

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

## REPORT OF THE BOARD OF EXAMINERS FOR 2012

### 1 Introduction

This report makes a brief note on various 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 enough, though it caused two minor problems: in one case, the two examiners responsible for one of the papers found that they had already committed themselves to being out of Oxford on the day in question; and one candidate had gambled on the starting date not being before Monday of 9th week, and had therefore guessed wrong and petitioned for a change to the timetable, which was not possible even if it would have been proper. Even so, it is far from clear that it is feasible to obtain a timetable from the Schools any sooner than this is currently done.

The exams started on Saturday of week 8, and finished on Saturday of week 10. No candidate had two papers on the same day but papers in the first week were sat in the afternoon and in the second week in the morning. Because the Examination Schools are still in full swing with university examinations in 9th week, in particular, this required many papers to be written in the company of candidates taking other examinations. In itself, this did not seem to cause any problems, though the candidates who had to share the examination room with the First Public Examination in German, one of the papers for which was the subject of endless hand-raised queries, and two flustered and contradictory announcements over the tannoy, will not have been impressed by the slack standards which seem to pass for normal in other disciplines.

### 3 Statistics

Attached at Appendix 2 are the numbers of entrants, distinctions and passes. No candidate failed, though for two candidates the process remained, by order of (and then resounding silence from) the Proctors, incomplete at the date on which the List was signed.

The percentage of candidates gaining distinctions in the BCL was, at 55%, remarkably high, even if there was apparently one recent year in which it was remarkably higher still.

As with previous years, the number of candidates obtaining a distinction in the MJur are higher than last year, at 31%, but still significantly lower than the numbers on the BCL. Again, as with previous years, the Examiners noted the disparity in the numbers of BCL and MJur candidates obtaining Distinctions. They suspect that as the earlier rule, that MJur candidates should be required to write fewer answers than BCL candidates, has been abolished, it is not particularly surprising that the marked disparity in performance, which this rule sought to prevent, has reappeared.

There was no appreciable difference in the percentages of men and women gaining Distinctions: this parity of distinction was shown equally in BCL and MJur. It is understood that this is a change from previous years. If there is a cause for this change having taken place, it remains unidentified.

#### **4 Computer software**

The computer software was, so we were told, generally satisfactory, but one or two glitches revealed themselves (especially in the calculation of the average mark, which disregarded second marking marks). It may be time for a wholesale upgrade.

#### **5 Plagiarism**

'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 earlier practice. In cases – there was one – in which this random submission appeared to disclose trouble, further Turnitin checking was done. As a result of all this, one case was referred to the Proctors in early May. By the time the Board met in mid-July, enquiries made to the Proctors' Office were still going unanswered, which seems a remarkable state of affairs. The Examiners were required to treat the candidate's performance as incomplete.

#### **6 Setting of papers**

The Examiners checked all draft papers line by line; the papers were also sent to the External Examiner: because she was only appointed mid-year she sent comments in written form but was unable to attend the meeting itself. The process yielded a substantial number of further queries on a significant number of papers. The Chair of Examiners subsequently discussed and resolved with individual setters of papers, every last one of whom was patient, helpful, and co-operative, even where the queries may have appeared nit-picking or painfully inexpert. The whole of this systematic process, although time consuming, produces consistency of style and standard across papers; but it also obviated queries arising during the examinations themselves (as to which, see the point about German made under (2), above). No error came to light during the examination.

#### **7 Information given to candidates**

The Edict is attached as Appendix 3.

#### **8 The written examinations**

The Chair of Examiners attended at the start of each examination, in full fig, as did the setter or an alternate whose attendance had been agreed with the Chair of Examiners. As in previous years, the Board simply seek to underline the existence, but also the importance, of the Proctors' requirement that the setter or an agreed alternate be present. The Board would question the rather odd rule by which, if a paper-setter arrived attired in something less than full sub fusc, he or she was liable to be sent to sit on the naughty step, by and

remaining in sight of the Chief Invigilator, but outside the examination room. But as the Board did not make the rule, the Chair had no power to grant dispensation.

Because there were examinations on two Saturdays (on Saturday of 9th week, no examination could be scheduled because the Proctors' Office was not prepared to be open), colleges with candidates taking papers on those days were asked to provide contacts available to deal with any problems, including emergencies. This presented no organisational problems.

The exams sat in the Examinations School went smoothly. In what was an improvement over the year before, and by reason of heroic efforts on the part of Julie Bass to make sure that everything was as it should be, the materials – papers, statutes, et cetera – packaged up for candidates sitting outside the Examination Schools were perfect order. It seems that there is always a risk of slip-up with these individual cases, and that this is all the more acute when material is required to be made available in soft as well as hard copy. We do not under-estimate the effort which goes into making sure that it is got right, even if we do not really notice that it is taking place.

## **9 Materials provided in the examination room**

The Examiners wish to note, in line with previous Examiners' reports, the expense and time involved in the provision of statutory materials by the Faculty. This year, as last, Julie Bass spent considerable time before the exams ensuring the correct materials were available in the Schools' basement repository.

Last year's Board reported that they 'would stress that the possibility that candidates be able to use their own materials should be urgently reconsidered'. Some good that did. This year's Board would do more than merely stress the need for reconsideration. A stupid and useless rule should simply be repealed.

## **10 Marking and remarking**

This year the Board had been encouraged, or required, to have one examiners' meeting rather than two. This required some very careful prep. The routine marking of scripts prior to the meeting needed to be extended to include all those scripts which might, however remote the chance, be thought to have the potential to affect a candidate's classification, as there would be no real prospect of re-marking after the meeting. In addition to the prescribed swapping and sampling of marks, this meant that there was blind double marking of all papers for which a mark had been given ending in 7, 8, or 9. So also every paper given a mark below 60; and papers given a mark below 50, and presumed to fail, were also seen by the External Examiner.

Where a script had been double marked, the markers submitted an agreed mark before the meeting. It was essential that, where first- and second-markers were not initially *ad idem*, they still agreed an eventual mark. The Board was relieved, and are jolly grateful, that this was done in every single case.

