

Student Handbook (Graduate Students) 2003-04

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Introduction

These notes are prepared for the guidance of graduate students in the Law Faculty reading for the degrees of BCL, MJur, MSc in Criminology and Criminal Justice, MSt in Legal Research, MPhil, MLitt and DPhil.

This Handbook cannot tell you all you need to know. Do not be afraid to ask for information or advice. The University of Oxford is large and amorphous: the relationship between the university and the colleges, the result of the way in which the university has developed historically, is difficult to explain. The extent to which faculties have an independent existence is variable. There is a tendency to assume that the members of the university will pick all this up by experience, and so they do, but it takes quite some time. Until you have done so you will have to ask. Your college is likely to have allocated someone as your tutor, or to have a dean of graduates, tutor for graduates or similar official, of whom you may seek advice. The Law Board will allot you a supervisor, whose job it is to advise you about your work, and generally. There are also two Directors of Graduate Studies within the Law Faculty. Enquiries should be directed in the first instance to Geraldine Malloy, the Graduate Studies Assistant to the Law Faculty, who is based in the Graduate Studies Offices in the University Offices, Wellington Square, and will be very pleased to assist. She will forward queries as appropriate to one of the Directors of Graduate Studies. Her e-mail address is geraldine.malloy@admin.ox.ac.uk. Failing any of these, any officer of the faculty, or indeed any member, will be pleased to help.

Full information as to the various degrees is published annually in the University of Oxford Examination Regulations. Your college should give you a copy on arrival. It contains the university's rules and procedures and you ought to familiarise yourself with the parts which concern you. These notes are intended to summarise some of its provisions, but in case of conflict the statements in the Examination Regulations prevail.

It is essential that all law postgraduates join the dedicated e-mail maillist as soon as possible. All information comes through this list. This is how to do it. After you have obtained your own e-mail address send an e-mail message to majordomo@maillist.ox.ac.uk and, in the body of the message write *only* the words 'subscribe law-postgrads'. Do not place these words in inverted commas and, if you have set a 'signature', take it off for this message. After a short interval your subscription will be accepted and an e-mail will come back telling you that it has been sent. The system is set up in such a way that if you reply to a maillist message your reply goes only to the individual sender. If you want to communicate with all the subscribers at once you send your message to law-postgrads@maillist.ox.ac.uk.

A: General Information

1. Administration: who to deal with in the Faculty

The Faculty of Law is governed by a Faculty Board, an elected body with a Chair who usually holds office for three years. Day-to-day administration of faculty activities and the Law Faculty Office is in the hands of the Faculty Administrator. The Faculty Board, on which there is student representation, is ultimately responsible for lectures and seminars, graduate admission, supervision and degrees, the Course in Legal Research Method, BCL, MJur and the undergraduate syllabus, and (in conjunction with the Bodleian Library) the law section of the St. Cross Building. It meets twice a term in the second and seventh weeks and once in the fifth week of the Summer vacation.

There are two Directors of Graduate Studies: the Director of Graduate Studies (research students), and the Director of Graduate Studies (taught courses). As the words after the title imply, one has primary responsibility for graduates reading for research degrees (DPhil, MLitt and MSt in Legal Research), and the other has primary responsibility for graduates reading for the BCL and MJur. Through the two Directors of Graduate Studies the Law Board discharges the details of its responsibility for all graduate students reading for degrees within its jurisdiction.

Most faculty matters connected with graduates are dealt with by the Law Faculty Board's Graduate Studies Committee, which meets twice in each term and in the third week of the summer vacation. The Graduate Studies Committee includes student representatives for the BCL, the MJur and research graduates. In some cases the Graduate Studies Committee has power to act, in others it must make recommendations to the Faculty Board. If a matter requiring decision is to be raised, it is best to raise it in time for a meeting of the Graduate Studies Committee, though the appropriate Director of Graduate Studies has certain powers to act between meetings.

All general procedures regarding graduates reading for research degrees are in the hands of the Graduate Studies Office (located in the University Offices in Wellington Square). There are many steps that have to be taken - filling in of forms, applications for various sorts of permission, submission of tests and theses - and time limits for them. (See further Part B below).

The tutor in your college with special responsibility for graduate students, and your college law tutors, are available to help and advise you, or to direct your inquiry to the appropriate quarter. In particular, any query concerning taught courses in the BCL and MJur should first be discussed with your college tutor, who will refer you to the Director of Graduate Studies (taught courses) if necessary. The Graduate Studies Assistant to the Law Faculty (Geraldine Malloy) is also able to help with queries relating to graduate taught courses and research degrees.

In addition to student representation on the Faculty Board, there is a committee to provide liaison between the Faculty Board and the graduate and undergraduate students in the Faculty, the Joint Consultative Committee (JCC). There are three representatives for graduates on the JCC: one for graduates engaged in research, one for BCL and one for MJur students: all three are elected annually. There are two representatives for graduates on the Faculty Board: the graduate representative for research students on the JCC, and either the BCL or MJur representative on the JCC (to be decided between them). The election of the three representatives shall be arranged jointly by the retiring representatives not later than early in Michaelmas Term, to take effect immediately.

2. Lectures and Seminars

A lecture list is published at the beginning of each term: your college should give you a copy, and it may also be accessed on the University website. Corrections and changes are notified to students by email as and when they occur. You are entitled to attend any lectures, classes and seminars except those where it is otherwise indicated on the lecture list. Lectures and seminars are, of course, directed at the undergraduate, BCL, MJur, and MSc syllabuses, and also at the course in legal research method. Those from other countries may wish to attend lectures acquainting them with basic features of English law or common law method. Some of the lectures given would be suitable for this but the majority would not: it is best to consult your supervisor or college tutor. Generally speaking all graduates will be advised by their supervisor or their college tutors which lectures are likely to be of most help to them.

All the faculties publish lecture lists and you may attend lectures in other faculties. There is also a "Special Lecture List", listing lectures by visiting speakers. The law lectures are almost all held in the St. Cross Building but other lectures may take place anywhere in Oxford. The wearing of gowns for lectures is not usual in the St. Cross Building, but may be expected at some lectures elsewhere.

3. The St. Cross Building and Bodleian Law Library

The St. Cross Building contains the Bodleian Law Library, which is one of the best university libraries in the British Isles. It owes much to the generosity of the donors commemorated at various places in it. The building also contains lecture rooms and the Law Faculty Office. There is a student common room next to the senior common room at the top of the main steps. Coffee and tea are available there. There is also a graduate common room adjoining the Graduate Workspace (see below).

The Bodleian Law Library is a department of the Bodleian Library, which is one of the copyright deposit libraries and the largest university library in the United Kingdom. Before using the Bodleian Law Library it is essential to have a University card, which is also your Bodleian Library card. This card is obtained for you by your college. You must complete the form sent to you for this purpose and return it to your college as soon as possible. If you do so, your college should have your University card when you arrive, or soon afterwards.

Your University card admits you to all parts of the Bodleian Library and some other University facilities. You must show it to the porter at the door when you enter the Library.

For users of the Bodleian Law Library several pamphlets with information about using the library are available at the entrance. Books may not be borrowed: they must be read in the Library. As a research student, you may apply for the allocation of a research reader seat in the Library: you should ask at the Enquiry Desk - preferably in good time as demand may exceed supply. Public access computers are available in four areas of the Library, including the Freshfields Bruckhaus Deringer IT Room. All provide access to the extensive range of databases provided by Oxford University Library Service. PCs in the Freshfields Bruckhaus Deringer IT Room also give access to applications provided by the Law Faculty. Students' own laptops may be used in the Library. The Baker & McKenzie Seminar and Discussion room is available for discussions when not in use for seminars. Self-service photocopying and printing services are offered. Details of all services are available in the Library.

Refreshments and more substantial food are available adjacent to the St Cross Building at two sites. Holywell Manor, on the other side of Manor Road, sells hot meals and its meals room is open to students of any college. The Economics building, behind the St Cross Building along Manor Road, has a common room with fresh sandwiches and coffee/tea available for sale on most weekdays, along with newspapers available for students to peruse. The commercial food outlets of central Oxford are just a few minutes walk from the St Cross Building.

4. Other Libraries

You are entitled to use all parts of the Bodleian Library and you may be eligible to use many other libraries in Oxford. The libraries of the University and the Colleges are listed on the University webpage at <http://www.lib.ox.ac.uk/libraries/byname/>. Click on the information symbol i beside the name of each library for details of memberships, borrowing arrangements and hours. Those libraries of potential use to the study of law are briefly described here. The notes emphasise the holdings most likely to be useful for legal research. A wide range of books is held in each section and explanatory leaflets are available for most of them.

(a) The Old Bodleian Library in Catte Street is the original centre of the Bodleian Library. Today it contains, the reading rooms for classical studies, history, theology including canon law, and early printed books.

(b) The Radcliffe Camera in Radcliffe Square houses British Parliamentary Papers and official publications from several other countries and international organisations. Some official papers of particular importance to law and the European Documentation Centre collection are held in the Bodleian Law Library.

(c) The New Bodleian on the corner of Broad Street and Parks Road has reading rooms for politics, philosophy, economics and Slavonic studies.

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

(e) The Radcliffe Science Library on the corner of South Parks Road and Parks Road contains the Bodleian's collection of forensic science.

The Centre for Socio-Legal Studies and the Centre for Criminological Research each have libraries related to their areas of research. These libraries are generally open to students working in these areas.

Most colleges have their own law collections which contain at least basic undergraduate working materials. Those reading law are also permitted, by the courtesy of the Warden and Fellows, to read in the Codrington Library at All Souls College, which is both beautiful and well stocked: a form signed by your college tutor or supervisor is necessary for this.

5. Graduate Work Space

Graduate students have a dedicated work-space on the ground floor of the St Cross Building. This provides approximately 70 study spaces, each of which is equipped with an Ethernet socket providing access to the network. There is also an adjoining common room. For those wishing to store their personal effects, there are 150 lockers. Applications for a key to a locker should be

made to the Administrator of the St Cross Building. The Graduate Work Space has broadly the same opening hours as the Bodleian, although staff shortages may make weekend opening difficult.

6. Computing Services

All graduate students must subscribe to the Faculty's graduate student email list on arrival. If, having done so, you still do not receive messages from the email list, contact Peter Humphrey (see below). This is the Faculty's principal means of communicating with graduate students, and information about lectures, visiting lecturers, discussion groups, IT training, library hours and so on is distributed on this list.

6.1 Support People in the Faculty

Contact Sandra Meredith (271499) if you need help using legal databases, the internet or computer application such as Word, EndNote, PowerPoint etc. Contact Peter Humphrey (281263) for information about faculty email lists, accessing the Web Terminal Server, or swipe card access to facilities. Contact Steve Eyre (281269) if you need help connecting to the network or operating your computer. Contact Catherine Donaldson (271499) for information about the Graduate Research Interests Database or the Law Faculty web site.

6.2 Computers in the St Cross Building

On the ground floor of the St Cross Building, there are two computing areas for graduate students. One is the PC Training Room, with 26 PCs with network connection. The Printing Room opposite provides scanning facilities and printing from the Web Terminal Service. Comprehensive instructions for using these services are provided in these rooms. The Graduate Workspace nearby provides network connections for laptops, two PCs, a common room, snack machine and lockers.

These facilities are available for general use (when not being used for training) from 9 am to 9.45 pm weekdays during full term (6.45 pm weekdays at other times) and Saturday morning. Swipe your Oxford card for access.

26 PCs are provided in the Freshfields Bruckhaus Deringer IT Training Room in the Bodleian Law Library (if not being used for training). There is also a computer room upstairs in the library, and network connection points for laptops on readers desks.

Electronic Legal Resources and Library Training and IT facilities overlap considerably. The Bodleian Library networks many legal databases. Students can access the network from computer rooms and network points in the Bodleian Law Library and the St Cross Building; from college libraries and rooms; and from anywhere in the world via the Law Faculty Web Terminal Service (see below).

The Faculty of Law and the Bodleian Law Library IT Training and Development Officers provide training programmes for students and Faculty members in electronic legal research and database use. Induction sessions before Michaelmas Term include training in how to use local IT provision and the major legal databases. Training sessions on specific databases and subject areas, such as Lexis and Westlaw, European law resources, and finding journal articles, are provided during term. These sessions are advertised on the law graduate students email list, and in

“Training” on the Bodleian Law Library website. For more information about legal resources or special training needs, contact the IT Training and Support Officer.

There are also seminars on the use of databases for legal research in the Legal Research Method Course (see Electronic Databases) for graduate students. The legal databases available provide access to English, American, Canadian and European Community Law, including such material as legislation, case law and commentary. You will also find many other bibliographic databases available on OXLIP under the Social Science headings which may be of use.

6.3 Remote Computing Facilities

The Web Terminal Service (with Law Faculty Desktop and OxLIP connections) is available to all law students. It can be accessed via the web, from any location and via any ISP at <http://denning.law.ox.ac.uk/applications>. This service provides password-controlled access to Word, EndNote, the full range of legal databases including the CD-ROMS, the Oxford web site, and personal file storage.

For more information about how to use the Web Terminal Service, go to <http://denning.law.ox.ac.uk/applications/document/induction.htm>. Password information for students is provided on that page, but tutors should email system.support@law.ox.ac.uk for password information.

The university network can also be accessed via the OUCS dial-up and, if you have a dial-up account, via the Virtual Private Network. A Personal Athens Account (not an Access account) can be used to access many legal databases provided by the Bodleian. For more information about these services, click on the links provided or go to <http://www.oucs.ox.ac.uk>

6.4 Oxford University Computing Services

The Oxford University Computing Services (OUCS) provide a wide range of IT services, focusing on those that are best provided on a centralised basis (the core networks, expensive peripherals, IT training, mail and other information servers) together with general IT services. The IT Help Centre provides both a supported learning environment and a general microcomputer resource. The Centre has a number of IBM-compatible PCs, Macintoshes, laser printers, and scanners. There is also a range of self-teach videos and computer-based teaching and learning software. OUCS also provides numerous courses in all manner of computing, from “computing for the terrified” to instruction in creating Word Tables of Contents and EndNote to programming courses. The OUCS shop provides a counter service for the sale and distribution of computer hardware, software, consumables and stationery. For a general overview of services offered by OUCS go to <http://welcometoit.ox.ac.uk>. OUCS provides an induction session for law graduate students together with the Faculty of Law prior to Michaelmas Term. OUCS is at 13 Banbury Road, phone 273200, fax 273275 or email help@oucs.ox.ac.uk

6.5 Information about the University

The main source of online information about the University, its departments and colleges, and its academic and social life is at <http://www.ox.ac.uk>. The contact link on the University home page is useful for finding phone numbers and email addresses of members of the university.

6.6 University Rules for Computer Use

All students need to be aware of the University's Regulations Relating to the Use of Information Technology Facilities, and various associated rules and codes of conduct, listed at <http://www.ox.ac.uk/it/rules>.

7. Language Teaching

The Language Centre at 12 Woodstock Road, tel 283360, fax 283366, email: admin@lang.ox.ac.uk, website: www.lang.ox.ac.uk is a central facility for all students and staff of the University of Oxford. It is on the Woodstock Road opposite Somerville College and not far from St Giles' Church and is open weekdays all year, except 2 weeks at Christmas and 1 week at Easter, with Saturday morning opening in full term. The building houses a library, with comfortable self-study booths, and classrooms. There is a meeting area and hot drinks machine. The library is the only one in Oxford to specialise in language teaching. About 130 languages are represented. Course books are often accompanied by audiotapes, videotapes or CDs. Live TV is available in a dozen languages.

The Language Centre runs courses in the most common Western European languages. These courses normally last all year. They are very popular and you should ask about priority application if you need a language for your study or research. Some faculties provide specialised language tuition for a particular course. For students who wish to learn a language quickly and obtain a certificate, there are evening courses in French, German, Italian and Spanish, where a fee is payable. If you are unable to take place on a course, the librarian provides advice on self-study learning and there is guidance from tutors in French and German.

There are also courses in English for Academic Purposes for overseas students. The Pre-session courses in English for Academic Studies in August and September are designed to help you adjust to studying in the UK if you need to improve your skills before the academic year starts. Term-time courses are aimed at improving your current use of English or have a particular focus such as academic writing.

8. Social Facilities

It is entirely up to the individual to make his or her own way in Oxford. Research in an Arts subject is, by its very nature, a solitary occupation. During the year the faculty organises some social events for all graduate students and details will be circulated to you. College Graduate Common Rooms (or Middle Common Rooms, as they are often called) are also a source of social contact, but the extent of Middle Common Room friendliness and social activity reflects largely the goodwill and the time graduates themselves are prepared to contribute.

The graduate colleges also provide centres for academic and social contacts. It is worth noting that they often attempt to extend these facilities to other graduates by providing a base for seminars and special groups.

There is in addition Halifax House, 6-8 South Parks Road, which has pleasant facilities for entertaining at a modest cost, but its membership is limited. The Oxford Union in St. Michael's Street, is more central and traditional, but has a membership fee. Its library contains law books.

The Oxford University Student Union (OUSU) represents graduates at a university-wide level through its presence on various University committees: these cover issues ranging from childcare to rent rises. Graduates are welcome to contribute to the debate at OUSU Council by putting in motions or simply through expressing their opinions on a certain subject. OUSU also runs the Freshers Fair which graduates attend, usually all on the same afternoon, so that they will have a chance to sample what Oxford University societies have to offer. OUSU also produces a Graduate Guide, the Oxford Handbook, and many other publications which all graduate freshers receive for free on arriving in Oxford, and which can be obtained from the OUSU offices. Services provided by OUSU also include the stationary shop (situated beside the OUSU offices), welfare advice, legal advice and an OUSU Card. OUSU has offices in New Barnett House, Little Clarendon Street, Tel: 270777.

Within the structure of OUSU a permanent Graduate Committee has been established which aims to provide a focus for matters of particular interest to graduate students: funding, fees, teaching, accommodation, supervision and any other issue not shared with the student body as a whole. The Graduate Committee's meetings are open to all graduate members of OUSU and provide an open forum for the discussion of graduate affairs. The Committee elects its own officers and at regular meetings and through frequent mailings to colleges these officers ensure that graduates are informed about matters of concern to them and also that graduates are properly represented within OUSU and within the University. Particularly important in this last regard are the graduate representatives on Council (the University's main executive body) and on the University's Committee for Graduate Studies. The officers of the Graduate Committee are always willing to provide information and advice on all aspects of University life. If you do not know which University official or committee to approach, or what are the procedures and deadlines, the Graduate Committee can help. The expertise of OUSU's Vice-President for welfare is also available to graduate students. The participation of all graduate members of OUSU in the work of the Graduate Committee is warmly welcomed. Further information can be obtained from your college common room or direct from the OUSU offices.

The Oxford University Law Society, normally run by undergraduates, invites visiting speakers and arranges moots, etc. Its success at any one time depends on the calibre and enthusiasm of its officers.

The Newcomers' Club is a society which provides social activities for the spouses of members of the university, permanent and temporary, who have recently arrived in Oxford. It has a "pool" for the sale and repurchase of household and baby equipment. Inquiries should be made to the secretary at 13 Norham Gardens on Wednesday mornings during term.

Sport is an integral part of college life and colleges usually have their own (or shared) sports grounds, boathouses and squash courts. There are inter-college competitions in most sports. The University Sports Centre (Iffley Road; Tel: 240476 or 245869) also provides facilities for athletics, association football, rugby and lawn tennis, and the Centre also has a multipurpose sports hall together with many specialist rooms.

9. Law Graduate Students' Representatives and Association

There is a student-run association for Oxford's graduate law students constituted under the aegis of the Faculty. The objects of this association generally include encouraging all graduate law students to get to know one another and co-ordinating some events to further both academic and social

interaction amongst all graduate law students. The association also typically invites students to submit their permanent contact information for a booklet that helps alumni to stay in contact with one another. Part of the format for this association includes elected student social representatives who play a key role in helping to co-ordinate events. Students who would be interested in serving their fellow students in this way are warmly encouraged to stand for these positions in the Michaelmas Term. The extent of community amongst the graduate law students ultimately depends on the effort each and every graduate is willing to make. Work on a graduate law degree can sometimes be a solitary task, but it need not be lonely, for Oxford's graduate law students are a diverse, international, and interesting group of people. Do make the effort to get to know your fellow students.

