general the scripts were well written, thoughtful, and displayed a good knowledge of the subject. The best scripts had a strong command both of the relevant academic literature and the available research evidence, which they drew on effectively in answering the question. The other scripts were generally very good but some common weaknesses included insufficient engagement with the question, failure to provide substantiating evidence, and a tendency to describe rather than to analyze the issues. In some essays candidates provided a general survey of the field in order to demonstrate their knowledge rather than provide a direct answer focused on the question set. In general, however, the standard was high and evidenced good preparation and a pleasing engagement with the issues raised by the course.

RESTITUTION OF UNJUST ENRICHMENT

This was the first year in which the course excluded restitution for wrongs (now part of the Commercial Remedies course). The general standard of the scripts was very high. Of the 30 candidates, 14 were awarded marks of 70 or above. Each of the 11 questions was attempted by at least one of the candidates with particularly popular choices being question 1 (enrichment), question 2a ('at the expense of the claimant'), question 3 (co-existence of unjust factors and

absence of basis) and question 7 (ignorance and retention of title). The only general criticism to be made is that on question 3 several candidates wrote on the linked but marginally different question as to whether absence of basis is a necessary or sufficient condition for restitution of an unjust enrichment. Few chose to focus on when, if at all, under the present law, an unjust factor triggers restitution even though the benefit is owed to the defendant by the claimant.

INTERNATIONAL INTELLECTUAL PROPERTY RIGHTS

The standard of answers on the IPR papers was generally high over all three parts of the paper. The best papers were those more willing to offer original, critical insights into the subject of the question. Some students spent more time than required canvassing the background to a question without fully engaging with the specific focus of the question. For example, some students answering the question about the patentability of human stem cells spent less time on that specific issue and more on the general question of morality in patent law. Conversely, some papers spent more time than necessary on one illustration of a general proposition that was the subject of the question rather than tackling the different dimensions to the question. Thus, some answers about the territoriality of trade marks focused unduly on the protection of well-known marks and barely touched other possible illustrations (e.g., parallel imports, Community rights etc). Overall, however, students' answers demonstrated a good grasp of the law and its theoretical underpinnings.

REGULATION

Overall the students performed well in the 3 hour written examination. Students' written exam performance was improved in comparison to last year, in particular through better integration of the theoretical material from MT with the case studies from HT in students' exam answers. Marks ranged from the mid 60% to a couple of first class scripts.

Scripts in the mid 60% range could have been improved avoiding:

- answers being too general and descriptive, rather than sufficiently incisive, critical and analytical as well as concise.
- answers engaging with a too limited range of reading.

Most scripts provided clear and well structured answers that showed a development of short essay writing skills through the tutorial essays as well as evidence of wide ranging reading, sometimes beyond the reading list assigned for the course.

JUSRIPRUDENCE AND POLITICAL THEORY (ESSAYS)

There were fourteen candidates, one of whom withdrew after submitting his or her essays (and hence is omitted from the following statistics). Five scored marks of 70 or above, and the best (the winner of the H.L.A. Hart prize) achieved an outstanding 74. The lowest mark was 61. The quality of work was generally very high and showed once again the great benefits that flow from the subject's unique mode of examination, by essays written over the Easter vacation. In addition to showing evidence of careful reading and research, almost every candidate managed to bring some of their own distinctive voice to their answers, and in some cases there was impressively original work that would be worth developing at greater length in

(say) an MPhil thesis. In one case a candidate's performance was damaged by the attempt to be too original, or more generally too intellectually ambitious. The Jurisprudence and Political Theory essays are only the first stage of a jurisprudential apprenticeship and while it is important to be able to advance a thesis of one's own and to distinguish it from nearby theses that have been advanced by others, it is not an ideal occasion (with only 8000 words available in all) for revolutionising a whole subject-area.

The most popular questions were 1 (on the ideal of the rule of law) and 2a (on human rights). Close behind in the popularity chart were question 4 (on naturalism in jurisprudence) and 3 (on the legitimacy of authority). The only question widely shunned (only one candidate answered it) was question 2b (on basic liberties). Among those questions attempted by a significant number of candidates, there were no conspicuous general patterns of accomplishment. All the popular questions enjoyed their fair share of first class answers. Perhaps the only point to note is that where a question coincided quite closely with the topic of a seminar, the discussions in that seminar did seem to be quite closely reflected in the structure of the answers. Even this, however, did not prevent the best candidates from showing their mettle. In particular some of the best candidates earned extra kudos for going against the critical flow, for making an effort to find the lost merit in a widely maligned or dismissed thesis.