Although there was always a risk that the strategy of having only one meeting might give rise to problems, the Board reports that, on this occasion, it did not. Indeed, so complete appears to have been the care and co-operation of the markers, that there was practically no

need to ask for anything to be referred back to the markers before the meeting. This was a tremendous boon to the Board, who are properly grateful

## **12 Medical Certificates, dyslexia/dyspraxia and special cases**

A total of 11 candidates had medical certificates ( two had more than one) forwarded from the Proctors' Office. The figures for 'other special cases' are very low. 5 candidates wrote some or all of their papers in their respective colleges. A further 4 candidates wrote some of all of their papers in a special room in the Examination Schools. The Examiners took specific and individual account all of these medical certificates. It is arguable that in one case the certification made a difference to a student's final result.

The following additional specific details are included at the request of the Proctors. In the BCL, medical certificates on behalf of 3 candidates, or 2.5% 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 2011*, page 34). In the MJur, no medical certificates were forwarded under the same regulations.

## **13 Thanks**

The internal Examiners would like to conclude by expressing their thanks to the External Examiner, Professor Sarah Worthington, who at short notice took up the reins and offered help and advice when it was particularly needed. Particular thanks are also due to the Examinations Officer, Julie Bass, whose professionalism, judgment and experience are invaluable. Without her, the wheels would come off the operation before lunch on Day 1, and that would be that.

Adrian Briggs (Chair)  
Paul Davies (the Elder)  
Judith Freedman  
Dori Kimel  
Sarah Worthington (External)

**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 Sarah Worthington, external examiner.

# APPENDIX 2

## Statistics for the 2012 Examinations

### BCL

	2012						2011						2010						2009						2008					
	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	38	57	28	55	66	56	39	46	19	37	58	44	30	33	21	23	51	57	26	27	17	18	43	45	23	27	11	13	34	40
Pass	29	43	23	45	52	44	43	52	32	63	75	56	20	22	19	21	39	43	35	37	17	18	52	55	27	32	24	28	51	60
Fail	0		0		0		0		0		0		0		0		0		0		0		0		0		0		0	
Total	67		51		118		82		51		133		50		40		90		61		34		95		50		35		85	

### MJur

	2012						2011						2010						2009						2007					
	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	6	32	6	30	12	31	6	29	2	9	8	18	3	9	3	9	6	18	12	34	0		12	34	8	13	1	2	9	15
Pass	13	68	14	70	27	69	15	71	21	91	36	82	12	35	16	47	28	82	12	34	11	31	23	66	29	49	20	34	49	83
Fail	0		0		0		0		0		0		0		0		0		0		0		0		1	2	0		1	2
Total	19		20		39		21		23		44		15		19		34		24		11		35		38		21		59	

## APPENDIX 5

### Raw Marks Statistics, BCL/MJur 2012 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	66.6	20				25	55	20
BCL Dissertation	66.5	18				22	56	17
Comparative and European Corporate Law	67.0	15				20	47	33
Comparative and Global Environmental Law	67.8	11				9	55	36
Comparative Equality Law	68.7	11				9	45	45
Comparative Human Rights	69.0	27				7	33	59
Comparative Public Law	66.3	28	4			18	43	36
Competition Law	66.4	37			3	22	49	22
Conflict of Laws	65.5	48		4	6	23	31	33
Constitutional Principles of the European Union	68.3	8					50	50
Constitutional Theory	67.6	20				15	50	30
Corporate and Business Taxation	67.1	12			8	8	50	33
Corporate Finance Law	66.5	21			5	19	38	33
Corporate Insolvency Law	67.7	24			4	13	38	46
Criminal Justice and Human Rights	70.4	17				6	18	76
European Business Regulation	67.9	24				13	38	46
European Intellectual Property Rights	66.9	9				22	56	22
Evidence	66.9	10				20	40	40
International and European Employment Law	68.6	6					67	17
International Dispute Settlement	66.6	30			3	30	33	33
International Economic Law	69.2	15				7	27	60
International Law of the Sea	69.3	6				17	33	50
Jurisprudence and Political Theory Essays	64.9	24				46	29	17
Law and Society in Medieval England	65.8	6				50	33	17
Law in Society	66.9	14				21	57	21
Medical Law and Ethics	68.6	28				4	54	43
MJur Dissertation	63.6	5			20	40	20	20
Philosophical Foundations of the Common Law	65.2	22		5	9	23	32	27
Principles of Civil Procedure	67.9	30				7	60	33
Principles of Financial Regulation	64.3	15		7	13	20	40	20

**Raw Marks Statistics, BCL/MJur 2012**  
**Marks distributions on first reading, as percentages**

<b>Paper name</b>	<b>Av. Mark</b>	<b>Number sitting</b>	<b>----- Mark rangers (%) -----</b>					
			<b>49/less</b>	<b>50/54</b>	<b>55/59</b>	<b>60/64</b>	<b>65/69</b>	<b>70/over</b>
Punishment, Security and the State	66.6	5				20	80	
Regulation	67.7	9				11	56	33
Restitution of Unjust Enrichment	67.6	37	3			22	27	49
Roman Law (Delict)	65.0	4				25	75	
The Law of Personal Taxation	67.0	11				18	55	27
The Roman and Civilian Law of Contracts	68.4	5				20	20	60

## APPENDIX 6

### INDIVIDUAL REPORTS

#### ADVANCED PROPERTY AND TRUSTS

The overall standard of scripts was pleasing, and there were some particularly strong performances at the top end. The new format of the paper, with fewer questions, did not prevent the candidates finding three topics on which they were able to write fluently. The candidates were clearly well prepared and an ability to use the material most pertinent to the particular question set (rather than a willingness to discuss all the material bearing on the topic) was the chief feature that distinguished the better answers. Those answers also evidenced some careful thinking about the specific question, showing that the candidates had used the time available in the exam to reflect on that question, and had not simply applied their pre-existing views on the topic as a whole. It was also of note that the M Jur candidates performed well, with one of the four marks of 70 or above being awarded to an M Jur script.