Graduate law students elect student representatives for committees within the Law Faculty in Michaelmas Term. Students elect a BCL representative, an MJur representative, a first-year research students' representative, and a DPhil representative. All of these representatives attend meetings of the Law Faculty's Graduate Studies Committee, a locus for the discussion of many graduate student issues, on behalf of the students. A lesser number also attend other committees, including the Committee on Library Provision, the General Purposes Committee, and the Joint Consultative Committee, as well as the Law Board, to which the committee decisions go for any final discussion and approval. It is useful for the Law Faculty to hear student perspectives, and student issues are best heard when students participate fully in such processes.

Students who are enthusiastic to serve their fellow students (and incidentally gain an insight into how Oxford's academic governance operates) might consider standing for these positions in the Michaelmas term, and student interest in these positions is warmly welcomed. Over the course of the year students who have suggestions they wish to make to the Faculty, who have issues to raise, or who seek advice may wish to do so through these committee representatives, as the representatives are there to help.

10. The Oxford University Commonwealth Law Journal

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

11. University Publications

A leaflet called *Introduction to Oxford*, intended specially for new graduate students, should reach you through your college. It is also available at the Admissions Office.

Vade Mecum is published three times a year. It contains information about social activities in the city and university during the term; a guide to eating out; and lists of college and club representatives and of specialised services. It also has a list of the university societies and of their officials, whom the student can contact concerning membership.

The Oxford University Gazette is published weekly in term and contains official information of various kinds: lecture lists and changes in times of lectures, forthcoming syllabus changes or alterations in procedure, university reports, scholarships, prizes and grants available, etc. A supplement, published annually in Michaelmas Term, gives information about any scholarships to help with research, or to help with unforeseeable crises. A section which gives details of university and college appointments in Oxford, and some in Cambridge appears throughout the term. Copies of the Gazette are generally available in Middle and Junior Common Rooms, and also in the Lower Reading Room in the Bodleian Library, where the Cambridge equivalent, *The Reporter*, is also kept. The Gazette may be found online at <http://www.ox.ac.uk/gazette/>, and single copies may be purchased at the University Press Bookshop, 116 High Street.

The Oxford University Calendar, published annually, contains a full list of the academic staff of the university and the colleges. There is also a University diary which provides information about dates of term and other university matters.

12. Typing and copying services

A list of thesis typists, their charges, particular type-set, subject preference or experience, etc., is available on request in the main Bodleian Library. Some typists advertise in *Vade Mecum* or in the *Gazette*. College tutors often have particular recommendations. Some information is also available in the Graduate Studies Office, University Offices.

The Bodleian Law Library has its own self-service photo-copying service for copying Bodleian material. Many colleges provide a copying service. There are, of course, a number of commercial copying firms which advertise widely.

13. Funding Opportunities and Travel Grants

Information about funding opportunities for graduate students may be found in the University's Graduate Prospectus at <http://www.admin.ox.ac.uk/gsp/finance/home.shtml#law> and <http://www.admin.ox.ac.uk/gsp/finance/more.shtml>.

Any graduate student on the BCL, MJur, MSc in Criminology and Criminal Justice degree programmes, or a research degree programme under the auspices of the Law Board, may apply to the Graduate Studies Committee for a grant of up to £250 in any one year for travel associated with their studies. This may include attending a conference, giving a paper at a conference, or doing fieldwork, but other relevant proposals will also be considered. Applications are normally invited in week 2 for submission by the end of week 4 each term. Further information and application forms may be obtained from Mr Ray Morris, Finance Officer, Law Faculty Office, St Cross Building, (Tel: 271497; email ray.morris@law.ox.ac.uk).

14. Support for Students with Disabilities

The University and colleges can offer support to students with disabilities in a number of ways. These are summarised in the University's Disability Statement, which is reproduced at the end of this Handbook. The Law Faculty itself has two Disability Contacts. These are:

Joyce Ebling – Secretary to Chair of the Law Board
St Cross Building
St Cross Road
Oxford OX1 3UL
Tel No: 01865 281050
Fax No: 01865 271493
Email: joyce.ebling@law.ox.ac.uk

Dr Michael Spence – Chair of the Law Board
St Cross Building
St Cross Road
Oxford OX1 3UL
Tel No: 01865 281050 or 01865 271776
Fax No: 01865 271493
Email: michael.spence@law.ox.ac.uk

The Disability Contacts work with the University Disability Staff and other bodies, such as the Bodleian Law Library to help facilitate students' access to lectures, classes, tutorials and access to information.

The Contacts are also involved in an ongoing programme to identify and promote good practice in relation to access to teaching and learning for students with disabilities within the Faculty, and to ensure that the Faculty meets the requirements of SENDA (Special Educational Needs and Disability Act 2001).

15. Alumni Relations

The Oxford University Society (OUS) is the official alumni organisation of the University of Oxford. All who have matriculated at the University are eligible to register for membership. There is no subscription. The Society encourages closer relations between its members and the collegiate University by supporting a worldwide network of autonomous Branches run by volunteers. The Branches organise local events, usually with an educational, intellectual, and social dimension, and frequently with a prominent local Oxonian or visitor from Oxford as speaker. OUS, Oxenford House, Magdalen Street, Oxford, OX1 3AB; Tel: 288088; Fax: 288086; Email: enquiries@ousoc.ox.ac.uk; www.alumni.ox.ac.uk

16. Careers

Graduate students who have academic careers in mind may be able to obtain information about suitable vacancies from their tutors and supervisors. Academic posts are advertised in The Times Higher Education Supplement and in some other national newspapers.

The Oxford University Careers Service, 56 Banbury Road, maintains comprehensive information on almost every career and notifies details of vacancies through its weekly newsletter The Bridge to those registered with it. The Careers Service has extensive contacts with solicitors, and those who have it in mind to become solicitors should get on its books in good time. The Careers Service can also help those who are thinking of going to the Bar and you will be well advised to register with the Service unless you have your own connections or your college has sufficient connections to provide for you. Further information about professional qualifications is to be found in the Faculty's Student Handbook (Undergraduate Students).

17. Glossary of Oxford Terminology

Some of the more common words and phrases used at Oxford are explained below:

“Assessor”: a senior university officer nominated by colleges in rotation for a period of one year. Unlike the Proctors (see below), the Assessor has no disciplinary role but has an especial concern for student health, welfare and financial interests.

“Collection”: This can refer either to mock examinations held typically just before the beginning of term by colleges and/or, in some colleges, to the meetings between heads of colleges, tutors and students individually held at the end of each term where reports on the students' work are given. Where “collection” refers to a meeting before the head of the college, it may be distinguished by calling it, for example, a Presidential collection, but these meetings sometimes have other, more picturesque names (e.g. “hand-shaking”).

“DGS(R)” [Law Faculty terminology]: the Director of Graduate Studies (Research)

“DGS(T)” [Law Faculty terminology]: the Director of Graduate Studies (Taught Courses)

“FHS”: “Final Honour School”, the name given to the course leading to the second public examination (i.e. University examination). The BA in law is formally termed the “Honour School of Jurisprudence”.

“Finals”: the final examination of the Final Honour School, sometimes called “Schools”.

“First Public Examinations” see “Law Moderations”

“GPC”: General Purposes Committee (of the Law Board or the Council of the University).

“Junior Members”: broadly speaking, all students of the University, whether undergraduate or graduate.

“Law Moderations” or **“Mods”**: the name given to the first University (or “public”) examination taken by law students. While classified (into distinction, pass, fail) and while marks awarded are supplied to students' colleges, the marks do not count to the final classification of degrees. First Public Examinations in other subjects may be called “Preliminary Examinations” or “Prelims”.

“Proctors”: two senior university officers, nominated by colleges in rotation for a period of one year, with special responsibility for student discipline (from a university as opposed to a college perspective) and investigating student complaints. For further information, see <http://www.admin.ox.ac.uk/proctors/oxonly/mem/P006.htm>

“Schools” (or **“Finals”**): the name given to the final examinations of undergraduate degree courses. “Schools” is also used of the building where many of these examinations are sat (Examination Schools in the High Street) and where lectures in some of the humanities are held.

“Senior Member” (of a college of the University): broadly speaking, a member of the Faculty or college fellow. So, professors lecturers (whether of college or University) and research fellows of colleges may all be termed senior members. The contrast is with “junior members”, which may refer to undergraduate or graduate students.

“Senior Status”: refers to a student who has already taken a degree reading for another undergraduate degree (a “second BA”) with dispensation from the First Public Examination.

“Senior Tutor”: The Senior Tutor of a college is a college officer with the overall responsibility for academic affairs (sometimes, particularly for undergraduate students where there is also a Tutor for Graduate Students). Where there is more than one tutor in a particular subject, a college may refer to the tutor of the earlier section as the “Senior Law Tutor” (sometimes, SLT.).

“Term” and **“Full Term”**: This has a particular potential for confusion. What is normally called “term” refers to the 8 weeks (Sunday of week 1 to Saturday of week 8) of the three Oxford academic terms: Michaelmas Term (**“MT”**) (early October to early December); Hilary Term (**“HT”**) (mid-January to mid-March); Trinity Term (**“TT”**) (mid-April to mid-June) However, these terms are strictly speaking known as “full terms” and this sometimes makes a difference, because terms (or sometimes, “extended terms”) are longer by some 3 weeks. This longer period is relevant to the requirements of residence for students (so, for example, a student who has to be away from college for a few weeks during full term may be able to fulfil his or her residence requirements during the extended term) and to some time-periods for the submission of theses.

B: Research Degrees

1. Introduction

The information which follows is informally presented. It does not deal with every situation. It does not deal with every situation. If it leaves you with an unsolved problem you should not hesitate to discuss your situation with your supervisor or raise the matter with the DGS (R) - the Director of Graduate Studies (Research).

1.1 Constitutional Arrangements

The Board of the Faculty of Law exercises its powers in relation to research degrees through its Graduate Studies Committee and delegates day to day decision-making to the DGS(R). There is also a DGST in day to day charge of postgraduate taught courses. The DGS(R) is Professor Peter Birks (All Souls) email: peter.birks@law.ox.ac.uk telephone: 01865 279338. Above the Law Board there is the Divisional Board of Social Sciences and Law. The day to day administration of all the university's graduate business is conducted by the Graduate Studies Office, which is located in University Offices in Wellington Square. The Head of that Office, the Graduate Studies Officer, is Ms Suzanne Byrch. The administrative officer in the Graduate Studies Office in charge of law is Ms Geraldine Malloy. Most of your queries will be answered in the first instance by Geraldine Malloy: geraldine.malloy@admin.ox.ac.uk

1.2 The Exam Regulations and Faculty Standing Orders

You must always remember that the formal rules prevail over the informal guide. The formal rules are in the book which we usually call the *Exam Regulations*. Its full title is *University of Oxford Examination Regulations*. An up to date edition is published by OUP every year. For convenience, a special edition is also produced which includes only the matter relevant to postgraduates. As lawyers none of us need fear the text of the regulations, but we all take the precaution of seeking the advice of those learned in the custom and practice which has grown up around them. On things like submission and examination of theses there is really no substitute for reading the formal rules applicable to the degree which you want to obtain. The grape-vine disseminates a great deal of information, but the grape-vine is not always up to date. You should take time to read the regulations which apply to your case. Below the regulations, there are standing orders of the Faculty Board. You will find the principal standing orders relevant to graduate studies reproduced in a separate section on the Law Faculty Website.

1.3 General Meetings of Research Students

Please remember that there is a General Meeting of Research Students on Tuesday of every 0th Week. Notices of time and venue will be posted. Since these meetings are the principal means of thrashing out mutual concerns, you must try not to miss them. You should note that new research postgraduates have their own meeting before Michaelmas Term and are not expected to come to the MT General Meeting.

1.4 The E-maillist

Almost the most important thing you need to know is that all information is circulated via a maillist <law-postgrads@maillist.ox.ac.uk> and that you absolutely must join that list. You cannot join it using any e-mail address other than your Oxford University e-address. You must find out and use your Oxford University e-address. Not only will law-postgrads accept no other, but also supervisors and examiners and others will assume that you can be reached individually on <firstname.surname@law.ox.ac.uk>. You join law-postgrads by registering your name, Herald username, University ID card barcode number, and Oxford email address on a web page following instructions provided in the information pack supplied to you on arrival in Oxford. Once you have subscribed, if you do not receive messages or have any other problems with the maillist, contact peter.humphrey@law.ox.ac.uk. You will also need to get used to visiting the faculty website.

1.5 OSCOLA

OSCOLA stands for Oxford Standard Citations of Legal Authorities. You will have a copy in your starter-pack and you can always access it on the website. It is your guide as to how to write your footnotes. It goes a bit further than that, in that it also deals with some matters of style and format. You must take this seriously. From the word go, ensure that your writing conforms to these conventions.

1.6 Application Forms: Graduate Studies Office

The administration of graduate business is a huge operation. It cannot work without records, and records cannot work without forms. At many points of your career you will have to make an application, to take your QT, to change the registered title of your thesis, to alter your status, to have examiners appointed, and so on. There is a form for every occasion, and the form always comes from the Graduate Studies Office in Wellington Square and has to be returned there. We have done our best to keep them all as simple as possible. Please remember that it is your responsibility to get the form you need, get it filled up, and get it back. The forms may be downloaded from www.admin.ox.ac.uk/gso/forms/

1.7 Funding

The Law Board has very few research studentships at its own disposal and is constantly in search of more. We recognize the need. A limited number of studentships is offered in August, when most other competitions have been completed. Two of these are one-year awards, currently at £7,500 each, which have been set up through the generosity of Freshfields Bruckhaus Deringer. The Winter Williams Studentship (currently worth £7,500) is awarded annually to a candidate for any graduate law degree, or to a graduate student already on course. Information as to how to apply is put out through the maillist during each Trinity Term. The Graduate Studies Assistant will advise. There are in addition recurrent competitive opportunities for funding of different kinds made available by Colleges and by the University itself. They are all advertised in the Gazette, which can be read on the University's website.

2. The Doctoral Programme: Four Research Degrees

The doctoral programme in the Faculty of Law takes the form of a pyramid built from four research degrees. The apex is the D Phil. You can choose the level at which you want to aim. The next section deals with the business of moving up the pyramid. This section introduces the four research degrees and deals with some ancillary matters such as opportunities to teach or offer research assistance during your time as a research postgraduate

2.1 The DPhil

The doctorate entails the writing of a thesis of up to 100,000 words. It should be completed in three or at the most four years. The thesis must make a significant and substantial contribution to its field. The examiners are directed by the Decrees to assess the contribution of the thesis having regard to “what may reasonably be expected of a capable and diligent student after three or at most four years of full-time study.” We do not admit people directly to the full status of D Phil student, but to Probationer Research Student status. There is more about this below. The first year of research is substantially similar for all four degrees (2.5 below).

2.2 The MLitt

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

2.3 The MPhil

The M Phil constitutes the second year of the taught master’s programme, the BCL or M Jur, and can only be taken by a student who has done one of these degrees. It consists of a thesis of up to 30,000 words. Like all other research students, you will also take the course in Legal Research Method. You can then enhance the thesis and turn it into a D Phil. Admission to the M Phil is potentially a doctoral admission, subject to supervision availability and successful completion of the Qualifying Test (see later). For those who are able to follow it, that route is strongly recommended. The first year of advanced taught courses creates an ideal platform from which to launch out into serious research. Despite having spent that extra year before turning to research, those who follow this route reach their doctoral goal more expeditiously than others and often with less anxiety. In your BCL/M Jur year, if you want to go on into the M Phil/D Phil, you must signify your wish to do so at the end of your first term and you must then put in your research project by ninth week of your second term. The proposal will be put to the relevant subject group to allocate a supervisor. Once a supervisor is allocated, you will be offered a place conditional on achieving 65% weighted average in the BCL/MJur examination. If you are thinking of applying for AHRB funding, take early advice from the Graduate Studies Assistant.

2.4 The MSt in Legal Research

This requires you to write a thesis of up to 30,000 words and to take the course in legal research method. As will appear more fully below, the MSt is both the one-year research degree which some people make their final aim, and, for others, the first step on the way to a D Phil. In substance all research students in law follow the M St programme in the first year of their research. We regard the MSt as a one-year degree, and we expect people to finish it during the summer.

2.5 The Common First Year

We do not admit directly to full D Phil or MLitt status. The initial research registration will be of one of three kinds: 1) the M Phil, being the second year of the two-year master's programme, 2) the M St, or 3) Probationary Research Student (PRS). In their first year of research the postgraduates of any one intake will all be doing very much the same thing, whatever their ultimate objective. That is, all will be following the course in legal research method and aiming to write up one substantial piece of research. Nobody will have written less than 20,000 words by the end of the first year.

2.5.1 Induction: The induction procedures are designed to familiarize you with the Oxford research environment, above all with the library and its research facilities. The events in this introductory programme begin in the last days of September two weeks before the beginning of full term. It is very important not to miss them. New postgraduates are told that they are expected to be here in Oxford by two weeks before the start of full term. This usually falls in the last week of September.

2.5.2 Word Processing and IT: It is nowadays virtually unthinkable to conduct research and write it up without a computer and the associated skills. You will find that there is a lot of help available. You must use it. Long before the end of the first year you must be at ease with the IT aspects of your research life. Ms Sandra Meredith is currently the Law Faculty's IT Training and Development Officer.

2.5.3 The Course in Legal Research Method (CLRM): Everyone has to do the CLRM. It is intended to help you define and carry through your project, also to give you some insight into the methods used in other sectors of legal research. In addition it confers a secondary benefit in bringing research postgraduates together and thus helping to overcome the isolation which so often in the past aggravated the problems of getting research under way. There are seminars and assessed exercises. The course does not lead to an exam, but everyone has to obtain a certificate to the effect that they have achieved a satisfactory level of proficiency. The person who does the certifying is the Director of the course. You cannot transfer to a higher status or proceed to any examination without it (See also 3.1.4 below) . The Director of the CLRM issues this certificate directly to the Graduate Studies Office. When you have satisfied all the requirements, you will be told that the certificate will be sent to the GSO. The CLRM is described in more detail in section 8 below.

2.5.4 The Running of Time: We have already noticed that the D.Phil. is meant to be finished within three or at most four years, the M.Litt. within two or at most three years. These times run from the beginning of the PRS registration. However, the principal UK funding bodies will hardly ever fund a doctoral programme unless the candidate first undertakes a master's programme of some kind. They have a strong preference for what is called the one-plus-three

programme or a two-plus-two programme. For us, the one in the one-plus-three can be M St, BCL, or M Jur. The first two in the two-plus-two pattern can only be the two-year master's programme BCL/M Jur, M Phil. There is now a very strong and strict emphasis on punctual performance. The government takes the view that a doctorate, however funded, must be finished in three or at most four years. That means four or at the most five postgraduate years, if one counts the M year too. Theoretically it is possible to skip the M year, but we think that, on educational grounds alone, the funding authorities are right to insist that there must be special circumstances to explain a wish to leapfrog the master's level. In particular, we do not think that leapfrogging of that kind can be relied upon to achieve its desired result, namely earlier completion of the doctorate. Unless you already have a second degree, our advice, in short, is that, if you want to achieve a doctorate, you should do one of the master's level courses first, thus following either the one-plus-three or the two-plus-two pattern.