APPENDIX 7

External Examiner's Report

This was my second year acting as External Examiner for the BCL and MJur exams. As was the case last year, I was very impressed with the huge amount of work that the Examinations Secretary, Mrs Julie Bass, must have done behind the scenes to make sure that the examiners' meetings proceeded very smoothly and efficiently. In this, she was very ably assisted by the Chairman of the Examiners, Ms Jennifer Payne, who conducted the examiners' meetings with unflagging patience, charm, and attention to detail.

I was unable, due to my Cambridge commitments, to attend the preliminary meeting to go through the draft exam papers. I cannot therefore comment on that meeting. I attended the two examiners' meetings on Monday 19 July and Friday 23 July. Those meetings were remarkably trouble free. The convention that any paper that had been marked with a 69 or 68 should be double marked was observed in all but one case, and helped to ensure that it was very clear in most cases what class a given candidate should be given. (The remaining cases of doubt were where a candidate had a mark of 67 in a paper where a mark of 70 would have earned him/her a Distinction, and that paper had not been double marked. In all such cases, the paper was sent back to be marked again. Cases where candidates had a mark of less than 67 in a paper where a mark of 70 would have earned him/her a Distinction did not cause any problems this year – in almost all such cases, it was clear that a re-mark was not required.) As a result, the first examiners' meeting was over in an hour; and the second examiners' meeting was only longer because of the need to review and discuss the general trend of marks on the BCL once all the marks had been settled. There was no real issue about who should be awarded the Vinerian this year, and the discussion as to who should be recognised as *proxime accessit* was admirably careful and thorough.

Given the problem free nature of the examiners' meetings this year, there are only two points that I want to draw the Law Faculty's attention to:

(1) The number of Firsts on the BCL this year was very high: from memory, about 56%. This is about 10% more (and a 20% increase on) the normal percentage of Firsts (about 45%) that have been obtained on the BCL over the last few years. This fact was discussed at length at the second examiners' meeting, but no conclusions could be reached as to why the number of Firsts this year was so high. One suggestion that was made was that initiatives had been taken this year to give the BCL and MJur students a bit more guidance as to what they should be aiming to do in their written work – and that while these initiatives were primarily aimed at helping MJur students do a better job of realising their potential, they may have also had the effect of boosting the performance of the BCL students. Another possibility is that the BCL students have become a bit canny about predicting what sort of issues will come up in their papers, and what they need to say to impress the examiners in addressing those issues. A final possibility is that this was simply an outstanding year, which dramatically outshone the other years that have taken the BCL in the past few years. It is very hard to say what the truth is. However, if the percentage of Firsts is as high next year, that may (and I emphasise 'may') indicate that the BCL students no longer find the BCL to be as testing as their predecessors did – and that is something the Faculty will have to address in order to maintain the 'gold standard' represented by the BCL. How to do that (if action is required – and I emphasise the word 'if') without depressing the performance of the MJur students is a problem I don't know the answer to.

(2) As I've already observed, the first examiners' meeting was over in 60 minutes. In order to attend that meeting, I had to travel from Cambridge to Oxford the night before and stay overnight in a hotel, so that I would arrive at the Faculty in good time for the start of meeting at 9 am. The University will cover the cost of my stay in the hotel. However, I was troubled at whether it was a good use of the University's resources to pay over £100 to ensure that my timely attendance at a meeting that lasted only 60 minutes. The solution seems obvious to me: the examiners' meetings should not start at 9 am, but at 12 pm. Such a start time would give an external examiner a fair chance of getting to the Faculty for the start of the meeting without having to stay in Oxford the night before. It would also enable Mrs Julie Bass and the Chair of Examiners to take their time in the morning organising the papers for the examiners' meeting, without having to get into the Faculty at whatever hour they currently have to come in at to be ready for a 9 am start. Such a start time would also ensure that the sandwich lunches that are laid on for the examiners in anticipation of the possibility that their meetings will drag on to lunchtime are not wasted.

I'd like to conclude by saying what a privilege it has been to act as External Examiner on the BCL/MJur exam for the past two years. Doing so has only increased my already high admiration for the Oxford Law Faculty and its members.

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