There was no obvious clustering of answers around particular questions. With the exception of Question 2, which had no takers, answers were reasonably evenly distributed across the paper. Question 1 was the most popular (attempted by just over half of the candidates) with Questions 7 and 9 close behind. Of the three parts of Question 6, part (c) was comfortably the most popular.

In most cases, candidates were able to identify the proper focus of the particular questions. For example, Question 3, whilst relating to the *numerus clausus* material, asked candidates to consider first not the rationale for restricting a party's ability to create property rights, but rather the reasons why a party might have any such ability in the first place. Question 4, whilst relating to the material on possession as the root of title, also required candidates to consider and compare other possible means of allocating ownership rights. Question 7, whilst relating to the material on the nature of beneficial interests, also required some consideration of other forms of equitable interests.

#### COMPARATIVE AND EUROPEAN CORPORATE LAW

Nineteen candidates (seven BCL, eight MJur and four MLF) attempted this paper. The overall standard of the scripts was very good. Five of the candidates were awarded marks of 70 or above, and the average mark was 66.42 %. The examiners were particularly pleased by the absence of any really weak scripts at the bottom end; there was only one script which was marked below 60. All questions were attempted, with questions 3 and 5 proving the most popular.

A few general observations are worth making. First, candidates were on the whole successful in structuring their answers so as to engage directly with the particular question set. One exception to this was question 5, where some candidates struggled to clarify the difference between 'independent' directors and 'non-executive' directors. Also, some candidates did not grasp that the notion of 'independence' can mean many different things, in particular across jurisdictions. A similar problem arose in question 8, where it was helpful to define the



concept of a 'related party' before embarking on a discussion of the regulatory solutions. Fortunately, in particular question 8 yielded some very good answers. The best essays were written on question 9, with an average of 69.5.

Overall, many good scripts explained theoretical positions in the candidates' own words, rather than simply name-dropping authors, and successfully integrated these with discussion of a range of primary sources and proposals. These scripts demonstrated careful independent thought on the part of candidates.

### **COMPARATIVE EQUALITY LAW**

This is the first year that this course has run, and the examiners were impressed at the high quality of candidates' work in this subject. There were 11 candidates who took the course this year, one of whom was an M Jur and the remainder BCL candidates. Five candidates gained first class grades. All the remainder achieved grades between 63% and 69%.

There was a good spread of responses to examination questions, with questions 2 (affirmative action) and 3 (dignity) receiving the most answers. 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. Some candidates found it particularly difficult to integrate the quotation given into the answer to their question, particularly in relation to question 2, where the quotation was occasionally misunderstood or ignored. There was generally a good grasp of comparative methodology, and an impressive and in-depth understanding of the materials, but some candidates did not pay enough attention to the rubric, which required a discussion of at least two jurisdictions and international law where relevant. Some candidates were also tempted to cover the whole subject rather than focussing on the precise question asked. 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.

### **COMPARATIVE AND GLOBAL ENVIRONMENTAL LAW**

This is the second year of this subject and as with last year the overall quality of the papers was very good. Most questions required students to draw on the whole of the syllabus in answering them and students rose to this challenge admirably. All questions were answered and all parts of the syllabus were drawn on. The really outstanding papers displayed a careful attention to the question asked, subtle evaluative analysis, and mastery of the relevant legal detail and academic literature. Weaker answers were more general in approach, superficial in analysis, and displayed a less careful reading of the course material. One of the striking features of the very good answers was responses were clearly based on students not only having digested the course material but carefully reflected on it.

### **COMPARATIVE PUBLIC LAW**

The Comparative Public Law paper was done well this year. There was only one weak paper, a number of scripts were awarded a mark of 70 or above, and the remainder produced scripts in the mid to high 60s, which were re-read where necessary in accordance with faculty guidelines. The candidates displayed a good knowledge of the law from the three systems studied and in general managed to combine this with some detailed consideration of the secondary literature in their answers. The most popular questions were those on proportionality, legitimate expectations, and review for error of law. There were however also a significant number of answers on the other questions set in the paper.

### **COMPARATIVE HUMAN RIGHTS**

The content of the Comparative Human Rights course was altered significantly this year, to combine civil and political rights with socio-economic rights and to introduce a more express theoretical component. The equality materials were transferred to the newly established comparative equality law course. A total of 27 candidates took the course, of which 4 were M Jur and the remainder BCL.

The examiners were very impressed at the quality of answers in this examination. There were 16 first class grades and the best script scored very well indeed. All the grades were above 64. All the questions received a good range of responses, with the most popular being questions 2 (human rights and democracy), 3 (the right to be housed), 5 (progressive realisation and the right to health), and 6a and b (capital punishment). Very few attempted the theoretical question (1), but those that did tended to tackle it well.

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. All the candidates had an impressive level of knowledge, but some were tempted to display their knowledge rather than focussing on the question. On the other hand, some candidates did not provide sufficient comparative material, or did not ensure coverage of the whole question. For example, many good analyses of the 'minimum core' were pulled down by lack of sufficient attention to 'progressive realisation'. 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. There was an impressive grasp of secondary materials and a good ability to use the theoretical material to provide a critical analysis of the primary materials. Overall, however, candidates displayed a very high level of knowledge, an ability to apply theory to substantive materials and an interest and enthusiasm in the subject. It was indeed a pleasure to mark.

### **COMPETITION LAW**

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

The first essay question focused on the US rule of reason standard and its possible manifestation in European competition law. The second question addressed the effectiveness of the European Commission's processes and procedure. The third question considered the European merger regulation regime and the one-stop-shop principle. The fourth essay question considered the cross border effects of anticompetitive activities.

The four problem questions covered the enforcement of Article 101 TFEU, Article 102 TFEU, the European Merger Regulation and UK Competition Law. The majority of answers to problem questions were of a high standard and included references to market definition and structure, to the substantive provisions and to enforcement considerations. However, a significant minority of candidates analysed what question 5(b) specifically described as an agency agreement on the incorrect basis that it was a selective distribution agreement. Candidates making that error were not given credit for failing properly to read the question, nor should candidates expect to be shown such indulgence in any other year. Overall, exam papers this year were of a high standard. As in the previous years, the majority of candidates tackled problem questions. The examination was taken by 37 candidates, 5 of whom achieved a first class mark.