2.6 A Word on Word Limits

You will need to bear your word limit in mind from the beginning. For the M Phil and M St the upper limit is 30,000, for a M Litt 50,000, and for a D Phil 100,000. In each case the figure includes the footnotes but not the obligatory bibliography and tables of cases and statutes. You are obliged to declare the length of your thesis to the nearest 100 words. These maxima are taken seriously. You must not exceed them. Your thesis will be sent back if it exceeds the limit. Moreover, all examiners acquire a sixth sense as to length. If you understate the word-count, you will not get away with it. In the same way you must not exceed the limits imposed in relation to the Qualifying Test which gives admission to the full status of D Phil or M Litt student. You must not suppose that there is an obligation to use up the whole allowance. It is not a bad idea to do all your planning on the basis of 75% of the maximum. Whatever limit you set yourself, you are almost bound to overshoot. Word-processors count very severely. A manual count can be done by counting the exact number of words on each of ten pages, averaging the result, and multiplying the average by the number of pages in the thesis. We accept that a word-processor's count can legitimately be reduced by 3%. There are no other concessions.

2.7 The Title of the Thesis

The exact title has to be approved, and the thesis must be submitted under the approved title. However, it is relatively easy to obtain permission for a modification. There is a form for seeking this permission. It is available from the Graduate Studies Office. Do not make the title too long. It is the business of your first few pages, not of the title, precisely to define your project and make clear what questions will and will not be addressed. Think of it as the title of a book. A book with a title that went on for five lines would be an object of mockery. Your title should not exceed six words.

2.8 Publication

You should from the beginning keep one eye on the goal of publishing your work. Many of our doctorates are published, frequently by the Oxford University Press, and many doctorands publish articles on the way to their doctorates. Even shorter theses sometimes become books, while others come out as articles or series of articles. It is a matter of pride to us to know that so much of the

research which is done here succeeds in making this permanent contribution to legal science. Some people make the mistake of thinking that they will have to exclude from their thesis anything that they have published in the course of their research. That is not right. There is a different bar, which is quite distinct, namely that there are strict rules against trying to get more than one degree wholly or partly with one piece of writing.

2.9 Teaching and Research Assistance

Both for material reasons and in order to gain experience, you may during your period as a research student want to do some teaching or to help with the research of one of the members of the Faculty. For those who have successfully finished the first year of their research there are opportunities to do this.

2.9.1 Regulations relating to teaching:

a. Graduate students may not undertake tutorial or other teaching duties for any college or for the University unless they have completed one year of research and have undertaken such training as the Board of the Faculty of Law shall from time to time prescribe.

b. A graduate student who has satisfied the conditions in a) above may apply to the Faculty for a written certification of that fact.

c. No graduate student may teach more than six hours per week (including preparation and marking time).

d. A graduate student accepting a teaching contract must produce to the person offering the contract both the certificate in b) above and a letter of support from his or her supervisor, which must address the question whether the teaching obligation will endanger the punctual completion of the thesis.

Prescribed Training: The training currently prescribed by the Faculty Board is the one-day course offered for the Law Faculty by IAUL in Trinity Term each year. (Discussions are continuing as to whether it will be possible to supplement this by requiring some sitting in on tutorials held by established tutors.) Applications for the Trinity course will be invited in the Hilary term preceding.

Procedure: Requests for teaching assistance should be fed directly into the postgraduate e-mail list. Graduates who are or expect to be qualified in the terms of the regulations should reply directly to that invitation. Those offering contracts for tutorial assistance will pay particular attention to the opinion of the supervisor as to the danger of delaying the thesis.

2.9.2 Working as a Research Assistant: There are quite frequent opportunities for working as a research assistant. Members of the faculty in need of research assistance will generally advertise this through the law postgraduate mail-list. You may not undertake work as a research assistant during your first year of graduate research work, and in subsequent years no more than six hours a week of research assistance work will be permitted. There is also a rule that you may not without the consent of the Chair of the Law Board work as a research assistant for your own supervisor.

2.9.3 Work Permits: If you want to do any work beyond a very limited amount of teaching and you come from outside the European Union, you are obliged to get a work permit. In practice the acquisition of short-term permits for intra-university work presents no problems. The Faculty Administrator will advise you as to how to go about getting a work permit.

2.10 Discussion Groups

We regard these self-sustaining groups as an essential part of the life of our graduate school. You should make sure that you support them and participate in them. They accelerate research. Knowing what others are doing and telling others what you are doing will help your work. For some years there has been a small fund through which the Law Board has met the minor expenses of running such a group, as for instance the cost of circulating papers.

3. Climbing the Pyramid

The importance of the Qualifying Test to those who have just begun a research career in Oxford means that it provokes more questions than any other topic. This section therefore deals with it in some detail.

The common case is that in which you have been admitted to the doctoral or M Litt. programme as a probationary research student (PRS) and want to move up to the full status of student for the D Phil or M Litt. Since the same rules apply, the section deals at the same time with the case in which you want to move up from an M registration to a D Phil registration without actually completing the M degree. However, we strongly discourage this. Later this section also deals with moving up after completing an M degree, in which genus we include the BCL (3.2 below).

3.1 The Qualifying Test

Towards the end of your first year as a PRS or if you wish to move on from an MSt or MPhil, you need to apply to transfer to full D Phil status. This requires successful completion of the Qualifying Test, during which your project and your achievements so far are assessed by two experienced members of the law faculty. You are asked to submit a statement of your project (Part A), together with a paper of up to 10,000 words (Part B). Two faculty assessors are then asked to meet and discuss your submissions with you and write a detailed report. Where the QT is combined with an MPhil or MSt examination, your thesis counts as Part B. You will be assessed by your two MPhil or MSt examiners, one of whom must be external.

There are three possible outcomes. The assessors may recommend that you be transferred to D Phil status; that you be transferred to M Litt status; or that you be asked to re-submit either your proposal or your paper or both. If they recommend re-submission, detailed guidance will be given in the assessors' report. We hope that the re-submission will meet the assessors' concerns, and transfer will be recommended. However, in a very few cases, this will not be so, and the assessors decide not to recommend transfer. This is a very disappointing outcome, especially for the student, but also for the supervisor and faculty. However, experience has proved that it is as well to stop a project at this stage, rather than investing more time and emotional energy into it. A student in this position has the right to request retrospective transfer to the MSt. This request will usually only be granted if the supervisor agrees to continue supervising. This means that a student may convert the work done into a Master's thesis, using the remaining time.

For the vast majority of students, however, the QT will be a positive experience. The assessors are charged with the task of ensuring that your project is well conceived, matches your skills, and can be punctually completed. At the end of your first year, their main purpose is to

ensure that you move on as efficiently and effectively as possible. A reference back carries no dishonour whatsoever. It just shows that the system is doing its job.

3.1.1 What, When, and to Whom? The relevant regulations are quite short, and we make no apology for setting them out in full before proceeding to draw your attention to one or two points:

- i. Part A of the Qualifying Test requires that the candidate shall submit to the Graduate Studies Office two typescript or printed copies of a statement of the subject of the proposed thesis and details of the manner in which the candidate proposes to treat it. This statement shall not exceed 2,000 words.
- ii. Part B of the Qualifying Test requires that the candidate shall submit to the Graduate Studies Office two typescript or printed copies of a substantial piece of written work which may or may not be intended to form part of the proposed thesis but must be relevant to its subject. For transfer to the DPhil, this Part B submission must not exceed 10,000 words, for the MLitt, 6,000 words. In each case the candidate must state the number of words used.
- iii. Supervisors of candidates offering Part B are required to discuss with the candidate the names of possible assessors, and to provide the Board with the names of three suitable persons who have indicated their willingness to act as assessors if called upon to do so. This notification may be made before the submission of the material, but must be made, at the latest, on the day the material is submitted.
- iv. Subject to sub-paragraph (v) below, candidates admitted as Probationer Research Students to the doctoral or MLitt programmes, must submit all materials for the Qualifying Test by the end of the fourth week of Full Term in the third term after the candidate's admission.
- v. Subject to the general time-limit in sub-paragraph (vi) below, the Graduate Studies Committee, having consulted with the supervisor, may, for good cause, allow the Qualifying Test to be deferred. Applications for deferral must be made through the Graduate Studies Office in time to allow the Graduate Studies Committee to consider the matter in the second week of the candidate's third term.
- vi. In no case may the materials for the qualifying test be submitted or resubmitted after the end of the sixth term from the admission of the student to the doctoral or MLitt programmes."

This regulation tells you what you must submit and when you must do it. In your own interest you should take special note of the provisions in (iii). We regard it as very important to avoid all unnecessary delay in the assessment of the QT. If you and your supervisor do the groundwork properly in accordance with that provision, it will be possible for the Graduate Studies Office to get your work out to the assessors quickly. You will note the imperative need to foresee late submission of materials for the QT. This is dealt with again below under 5.2 Deadlines.

3.1.2 Assessment: The assessment must be completed within a month. Time runs from the day that the work is sent out to the two assessors. (You should be aware that the Graduate Studies Office must complete certain formalities before sending out the materials. This usually takes about a week.) Make sure that you are easily contactable. The assessors will call you to an interview. They will contact you very shortly after receiving the materials. Two weeks after submitting your materials to the Graduate Studies Office, if you still have not been contacted to fix an appointment for the interview, you should get in touch with that Office without further delay.

3.1.3. Assessing the Qualifying Test: The assessors are required to come to a conclusion as to (a) the suitability of the candidate's subject for the kind of thesis in question and (b) the competence of the candidate to handle it at the required level; and to make a written report on the basis of this conclusion. On the first submission, the assessors have three choices. They can recommend that the transfer be granted; they can recommend reference back for resubmission, either on Part A or Part B or both, or, they can recommend that the candidate be permitted to advance only to the M Litt . If on the first submission, the assessors recommend a transfer to M Litt rather than M St, you are not barred until the end of your second year from making an entirely new submission with a view to transferring to the higher status.

3.1.4 Resubmission: The assessors cannot recommend that a transfer be refused on the first submission. There is always one chance to re-submit. The same assessors generally continue to act and it is highly advisable that they do so. However, you may, in exceptional circumstances, request new assessors. You should discuss this with your supervisor. An application for the appointment of new assessors must be made to the DGSR via the Graduate Studies Office and must come with the written support of your supervisor. You should be sure to re-submit your materials for the QT as soon as possible, and in any event before the end of the sixth term from your admission. Remember that the longer you take on your QT, the less time you have during your second year. You should make every attempt to have your resubmission out of the way as soon as you can.

Assessors are not obliged to conduct a second interview. As in the case of the original assessment, the assessors are obliged to lodge their report within a month of receipt of the resubmission. On the occasion of the resubmission, hopefully, the transfer will be granted. The experience of re-submission should be seen as positive and constructive. The assessors are charged with the task of ensuring that your project is well-conceived, matches your skills, and can be punctually completed. At the end of your first year, their main purpose is to ensure that you move on as efficiently and effectively as possible. A reference back carries no dishonour whatever. It just shows that the system is doing its job.

However, in a very few cases, the assessors cannot come to the conclusion that the required standard has been met. In such a case, they may recommend that transfer be refused. If this occurs, there is no further opportunity to submit. There is one more available possibility. A student who has not been granted transfer on the second submission is permitted to request that she or he be allowed to register retrospectively for the MSt. If your supervisor supports this request, and it is feasible to convert the research into an MSt in the short time left, then this is a viable option. However, the request will not be granted unless your supervisor agrees to supervise, or alternative arrangements can be made. Sadly, if all available options have been exhausted, this signifies the end of this particular road. While of course this is deeply disappointing, not everyone is cut out to be a researcher. Your skills and talents will surely flourish in other contexts. The faculty and your college will do everything they can to help and support you at this time. Do contact both your supervisor and your college law tutor, or other college adviser.

3.1.5 CLRM Certificate: You cannot be transferred to the new status unless the Director of the Course in Legal Research Method has certified that you have satisfactorily completed that course. If you pass the QT, your pass will remain conditional till you have that certificate.

3.1.6 Advice on Preparing for the Qualifying Test: The indented passage which follows has been inserted in response to a request for more detailed advice about approaching the QT and the expectations of the assessors.

Part A: This part of the submission is a statement in not more than 2,000 words of your research project for your doctorate. The assessors need to know that you have a viable project and that you have all the necessary skills to allow you to complete it. It must map out a thesis which will make a significant and substantial contribution to its field, and it must fit comfortably within your remaining two or, at most, three years. You will remember that a D Phil is regarded as a project for three or at most four years. There is more than one way of convincing the examiners of all these dimensions of viability. What follows should not be taken as prescribing an invariable form.

Many candidates use up about a third of their 2,000 word allowance in a general description of their proposed thesis, saying in connected prose what they hope to achieve and why it matters. It is a good thing, though not essential, to be able to say briefly how things stand in your field, so as to show what advance you hope to make.

The remainder of the word allowance can usefully be devoted to a provisional contents page, showing the titles of the chapters and giving a short account of what each will do. Everyone understands that you cannot at this early stage be bound, also that there may be some chapters which you are not yet able to see into with much clarity. You must feel free to say that that is the case, if it is so. If you can outline the reasons for your uncertainty, so much the better.

It is good to link this provisional contents page to a timetable. You need not go into great detail, but it is sensible to say roughly where you hope to be after one more year and how long you have set aside for writing up your final version. When it comes to confirmation of status towards the end of the second year, you will be asked for more a more detailed schedule leading to completion.

Part B: This part of the submission must not exceed 10,000 words. It usually takes the form of a draft of one of the chapters of the thesis. It need not. If, for example, you have written an article beyond the confines of your thesis, it would be permissible to submit that piece of work. However, in normal circumstances it is not a particularly good idea to avail yourself of that possibility. Assessors understandably feel uncomfortable in making recommendations to the Law Board about a project on the basis of evidence drawn from some other area. If you are inclined to follow that strategy, you should talk the matter over carefully with your supervisor.

The assessors will look to Part B for evidence that you have mastered the craft of serious legal writing and that you can conduct a complex argument in an orderly, structured and lucid manner. The word "craft" is here meant to refer to such matters as proper footnoting and systematic headings and sub-headings - the kind of thing that is dealt with in OSCOLA (Oxford Standards for Citation of Legal Authorities) which is available both as a printed pamphlet and on the website.

As for the quality of the argument, the assessors will want to assure themselves, much as do editors of legal periodicals, that your text is grammatically sound and that the argument is clear and cogent and not written so as to be intelligible only to a tiny number of insiders. You should not write as though to an expert. Keep in your sights a notional reader who is well-informed and well-grounded in the law but not an insider within your own particular field - as it might be, yourself when reading someone else's article in a journal.

Good presentation always helps. You will do well to present your QT material in accordance with both the rules for your final submission (though, of course, it is not necessary to bind your submission) and the OSCOLA conventions.

3.2 Moving on from an MPhil or MSt to a DPhil Degree

This section deals with the case in which you want to stay on after completing an M Phil or M St to a doctorate. If you are in that position, you will probably also intend to incorporate your first thesis in the longer thesis for the higher degree. If that is what you want to do, you need to take careful note of the next paragraph.

3.2.1 Incorporating a Completed Thesis: As we noticed above, there is no bar to submitting work which has already been published, but there is a general principle against trying to get an Oxford degree with or partly with work which has been submitted for another degree, whether at Oxford or at any other university. However, there are some exceptions, narrowly defined. These exceptions allow you to move up the pyramid of Oxford research degrees. Within the exceptions, a thesis which has been submitted can be incorporated in a subsequent doctoral thesis. The rules are quite complicated. You should take advice. There must be sufficient headroom; hence the essential negatives are, in effect, that an M Litt cannot be incorporated in a later doctorate, and an M St cannot be incorporated in a later M Litt. In some cases people intend to incorporate their Oxford work in a thesis later to be submitted for another degree at another university. That is entirely a matter for that other university. Some permit that kind of incorporation, others do not.

3.2.2 Moving up from a Completed Mphil: An M Phil or M St is often an ideal starting point for the D Phil. Admission depends on the continued availability of supervision and successful completion of the Qualifying Test. If you wish to transfer to the D Phil, you need to take the Qualifying Test when you do your M Phil or M St examination. Your M Phil or M St counts for Part B of the test, and you need to submit a proposal for Part A. Everything said above then about the Qualifying Test then applies to you (see 3.1). The examiner for the M Phil or M St will also act as assessors on your QT. If you wish to transfer, you should discuss this in the first instance with your supervisor. It is essential to have his or her support. If your supervisor supports your proposed transfer, you should write to the Graduate Studies Assistant stating your desire to transfer and indicating that your supervisor has agreed to continue to supervise. This should be done by fourth week of the third term of your M Phil or M St. When you apply to be examined for your M Phil or M St, you also need to complete a "transfer of status" form applying to have your 2,000 word Part A assessed.

3.3 Confirmation of DPhil Status

The Examination Regulations require all DPhil students to apply for confirmation of DPhil status. Just as the Qualifying Test moves you up to full DPhil status at the end of the first year, so at the end of the second year the process which leads to confirmation of the status will carry you into the third and final stage of the doctorate. The purpose of the confirmation procedure is to determine whether a student has made adequate progress in their studies since transfer of status, and to ascertain whether or not they are on course to submit for examination. It is not possible to submit a thesis for examination until DPhil status has been confirmed.

You will be registered as having full D.Phil. status. There is a further procedure, which is designed to keep the machine working well and to ensure that it is working well for you. In your sixth term you are obliged to seek confirmation of your DPhil status.

The exercise is important. You must take care in filling up the form. The form requires an element of self-reporting and, very importantly, asks you to set out in detail your timetable to submission. It also requires other relevant persons, chiefly the supervisor, to declare their support for your confirmation. You do not have to submit any work. But the Director of Graduate Studies requires to see, with the form, a provisional contents page for the thesis and a short statement as to the content of each chapter. These short statements must not exceed 200 words for each chapter. A sketchy or careless account of your progress and your schedule to completion will result in an instant reference back. The confirmation procedure at the end of your second year now mirrors the QT a year earlier and is an important element of the monitoring procedure designed to bring your work to a successful and punctual conclusion.

There will be one assessor for your Confirmation of Status application, which is decided upon by the Director of Graduate Studies (Research). One of the assessors that assessed your Qualifying Test will normally consider your application. The assessor will be looking for evidence that if your work on the thesis continues to develop satisfactorily, then consideration of submission within the course of three further terms could appear to be reasonable. The assessor will not normally be expected to arrange a viva and the assessment will normally be of the materials you have submitted. However, the assessor may arrange a viva if he or she deems it necessary. Confirmation will not be refused without a viva. The Faculty may grant the application or refer it back for resubmission. No further resubmission is permitted after the end of the candidate's ninth term.

Governmental pressure has made punctuality of completion a priority. You yourself will anyhow be happier if your work is moving along at a reasonable pace.

If, however, you have very good reason to wish to delay your Confirmation of Status, you should apply to the Director of Graduate Studies, stating your reason (this can be done directly to the Director of Graduate Studies or through the Graduate Studies Assistant).

Submission requirements:

- GSO 14 "Application for Confirmation of Status" (with supervisor's and college's signature)
- Provisional contents page
- Statements of chapter content, not exceeding 200 words for each chapter.

For an outline of the procedures relating to confirmation of status, please refer to the University Regulations.

4. Supervision

The Law Board will appoint someone to supervise your work. You will also always have a college adviser. Though supervision is a scarce resource, the nature of a project sometimes necessitates the appointment of a second supervisor, either permanently or temporarily. Ideally, you will quickly become established as a member of a research group of which your supervisor is also a member. That depends rather on the subject. Some subjects generate such groups more easily than others. You must also do your best to bind yourself on to the whole community of research postgraduates

within the Faculty. The Course in Legal Research Method helps break the ice. These networks are important. Isolation is not good for research.

You need to appreciate from the outset that both research and supervision are hard and sometimes tense work, often extremely rewarding but in the nature of things liable to run into difficult patches. The inherent tension means that on occasion the relationship can break down. If the need arises, the DGS(R) is there to help. A law tutor in your college or your college adviser will also often be able to make a contribution. The most usual way of dealing with this kind of problem, as indeed with other kinds of problem, is to talk first to a law tutor in your college, who will advise you and, if it comes to it, help you take the matter further. However, if that route is for some reason unavailable or unattractive to you, you are welcome to approach the DGS (R) directly or, if you prefer, the DGS(T). There is lots of help available. Do not hesitate to use it. The DGS (R) will almost always be pleased to see you within a day of any request, instantly if the urgency is declared. E-mail is very effective. A good deal of advice can in fact be given by e-mail.