### **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, particularly at the top end of the scale where rather more marks of 70 or better were awarded than has been the case recently.

Notwithstanding the setting of what were thought to be 'mainstream' essay titles, the problem questions proved to be more popular than the essays, with, if anything, even fewer attempts at the essays. Answers to one format were not noticeably better than the other.

Some time ago, it was predicted (hoped?) that 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. This was not that year, but great strides were made and only a very few fell into the trap. This may be symptomatic of a greater familiarity with, and ability to use, statutory material; perhaps because instruments like Rome I and Rome II have just, by now, been around long enough to take them seriously (temporally, at least). Those who did not know their way round the statutory material really did not know their way round it, and that continues to alarm.

### **CONSTITUTIONAL PRINCIPLES OF THE EUROPEAN UNION**

There were 8 candidates for this exam. Overall the standard for the scripts was very high. All the scripts were either first class or upper second. All candidates demonstrated a good knowledge of both the theoretical and legal sources and were able to analyze the issues clearly and coherently. Some candidates focused on the doctrinal elaboration of the questions, others linked them to wider theoretical concerns. The best answers were both more sharply focused on the question and able to analyze questions in interesting and imaginative ways demonstrating both creative flair and insight.

## **CONSTITUTIONAL THEORY**

Each of the eight questions on the paper was attempted this year, but three issues accounted for the vast majority of the answers: interpretation, separation of powers, and judicial review. The content of these answers suggested that the concentration resulted from the candidates' interests and prior knowledge together with their desire to stay close to issues on which one or more of the instructors had written. In spite of this abundant caution, these three areas were not handled noticeably better than the others. The typical answer showed diligent familiarity with the materials, facility in argument, some kind of answer to the question, but only modest attention to possible objections to the position defended. Evidence of reading beyond what was required for the seminars was more meagre than in recent years. Those who received distinction marks demonstrated broader knowledge of the literature, tight analytic structure in argument, and attention to points of detail. The best scripts were clear distinctions, but not high distinctions. The weakest scripts offered abrupt arguments, limited familiarity with the literature, and in some cases, poor style (including two who made the mistake of writing in bullet-points instead of prose).

## **CORPORATE AND BUSINESS TAXATION**

There were some good papers in this subject this year, with one quarter of the BCL/MJur students obtaining a distinction mark and the great majority being awarded marks of 65 or more. Every question was attempted by at least one candidate, but there was bunching around some of the essay questions. The problem questions remained surprisingly unpopular despite the emphasis in tutorials on answering such questions. The best essay answers integrated a thorough knowledge of the current law with a strong understanding of the wider economic issues and policy questions. Marks were lost, as usual, by those who wrote general essays without attempting to address the precise question asked.

## **CORPORATE FINANCE LAW**

Many of the scripts this year were very pleasing, with a good knowledge of the law, and a secure grasp of the relevant issues and the arguments, both legal and economic, that could be made in relation to them. As usual, the best scripts were those who paid close attention to the question posed, and addressed their arguments to the specific points raised. Weaker scripts gave more of a pre-prepared essay, relying more on text book arguments, and, in some cases, actually answering a different question to the one asked.

Question 1 (private equity): this question was very popular indeed and attracted some really excellent answers. The very best combined a penetrating analysis of the benefits of private equity with a discussion of the concerns raised by lack of transparency and excessive leverage (and sometimes other concerns as well) but then addressed squarely the question not only of whether the current proposals for regulation ameliorated these concerns, but whether any regulation could. Many concluded that little or no regulatory oversight was required.

Question 2 (minority protect in takeovers): A popular question. However, the wording of the question was not always attended to. In particular, few people considered whether the equality provisions of the Takeover Code were better characterised as minority protection mechanisms or mechanisms for the protection of shareholders as a class. For example, the

mandatory bid rule may appear better characterised as a minority protection measure if the selling shareholder already has control of the target, but is less obviously so if the selling shareholders are simply the first to sell to the acquirer. In relation to schemes few people considered how far minority protection in schemes was the result of the application to schemes of Takeover Code provisions rather than the statutory scheme rules themselves.

Question 3 (bond trustees): there were no answers to this question.

Question 4 (disclosure in public markets): A popular question. There was, on the one hand, almost universal agreement that the appropriate disclosure policy was different in relation to offerings by issuers and continuing disclosure, but the reasons put forward for the differences were not critically assessed. The fact that one of the teachers on the course is associated with a particular view of the correct answer to this question seemed to have in most, though not all cases, a depressing effect upon candidates' critical faculties. A pity.

Question 5 (creditor protection): while not terribly popular, many of the answers to this question were good. The main fault was failure to compare the contractual means of protection with the proprietary means, so that the first half of the question was answered in a descriptive way, and the second half was a cost/benefit analysis of security. The very best considered whether the benefits of security could be achieved by covenants alone, and whether this would be a cheaper option for lenders.

Question 6 (insider dealing) Again a popular question and again an almost universal view that the view expressed in the quotation was wrong. However, the arguments against the proffered view were generally well marshalled and vigorously presented.

Question 7 (priorities between security interests): This was not a popular question but attracted some very good answers. The chief fault was including discussion of the statutory priorities granted to unsecured creditors over a floating chargee on insolvency, which was outside the scope of the question.

Question 8 (pre-emption right): Very few answers. A pity.

Question 9 (corporate governance): There were relatively few answers to this question, and they were of a rather mixed standard. The best looked comparatively at all aspects of the governance role of shareholders and debtholders, and back up their arguments with detailed knowledge of the law.

## **CORPORATE INSOLVENCY LAW**

The standard of scripts was very high this year, with some excellent answers reflecting hard work and some detailed thought about the issues we had discussed in the seminars. The better candidates were able to evidence independent thought, developing and successfully defending their own positions on contentious issues. Some questions were more popular than others, with questions 3 (sections 213 and 214) and 4 (Belmont) attracting by far the most answers.

Question 1 (balance sheet test): this question attracted few answers: the few there were were well structured and interesting.

Question 2 (COMI) : there were only two answers to this question, both excellent.

Question 3 (sections 213 and 214): this was a very popular question indeed. The best answers engaged in detail with the question as to whether obligations should be imposed on directors in the vicinity of insolvency in addition to those imposed by the common law, and then used the conclusions reached in that discussion to inform the critical analysis of sections 213 and 214.

Question 4 ( Belmont): this again was a very popular question and there were many excellent answers. Students had clearly thought about the issues in the light of the seminars and other discussions and had formulated their own opinions. There were a wide variety of views expressed, nearly all of which were well focused on the quotation from Worthington's article and well grounded in the recent jurisprudence about the *pari passu* and anti-deprivation principles.

Question 5 (section 238): There were some very pleasing answers to this question, the best of which used the quotation as a jumping off point to discuss the place and function of section 238 in the anti-avoidance scheme of the Insolvency Act 1986.

Question 6 (appointment of insolvency office holder) : there were no answers to this question.

Question 7: (schemes of arrangement) there were very few answers to this question, but they were all very well done.

Question 8: (pre-packs) There were a reasonable number of answers to this question, which were mostly very well argued, well informed and demonstrated a good grasp of the issues concerned. The best criticised the government proposals in detail and focused particularly on connected parties, as the question asked. Less good answers merely gave a standard essay on pre-packs, ignoring the particular points raised by the question.

Question 9 (proprietary claims): There was a wide variety of approaches to this question. Some focused mainly on the specific issue raised by the *Sinclair* case while others discussed trusts more widely. The best combined secure analysis of the law of trusts with a good appreciation of the policy issues arising on insolvency.

## **CRIMINAL JUSTICE AND HUMAN RIGHTS**

17 candidates sat this paper. Remarkably there were 13 Distinctions, and 4 2:1s. The highest mark on the paper was 75% and the lowest mark was 63%.

On the first part of the paper 13 candidates attempted Question 3(b) on 'kettling', and there was some thoughtful analysis of the judgments in the House of Lords and European Court of Human Rights in the *Austin* case. While Question 1 attracted little interest, several candidates tackled either Question 2 on legality (generally well done, and responsive to the question asked) or Q.4 on the exclusion of evidence obtained by a breach of Convention rights (some candidates failed to refer to the points made in the quotation). On the second part of the paper a majority of candidates answered either Question 6 on the need for a new legal

paradigm to deal with conflicts between security and human rights or Question 7 on prisoners' rights: there was some good analysis and thoughtful discussion of the literature. The remaining answers were split fairly evenly between Question 5 on Control Order reforms and Question 8 on the right to security. In general, the examiners were impressed not only by the detailed understanding shown by most candidates but also by the well-structured arguments presented in the answers.

### **EUROPEAN BUSINESS REGULATION**

This year's batch of scripts was very pleasing. It showed a high standard of understanding and real critical aptitude. Several candidates wrote splendidly impressive answers: no candidate was weak. All the questions attracted takers, albeit that Qs 7 and 9 (the latter being the only problem question on the paper) were less popular than the others, and there was no unevenness in the quality of the writing across the several topics covered on the course and on the examination.

### **EUROPEAN INTELLECTUAL PROPERTY RIGHTS**

This paper was answered well over all. The most popular questions in Parts A and B (copyright and trade mark) were questions 2 and 5 on balancing, and the most popular question in Part C (patents) was the problem question. No one answered question 4 (trade marks) or 7 (patents), and everyone answered at least one problem question. A diversity of views was expressed in respect of most substantive issues, which was pleasing, and several students demonstrated wider reading beyond the set lists. Some answers suffered for lack of a clear structure and a failure to present arguments on both sides, and were accordingly marked down.

### **EVIDENCE**

There were ten candidates, four of whom were awarded first class marks. The other six were in the upper second class range. As usual, the three essay questions were not popular, there being no takers for questions 1 (vulnerable witnesses) and 2 (the civil standard of proof), and very few for question 3 (the ECHR decision in *Al-Khawaja & Tahery v UK*), although some essays were excellent. There were disappointingly few answers to question 4 (the civil evidence problem on improperly obtained evidence) or question 7 (public interest immunity). Every candidate tackled question 8 (confessions) and the answers were generally good, although the law governing allegedly fabricated confessions and evidence obtained by torture/inhuman and degrading treatment was not always adequately addressed. The bad character issues in question 5 and 6 were well-handled. All the problems incorporated relatively peripheral topics and some candidates were less comfortable with, or ignored, issues pertaining to expert evidence, identification evidence and legal professional privilege. As far as technique was concerned, a few candidates failed to engage with the detailed facts of problems and wrote essay-like answers.

## **INTERNATIONAL AND EUROPEAN EMPLOYMENT LAW**

As last year, there was a small group of candidates, all of whom performed adequately and some of whom performed very well indeed.

The following questions were popular and were attempted by most candidates:-

- 1 – institutional structures and rationales of ‘international employment law’ and ‘EU employment law’
- 4 – EU law’s compliance with international standards with regard to discrimination
- 6 – Feasibility of an ‘integrated’ approach to a fundamental right to collective bargaining

The following questions also had some takers:-

- 2 – The Working Time Directive and the ‘humanisation’ of working time arrangements
- 3 – EU law relating to pregnancy and parental rights
- 7 – Differences in treatment of the right to strike under the ILO, the Council of Europe, and/or the EU
- 8 – The ideas of ‘flexicurity’ and of job security in European employment law.

No candidate attempted:-

- 5 – The contribution of various ILO or EU legal instruments to the protection of the labour rights of migrant workers.

The questions required knowledge both of international labour law (in the sense of regulation by the ILO, the UN and CEDAW) and of European employment law (in the sense of regulation by the EU and the Council of Europe). The candidates had in general accepted the need to work with all those systems of regulation and to inter-relate them.

As last year, a significant variant between the best scripts and the weaker ones was the degree to which policy arguments were supported by detailed and precise reference to legislation and case-law.