4.1 Rights and Duties

Both parties have both rights and duties. It is very difficult to define them, partly because they vary over the period of the project and from project to project. There is a longish *Memorandum of Guidance for Supervisors and Research Students* in the *Examination Regulations*. It forms part of the *General Regulations of the Educational Policy and Standards Committee Governing the Examination of Students*.

4.2 Meetings

A question frequently asked is, How often should I see my supervisor? Simple as the question sounds, it admits of no fixed answer. As you define your project, you may need to meet every week. And in the period immediately before submission the same may be true. But when the work is under way there may be relatively long periods when there is no need to meet so frequently. Despite all the imponderables, you might reasonably accept a rebuttable presumption that things are not going as they should if you have not met for a proper supervision for a whole month. Even at times when the work is proceeding reasonably smoothly, you should meet, even if only to touch base, at least once a fortnight. It helps a lot to go to any lectures or seminars which are being given by your supervisor or your supervisor's group. This is what the HEQC, the predecessor of QAA, said on this subject:

7.3.2 ... i) The supervisor(s) has a responsibility to maintain regular and frequent contact with the research student. The frequency of contact is likely to be high during the initial stages of the programme when design and preparation work are being undertaken, decline slightly once the project is under way, and increase as a major monitoring stage approaches, for example, consideration of transfer of registration, or as the final compilation of the thesis commences.

ii) An outline meetings plan, subject to revision as appropriate, should be produced. This plan should also be aligned with the schedule of monitoring stages. Where internal or external collaborative partners are involved with the research, then representatives should attend from time to time.

iii) Meetings should be "quality time", namely, as free from interruption as is practicable.

- iv) The supervisor(s) should be accessible to the research student at other appropriate times, but informal day-to-day contact should not be a substitute for the scheduled meetings.

4.3 Supervisor Away

You cannot be sure that your first supervisor will be your supervisor throughout. Promotion may beckon, illness may supervene, or research leave may be granted. An annual holiday or other short absence can usually be absorbed, though even then, depending on the exact condition of your work, you may need a substitute. Where the supervisor is away for more than a month you will almost certainly require to be assigned to a new supervisor, usually only until the other returns. More leeway can be allowed during the holiday period in the summer. There is generally plenty of time to discuss the change, and where there is time your supervisor is under a duty to talk the matter over with you. It is often possible to make informal arrangements which suit everyone, but it is essential that such arrangements be formalized through the Graduate Studies Office. The Law Board cannot discharge its responsibilities through informal arrangements of which it knows nothing. The Board must at all times know who is supervising you and, except for very short periods, there must be no time during which you have no supervisor in Oxford. If in this and other contexts you are occasionally irritated by rules to be obeyed and forms to be filled in, we hope you will remember that the University's graduate programme is a very large and complex operation and one which cannot run satisfactorily without bureaucracy. However, the Oxford tradition requires it to be bureaucracy with a human face, and there is always someone with whom to discuss any step which needs to be taken. You will always find help available from your supervisor, from tutors in your college or from the DGS(R) or DGS(T).

4.4 Vacations

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

5. Formal requirements as to time

This section brings together a number of time limits and related requirements. Some have been mentioned already. Most people most of the time only need to know the normal expectations because a combination of good discipline and good luck keeps them well away from the formal deadlines. However, if you do run into time trouble, you need to know the formal limits. You may also need to know what discretions exist to suspend or waive the formal requirements and what kind of case has to be made in order to invoke their assistance.

5.1 Normal Expectations

We attach real importance to many time limits which are well within the formal deadlines. You yourself will be happier if you have a sense of momentum. Many funding authorities now add an element of compulsion and will make awards only at institutions with good records for early completion. When they judge an institution's record they do not confine their attention to those whom they themselves have funded. They look at the whole picture. The M St is a one-year degree. The formal rules allow you five terms. But we expect the thesis to be finished by the end the first year or very soon afterwards. The M Phil differs, in that the application for examination must be made in the third term of study, which allows for submission at any time during the subsequent vacation. The M Litt is meant to be a two-year degree, and the M Litt thesis should be phased so as to give two and a half terms to the QT and a year and a bit after it. Likewise the D Phil thesis must progress to the QT by half way through the third term, and to about 50, 000 words at the end of the second year, at which time there is a monitoring exercise based on self-reporting (confirmation of status). The thesis should then be submitted at the end of the third year or, at the latest, in the fourth. Candidates for the doctorate should bear in mind that, while they must make a "significant and substantial contribution to the particular field", the examiners are obliged to judge this in the light of "what may reasonably be expected of a capable and diligent student after three or at most four years of full-time study." It has to be emphasized that the notion of the doctoral thesis as work which can be completed in three or at most four years has nothing to do with the requirements of any particular funding agency. It applies equally to everyone, however funded.

5.2 Deadlines

5.2.1 The Qualifying Test: There is no QT within the MSt or the MPhil. The rules for the QT for proceeding to the M Litt and the D Phil are set out in 3.1 above. The deadline is the end of the fourth week of full term of the third term of the registration; for referrals and some other exceptional circumstances there is a longstop deadline which is the end of the sixth term. If you need an extension of the normal deadline, you must read the rules and make a proper application. You need to make your application early. Nor can the extension be given other than for good cause. The regulations require the application for extension to be before the Committee in time for it to be considered in first week of the candidate's third term or, in other words, two weeks before the deadline. Students on the MSt or MPhil who wish to proceed to DPhil status must take the QT when they are examined for the MSt or MPhil.

5.2.2 MSt: At present, candidates must apply to be examined no earlier than their third term and no later than their fifth. New legislation intended to come into effect for students starting the course in October 2003 will reduce the period to three terms. Extensions of time are only available from the General Board and are not easily given.

5.2.3 MPhil: Candidates must apply to be examined during their third term of research. Once you have applied to be examined, the completed thesis should be submitted by the end of the summer vacation following. We urge you, however, to try to submit sooner than this. If you submit at the very beginning of the new academic year, examiners are liable to be busy, and examining is likely to be delayed. Your plans for the year after the M Phil, whether they include staying on for a doctorate, or moving on elsewhere, could be disrupted. You are therefore strongly encouraged to plan to submit your thesis in time for it to be examined by the end of September. Applications for

extension can be applied for, but are in practice normally likely to be granted on condition that the candidate enters for the M St, with its longer permitted period of research.

5.2.4 MLitt: Candidates cannot submit until they have completed the residence requirements (as to which see below) and must submit before their status as M Litt candidates expires. It will expire at the end of the ninth term. For good cause they can apply to extend that deadline by up to six further terms.

5.2.5 DPhil: Candidates cannot submit until they have completed the residence requirements (generally six terms - see below) and must submit before their status as D Phil candidates expires. It will expire at the end of the twelfth term. For good cause they can apply to extend that deadline by up to nine further terms.

5.2.6 Suspension of Status: The Law Board has power to stop the clock by granting a suspension of status. Any graduate student may apply through the Graduate Studies Office, showing good cause for temporarily not being able to study. The Board can grant a maximum of six terms' suspension, never more than three at one time. Suspension is different from extension. Extension allows more time. Suspension stops the clock.

5.3 Residence

The minimum residence requirement for the M St is three terms, for the M Phil three terms, for the MLitt six terms, and for the D Phil six terms. In the case of both the M Litt and the D Phil the requirement is reduced to three terms if the candidate has already been in relevant postgraduate residence for at least three terms, as for example where a doctoral thesis is built on and incorporates a completed M St or BCL thesis. There is a narrow discretion to grant dispensation from periods of residence, as for example, where your research requires to travel abroad. Subject to that, you cannot obtain your degree unless your college certifies that you have fulfilled the residence requirements. The technical definition of residence for a term requires that you be in Oxford for 42 nights during the term in question, "term" then being defined as the extended, not the full, term. There are provisions for counting vacation residence instead, but they do not allow you to squeeze the equivalent of more than three terms into any one year. Most people remain in residence longer than is minimally required. Full fees then have to be paid, until a much lesser sum becomes payable after the ninth term of the D Phil and the sixth of the M Phil. You will see from this that the obligation to reside does not define the obligation to pay the fees.

5.4 Discretions and Dispensations

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

6. Submission

There is no escaping the need to read and understand the rules applicable to the degree which you are seeking to obtain. These can be found in the *Examination Regulations*. Moreover, it is your own responsibility to know and comply with the rules. Your supervisor will probably be able to help you, but you should not assume that the supervisor's experience absolves you from knowing the rules applicable to your case. Supervisors are often supervising a number of supervisees all doing different degrees. Given that rules also change from time to time, it is actually much easier for you to know the rules which apply to you. And, formally, it is your responsibility. What follows is not to be relied upon as other than a rough guide derived from the rules for the M Litt and the D Phil, though even in respect of those degrees the warning as to the necessity of knowing the relevant parts of the *Examination Regulations* still applies.

6.1 Stage 1: Application for Appointment of Examiners

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

6.2 Stage 2: Submission of the Thesis

The examiners' copies of the thesis must be submitted at the latest by the last day of the vacation which follows the term in which the application for the appointment of examiners was made. Two bound copies, printed or typed, have to be put in. The only proper recipient is the Graduate Studies Office. There are detailed requirements as to the format of the pages (as to margin, spacing, location of footnotes, and so on). These can be found in the *Examination Regulations*, and must be complied with. You must use OSCOLA for all footnotes. You should use at least 1.5 spacing, and you may print on both sides of the page, as long as you leave sufficient margins so that the text may be read easily. The thesis must state the number of words to the nearest hundred, and the number so stated must be within the prescribed word limit. There must be an abstract of the thesis, of about 300 words. At the end of the process DPhil theses must be submitted for the Bodleian Library, and again there are strict requirements to be satisfied. All these rules, though detailed, are easy to comply with. They also exist for very good reasons, and the strength of those reasons

justifies the rigour with which they are applied. It will cost you dearly in money and time if you carelessly neglect any one of them. If you think you have not understood any of the requirements, you must raise the matter as early as possible with the Graduate Studies Assistant.

7 Examination

7.1 Timing

The internal examiner will contact you to arrange the date of the viva. In the normal course you might expect the examiners to have fixed the date for the viva within three weeks from submission. Usually the viva is about eight weeks after submission. Do not hesitate to phone in if you think something has slipped up. You must be contactable in the period after submission. The forms oblige you to say where you will be, but even so some people turn out to be very elusive. In addition to the contact point given on the form, examiners will generally try both the standard e-mail address and a card to your college. If none of those work, very long delay can ensue.

Examining a thesis is hard work and requires the examiners to clear a substantial slice of time. You cannot reasonably expect to be viva'd within a month of submission, but, if you have a good reason for needing a viva as early as possible, you can say so when you apply for examiners to be appointed. It is then sometimes possible to fix dates in advance. If you want to do this, apply for the appointment of examiners well ahead of the actual submission. Once again, be sure that all relevant people know where to contact you. You have to declare to the Graduate Studies Office where you will be. You should keep your supervisor and college informed too. If you do leave that place, even for a few days, be sure to make arrangements for messages to reach you. The triangular arrangement between you, the internal examiner and the external examiner can otherwise prove difficult to clinch, and long delays can be the consequence.

7.2 The Viva: A Public and Inescapable Event

The viva is a public event. You have to wear sub fusc, and so also do members of the university who come to spectate. Sometimes people do come. They are usually people who expect to go through the same ordeal themselves and want to see what it is like. The ordeal is also inescapable, in the sense that, however clear the examiners think they are as to their likely recommendation, they are obliged to conduct the oral examination. And you cannot get your degree unless you have been viva'd. Some universities operate a different rule, allowing the examiners to request that the viva be dispensed with. This university does not. The viva has to happen. It follows that, if you have any choice in the matter, you will not leave for any distant land before the viva has taken place. When you go to your viva, do not forget to take your own copy of your thesis with you.

7.3 The Recommendation of the Examiners

The final decision lies with the Director of Graduate Studies. The examiners do not decide. They recommend. It goes without saying that departures from the examiners' recommendation are not common. Nevertheless, the fact that the examiners cannot make the decision is a serious reason inhibiting their communicating to you the nature of their judgment. Some examiners feel more inhibited than others in this respect. Every effort will be taken to minimize the time within which

you are kept in suspense, and the DGSR will take a final decision as soon as possible following the receipt of the report. But there may well be some delays. Sometimes the examiners are not able instantly to complete and submit their report after the oral examination. It goes without saying that departures from the examiners' recommendations are not common. But there may be grounds to refer the report to the Faculty Board. Hence you may have to wait for the final result.

7.4 Being Referred

You should remember that many candidates, even those who have written really excellent theses, are referred back for resubmission. There is often some aspect of the thesis which strikes the examiners as incomplete or unfocused. It is of course a blow to have to do another two or three months' work on something which you had thought was finished, but you must not think of it as a humiliation. Nearly all candidates who are referred do get their degrees on the resubmission. We do not regard a referral as dishonourable or and we not regard a degree awarded after resubmission as in any way below par. If they do refer you, the examiners will tell you, in writing, exactly what parts of the thesis require to be rewritten and why. If the examiners spot a few minor errors they may, without referring you, require the mistakes to be put right. If they take that course you have to make the corrections before depositing the final version in the Library. That copy must be submitted through the Graduate Studies Office. Where corrections have been required, the Library copy must be accompanied by a signed statement from the examiners that the corrections have been implemented. You should remember that you cannot actually take your degree until the library copy of the thesis has been deposited.

7.5 Publication Again

In the immediate aftermath of your examination you may find it difficult immediately to turn back to your thesis. The sense of exhaustion will quickly wear off. And when it does you should do your best to bring it out either as a series of articles or as a book. Your supervisor and the tutors in your college will be happy to advise how to go about it and in particular how to get in contact with a publisher. It is important that the research which you have done should make its contribution in the most effective way. Often that means writing a chapter or two more, and perhaps making some quite radical changes to others. It will be worth the effort. When you publish work arising from your research, we hope very much that you will remember, in advance, to draw the publication to the attention of the Faculty through the DGS(R). We do not lose interest in you or in your work when you leave.

8. Course In Legal Research Method

8.1 University regulations

The *Examination Regulations* provide that a candidate may supplicate for the degree of Master of Studies in Legal Research or the degree of MPhil in Law or be admitted to the DPhil and MLitt Programmes provided that:

“MSt in Legal Research: candidates must follow a course of instruction in Legal Research Method approved by the Law Board, and must satisfy the examiners that they have completed to the required standard such tests or exercises in legal research methods as may be prescribed by the Law Board as part of such a course of instruction. Where the Law Board judges that it has sufficient evidence of a candidate’s proficiency in legal research method, it may in exceptional circumstances dispense a candidate from this requirement.

MPhil in Law: a candidate must have kept six terms statutory residence, and have passed the BCL or MJur. They must also have completed the course in Legal Research method and must have written a 25,000 word thesis.

Admission to the Doctoral and MLitt Programmes: candidates for the DPhil and MLitt are normally admitted as Probationer Research Students. All those admitted to the doctoral and MLitt programmes, whatever their initial status, must complete the coursework elements of the MSt course, and may not be assessed in the Qualifying Test unless they have obtained a certificate from the co-ordinator that they have satisfactorily done so.”

8.2 Regulations of the Law Board

Course of Instruction: Those taking the course will be required to attend not less than sixteen sessions of lectures or seminars. Those sixteen sessions must normally be chosen from among those appearing in the Law Faculty Lecture List under the heading of Legal Research Method; but the Director of Graduate Studies may where it is appropriate give permission for sessions to be chosen from other parts of the Law Lecture List or from other Lecture Lists. The Director of Graduate Studies may where it is appropriate require particular students to attend specific categories of lectures or seminars.

Tests or Exercises: The tests or exercises will be set by those giving the lectures or seminars, and will be directed especially to the planning by individual students of their future research work. The course convenor will be responsible for ensuring that, so far as it is practicable, the test or exercise submitted by each student is the subject of comment by more than one assessor, including assessors from other faculties where appropriate.

8.3 Teaching Convention

The following topics may be included: (a) Designing a legal research project; (b) Methods and techniques of research and writing; (c) Use of legal documentary sources and data-bases; (d) Sources for and methods of International legal studies; (e) Access to and use of European legal documentation; (f) Theory and method of comparative legal research; (g) Theory and method of historical legal research; (h) Theory and method of socio-legal research; (i) Methods of Legal Philosophy; (j) The use of statistics in legal and law-related research.

8.4 Teaching Programme

Course of Instruction: The programme of seminars for Michaelmas Term, and the provisional programme for Hilary Term, is published a couple of weeks before the beginning of Michaelmas Term and is available from the Faculty Office.

Tests or Exercises: The arrangements for preparation of assessed exercises is likewise notified a couple of weeks before the beginning of Michaelmas Term.

Availability of Advice: Inquiries about the programme and arrangements for assessment may be addressed to the convenor, Professor M R Freedland (St John's College).

C: The BCL And MJur

1. The Educational Aims and Programme Outcomes of the BCL

The BCL degree programme aims to:

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

The BCL programme outcomes are:

Knowledge and understanding

- A thorough knowledge and deep understanding of between three and five new legal or legally-related subjects - these being subjects which, at undergraduate level, were either not studied at all, or were only studied in a more elementary way.
- A knowledge and understanding of neighbouring academic disciplines sufficient for a mature appreciation of the place of law in the world and a mature critical attitude towards law.
- A knowledge and understanding of the values and techniques of advanced legal scholarship and/or the advanced interdisciplinary study of law.

Intellectual skills

- A highly-developed ability to parse a problem into its component sub-problems.
- An ability immediately to see the same legal or legally-related problems from a variety of intellectual angles, using different legal classifications and perspectives gleaned from different academic perspectives.
- An ability to build a complete, convincing argument from the ground up, and to build a complete and convincing critique of the argument of another.

Practical skills

- A highly-developed ability to conduct legal research and legal or legally-related academic research.
- A highly-developed ability to write for specialist legal and academic audiences.
- A highly-developed ability to read and digest complex legal and legally-related materials accurately at speed.

Transferable skills

- A highly-developed ability to communicate orally and in writing.
- A highly-developed ability to master and organise complex information.
- A highly-developed ability to plan and organise the use of one's time.

- The ability to thrive in a competitive and intellectually challenging environment.

Note: Details of how these aims and outcomes are secured and assessed are in the programme specifications available at: <http://www.law.ox.ac.uk/published/documents.htm>

2. The Educational Aims and Programme Outcomes of the MJur

The MJur degree programme has all the same aims as the BCL, and in addition aims to give students from non-common-law backgrounds an opportunity to explore some of the distinctive methods, practices and doctrines of the common law. The programme outcomes for the MJur are the same as those for the BCL.

Note: Details of how these aims and outcomes are secured and assessed are in the programme specifications available at: <http://www.law.ox.ac.uk/published/documents.htm>

3. Teaching Arrangements

Teaching is by lectures and seminars in the Faculty, and also by college tutorials and classes (often as an aid to revision). The lecture list for each term will be distributed to your college. Please contact your college secretary for a copy. It does not contain times for tutorials: these are arranged individually by tutors with their students. The lectures and seminars offered differ from one term to the next. Likewise the fact that lectures or seminars in a particular subject took place at certain times in the week of one term does not mean that lectures or seminars in that subject will take place at the same time in the week in other terms. Each term, therefore, has a different lecture list (but the Michaelmas Term lecture list also contains details of lectures and seminars provisionally arranged for Hilary Term and Trinity Term). Information about the subjects available in the BCL and MJur (and the permissible combinations of subjects) is given in section 7 below. Information about Final Honour School of Jurisprudence standard subjects available in the MJur is given in “FHS Subjects” in the *Student Handbook (Undergraduate Students)*.