## **INTERNATIONAL DISPUTE SETTLEMENT**

The scripts this year were particularly good, the great majority of them being well-focused, well-informed, and clearly written. Every question was attempted by at least some candidates: indeed, the distribution of answers was markedly more even than in previous years. Most notably, there was much less in the way of pre-prepared answers tacked on to broadly relevant questions. Anecdotal evidence suggests that candidates thought this year’s paper more difficult than usual. The results suggest that the lesson is that they should have



more confidence in their abilities, and in the ability of examiners to discern real legal talent even when it is struggling with difficult questions.

Despite the greater focus upon the precise questions set, it was apparent that candidates had engaged not only in much reading around the subject but also in a great deal of thinking about the subject and the main controversies that are canvassed in current scholarship. Both the reading and the thinking paid dividends: the scripts were a pleasure to read.

### **INTERNATIONAL ECONOMIC LAW**

The level of performance of the students who wrote the International Economic Law examination paper was, in overall terms, excellent. In terms of a detailed breakdown, there were 60% of students who obtained a Distinction class mark, 33% of students who obtained a mark between 65-68%, and 1 student who scored 63%.

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. Several candidates were more generally let down by their final exam answer which may well have been an issue of timing. Moreover, several answers read as being formulaic, general essays on the topic of the question rather than being a specific answer to the question being asked, and as such were marked down. These exceptions do not however detract from the overall excellent performance of students in this subject.

### **INTERNATIONAL LAW OF THE SEA**

Candidates showed themselves both to have gained a firm grasp on the principles of the Law of the Sea and to have engaged in a significant amount of reading around the subject. Most questions attracted at least some answers, and the best amongst them demonstrated a very thorough understanding not only of the 1982 Convention but also of associated treaties and of customary international law.

The most common weakness, as ever, was the tendency to write generally about topics, without finding or deciding upon a more specific, precise line of argument within the question. That said, the scripts represented a very creditable performance.

### **JURISPRUDENCE AND POLITICAL THEORY (ESSAYS)**

Candidates were asked to write essays on three out of six questions. Three of these concerned central issues in jurisprudence, the rest some classic topics in wider political philosophy. The overall standard of the essays was good, with only a handful being outstanding.

Q1 (What is obedience? Does the law demand it?) was particularly popular. The better essays discussed what it is to obey, drew a distinction between conforming to an order and complying with it, and offered arguments in defence of the view that the law purports to

secure compliance, not conformity. Many candidates simply asserted that the law asks for obedience offering no argument in support of the assertion. Some of these failed clearly to distinguish between obedience and other ways in which one might assign force to the law, and several went beyond the issues directly raised by the question, moving on to discuss what could justify law's alleged demand. Most of the essays on Q2 (Should legal philosophers aim to identify necessary truths about law?) described Leiter's claim that there are no such necessary truths such that legal theory should instead concern itself with empirical investigation of judges' behaviour, and summarized some responses to it. Several treated aiming to identify necessary truths and pursuing conceptual analysis as interchangeable, apparently unaware of the relevant controversy and its implications for legal theory. Q3 (What is the role of the meaning of a statute in the explanation of the impact of its enactment on the law?) was attempted by handful of candidates. Most of the essays were of high quality, including some quite outstanding.

Essays on Q4-Q6 were mostly unimpressive. Q4 (What, if anything, justifies authority?) elicited summaries of Raz's normal justification thesis, mostly accompanied by cursory discussions of Wolff's claims that authority can never be justified. A few essays discussed more recent objections to Raz, mainly by Darwall and Herschovitz. These tended to be of higher quality. Q5 (Is socio-economic justice the first virtue of political institutions?) and Q6 (Is equality a virtue?) produced mostly competent but unremarkable essays.

### **LAW AND SOCIETY IN MEDIEVAL ENGLAND**

Six candidates attempted this paper. The scripts were overall competent with one at Distinction level and the remainder spread through the 2.1 range. There was some clustering of attempts on questions 1 (inheritance), 2 (wardship) and 9 (debt and merchants). Overall, the strongest scripts were those which integrated effective use of the primary sources and the literature with a close focus on the exact question set. With such small numbers, more detailed comment on the handling of individual questions is not possible.

### **LAW IN SOCIETY**

Fourteen candidates took the examination in Law in Society, which is a significant increase on previous years: eight BCL, four MJur.

Three candidates obtained Distinctions, the rest Passes. Eight of the candidates were awarded marks between 65 and 69, with only two falling below 65. The results are a little disappointing at the top end with only three distinctions, but several were very close and the great majority showed considerable strength. The answers ranged fairly widely across the choice of questions, although as ever one or two questions proved popular. Overall, the performance was very satisfactory.

### **MEDICAL LAW AND ETHICS**

There were many excellent performances in this paper. It was particularly pleasing to see so many showing an excellent grasp of the legal material and the philosophical and ethical writing. The very best candidates were able to integrate these to provide some powerful answers to the questions. There were no weak papers, with all candidates showing a good

knowledge of the case law and of the theoretical material. The top papers were able to show an extensive knowledge of the material and to subject it to careful analysis. The less successful answers were able to report what commentators had said, without providing any input of their own.

It was pleasing to see a good spread of answers across the questions. There were a good number of responses to each question. In particular the examiners were pleased to see many candidates tackle questions outside the core medical law issues.

### **PHILOSOPHICAL FOUNDATIONS OF THE COMMON LAW**

The overall quality of the papers was sound, with virtually all candidates demonstrating the ability to engage with the questions on their precise terms, and by way of offering genuine theses. Nevertheless, the Examiners were left with the distinct impression that many candidates did themselves no favours in choosing the questions they chose to answer, seemingly opting for what they deemed 'safe' as opposed to those questions which would have given them the best opportunity to offer real philosophical insight or an original contribution. Indeed, it was the Examiners' impression that many of those who ended up with an Upper Second mark denied themselves a genuine shot at a First through the choice of questions on which they had not much of interest to offer, whereas even those who ended up with a First could have achieved a more emphatic one with a somewhat more daring approach. Thus, although the results overall were very sound and virtually all the candidates displayed competence, there was a somewhat lower proportion of Distinctions than is the norm in this paper, and all the Distinctions were of the borderline type, with not a single paper (as opposed to the norm of several) which was deemed truly worthy of a subject prize.

Whereas all eight questions were attempted, some (particularly questions 5 and 8) proved far more popular than others (questions 1, 4 and 6). Question 5 provides a good illustration for the general observation of the previous paragraph. It was the most popular single question, with the majority of those answering it offering a thesis along the lines of 'criminal law is based on retributive justice to a greater extent than tort law' – hardly the stuff that Distinctions are made of. By contrast, those who opted for the relatively less popular questions tended to answer them more interestingly and originally, and tended to reap richer rewards.

### **PRINCIPLES OF CIVIL PROCEDURE**

The examination was taken by 30 candidates, of which 13 scored 70 or above. Only 2 candidates obtained a mark lower than 65, though only just. The standard was higher than in the previous year when only 7 out of 28 candidates received a distinction.

The most popular question was question one, on closed material proceedings (17 answers). It was closely followed by question 9, on legal professional privilege (15 answers). Questions 3 and 7, on relief from sanctions and on collective redress, respectively, were also popular (13 answers each). Of the remaining 5 questions, all received considerable attention, with the exception of question 4, on appeals, which obtained only one answer. Candidates have shown good knowledge across almost the entire syllabus to which attention was given in lectures, tutorials and seminars.

## PRINCIPLES OF FINANCIAL REGULATION

The examination was attempted by 40 candidates (the course having been capped at 40): 25 MLF, 6 BCL and 9 MJur. The general standard was very pleasing. The average overall mark was 65%, and there was no statistically significant difference in the average marks awarded to candidates from each of the three degree programmes. 10 candidates (25%) obtained distinction marks, and no candidate failed the paper.

11 questions were attempted, although questions 3, 5, and 6 proved particularly popular. Questions 4, 8, and 9 proved significantly less popular than the others.

The better candidates demonstrated a very thorough understanding of the subject matter, and were successful in tailoring their answers to the questions set. A number of the weaker scripts failed directly to address parts of the question. The very best scripts demonstrated clear evidence of independent thought on the part of the candidates concerned.

Question one asked candidates to reflect on the rationales behind the forthcoming break-up of the FSA, in the light of international experience. Better scripts were able to draw on a wide range of different examples of regulatory architecture world-wide, which have experienced varying degrees of success in responding to the financial crisis. Weaker scripts simply focused on the UK experience.

Question two, which was fairly popular, invited reflection on Goshen and Parchomovsky's claim that securities regulation is not concerned with consumer protection, but rather with promoting the informational efficiency of securities markets. This produced a number of very good answers, most of which were able to assess and critique the positive claim about informational efficiency claim as well as the negative claim about consumers.

Question three elicited a large number of answers, the better of which were able to differentiate the specific conflicts faced by both equity analysts and rating agencies, and to offer individualised critiques of relevant regulatory responses. Weaker answers bundled the two together, or omitted to consider one of them entirely.

Question four was attempted by only two candidates.

Question five, which was concerned with both capital adequacy requirements and structural reforms in the banking sector, was extremely popular. Most of the answers were able to address effectively the two different components of the question, and candidates displayed a range of views.

Question six was concerned most directly with bank resolution procedures, and the better answers focused on these. Weaker answers offered a checklist of various regulatory steps that could reduce the probability of failure, as opposed mitigating the consequences of failure.

Question seven asked candidates to evaluate the claim that shareholders should be encouraged to have a greater say in bank governance. It attracted relatively few answers, which although they did a good job of describing why this measure might be problematic, on

the while did not go further and consider whether other changes to bank governance might be appropriate instead.

Questions eight and nine were done by two candidates each.

### **PUNISHMENT, SECURITY AND THE STATE**

There were five candidates for this examination. There were no Distinctions but all the candidates achieved marks in the 60s. All but one of the questions was answered by at least one candidate and the most popular were questions 5 and 7.

The standard of answers was generally very good. The essays were well-written and engaging to read. Most engaged effectively with the question set and demonstrated a sound understanding of the subject and good knowledge of relevant research findings. Generally the essays gave evidence of wide-reading and good knowledge of the relevant academic debates. The best scripts were extremely well read and offered a fine, critical analysis of the issues raised by the question. They were fluently written, insightful and often creative. Some scripts could have done more to answer the question set and one or two substantially rewrote the question. Greater attention to structure and organization would also have ensured a more coherent and persuasive set of arguments.

In general, however, the standard was pleasingly high.

### **REGULATION**

Overall the students performed well in the 3 hour written examination. Students' showed in particular good understanding of the theoretical perspectives discussed in MT 2011 and showed ability to apply this material well to the case studies discussed in HT 2012.

Marks ranged from 64% to three first class scripts.

Scripts in the mid 60% range could have been improved by avoiding: - answers being too general and descriptive, or not answering precisely the question asked. -answers engaging with a too limited range of reading.

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

### **RESTITUTION OF UNJUST ENRICHMENT**

There were 37 candidates. The standard was very high with 18 Firsts and only one script marked lower than 60. The best candidates showed detailed and refined understanding of both the case law and of the academic literature and offered their own insights into how one might best interpret the law.

The most popular questions were question 2 on 'enrichment' (almost everyone answered this); question 1 ('unjust factors' or 'absence of basis', it being noteworthy that not a single candidate preferred the latter approach); question 3 ('at the expense of' in relation to third parties, a highlight of the scripts being the sophistication of many of the answers to this fiendishly difficult topic); question 4 on proprietary rights (which, rather disappointingly, tended to trot out the standard arguments for and against without offering any new insights); and question 5 which set out, for comment, a short fictional draft Law Commission bill on mistake (candidates made detailed and incisive points on the draft both in terms of what the present law is and what it ought to be).

The two-part question on defences (question 6) was less popular probably because, while change of position and estoppel are central, illegality is perceived by some students as somewhat peripheral. Those who did answer on illegality showed a pleasing awareness of the relevance for unjust enrichment of developments in, for example, recent tort cases on the illegality defence.