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

4. Assessment for BCL and MJur

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

The formal assessment of most BCL and MJur courses is by written examinations, held at the end of the year. Typically these are of three hours’ duration and require answers to three or four questions chosen from a range of about eight to ten. Attempting fewer than the required number of questions (or otherwise failing to follow the ‘rubric’ at the top of the examination paper) is penalised. Examinations are unseen, and you are not normally allowed to take books or

notes into the examination room (except that students whose first language is not English may, with permission from the Proctors, provide themselves with a dictionary of translations between their language and English). However, in many examinations you will be provided with copies of statutory and other official material relevant to the subject: details of this are notified to you in advance. You will normally be required to hand write your examination answers, so you must take care that your handwriting is legible. If an examiner is unable to read what you have written, you may be required to have your script typed out, at your own expense.

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

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

You will also be subject to assessment of a less formal character. Some seminar series offer students the opportunity to present their own papers. All courses on the BCL and MJur have a tutorial component (typically four tutorials for BCL/MJur courses and seven or eight for MJur courses drawn from the undergraduate syllabus). Tutorials are in groups of up to five students, but typically pairs or threes. They give you the opportunity to ask detailed questions, write essays, and receive feedback from your tutor. You should also have the opportunity - although as postgraduate students you are generally not required - to sit practice examinations if you want to. Please consult your tutor on this. Performance in tutorials, essays and practice examinations will be recorded by each tutor in a report to your college, which may of course be used in the writing of recommendations etc. A very bad report might also be the basis for a college to invoke its academic disciplinary procedures. College reports are not, however, part of the degree classification process. The classification of the degree depends entirely on the formal examinations at the end of the year.

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

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

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

- acute attention to the question asked;
- a deep and detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- excellent synthesis and analysis of materials, with no or almost no substantial errors or omissions, and coverage of at least some less obvious angles;

- excellent clarity and appropriateness of structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- advanced appreciation of theoretical arguments concerning the topic, substantial critical facility, and personal contribution to debate on the topic.

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

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

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

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

The “examiners’ conventions” that will be used to work out whether your overall performance adds up to a distinction, a pass, or a fail, are as follows:

Scripts are marked on the University scale from 1 to 100. In practice a mark above 75 is very rarely seen, and a mark of 80 would indicate an utterly exceptional script. In the BCL or MJur marks of 70 and above are Distinction marks and marks of 50-69 are pass marks. Marks of 49 or below are fail marks.

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

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

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

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

5. Residence

The three university “full” terms, called Michaelmas, Hilary and Trinity, last eight weeks each. But terms simply set the periods during which formal instruction by way of lectures, seminars and most college tutorials are given. The university functions throughout the year: you will need to work in vacation as well as in term time (less reasonable breaks) and you should not in any way

feel inhibited from making contact with your supervisor, college tutor or other member of the Faculty out of term.

The official requirements for residence are however measured by terms. Residence for a term means that you must have been in Oxford for 42 nights, not necessarily consecutive, during that term. (For this purpose the “term” is longer than the eight week full term: the relevant dates are given in the Examination Decrees, the university diary, and various other places.) Your college will be called on to certify this before you can obtain your degree.

6. The MPhil

Candidates who have completed the BCL or the MJur may go on to take the M Phil in Law. The Law Board will normally admit to the M Phil in Law only candidates whose thesis topic and supervisorial arrangements have been approved by the Graduate Studies Committee for Law and who have achieved at least 65% in their BCL/MJur examination. Applicants apply during the course of the BCL or MJur in the manner described in the section on research degrees.

The M Phil entails a further year of study, which will normally occur immediately after having done the BCL or the MJur. A candidate who does not wish to proceed to the M Phil immediately after the BCL or MJur will have to seek the permission of the Graduate Studies Committee.

Candidates for the MPhil will have to complete the Course in Legal Research Method (see B8 above), and a thesis of up to 30,000 words. The thesis may cover the same area of law as a dissertation offered in the BCL or MJur, but the text of the dissertation must not be incorporated into the thesis.

7. Courses in the BCL and MJur

7.1 The Available Courses

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

Beside the name of each course is given the credit rating which the course will carry in 2003-2004. The courses are grouped into three categories. This is of significance for the rules governing the availability of these courses for those doing the BCL or MJur which are described below. The names of some courses are shown in italics. This is of significance for the award of the degree of “BCL (or MJur) in European and Comparative Law” (see 7.6 below).

List I: Courses involving advanced common law study	credits
*Corporate Finance Law	2
Corporate Insolvency Law	3
Crime, Justice and the Penal System	3
Evidence	4
Legal History: Legislative Reform of the Early Common Law	4
Personal Taxation	4
Philosophical Foundations of the Common Law	3
Restitution	4

List II: Courses involving advanced study, but placing less emphasis on common law technique	credits
<i>Comparative Human Rights</i>	3
*Comparative Law: Delict (French)	3
<i>Comparative Public Law</i>	3
<i>Competition Law</i>	4
<i>Conflict of Laws</i>	4
Constitutional Theory	3
Corporate and Business Taxation	3
<i>European Business Regulation</i>	3
<i>European Employment and Equality Law</i>	3
<i>Global Comparative Financial Law</i>	3
<i>Globalisation and Labour Rights</i>	2
<i>Intellectual Property Rights</i>	3
International Dispute Settlement	3
International Economic Law	3
International Environmental Law	3
*International Human Rights and the Law of War	2
International Law of the Sea	3
Jurisprudence and Political Theory	4
Philosophical Foundations of Property Rights	4
Principles of Civil Procedure	3
<i>Problems in Contract and Tort (German and English Law compared)</i>	2
*Regulation	3
<i>Roman Law (Delict)</i>	3
<i>Transnational Commercial Law</i>	3

List III: Courses derived from the syllabus of the BA in Jurisprudence	credits
Administrative Law	3
Company Law	3
<i>Comparative Law of Contract</i>	3
Constitutional Law	3
Contract	3
Criminal Justice and Penology	3

Criminal Law	3
Ethics	3
<i>European Community Law</i>	3
Family Law	3
History of English Law	3
International Trade	3
Jurisprudence	3
Labour Law	3
Land Law	3
Principles of Commercial Law	3
Public International Law	3
Tort	3
Trusts	3

A mark of * signifies that the course will not be available for the academic year 2003-2004.

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

7.2 The Required Number of Credits

Subject to the possibility of offering a dissertation, you are required to take courses, carrying between them a total credit value of between 12 and 14 units. A dissertation carries three credits. You must take a minimum of *three* and a maximum of *five* courses. A dissertation counts as one course for this purpose.

The credit rating of a course is intended to reflect the amount of work (judged both qualitatively and quantitatively) which the course involves, relative to other BCL/MJur courses.

The credit rating in turn dictates the minimum teaching package which must normally be provided in connection with the course. The amount of teaching provided may of course exceed these minima, but where this in turn significantly increases the students' workload, that is reflected in the credit rating.

The minimum norms are:

- 2-credit courses: 16 hours of seminars/lectures, 3 tutorials
- 3-credit courses: 24 hours of seminars/lectures, 4 tutorials
- 4-credit courses: 32 hours of seminars/lectures, 4 tutorials

These norms do not, however, apply to courses in List III. These courses are derived from the BA in Jurisprudence, and the teaching for these will usually take the same form as is provided at BA level: involving more emphasis on tutorials, and less on seminars and lectures.

In addition, the Faculty occasionally permits a course in List I or II to be offered at a certain credit rating even though its teaching package does not match the relevant minimum norm, where this appears appropriate (eg where the number of students taking the course is expected to be small, so that the distinction between seminars and tutorials is hard to make).

For these purposes, a tutorial will normally consist of at least an hour's teaching in a group not exceeding five students. You will not normally be obliged to produce written work for your tutorials, but the tutor will normally have the obligation to receive from you, and comment on, not

less than three pieces of written work in 2 credit subjects, and not less than four pieces of written work in 3- and 4-credit subjects. Tutors will also seek to meet any reasonable request to set you and mark a trial examination (known in Oxford as a “collection”), which will then count as one of your pieces of written work. Except in the case of collections, tutors may, if they wish, “receive and comment on” your work by having you read it aloud and discussing it orally, a method which is quite often used in Oxford.

7.3. Permitted Combinations of Courses

- (a) If you are a BCL student, you may take:
- (i) any course in List I or List II; and
 - (ii) a dissertation subject to the rules set out below.
- (b) If you are a MJur student, you may take:
- (i) any course in List II or List III (though not more than one course from List III);
 - (ii) any course in List I for which you obtain the permission of the Law Faculty’s Director of Graduate Studies (taught degrees), given on the recommendation of your college tutor and a teacher of the course in question. (List I courses involve advanced common law study. The Faculty does not intend to close them absolutely to students with non-common law backgrounds, but will wish to see evidence that the student in question is likely to be able to take them successfully. This evidence will often take the form of the student having studied the same topic to an advanced level in his or her own jurisdiction.)
 - (iii) a dissertation subject to the rules set out below.
- (c) Whether you are a BCL or a MJur student, you may not take:
- (i) two courses having the same syllabus;
 - (ii) any course with the same title and/or syllabus as one which you have previously taken in the Oxford BA in Jurisprudence or Diploma in Legal Studies.
- The number of seminars and lectures offered to BCL and MJur students is greater than the number of time-tabling slots available, so some clashes are inevitable. However, the Faculty will attempt to avoid clashes between lectures in subjects which are closely related.

7.4 Optional Dissertation in the BCL

A BCL student can offer a dissertation, which carries three credits.

- The total number of credits must not exceed 14.
- The dissertation must be written in English
- It must not exceed 12,500 words which includes notes, but which does not include tables of cases or other legal sources.
- The subject must be approved by the Graduate Studies Committee.

The Committee will take account of the subject matter and the availability of appropriate supervision. Candidates should submit the proposed title of the dissertation and a synopsis of its scope in not more than 150 words, not later than the end of the third week of Michaelmas Term to the Director of Graduate Studies (Taught Courses).

A copy of the application form can be obtained from the Graduate Studies Office. But if you are contemplating offering a dissertation, you are advised to be in contact with your college tutor about it well before that-say in late September, or even before your arrival-so that he or she can

give guidance on the likely viability of the topic and on the question of which Faculty member(s) you might approach as potential supervisor(s).

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

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

The topic of your dissertation may (and often will) be within the area of one or more of your taught courses, and/or in an area which you have studied previously. But any part of the dissertation which you have previously submitted or intend to submit in connection with any other degree must be excluded from consideration by the BCL examiners. There are no other formal restrictions upon the area for study. So, for example, although, if you are a BCL student, you cannot take the List III courses, you are at liberty to offer a dissertation within their fields; and you may offer a dissertation which does not fall into the field of any BCL course, if you can nevertheless find within the Faculty a supervisor competent in the topic.

7.5 Optional Dissertation in the MJur

A MJur student can offer a dissertation, which carries three credits.

- The total number of credits must not exceed 14.
- The dissertation must be written in English
- It must not exceed 12,500 words which includes notes, but which does not include tables of cases or other legal sources.
- The subject must be approved by the Graduate Studies Committee.

The Committee will take account of the subject matter and the availability of appropriate supervision. Candidates should submit the proposed title of the dissertation and a synopsis of its scope in not more than 150 words, not later than the end of the third week of Michaelmas Term to the Director of Graduate Studies (Taught Courses).

A copy of the application form can be obtained from the Graduate Studies Office. Candidates will not normally be given approval to do a dissertation on a subject which falls within List I, those subjects which entail an advanced knowledge of the common law.

If you are contemplating offering a dissertation, you are advised to be in contact with your college tutor about it well before that-say in late September, or even before your arrival-so that he or she can give guidance on the likely viability of the topic and on the question of which Faculty member(s) you might approach as potential supervisor(s).

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

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

The topic of your dissertation may (and often will) be within the area of one or more of your taught courses, and/or in an area which you have studied previously. But any part of the dissertation which you have previously submitted or intend to submit in connection with any other degree must be excluded from consideration by the MJur examiners. There are no other formal restrictions upon the area for study.

7.6 The BCL/MJur in European and Comparative Law

If you take two or more of the courses shown in italics in the list of subjects set out above, or take one of those courses and offer a dissertation recognised by the Faculty's Graduate Studies Committee as in the area of European and Comparative Law, you will, on successfully completing the programme, be awarded the degree of BCL or MJur (as the case may be) in European and Comparative Law.

Note: The BCL/MJur in European and Comparative Law will cease to be available after the academic year 2003-2004.

8. Descriptions of courses in the BCL/MJur

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

Competition Law

The objective of the course is to provide students with a knowledge and understanding of this area of law, together with an ability to subject it to critical legal and economic analysis. The course aims to cover the main substantive laws relating to competition within the EC and the UK, including the control of monopoly and oligopoly; merger control; anti-competitive agreements; and other anti-competitive practices. The emphasis is placed predominantly on EC competition law to reflect the importance it assumes in practice. UK competition law is also taught in detail, both because of its value in providing a comparative study of two systems of competition law and because of its importance to the UK practitioner. The antitrust laws of the USA and competition laws of other jurisdictions may also be referred to by way of comparison.

Competition law is taught in seminars and tutorials. Seminars are weekly in Michaelmas and Hilary Terms. Arrangements for tutorials will be discussed during Michaelmas Term.

Teaching Convention. The teaching of this subject is based on the assumption that the matters listed below are included in the syllabus: (i) European Community law under Articles 81-86 Treaty of Rome, and Reg 4064/89EC (the EC Merger Regulation); (ii) United Kingdom

competition legislation set out in the Fair Trading Act 1973, Competition Act 1998 and the Enterprise Act 2002 together with associated subsidiary legislation. Knowledge is also required of the common law doctrine of restraint of trade, though not as it applies to employment contracts;

(iii) The practice and procedure of governmental institutions in the application of competition law;

(iv) The general principles of economics relating to competition law.

Detailed knowledge is not required of (a) the ECSC or EURATOM Treaties; (b) specific UK statutes, applying competition policy in specific industries, including the Financial Services, Telecommunications, Water, Gas, Electric and Rail industries; (c) Fair Trading Act 1973 ss 57-62 (newspaper merger references)

Material available in the Examination Room. Blackstone's UK and EC Competition Documents (2nd edition 2002); The Enterprise Act 2002; Regulation 1/2003, O.J.L/1, 4 January 2003; The Commission's "Guidelines on Vertical Restraints", O.J. 2000, C 291/1.

Comparative Human Rights

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

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

The teaching group includes Professor S Fredman and Professor J C McCrudden. Teaching is in the form of a two-hour seminar which runs each week during Michaelmas and Hilary Terms.

[Comparative Law: Delict (French)]

This course is not available in 2003-2004

Comparative Public Law

Judicial protection against unlawful (and sometimes lawful) legislative and administrative acts or rules is of concern to individuals and companies in a variety of contexts. This course covers the central aspects of procedural and substantive judicial review under the public law of England, France and the European Community. The course will consider these issues against the constitutional framework which exists in the three systems. Throughout the course the emphasis will be on making comparisons between the different systems. To facilitate this each of the topics studied will be analysed within the same week's work.

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

It is possible to undertake the course exclusively on the basis of English language materials, but the ability to read French is an advantage, since some of the primary and secondary sources on French law are only available in the French language. Advice on this and other aspects of the course is available from the course convenor, Professor P P Craig (St. Johns College).

The course is taught by Professor P P Craig and Professor M R Freedland. Teaching is primarily through seminars in Michaelmas and Hilary terms. Tutorials will be available in Trinity Term. The structure of the course is as follows. Michaelmas Term: There will be eight seminars which deal with the central aspects of procedural and substantive review in the three systems. The course will begin with an overview of the constitutional foundations of the three systems. There will be an analysis of the following topics: procedural review; review for jurisdictional error; improper purposes; irrationality; proportionality; legitimate expectations; equality; and fundamental rights. Hilary Term: There will be a further eight seminars which deal with: damages actions, including damages for losses caused by lawful governmental action; standing to seek relief; other conditions precedent for the seeking of relief, such as time limits and the existence of a reviewable act; and the procedures for the seeking of relief.

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

Materials available in the Examination Room: Rudden and Wyatt's EU Treaties and Legislation, 8th edition, OUP, 2002

Conflict Of Laws

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

The syllabus as studied in Oxford has to omit some subject areas which are properly part of the conflict of laws. Accordingly, candidates will not be required to show knowledge of (i) state and diplomatic immunities, (ii) jurisdiction in admiralty actions in rem; (iii) family law and the

law of persons; (iv) succession to property and the administration of estates; (v) negotiable instruments; (vi) choice of law in respect of immovable property; (vii) foreign arbitral awards. However, they may be required to show outline knowledge of the choice of law rules relating to marriage and the law of persons as is necessary to understand, analyse and explain the doctrines of characterisation, renvoi, and the incidental question.

In England the subject has an increasingly European dimension, especially in relation to the jurisdiction of courts and the recognition and enforcement of judgements. The purpose of the course is to examine the areas studied by reference to case law and statute, and to aim at acquiring an understanding of the rules, their operation and inter-relationship, as would be necessary to deal with a problem arising in international commercial litigation.

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

Materials available in the Examination Room: Civil Jurisdiction and Judgments Act 1982, sections 32-34; Contracts (Applicable Law) Act 1990 (the whole Act); Private International Law (Miscellaneous Provisions) Act 1995, sections 9-15; Civil Procedure Rules 6.17 - 6.21; Council Regulation 44/2001/EC; Foreign Limitation Periods Act 1984

Constitutional Theory

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

Note. This course is open to a maximum of 20 students in any one year. If applications exceed this number, a ballot will be held.

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

Corporate Insolvency Law

The insolvency of a company raises complex issues of law and policy. Is it lawful for the company to continue trading? What steps can secured creditors take to enforce their security? Is legal machinery available to freeze claims while an outside manager seeks to restore the company to profitability? And if the company does go into liquidation, what are the rights of different classes of creditor and in what circumstances may pre-liquidation transactions be set aside?

The course analyses the relationship between insolvency law and the general law of property and obligation, and the extent to which insolvency law interferes with rights accrued prior to winding up, and examines the rationality of the legal principles underlying the rules relating to the treatment of claims and the distribution of assets in winding up. A separate insolvency regime, administrative receivership, raises intricate legal problems stemming from the multi-faceted

capacity of the receiver, whose primary task is to manage the company's business and realise its assets for the benefit of the debenture holder who appointed him. The course then turns to the administration order procedure, a relatively new regime designed to facilitate the return of the company to profitable trading or, if this cannot be achieved, a better realisation of its assets. Company law also has a role to play in relation to insolvent companies, raising such questions as the liability of a parent for the debts of its subsidiary and the responsibilities of directors under general law and under insolvency legislation.

No prior knowledge of the subject is required, nor is it necessary to have studied company law, though this is of some advantage. The teaching group comprises Professor F Oditah, Ms J Payne, Professor D D Prentice, and Mr R H Stevens. The teaching consists of a combination of lectures and seminars in Hilary and Trinity Terms. Revision tutorials will be arranged in the seminars.

Teaching Convention. Questions will not be set on cross-border insolvency or on the detail of insolvency procedures.

Material available in the Examination Room. Butterworths Company Law Handbook 15th edition (2001) or 16th edition (2002); The Enterprise Act 2002

Corporate And Business Taxation

Tax law is central to all businesses and to many business transactions. It has a profound effect on business law and decisions and plays a part in shaping the law of business organisations. This course approaches the subject from a policy perspective. Technical issues are placed in their economic and business context, with the focus on the principles and concepts. The course aims to introduce students to the techniques used to tax business organisations and to encourage critical analysis of tax policy and implementation. The studies start from a basis in UK corporate and business taxation, but the theoretical and policy issues which arise are common to all jurisdictions and comparative approaches are encouraged, particularly where students have studied taxation previously in their own jurisdiction. Many issues arising are of international importance and the course examines developments in the harmonisation of taxation within the EC and considers attempts to deal with the problems of double taxation and tax competition internationally.

A major problem encountered in taxing business is that of defining the tax base; that is, what should be taxed? Should we tax profit and, if so, how should this be defined? Should tax follow accounting definitions or develop its own? Companies, being artificial entities, present special tax problems. Who should be taxed; the company, the shareholders or both? In addition to studying current UK corporate taxation, consideration will be given to alternative approaches. Not all businesses are corporations and the tax implications of choice of business organisation will be analysed. The difficulties faced in allocating tax revenue between countries in the light of mobility of capital, increased numbers of cross-border transactions and technological developments, offering opportunities for tax avoidance or possibilities of double taxation, will also be examined.

This course will be of interest to any student wishing to explore business law as well as to tax specialists. Much of the relevant law is statute based but case law is also important. Readings from public finance and accounting literature will be recommended on some topics: these will be accessible without specialist knowledge. No computations will be required! No prior study of tax law or company law is required, although those with no knowledge of business organisations may need to do some additional background reading on which advice will be given. MJur students are welcome provided they are prepared to engage with the case law and UK statutes where

appropriate. The syllabus is wide and the subject fast moving so that the precise focus may vary from year to year.

The course is taught mainly by Professor Judith Freedman with input from Edwin Simpson. The teaching consists of lectures and seminars in the Michaelmas and Hilary terms. Tax practitioners will give guest lectures on topical issues. Tutorials form an important part of the teaching and will be arranged by Professor Freedman in collaboration with your college tutor. Students should attend the Personal Taxation lectures on introduction to the tax system and tax avoidance for background. Any student wishing to discuss this course is welcome to contact Professor Freedman (Worcester College).

The formal syllabus for the course is as follows: "Taxation of income profits and capital gains of sole traders, partnerships and corporations; corporation tax and taxation of distributions; close companies, groups; alternative methods of taxing corporations and other businesses; aspects of capital gains tax and inheritance tax reliefs relating to business; anti-avoidance legislation. Foreign element: resident and source; double taxation treaties; EC tax harmonisation; international anti-avoidance".

Teaching Convention. Examination questions will not be set on the details of VAT or stamp duty nor directly on the anti-avoidance material taught on the Personal Taxation Course. Not all topics will be covered every year. Students will be required to be familiar with provisions in the Budget and Finance Bill or Act of the year of the examination only to the extent made clear by the teaching group.

Material available in the Examination Room. Tolley's Yellow Tax Handbook Parts I and II, 2003-2004

[Corporate Finance Law]

This course is not available in 2003-2004.

Crime, Justice And The Penal System

This course offers an opportunity to study the phenomenon of crime and the ways it is dealt with by the criminal justice and penal systems. The subject is approached from the socio-legal, philosophical, historical and empirical perspectives.

An essential requirement is an understanding: of the value and limitations of official statistics and research relating to the dimensions of crime; the exercise of discretion by the police and the courts; the characteristics of persons convicted; the punishments imposed and the effects of these punishments on the conduct of offenders and other citizens. Naturally, this entails a willingness, and some ability, to discuss the merits of research and to use statistical evidence in analysing a problem. But it should be noted that students are not expected to acquire a sophisticated knowledge of research methods, nor are any mathematical skills called for. There is no single textbook. Indeed a characteristic of the course is the need to read a wide range of research studies and journal articles, reports from official Committees of Inquiry and pressure groups, parliamentary discussions, and some historical monographs.

The course begins with an assessment of the extent of criminal behaviour in its various manifestations, and goes on to examine the processes of the criminal justice system prior to conviction - police practices in relation to the recording of crime, arrest and charging of suspects; prosecution; the granting of bail; and plea negotiations. Sentencing is approached from a

consideration of the role of the Court of Appeal, Criminal Division, particularly in the extent to which it has established principles to guide the courts in the exercise of their discretion. Proposals for reforming the sentencing structure and process are evaluated, as are empirical studies of judicial decision-making and sentencing disparities. Some philosophical issues connected with the justifications of punishment implicit in sentencing, parole, preventive detention, and other penal practices affecting an offender's liberty, are discussed.

Questions of penal policy for adults occupy about half the syllabus. The major developments are traced since transportation ceased and the modern penal system took root in the middle of the nineteenth century. This not only provides an essential basis for understanding contemporary issues of policy, but also reveals a number of recurring dilemmas and conflicts of values. Among the topics discussed are: the organisation, control and inspection of prisons; the nature of prison conditions and regimes and the changing justifications for them; the role of prison staff; security, control and justice in penal institutions; the effects of attempts to rehabilitate prisoners; the problems of dealing with habitual and potentially dangerous criminals and with young adult offenders; the status and rights of prisoners; the early release of offenders through parole; the spread of non-custodial penalties and their impact on the prison population and recidivism; the assessment of the incapacitative and general deterrent functions of punishment.

Special consideration is given to evaluating the development of juvenile justice and the measures which have evolved to deal specifically with children and young persons. Attention is also paid to the role of the victim and to restorative justice.

Students are encouraged to attend the lecture courses held in Michaelmas and Hilary Terms as there are no satisfactory textbooks which cover this subject as a whole. They are also expected to attend a weekly two-hour seminar organised by the course leader. All students are expected to prepare for the seminar and at each one a student introduces the topic. The aim is to explore issues in greater depth than can be covered in a lecture and to encourage students to take part in informed debate. The teaching group also recommends up to four tutorials in Trinity Term, which should be arranged through your college tutor. The examination is in the third week of the Summer vacation.

The Centre for Criminological Research (www.crim.ox.ac.uk) also hold four seminars, fortnightly, in Michaelmas and Hilary Terms, and weekly for the first five weeks of Trinity Term, to which distinguished speakers are invited to contribute. These seminars, which are held at All Souls College, are concerned with current research or major issues of policy. In addition to the lectures, seminars and tutorials there are opportunities to learn something about the penal system at first hand through visits arranged by the Centre for Criminological Research (12 Bevington Road). The small specialised Library at the Centre is also open to students.

An Oxford student who offered Criminal Justice and Penology in the Final Honour School (FHS) may not offer this paper in the BCL or MJur examination. This course and Criminal Justice and Penology, which is the equivalent course in the FHS, are both available in the MJur. However, choice is restricted according to the MJur student's previous legal background. The combination of BCL and FHS courses available in the MJur is explained in the Examination Decrees and also in the Faculty Handbook but, briefly, a MJur student whose previous legal training is primarily in the common law will not be permitted to choose Criminal Justice and Penology from the FHS syllabus.

European Business Regulation

This course examines the legal basis of the “level playing field” of the internal market of the European Community, covering harmonisation, public procurement, and state aids. The techniques of harmonisation are examined and illustrated by reference to commercial, social, and environmental directives and the European Court litigation which has resulted from their application. There is coverage, against the background of the treaty rules on the free movement of goods, persons or services, of harmonisation of laws in such areas as company law, European Economic Interest Groupings, banking and legal services, product labelling, consumer protection, and public procurement.

The principal course objective is to enable students to acquire knowledge and understanding of the law in relation to the above subject matter, and to be able to discuss critically at an advanced level the legal and policy issues arising therefrom.

Teaching is likely to cover (1) Community competence to regulate business; (2) Free movement of goods and harmonisation of national rules on product composition, labelling etc; (3) Establishment and Services, in general, and for lawyers; the impact of the Treaty rules on establishment and capital movement on safeguards (such as golden shares) on the privatising of public sector undertakings; the rationale for company law harmonisation, and reference to the European Economic Interest Grouping, and the European Company Statute; the second banking directive as a model for inter-State regulation of financial services; (4) EC Environmental law - the place of Environmental law and policy in the scheme of the Treaty; essential principles of European environmental law; the directive on environmental impact assessment; (5) Public Procurement; (6) State Aids; (7) Consumer Policy.

The normal pattern of teaching involves seminars and lectures in Michaelmas and Hilary Terms, and tutorials in Trinity Term. The teaching group includes Dr E Fisher, Professor S R Weatherill, and Professor D A Wyatt.

Material Available in the Examination Room. Rudden and Wyatt's EU Treaties and Legislation, 8th edition, OUP, 2002; EC Directive 89/646 OJ 1989 L386/1; EC Directive 93/37 OJ 1993 L199/54; EC Directive 89/665 OJ 1989 L395/33; EC Directive 98/34 OJ 1998 L204/37; EC Directive 92/30 OJ 1992 L110/52; Community Guidelines on State Aid for Rescuing and Restructuring Firms in Difficulty - OJ 1999 C288/2.

European Employment And Equality Law

Recent decades have witnessed a dramatic transformation of the aims of the European Community. The assumption in the Treaty of Rome that economic integration would naturally bring about social development was replaced in the 1970's by the view that “vigorous action in the social sphere is ... just as important as achieving Economic and Monetary Union.” This realisation led to the rapid evolution of a social dimension to the internal market, culminating in the incorporation into the Treaty of Amsterdam of a proper legal basis for legislating on employment law and the strengthening and expansion of equality law. This course aims to develop a critical perspective whereby students can assess these developments, examining the conflicting pressures of harmonisation and subsidiarity, the legitimacy and effectiveness of EU intervention, the role of the social partners in producing employment and equality legislation, and the nature and form of regulation which has thus far emerged.

The course does not presuppose that students should have taken an undergraduate labour law or EC law course. The course will be taught by a series of seminars in Hilary Term, with integrated lectures corresponding to the seminars. It will begin with an examination of the development of European Community Social Policy from a historical and theoretical perspective, and proceed to focus on particular aspects of employment policy, including anti-discrimination law, flexibility and social protection, industrial democracy and freedom of association, and the interaction with other aspects of Community law, such as job creation policies and human rights.

The course can be taken independently, as a “three credit” course, or together with Globalisation and Labour Rights to form an integrated “five credit” course. A set of relevant documents will be made available to students. The teaching group for the course comprises Professor S Fredman and Professor M R Freedland, who between them are willing to provide tutorials to back up the seminars and lectures. There will also be some input from Professor J C McCrudden. Tutorials will be offered in Trinity Term in order to give practice in writing essays in this subject. Any students who would like to discuss this course further are encouraged to contact one of the members of the teaching group.

Material available in the Examination Room. Blackstone’s European Law Statutes 2003-2004.

Evidence

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

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

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

In all jurisdictions the subject is in constant ferment with new codes and consolidations under consideration or implemented. Since the subject tends to highlight perceived tension

between the efficient resolution of disputes and the importance of resolving them fairly, it is never short of topicality or fierce controversy.

The course in Oxford concentrates more on central principles than on the minutiae of procedure, and makes an effort to draw upon the experience of the whole of the common law world. A comprehensive reading list is available to support students reading the subject, and this is supplemented by a number of courses of lectures each developing a particular central aspect of the subject in more depth than is possible in a general survey of the whole subject. The main seminar currently takes place in Trinity term and is designed to explore particularly topical or difficult subjects by setting problems. Seminars exploring other particular areas are also provided. The teaching group regards tutorials as very important, and these are arranged by college tutors. The examination is in the third week of the Summer vacation. It is also current practice to provide a course of lectures each Trinity term to bring the latest developments to the attention of those who are finishing the course.

Teaching Convention. The following topics comprise the elements of the examined course; General Concepts: Relevance and Admissibility; Burden and Standard of Proof; Presumptions; Functions of Judge and Jury; Witnesses (including Character); Course of Evidence; Character of Parties; especially the Accused in Criminal Cases; Evidential Privileges; Public Interest Immunity; Opinion Evidence; Hearsay, including Common Law and Statutory Exceptions; Confessions and Unfairly/Unlawfully Obtained Evidence; Evidential Use of Silence (in both Criminal and Civil cases) and Police Questioning; Matters not Requiring Proof (including Issue Estoppel); Judicial Findings as Evidence; Identification

Material available in the Examination Room. Butterworths Student Statutes, Evidence, 5th edition (if available, otherwise 4th edition)

Problems In Contract And Tort (German And English Law Compared)

This course covers, through comparison between German and English law, some basic and some particular problem areas of the laws of contract and tort. This includes general issues such as structural differences and general approaches towards contract and tort, but also specific areas, where great emphasis will be placed on the comparison of similar cases as decided by both English and German courts. The course covers (1) Sources, methods, and techniques, and (2) Principles of delictual and contractual liability.

No previous knowledge of German law, or any knowledge of German language, will be required. While all teaching on the course is comparative, it will focus more on German than on English law, thus presupposing some knowledge of the Common Law of contract and torts. MJur students in particular - who usually account for half of the participants - are encouraged to familiarise themselves with English contract and tort law either by taking the appropriate undergraduate subjects, or by reading some essential literature which will be indicated to them.

There will be two one-hour introductory lectures and eight two-hour seminars during Hilary Term which will be taught by Professor S Vogenauer, Mr D Nolan and invited guest speakers. In addition, a minimum of three tutorials will be given. All teaching on this course is interactive, and students are encouraged to contribute their experience with their own legal systems.

Course Outline. Introductory Lectures: Introduction to Comparative Law and Contract Law; Introduction to Tort Law. Seminars: Formation of Contracts; Policing of Contracts and Pre-Contractual Liability; Irregularities of Performance; Remedies; Tort: Physical Harm I; Physical

Harm II, Privacy; Causation and Remoteness; The Contract/Tort Divide and Negligently Inflicted Economic Loss

Course Materials. The course is based on: The German Law of Obligations, Vol. I: The Law of Contracts and Restitution, by B S Markesinis, W Lorenz and G Dannemann (1997); Vol. II, The German Law of Torts, 4th ed., by B S Markesinis (2002). Other reading includes: C von Bar, The Common European Law of Torts, Vol. I (1999); Vol. II (2000); J Beatson and D Friedmann, Good Faith and Fault in Contract Law (1995), in particular chs. 7, 14; G Dannemann, An Introduction to German Civil and Commercial Law (1993); German Law Archive; <http://inscomp.org/gla>; including a bilingual edition of the provisions of the German Civil Code, amended by the Law of Obligations Modernisation Act; J. Govelley, The Enforceability of Promises in European Contract Law (2001); S Goren, The German Civil Code, 2nd ed. (1994) (translation); N Horn, H Kötz and H Leser, German Private and Commercial Law (1982); H Kötz, European Contract Law, Vol. I (1998); E. McKendrick, Contract Law, 4th ed. (2000); A. Mullis and K. Oliphant, Torts, 2nd ed. (1997); Principles of European Contract Law, Parts I and II, ed. by O. Lando and H. Beale (1999); Principles of International Commercial Contracts, UNIDROIT (1994); G H Treitel, Remedies for Breach of Contract: A Comparative Account (1988); R Zimmermann and S Whittaker, Good Faith in European Contract Law (2000); K Zweigert and H Kötz, An Introduction to Comparative Law, 3rd ed. (1998).

Material in the Examination Room. German Civil Code - Bürgerliches Gesetzbuch. Provisions enacted by the Act to Modernise the Law of Obligations (Schuldrechtsreformgesetz). Bilingual edition 2002, English translation by Geoffrey Thomas and Gerhard Dannemann (available on-line from German Law Archive, <http://www.iuscomp.org/gla>).

Global Comparative Financial Law

Intangibles (financial assets) play a major role in modern economies. Thus the flows through the major payment systems are a substantial multiple of gross domestic product and a much bigger multiple of trade flows. Capital market flows and international bank loans are very large. The securities held by a single internal depository in Brussels exceed the gross domestic product of the United Kingdom and France.

The laws of the several hundred jurisdictions are fragmentary and in some important areas the fragmentation is increasing. There is no doubt that the intricacy is increasing. The result is that world financial law is difficult to grasp and legal risk is great.

However, the law and practice rest upon fundamental principles of contract, property, trusts, security and insolvency, and although their application may seem complex, one of the aims of the course is to show the simplicity of the underlying concepts.

The emphasis of the course is on the following: The approach is global and comparative. The course aims at a comprehension of the main principles and policies. The course is reasonably comprehensive in its coverage of debt financial markets. The course aims to cover the actual practices of the markets and the main transactions. The emphasis is on distillation and synthesis. The course is designed for (1) those who wish to be practitioners so to enhance their ability to deliver transactions globally; (2) those who wish to participate in the formulation of policy in their jurisdictions; (3) those who wish to pursue an academic career at the university level and to make a contribution to the literature; and (4) those who wish to follow other avenues but would like to have a succinct view of this field.

The course is suitable for students from all jurisdictions . It is not necessary to have prior knowledge of financial law.

The main areas studied are: 1. Overview of financial markets and transactions. Participants and institutions. History. Understanding financial law in the world's legal systems and the core indicators of financial law globally. 2. International bank loans and syndications. 3. International debt capital markets. Principles of securities settlement systems. 4. Impact of insolvency law on markets: comparative survey of the key principles and policies globally. Judicial reorganisations and private reschedulings. State insolvency. 5. Set-off and netting world-wide, especially for derivatives, payment systems and the like. 6. Trusts and their equivalent internationally in the context of international finance, in particular global custodianship of securities, settlement systems, security trustees and bond trustees. 7. Security interests in international finance: comparative review of international principles and policies. Title finance, including repos. Market applications and security packages, including project finance. 8. Special areas, notably derivatives and securitisations. 9. Regulation of international finance and markets. The course is not concerned with consumer finance.

The course is led by Professor Philip R Wood, assisted by Ms Jennifer Payne. Students will be provided with a complete set of short-form lecture notes in instalments, accompanied by a selective reading list. A set of copy materials will be available for purchase.

Globalisation And Labour Rights

The appropriate relationship between the liberalisation of the global economy and other national and international norms seems set to be a critical legal and political debate well into the next century, and study of the issue is still in its infancy.

This course concentrates on the interaction between international economic law and labour rights. We shall consider several theoretical and practical issues. Some examples include: the problem of protecting labour rights in a liberalised global market, the issue of labour rights criteria in admissions to the World Trade Organisation, the current role of the International Labour Organisation in securing international labour standards, the appropriateness of a "social clause" in international trade and investment agreements, the use of economic sanctions against countries which violate labour rights norms, and the effectiveness of corporate codes of labour rights practice. The problem of child labour will be examined as case study illustrating some of these issues.

There is no expectation that those taking the course should have any prior background in labour law, international economic law, or any other specific area of legal studies. The course is taught by means of a series of seminars in Michaelmas Term. Materials for purchase will be available at the end of September that will form the basic reading for the seminar. The teaching group comprises Dr A C Davies and Professor J C McCrudden, who between them will provide revision tutorials in Trinity Term to back up the seminars.

International Dispute Settlement

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

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

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

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

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

Material available in the Examination Room. Blackstone's International Law Documents, 6th edition, 2003.

International Economic Law

This course introduces students to the main principles and institutions of international economic law. It focuses primarily on the institutions and substantive law of the World Trade Organization (WTO) and the General Agreement on Tariffs and Trade (GATT). In addition to introducing participants to the major legal disciplines under the GATT/WTO and the basic principles and core concepts of the GATT/WTO (based on in-depth study of the relevant GATT/WTO case law), the course considers the underlying philosophy of free trade and a number of the controversies concerning the future evolution of the WTO and its relationship to globalisation, regionalism, and the attempt by States to achieve other policy objectives (such as protection of the environment).

No prior knowledge of international law or economics is necessary. Students without such knowledge will be directed to basic reading in these fields.

Seminars and tutorials will be conducted by Dr. D Sarooshi in Hilary and Trinity Terms. The examination is held at the same time as the other BCL/MJur examinations, in the summer vacation. Detailed reading lists are distributed at the start of the course.

Material available in the Examination Room. The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations (Cambridge University Press: 1999).

Intellectual Property Rights

The subject represents a link between law, science and technology, and economics. It is constantly having to adapt to new developments in technology (bio-technology, computing, satellite communications, etc.), and at the same time must accord with general theories of competition and property law. The subject is international and comparative in nature, there are active harmonisation developments in the EC and UN organs, and the effect of EC competition law is also of great significance.

The course aims to cover aspects of intellectual property law concentrating on:

basic concepts relating to national intellectual property rights (“IPR”, including patents, know-how, trade marks, copyright and designs); EC law relating to IPR: international regulation and co-operation relating to IPR; and, c the economic and other justifications for the protection of IPR including the relationship of IPR to competition laws, and licensing and exploitation control.

The course consists of eight lectures and eight corresponding seminars under the following headings: Copyright; Designs; Trade Marks; Competition Law (EC); Patents I; Patents II; Computers; General Issues.