A couple of candidates attempted the double problem on economic duress (question 7) but several more attempted the double problem question 8. This combined disparate areas ('incidental benefits' and 'no unjust factor' in part (a) with the '*Woolwich* principle', mistake of law, and limitation in the context of tax in part (b). By and large this was very well-answered.

### **ROMAN LAW (DELICT)**

There were two candidates for the BCL and two for the MJur. All candidates scored 2.1-s, with two in the higher region. No question chosen showed problems in the answering, the distribution was reasonable in as far as can be said with this number of participants. All in all a gratifying result.

### **THE LAW OF PERSONAL TAXATION**

There were eleven candidates, who answered a wide spread of questions (only two questions attracted fewer than three answers).

The general standard displayed was high, with the great majority of the marks being in the high 60s or better. Nearly all the answers demonstrated a mastery of a large amount of detail and a grasp of the relevant principles. Even at the higher levels, there was a tendency for scripts to be descriptive of the law and not to provide as much critical analysis as the questions required.

### **THE ROMAN AND CIVILIAN LAW OF CONTRACTS**

There were five candidates, one for the BCL and four for the MJur. The distribution over the questions was reasonable, taking into account the number of examinandi and questions. There was no question which showed to pose a problem. The results were more than gratifying, with three Distinctions and further two 2.1's.

**Report of the External Examiner****External Examiners Report****BCL/MJur 2012**

The Vice Chancellor  
University of Oxford

10 September 2012

Dear Vice Chancellor

**EXTERNAL EXAMINER'S REPORT: EXAMINATION FOR THE DEGREES OF  
B.C.L. AND M. JUR, FACULTY OF LAW, 2011-12**

This is my first report. I was appointed as External Examiner in February 2012, rather later in the day than is normal, in order to take the place of Professor Robert Stevens (then at UCL), who had at that stage been appointed to a Chair in Oxford and hence had a conflict of interest. Given earlier commitments, I was unable to attend meetings in February and April (but was sent the necessary papers in good time, and was able to comment fully, although from a distance). I attended the Marks Meeting in July.

You have asked me to comment specifically on a number of issues, and I adopt the headings suggested in your earlier communications to me.

(i) *whether the academic standards set for its awards, or part thereof, are appropriate.*

The BCL and MJur degrees have an enviable reputation, and justifiably so. The degrees attract high calibre students who are clearly taught well, and challenged appropriately. The assessment is by and large by final examination, although a minority of students exercise the option to submit a dissertation in lieu. The academic standards set for the award of the degree are appropriately demanding (although see comments below on awards of the BCL with Distinction).

(ii) *the extent to which its assessment processes are rigorous, ensure equity of treatment for students and have been fairly conducted within institutional regulations and guidance.*

The assessment processes are rigorous, and – certainly from all that I could detect – were very fairly conducted in line with institutional regulations and guidance. Indeed, in the small number of difficult cases which called for careful application of the University's regulations and guidance, I was impressed by the care and attention to detail given to each case, and

the evident concern to ensure students were treated equitably as individuals and fairly within their cohort.

The only area in which I thought the regulations and practices had the potential to work something of an injustice was in relation to the rather unclear rules on the marking of 'short weight, etc' answers. Since most law papers required students to answer three questions, the problem emerges where students answer two questions in full and one question (usually the final question) not at all or only briefly (ie 'short weight'). The instructions to markers (at pp 6-7) seem to suggest that the outcome in such a case should be no worse than 10-13 percentage marks less than the average percentage mark of the two full questions. This might well advantage students who (in an extreme example) simply completed two questions in three hours, despite the instructions to complete three. It would seem fairer to insist that if an examination requires students to answer three questions, then the paper is marked accordingly. Indeed, the earlier paragraphs of the instructions to markers seem to suggest just this (p 6). It would be helpful to clarify the instructions, and I would recommend a final mark calculated as the average of the marks actually obtained for the answers to the required number of questions. If there are medical or other reasons for the student's failure to finish the exam, then there are separate mechanisms to deal with that. This is the practice adopted at other institutions where I have worked or examined externally.

*(iii) the standards of student performance in the programmes or parts of programmes which they have been appointed to examine (those examining in joint schools are particularly asked to comment on their subject in relation to the whole award).*

Subject to what is said next, the standards are certainly appropriate for such postgraduate programmes, and reflect the high calibre of the students attracted to the programme. All students awarded the degree (BCL or MJur) amply deserve it, and performed at standards that maintain the high reputation of these degrees.

One matter does seem worth further reflection. This year, 55% of the BCL cohort were deemed to merit a BCL 'with Distinction'. Of course, if judged against the national LLM cohort, that outcome is easily justified – indeed it probably underestimates the achievements of the students. But it seems more useful to the BCL students themselves, and to third parties who look at their results, to award a degree 'with Distinction' to students who have delivered a performance that marks them out as special when compared with their BCL peers, not some wider cohort. This is the practice in other places where I have worked (with the figure obtaining a distinction or a first ranging from 15%-25%).

The percentage of students obtaining a Distinction in the MJur was 18%.

*(iv) where appropriate, the comparability of the standards and student achievements with those in some other higher education institutions.*

The students on the BCL and MJur are clearly the match of any students on comparable degrees nationally.

*(v) issues which should be brought to the attention of supervising committees in the faculty/department, division or wider University.*

I have one practical comment to make on the conduct of examinations. In other places where I have worked, examinations may be 'open book', or 'closed book' with students allowed to bring their own copies of unannotated and unmarked (other than by the use of transparent tags) statutory materials, or 'closed book' with no materials permitted. Adopting



this practice, rather than supplying permitted materials each year, would seem advantageous to all concerned.

(vi) *good practice that should be noted and disseminated more widely as appropriate.*

The entire process was, for me, an illustration of good practice. The care and attention to setting papers, to marking and to double marking and confirming borderline marks, to considering exceptional circumstances, etc, was all exemplary. And the whole process from my end was conducted with warm and friendly efficiency – I was given all the attention and assistance I could possibly have wanted.

My thanks to everyone concerned for being so reassuringly professional and ensuring the whole experience was rather enjoyable.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'S. Worthington'.

Sarah Worthington