The teaching group includes Professor D Vaver and Dr M J Spence. Teaching is by sixteen seminars and up to four tutorials. The syllabus is extensive and not all topics will be taught every year. The teaching also enables students to specialise in particular areas.

Material available in the Examination Room. Blackstone’s Statutes on Intellectual Property, 6th edition; Directive 97/55/EC amending Directive 84/450/EC concerning misleading advertising so as to include comparative advertising; The Registered Designs Regulations 2001, Statutory Instrument No 3949; “Council Regulation (EC) No 6/2002 of December 2001 on Community designs” Official Journal L 003, 05/01/2002 p.0001-0024.

International Environmental Law

The course is offered to graduate students in Law. Graduate students in Politics, International Relations, (International) Economics, or other relevant disciplines are allowed to participate, provided they have a basic understanding of the principles of Public International law.

The academic purpose of the course is, in general, to examine the structural international legal problems resulting from the globalisation of environmental challenges. More specific purposes are: to examine the early development of international environmental law in response to transboundary pollution (up to 1972); to consider the development of sectoral international environmental regimes, in particular in the period 1972-1992; to analyse the appropriateness of this sectoral approach for the preservation of regional and global ecosystems and the need for a more integrated approach; to analyse the inter-relationship between economic development and environmental preservation; sustainable development as defined in the context of the United Nations Conference on Environment and Development; to examine the approaches of the international community to the global issues of, among others, climate change and biodiversity, in the context of sustainable development (developments from 1992); to examine legal issues of, among others, the climate change and biodiversity regimes; to consider the role of the United Nations and other international organisations in the development of international environmental law and the law of sustainable development; to discuss particular topics relating to the integration of environment and development (e.g. trade and environment, role of financial institutions); to analyse the participation of non-governmental organisations (ngo’s) in the development and implementation of relevant principles and rules; to evaluate the possible consequences of the global environmental challenges for the structure and process of international law.

In the past three decades international environmental law has developed from a relatively obscure branch of international law mainly dealing with questions of state responsibility for transboundary pollution, into an area of international law covering numerous issues (e.g. international rivers, oceans and seas, nature and natural resources, climate change, dumping of hazardous waste) and involving a wide range of international organisations. The nature of the environmental challenges has developed in the same period from being challenges to national and regional interests (transboundary air pollution, pollution of international rivers) into challenges of

a truly global character (climate change, depletion of the ozone layer, inter-relationship between economic development and environmental protection).

The course has two main objectives: analysing and assessing the various principles and rules that have developed within specific areas, including the process by which they have been developed and questions of implementation, enforcement and dispute settlement; analysing and assessing the role and limitations of public international law in solving problems which reflect the common interest of the international community rather than the individual interest of states.

Professor F Francioni and Dr C Redgwell will teach the course in the form of seminars.

Material available in the Examination Room. P. W. Birnie and A. W. Boyle, *Basic Documents on International Law and the Environment*, OUP, 1995; 2000 Cartagena Protocol on Biosafety to the Convention on Biological Diversity; 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change.

[International Human Rights And The Law Of War]

This course is not available in 2003-2004

International Law Of The Sea

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

The course provides a comprehensive grounding in the subject, combining the study of maritime zones (such as the territorial sea, Exclusive Economic Zone, Continental Shelf and High Seas), with the study of the main bodies of law regulating users of the seas (such as navigation, fishing, pollution, scientific research and military activities).

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

The teaching consists of weekly classes in the Michaelmas and Hilary Terms, in some of which students will present short papers for discussion by the group as a whole. The examination is in the third week of the summer vacation. A detailed syllabus and reading-list is made available to students at the beginning of each academic year.

Material available in the Examination Room. Blackstone's *International Law Documents*, 6th edition, 2003.

Jurisprudence And Political Theory

Students taking Jurisprudence and Political Theory have the opportunity to participate in wide-ranging but analytically precise discussions of the presuppositions and methods of legal, political and therefore also, to some extent, moral philosophy, and of related social theories in their bearing on the institutions, norms and methods of legal systems. The syllabus covers the concepts of law, legal system, legal right and legal obligation; the nature of adjudication and judicial discretion; the range and limits of law as a means of social control; the individual's moral duty to obey the law; the individual's moral rights against his or her government; and the justification of political (including judicial) authority.

Much of, for example, Dworkin's Law's Empire, Raz's The Morality of Freedom, and Finnis's Aquinas was earlier presented and discussed in this course's seminars, which provide a good context for critical testing of advanced work-in-progress. The seminars do not necessarily cover all of the topics mentioned in the syllabus, and of those covered some may be covered in much greater depth than others. Nevertheless the syllabus gives a good general indication of the field to which the seminars and the eventual list of examination essay topics relate.

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

Seminars specifically designed for students on this course are convened by Professor J M Finnis, Professor J Raz, Professor A M Honore, Professor J Gardner, Dr N Stavropoulos, Dr J Dickson and Dr T Endicott. However, those taking the paper are also encouraged to participate in seminars taking place elsewhere in the university, particularly in some of those advertised on the Philosophy Lecture List. The same holds for lectures. Those who are not conversant with the basics of political philosophy, in particular, should consider whether to attend lectures on the undergraduate courses in Ethics and the Theory of Politics. Lectures from the undergraduate Jurisprudence course in the Law Faculty would also help those who need to be more familiar with the basics of legal philosophy.

Since the seminars do not purport to be exhaustive, tutorials are available in this subject, and students are advised to take advantage of this. Arrangements must be made through college tutors. Most of those offering tutorials provide them in Hilary Term, but approaches should be made as far in advance as possible.

Examination is by the submission of three essays, written over the Easter vacation. According to the relevant Regulation, "Candidates offering Jurisprudence and Political Theory will be examined by the submission of three essays. Topics for essays will be prescribed by the examiners and published on the notice board of the Examination Schools, High Street, Oxford, OX1 4BG, on the morning of the Friday of eighth week of the Hilary Term preceding the examination. The examiners shall offer a choice of six topics from which candidates shall be required to select three. The total length of the three essays submitted shall not be less than 5,000 words, nor more than 8,000 words. Two copies of each essay submitted must be delivered to the Chairman of the BCL Examiners, Examination Schools, High Street, Oxford OX1 4BG, by noon on the Friday preceding the beginning of the Trinity Full Term in which the examination is to be taken. Essays need not be typed, but a candidate who submits an essay which in the opinion of the examiners is not clearly legible may be required to have a typed copy made at his or her own expense. Every candidate shall sign a certificate to the effect that the essays are his or her own

work, and that no help was received, even bibliographical, with their preparation, and the candidate's tutor or tutors in Jurisprudence and Political Theory or, if not available, a Law tutor in the candidate's own college shall countersign the certificate confirming that, to the best of his knowledge and belief, these statements are true. Candidates shall further state the total number of words used in their essays. This certificate shall be presented together with the essays." Footnotes, bibliographies etc. are included in the word count. The prohibition on help with the essays extends to help from fellow students as well as help from tutors et al. Some candidates will be summoned to discuss their essays with two members of the Faculty (not examiners). The purpose of these meetings is to provide a random check against the danger of plagiarism, and does not bear on the assessment of the essays.

This course is among those supported with detailed material on the faculty's Jurisprudence website at <http://www.law.ox.ac.uk/jurisprudence/>

The Law Of Personal Taxation

Taxation comprises a difficult and complex mass of material. It is difficult to deny that proposition, but the Oxford Personal Tax course is designed to be questioning and challenging. For a start, only a limited range of taxes are within the syllabus: income tax on annual payments and employment income, capital gains tax and inheritance tax. We also attempt to teach the material in such a way that the detail is much less important than the cases and the ideas underpinning the law. Company taxation is not covered in the Personal Tax course, but is dealt with in the Corporate and Business Taxation course. The two tax courses on the BCL are complementary but are also completely free-standing so may be taken alone or together depending on the student's interest.

A theme that runs through a significant proportion of the course is the way in which trusts are affected by taxation, particularly in comparison with taxation of individuals. This involves considerable use of trusts cases and theories - not surprising when one remembers the number of trusts cases that have arisen in a taxation context. Accordingly, it is not advisable to study Personal Taxation unless you have covered Trusts already or are taking it as an option in the BCL or MJur.

Personal Taxation offers the opportunity to consider an almost entirely statutory area and study the reaction of the judiciary to it. This is particularly revealing in the fast developing area of judicial reaction to tax avoidance schemes. This is an area of intense judicial activity and disagreement, at its heart being the question as to how far the courts should go to defeat schemes that set out to frustrate the intended effect of taxes or exemptions from taxation. This is an area that benefits from comparisons with other countries, although most of Personal Taxation has its focus on purely English taxation provisions.

In 2003-4 the course will be taught by Judge J D R Adams, Mr R J Smith, Mr P J Clarke, Mr E J F Simpson and Professor J Freedman. Lectures in Michaelmas and Hilary Terms set out to cover virtually the entirety of the syllabus. Tutorials should be arranged through your college tutor. There is a "Tax Problem Class" in Trinity Term which combines the objectives of developing the necessary skills to handle problem questions on taxation and of enabling seminar discussion of some of the more perplexing issues in the subject. Although we are not particularly interested in the mass of detail to be found in the relevant parts of each annual Finance Act, there can be significant changes from one year to the next. Anyone who wishes to have further information before deciding whether to take Personal Taxation is welcome to contact Mr R J Smith (Magdalen College).

Teaching Convention. This course covers (a) Income Tax; (b) Capital Gains Tax; (c) Inheritance Tax and other methods of taxing capital. N.B. The taxes are to be studied with particular reference to the taxation of gifts and settlements. Candidates will not be examined on the details of the Finance Bill or Act of the year of examination. Candidates are advised not to offer this paper unless they have studied the law of Trusts in their first law degree course. Income Tax comprises: (i) Principles of the Schedular System: General charge to tax on individuals and families: Personal Reliefs and Allowances in general; (ii) Income from offices and employments (Schedule E) (but not the details of the PAYE system); (iii) Taxation of settlors, trustees and beneficiaries, including Schedule D, Case III, so far as relevant thereto; Foreign Element. Details of the following are not included: (i) Approved Pension Schemes; (ii) Qualifying life policies; (iii) Share incentives and share options. Capital Gains Tax comprises: (i) General charge to tax on individuals; (ii) Disposals and acquisitions of assets in general; (iii) Gifts and Settlements; (iv) Disposal on Death and Administration of Estates; (v) Computation of gains and losses in general (but not the rules relating to sales of land, reflecting development value, leasehold interests, or wasting assets); (vi) Exemptions; (vii) Foreign Element. Inheritance Tax etc., comprises: (i) Historical background; (ii) General charge to tax on individuals; (iii) Settled property; (iv) Administration of estates; (v) Reliefs and Exemptions; (vi) Valuation; (vii) Foreign Element.

Material available in the Examination Room. Tolley's Yellow Tax Handbook Parts I and II, 2003-2004

Legal History: Legislative Reform Of The Early Common Law

By the third quarter of the thirteenth century a professional court structure was securely in place, developing the central themes of persons, things and actions which had in essence been laid down in the late twelfth century and which were to inform intellectual thought and to service the social and economic needs of medieval England (and beyond). Feudal structures established in the twelfth century were however coming under pressure as relationships were commercialised, and the new court structure and the expansionist philosophy of its judges encouraged new techniques of control. Relations with feudal lords and in church in particular were, under the administration of the new king, able to be reassessed.

In a period of about twenty years, Edwardian parliaments enacted some 50,000 words of legislation (some in orthodox statutory form, some not). The great bulk of the legislation concerns the processes of litigation, crime, the church, wardship, technicalities of title to land, distress/replevin and control of royal officers. Compared with Justinian's legislation (some 2 million words) this is not in itself impressive, but it is a major contribution to the management of the new angevin system and it is unprecedented in England. The important reforms of Henry II were on a smaller front and a smaller scale. The Edwardian experience confirmed legislative reform as a viable technique for the regular and structured reform of the law. During the reign of Edward III, for example, in a period of fifty years, some 175,000 words were enacted. None of that, however, struck so deeply to the very core of the intellectual framework of our law, and none of it had such a consequential capacity for longevity. (It is no accident that in 1853, the state of Florida had on its statute book, fifty-two separate enactments of Edward I).

This course singles out eight topics from the Edwardian legislation which exemplify some of the greatest reforms and illustrate the different techniques of control and explanation. The aim is to illuminate the social and legal world of this reign, and also to cast some light on the origins of one of the shakiest relationships in the common law, that of legislation and judge made law.

The syllabus is the early English law, from the mid 12th to the early 15th centuries, relating to mercantile securities; restrictions on the power to alienate land and attempts to prevent the avoidance of incidents; the real actions; heritable estates and warranties; trespass and case; the enforcement of tenurial obligations; wardship and marriage of infants; franchises and liberties; the jurisdictional relations between church and state: studied in connection with the following Statutes, as translated in *The Statutes of the Realm*, vol.I: Statute of Westminster I (1275), cc. 16, 17, 22, 36, 39, 48; Distresses of the Exchequer (1275); Statute of Gloucester (1278) preamble, cc. 3, 4, 7, 8, 11; Statute of Mortmain (1279); Statute of Acton Burnell (1283); Statute of Westminster II (1285), cc. 1, 2, 3, 4, 11, 16, 18, 21, 24, 25, 32, 35, 36, 37, 39, 41, 45, 46; Statute of Merchants (1285); *Circumspecte Agatis* (1285); *Quia Emptores* (1290); *De Consultatione* (1290); Statute of *Quo Warranto* (1290); Statutes *De Inquisitione* (1292).

This option is wholly taught in eight seminars. All documentation is provided in translation so that knowledge of Latin and French is not required, though a capacity for not being frightened by it is an advantage. The option is only suitable for students who already have a firm grounding in the early medieval law, either before they arrive in Oxford, or in the case of two-year BCL students, acquired during their first year.

Philosophical Foundations Of The Common Law

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

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

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

The main teaching is by seminars. At least two but not necessarily all three of the areas identified in the syllabus (criminal law, torts, contracts) are covered in depth in any given academic year. In 2001-2 it is expected that criminal law and torts will predominate. Up to four tutorials are also provided, and these are arranged centrally via the seminars. The course is among those supported with detailed material on the faculty's Jurisprudence web site at <http://www.law.ox.ac.uk/jurisprudence/>

Teaching Convention. Teaching will be based on the assumption that:

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

Philosophical Foundations Of Property Rights

The course will examine the concept of property and arguments for and against the introduction or maintenance of property institutions. Both classical and modern property theorists will be discussed. Implications for different kinds of resource-holding and for particular features of property law will be investigated.

Particular issues which will be covered include: private, common and public property; conceptions of ownership and of rights in rem; “new” versus “old” property; property and labour; property and personhood; first occupancy; aboriginal property; property and utility; property and equality; inheritance; scepticism about property; information as property; property in body parts; property and human rights.

The course draws on debates in moral and political philosophy, history, social sciences and economics to enrich more formally legal and jurisprudential perspectives on property. No knowledge of the legal details of any property system is required for students taking the course, though such knowledge will be valuable.

Principles Of Civil Procedure

The aim of the course is to acquaint students with the basic principles of Civil Procedure, and with their operation in English law and in the jurisprudence of the European Court of Human Rights. Attention is given to the core areas of procedure. In each the emphasis is on major aspects of procedure against the background of English law. But given that the basic issues are common to all systems, the discussion is of significance to any other system of procedure.

The course consists of 16 lectures, 8 seminars and 4 tutorials. The lectures are held in Michaelmas and Hilary Terms and the seminars in Trinity Term.

The bulk of the lectures is given by Mr A A S Zuckermann, with the remainder by members of the Oxford Institute of Legal Practice, and invited scholars. The seminars address central issues in contemporary procedure. The sessions are conducted by Mr A A S Zuckermann with guest scholars, practitioners and judges from England and abroad. Tutorials may be concentrated in one term or spread over two terms.

Students are encouraged to participate actively throughout the course and draw comparisons with their own procedural systems.

Teaching Convention. A - Procedural Fairness: A general theory of procedure; The components of the right to fair trial; A general view of the English system; Practical aspects of the right to be heard: Notice of proceedings; Interim remedies. B - Adversarial Freedom, Court Control and Timely Justice: The adversarial philosophy and court control; Sanctions for non-compliance with rules or orders; Summary Adjudication. C – Disclosure: Principles of disclosure; Exceptions. D - Group Actions. E - Justice and Costs: The “winner recovers costs from loser” rule v. The no-costs rule; Economics and justice: hourly fees, conditional fees, contingency fees; Protection from costs: payment into court; security for costs; wasted costs orders.

[Regulation]

This course is not available in 2003-2004

Restitution

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

Common lawyers found themselves unable to escape from money had and received, money paid, quantum meruit, while those on the chancery side became defensively fond of the unsolved mysteries of tracing and trusts arising by operation of law. In the result down to earth questions about getting back money and value in other forms have been made to seem much more difficult than they need be. The aim of any course on restitution must be to try to understand what has really been going on and to play back that understanding to the courts in accessible modern language. These aims are helped by keeping an eye on the main lines of civilian solutions to the problems with which the common law has to wrestle.

Teaching is through sixteen seminars. The seminars are supported by a number of lectures and by the provision of tutorials arranged by college tutors. A detailed account of the course is produced every year in booklet form. In that booklet the subject of every lecture and seminar is set out, with a list of cases and other materials to be read, together with questions and problems intended to stimulate thought.

Teaching Convention. Questions will not be set specifically on the matters enumerated below but candidates will be expected to draw on them so far as is necessary in discussion of the structure and scope of the subject and in other contexts in which the discussion would otherwise be incomplete. Two of these matters, namely subrogation and resulting trusts, are considerably more likely to rise to the surface in this way than the others. The matters in question are: accounts stated, attornment, conditional gifts, contribution, fraudulent preferences, general average, restitution in criminal proceedings, resulting trusts, salvage, secret trusts, subrogation.

Roman Law (Delict)

This subject cannot be taken by an Oxford graduate who has offered Roman Law in the Final Honour School. The course is focused on the set texts. Its primary aim is to understand those texts and the ideas and methods of the great Roman jurists who wrote them. The secondary aim is, by comparison, to throw light on the law of our own time. Delict is the Roman equivalent of tort.

In the examination candidates are required to comment on selections from the set Latin texts. The set texts are quite difficult and demand a good knowledge of Latin, though translations are not required in the examination.

The lectures are based on the set texts. Indeed, one of the advantages of this option is that the body of relevant texts and other authoritative material is more limited than it is in most, perhaps all, the other options. The course suits very well those whose intellectual preference is for detail, depth and precision rather than wide-ranging coverage. This course attracts and is suitable for only very small numbers. This fact tends to dissolve the distinction between tutorials and lectures. However, it remains true that the backbone of the course is exposition of the set texts, supported by further lectures on associated topics. Tutorials are arranged by college tutors.

The course covers the following topics: (a) The Roman law of Delict and Quasi-delict, studied in connection with the following texts: Gaius, Inst. III. 182-225; IV. 75-9; Justinian, Inst. IV. 1-5; 8-9; (b) The Roman Law of Damage to Property, studied in connection with Digest ix.2.

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

Transnational Commercial Law

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

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

The course will be taught by Professor Ewan McKendrick and Dr Thomas Krebs. There will be lectures in Michaelmas Term and a weekly two-hour seminar in Hilary Term. If considered necessary, there may also be a few smaller group tutorials or classes in Trinity Term. The lectures and seminars will examine the following main areas: General issues of harmonisation; Recurrent problems in harmonisation through conventions; Harmonisation through specific binding instruments (Vienna Sales Convention); Harmonisation through contract and institutional rules; Harmonisation through model laws; The future development of transnational commercial law.

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

harmonisation process and as methods of bringing about a rapprochement between different legal systems in the field of commercial law.

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

Material available in the Examination Room. Collection of primary materials compiled by the course directors: EC Convention on the Law Applicable to Contractual Obligations (Rome, 19 June 1980); Principles of International Commercial Contracts (Rome, 1994, Unidroit); The Principles of European Contract Law Parts I, II and III; United Nations Convention on Contracts for the International Sale of Goods 1980; Convention on International Interests in Mobile Equipment; Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment; United Nations Convention on Independent Guarantees and Stand-By Letters of Credit 1996; ICC Uniform Rules for Demand Guarantees 1992 (No 458); ICC Uniform Rules for Contract Bonds 1994 (No 524); ICC Uniform Rules for Contract Guarantees 1978 (No 325); ICC Uniform Customs and Practice for Documentary Credits (1993 Revision - UCP 500); ICC International Standby Practices ISP 1998; UNCITRAL Arbitration Rules 1976; UNCITRAL Model Law on International Commercial Arbitration 1985; The New 1998 ICC Rules of Arbitration; Hague Convention on the Law Applicable to Contracts for the International Sale of Goods 1986; New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958; Inter-American Convention on the Law Applicable to International Contracts 1994.

D: The MSc In Criminology And Criminal Justice

1.The Educational Aims and Programme Outcomes of the MSc in Criminology and Criminal Justice

The MSc in Criminology and Criminal Justice degree programme aims to:

- provide students with the ability to
 - evaluate the major theories and fundamental concepts in criminology and criminal justice;
 - analyse critically the inferences that can be drawn from empirical and historical observations of crime and the operation of the criminal justice and penal systems;
 - develop analytical skills required for critical appraisal of criminological research.
- provide an advanced understanding of particular fields within criminology and criminal justice, relevant to their further careers or academic studies.

Programme outcomes: On completing the degree satisfactorily, students should:

- have a systematic understanding of the key theories and debates, and a critical awareness of current problems and new insights, at the forefront of criminology and criminal justice;
- be well equipped for critical analysis of crime, criminal justice and the development of criminal justice policy;
- have learnt how to assess critically the contribution of research to understandings of crime and justice;
- have learnt how to produce substantial pieces of written work after researching particular topics for their options and for their dissertation.

Each student will develop a detailed knowledge and understanding of six particular areas of criminology (i.e., those areas through options and dissertation), whilst all students will have acquired an advanced understanding (through the compulsory core course) of:

1. Competing perspectives on what crime, criminal justice and punishment are.
2. Historical, sociological and philosophical perspectives on criminal justice, punishment and the role of victims.
3. Different theoretical perspectives on deviance, crime and criminal justice.
4. Competing perspectives on the intersection of criminal policy, social policy, politics, and academic research.
5. The role of discretion in the criminal process.

2.Assessment Standards

The degree of MSc is awarded to any candidate who achieves a mark of at least 60% for (a) the assessed essays, (b) the core course paper, and (c) the dissertation. For this purpose, the individual marks of the five assessed essays are aggregated, and an average mark awarded for the assessed essays as a whole. The examiners may award a distinction to any candidate who achieves marks of

at least 70% on at least five of the papers; in this calculation, both the core course and the dissertation count as two papers.

Distinction (70% and above): A very good or excellent answer that is well structured, well argued and comprehensive. It will be analytical, rather than merely descriptive and will go beyond the most obvious sources of knowledge. The candidate will have demonstrated an unusually clear grasp of most of the issues (including all the more important ones), used an unusually wide range of material, and displayed very good skills in evaluating the material and using it to construct arguments which deal with the issues.

Pass (60-69%): A reasonable or good answer. The candidate has demonstrated a competent grasp of most of the more important issues, a familiarity with and understanding of a reasonable range of relevant primary materials and the more important secondary materials, and good skills in evaluating the material and using it to construct arguments which deal with the issues.

Fail (below 60%): An unsatisfactory piece of work. At best, the answer will simply describe the most relevant research and debates but will not demonstrate any skill at analysis or argumentation. It is likely that the candidate will not have clearly demonstrated much understanding of the question or the issues it raises. Some of the most relevant material is likely to have been ignored and irrelevant material included.

3. Teaching Arrangements

Teaching is by seminars and small tutorial groups arranged by the Centre for Criminological Research. The Centre also holds four seminars, fortnightly, in Michaelmas and Hilary Terms, and weekly in the first five weeks of Trinity Term, to which distinguished speakers are invited to contribute. These seminars are concerned with current research or major issues of policy. Students are also encouraged to attend some of the lectures in the Faculty held in Michaelmas and Hilary Terms.

During this course you will be expected to evaluate critically the major theories and fundamental concepts in criminology and criminal justice and to analyse the inferences that can be drawn from empirical and historical observations of crime and the operation of the criminal justice and penal systems. You will be expected to contribute to all seminars and tutorials and to be prepared to give presentations when called upon. On this course you will find yourself in a stimulating intellectual environment, amongst people from different jurisdictions and with varied academic and professional backgrounds.

3.1 Core Course

A single core module will run throughout Michaelmas and Hilary Terms. In seminars students will assess the major theories of crime and the criminal justice system, exploring both historical and comparative approaches.

The following topics will normally be covered:

- theories of crime
- punishment in the community and prison
- purposes of punishment
- politics of the State and criminal justice

- privatisation in criminal justice
- victims
- discretion
- the media
- risk, insurance and terrorism
- race
- gender
- organised crime

3.2 Options

Each option will take up 90 minutes of class-time a week for six weeks in each term. Students will be required at the start of the academic year to choose two options in each of Michaelmas and Hilary Terms, and one in Trinity Term. The following options will normally be offered:

- Community Penalties;
- Comparative Criminal Justice;
- Design and Evaluation of Research;
- Human Rights and Criminal Justice;
- International Perspectives in Restorative Justice;
- British Policing: Myths and Reality;
- Sentencing;
- Psychology and Psychiatry in the Criminal Justice System;
- Public and Private Policing.

3.4 Dissertation

In Trinity Term students will write a dissertation of 12,000 to 15,000 words on a topic to be agreed by the Board of Examiners of the course.

4. Assessment Arrangements

4.1 Assessment

The course shall be assessed as follows:

Core course: There shall be a three-hour examination for the core course, to be taken in week one of Trinity Term.

Options: Options other than “Design and Evaluation of Research” shall be examined by means of an assessed essay of no less than 3,500 and no more than 5,000 words, for which time will be set aside during the last two weeks of each term. A title, or choice of titles (as determined by the course leader for the option), shall be posted on the designated notice board at the Centre for Criminological Research by noon on the Friday of week six of the relevant term. Candidates shall be required to submit the essay to the Clerk of the Schools, Examinations Schools, High Street, Oxford not later than three weeks after this date, by noon. For “Design and Evaluation of Research”, there shall be a special ongoing assessment exercise, the nature of which will be explained to students at the beginning of the option; precise details of the assessment will be

posted on the designated notice board at the Centre for Criminological Research by noon on the Friday of week four of the relevant term.

Dissertation: Two typewritten copies of the dissertation shall be submitted to the Clerk of the Schools by noon on Friday of week nine of Trinity Term. One bound copy of the dissertation of each candidate who passes the examination shall be deposited in the library at the Centre for Criminological Research.

4.2 Reassessment

Arrangements for reassessment in the event of failed courses shall be as follows:

Core course: Candidates who fail the core-course examination may resit the examination in the Trinity Term of the following academic year. Such candidates who have completed successfully either or both of (a) the options (i.e. have obtained an aggregated mark of 60 per cent or more) and (b) the dissertation may carry forward the marks gained for those part or parts of the course.

Options: Candidates who have failed to obtain an aggregate average mark of 60 per cent for their assessed essays in Michaelmas, Hilary and Trinity Terms may resubmit those essays in which they have received a mark of 59 per cent or less to the Clerk of the Schools according to the standard timetable for submitting essays in the following academic year. Such candidates who have completed successfully (a) the core course examination, (b) the dissertation, and (c) any essay for which they have received a mark of 60 per cent or more may carry forward the marks gained for those part or parts of the course.

Dissertation: Candidates who fail the dissertation may resubmit the dissertation by the required date in the Trinity Term of the following academic year. Such candidates who have completed successfully either or both of (a) the core course and (b) the options may carry forward the marks gained for those part or parts of the course.

Appendix: University Policy Statements And Codes Of Practice

Equal Opportunities Statement (Students)

The University of Oxford and its colleges aim to provide education of excellent quality at undergraduate and postgraduate level for able students, whatever their background. In pursuit of this aim, the University is committed to using its best endeavours to ensure that all of its activities are governed by principles of equality of opportunity, and that all students are helped to achieve their full academic potential. This statement applies to recruitment and admissions, to the curriculum, teaching and assessment, to welfare and support services, and to staff development and training.

Recruitment and admissions

Decisions on admissions are based solely on the individual merits of each candidate, their suitability for the course they have applied to study (bearing in mind any requirements laid down by any professional body), assessed by the application of selection criteria appropriate to the course of study. Admissions procedures are kept under regular review to ensure compliance with this policy.

We seek to admit students of the highest academic potential. Except in respect of the college admitting women only, all selection for admission takes place without reference to the sex of the candidate. All colleges select students for admission without regard to marital status, race, ethnic origin, colour, religion, sexual orientation, social background or other irrelevant distinction.

Applications from students with disabilities are considered on exactly the same academic grounds as those from other candidates. We are committed to making arrangements whenever practicable to enable such students to participate as fully as possible in student life. Details of these arrangements can be found in the University's Disability Statement, and information will be provided on request by colleges or by the University Disability Co-ordinator.

In order to widen access to Oxford, the University and colleges support schemes which work to encourage applicants from groups that are currently under-represented. The undergraduate Admissions Office can provide details of current schemes.

None of the above shall be taken to invalidate the need for financial guarantees where appropriate.

The curriculum, teaching and assessment

Unfair discrimination based on individual characteristics (listed in the statement on recruitment and admissions above) will not be tolerated. University departments, faculties, colleges and the central quality assurance bodies monitor the curriculum, teaching practice and assessment methods. Teaching and support staff have regard to the diverse needs, interests and backgrounds of their students in all their dealings with them.

Welfare and support services

Colleges have the lead responsibility for student welfare and can provide details of arrangements made to support their students. The University, in addition, provides for all students who require such support:

- a counselling service
- childcare advice
- disability assessment and advice, and
- a harassment advisory service

Further details of these services are included in the Proctors' and Assessor's handbook "Essential information for students", which is updated annually.

Staff development and training

The University, through its Institute for the Advancement of University Learning, will provide appropriate training programmes to support this statement.

Complaints

A candidate for admission who considers that he or she has not been treated in accordance with this policy, should raise this with the college concerned (or department in the case of graduate admission). Students in the course of their studies may use the student complaints procedure, and should, in the first instance, lodge their complaint with the Proctors, who will advise on the procedure to be followed thereafter. The Committee on Diversity and Equal Opportunity monitors complaints made by students.

Code Of Practice Relating To Harassment

Principles And Definition

1. Harassment is an unacceptable form of behaviour. The University is committed to protecting members, staff, and any other person for whom the University has a special responsibility from any form of harassment which might inhibit them from pursuing their work or studies, or from making proper use of university facilities. Complaints of harassment will be taken seriously and may lead to disciplinary proceedings. All members and staff have a personal responsibility to ensure that their behaviour is not contrary to this code and are encouraged to ensure the maintenance of a working environment in the University which is free from harassment.

2. For the purposes of this code, harassment may be broadly understood to consist of unwarranted behaviour towards another person, so as to disrupt the work or reduce the quality of life of that person, by such means as single or successive acts of bullying, verbally or physically abusing, or ill-treating him or her, or otherwise creating or maintaining a hostile or offensive studying, working, or social environment for him or her. Forms of harassment covered by this code include harassment relating to another's sex, sexual orientation, religion, race, or disability.

Unacceptable forms of behaviour may include unwelcome sexual advances, unwelcome requests for sexual favours, offensive physical contact or verbal behaviour, or other hostile or

offensive acts or expressions relating to people's sex, sexual orientation, religion, race, or disability. The abuse of a position of authority, as for example that of a tutor or supervisor, is an aggravating feature of harassment.

3. Being under the influence of alcohol or otherwise intoxicated will not be admitted as an excuse for harassment, and may be regarded as an aggravating feature.

Note on confidentiality. It is essential that all those involved in a complaints procedure (including complainants) observe the strictest confidentiality consistent with operating that procedure; an accusation of harassment is potentially defamatory.

Advice

4. Advice may be sought or complaints pursued **through any appropriate channel**. In addition to other officers, the following people have been specially appointed to give advice in this connection and to answer questions (whether or not amounting to a complaint):

(a) departmental or faculty 'Confidential Advisers', appointed by heads of department or the equivalent. Their names will be publicised within the institution;

(b) members of the 'Advisory Panel', serving the whole University. The Advisory Panel is a Standing Committee of Council consisting of members and employees of the University with special expertise or interest in relevant aspects of staff and student welfare. Members of the panel may be approached on a number specially designated for this purpose (Tel. (2)70760);

(c) special college advisers or advisory panels where colleges have established these.

Those protected by this code may appropriately seek advice in relation to harassment even if the conduct in question is not sufficiently serious to warrant the institution of disciplinary proceedings. Any of the advisers listed above may be approached in the first instance; those approached will direct enquirers elsewhere, if that seems most likely to meet the enquirer's needs.

5. Enquiries about harassment will be responded to promptly. University advisers (whether Confidential Advisers or members of the Advisory Panel) will discuss the range of options available to enquirers on an entirely confidential basis and whenever possible assist them in resolving the problem informally in the first instance. College advisers will be guided by college rules.

6. It is emphasised that the role of advisers is advisory and not disciplinary. All disciplinary matters lie in the hands of the relevant disciplinary bodies.

Discipline

7. If a complaint is not resolved on an informal basis the complainant may refer the matter to the relevant authority which will determine whether there is a prima facie case under the relevant disciplinary provision and, if appropriate, set in motion disciplinary procedures. In respect of members of the University subject to the jurisdiction of the Visitation Board, the relevant procedures are those described under *Tit. XVI* of the University's Statutes. The disciplinary procedures which apply to non-academic staff are set out in the *Handbook for Non-Academic Staff* and *Handbook for Non-academic Staff in Clinical Departments*, as appropriate. Complaints against junior members shall be dealt with in accordance with the procedures contained in *Tit. XIII* of the University's Statutes (also set out in the *Proctors' Memorandum* and reproduced at the end of this Code of Practice). Colleges may have their own forms of disciplinary provision.

8. It may be that a complaint either against a member of staff or against a Junior Member could potentially be heard by more than one disciplinary body. When the person complained against is a Junior Member, the complainant will be expected to choose whether to pursue disciplinary procedures through his or her college or through the Proctors. If a complainant has previously brought or is in the process of bringing a complaint against the same person, founded wholly or in part upon the same matter, before any other disciplinary body, he or she is responsible for revealing that fact when seeking to institute disciplinary proceedings. It is also incumbent upon a disciplinary body to attempt to ascertain, for example by direct enquiry of the complainant, or by consulting other relevant authorities, whether any such other complaint has been instituted; if so, that body must consider whether it is appropriate for the same matter to provide a basis for two separate disciplinary hearings.

Institutional Arrangements

9. The appointment of Confidential Advisers within each department or faculty is the responsibility of the head of department, or equivalent, who must designate two such advisers, one of each sex, return the names of those appointed to the Equal Opportunities Officer (or such other officer as may be designated by the Registrar from time to time), and ensure that the Code of Practice and the names of the Confidential Advisers are adequately publicised within the department or faculty. The Advisory Panel on Harassment will provide Confidential Advisers with information, advice and training opportunities. Confidential Advisers will be expected to make anonymised annual returns to the panel as to the number and general character of complaints they have dealt with. They may refer enquirers to members of the panel, or themselves seek advice either about university provisions on harassment in general or about possible ways of handling individual cases.

10. Members of the Advisory Panel on Harassment will give advice on request to those troubled by harassment and to other advisers. The panel is responsible for supporting, co-ordinating, and monitoring the effectiveness of the University's arrangements for dealing with harassment. Members of the panel may be contacted on a number specially designated for this purpose (Tel. (2)70760).

11. The provisions of this code supplement and do not supersede or override college arrangements.

12. Nothing in this code shall detract from the position and jurisdiction of the Proctors or the right of free access to them by all junior and senior members of the University.

Disability Statement

Purpose Of Statement

This statement is intended as a resource for potential applicants and current undergraduate or graduate students. It provides information on the facilities available for students with disabilities at Oxford University and the University will be pleased to make it available in other formats, such as audio tape, disk and braille. The statement is accurate at time of printing, but there may have been

changes in facilities since publication. It is advisable to check facilities by contacting the Disability Staff.

1. Current Policy

1.1 Equal opportunities. The University of Oxford is a confederation of autonomous, self-governing colleges and halls, most of which are responsible for the admission of students at the undergraduate level. Each of these institutions selects its own students, although applications are co-ordinated by a central Admissions Office. The University centrally has the primary responsibility for the admission of graduate students, though these must also be admitted by a college.

In its Admissions Prospectus and its introductory guide for student applicants with disabilities, the University makes the following declaration:

The University is committed to making arrangements where appropriate, to enable students with disabilities to participate fully in student life.

1.2 Access and admissions. The University and colleges view applications from students with disabilities in exactly the same way as those from other candidates. At the undergraduate level, prospective student applicants with disabilities are encouraged to contact the Schools Liaison Officer in the Admissions Office and the University Disability Staff in advance of applying, in order to assist them in making their choice of college and subject of study. Special interview arrangements for disabled applicants (such as transport from college to department, the provision of a sign interpreter etc.) are made, where necessary, to enable disabled applicants to compete on an equal basis with their non-disabled peers. Financial assistance is available for this, where necessary. Successful applicants are encouraged to visit the college of their choice soon after they receive an admissions offer or unconditional acceptance, by arrangement with the Tutor for Admissions and the Disability Staff, to view facilities and discuss their specific accommodation, support and study needs. Similar arrangements apply to graduate applicants.

1.3 Examinations. Special provision in examinations (such as the use of a computer for students with mobility disabilities, a reader for blind students, or extra time for students with dyslexia) may be made by arrangement between the disabled student's college and the University Proctors. Standard guidelines have been drawn up to advise examiners in the case of students with dyslexia. Dyslexic students, and those with related conditions, are invited to join the University's Dyslexia Register. The Register is intended to enable the Disability Staff to provide information and support, and the proctors to make appropriate examination arrangements. The Disability Staff can discuss potential provision with students and can give advice on suitable recommendations as appropriate. Formal requests for examination concessions should be made through Senior tutors.

1.4 Staff development and training programmes. The University has a training and staff development programme open to staff both of the University and of the colleges. Training in undergraduate admissions and selection of staff includes specific components on disability issues; these components have been amended to take into account the requirements of the Disability Discrimination Act and of the University's developing policy in this area (see also 3.1 below).

1.5 Financial assistance to students with disabilities. The University has designated funds to assist disabled students, although these can be over-subscribed. Thanks to the generosity of the Southern Trust, one of these funds is for the support of students who, by reason of their disability, need special equipment or other support in order to pursue their studies. In addition the University

has a Dyslexia Fund which can assist students with dyslexia or related conditions with grants towards an educational psychologist's report or towards a specialist tutor. The University Disability Staff can provide information to colleges on other sources of funding for disabled students. In addition, colleges usually make some contribution to extra costs incurred by disabled students who are unable to obtain financial assistance from other sources.

The Disabled Students Allowance is a major source of funding for undergraduates and graduates. It is administered by local education authorities, is not means tested and can provide financial assistance for equipment and academic support.

The Disability Staff can provide information on any of these funds and allowances.

The University does not charge disabled students for any extra use they may make of administrative facilities.

1.6 Links with other organisations. The University subscribes to SKILL, the organisation which gives advice on disabled students' affairs. The University has also made links with the Oxfordshire Coalition of Disabled People and the Oxfordshire Dyslexia Association in order to consult on the provision of services to disabled students and to seek advice. In addition, the University has recently established a link with *Workable*, the organisation which provides employment placements for disabled graduates. Links with the Royal National Institute for the Deaf's local communications office enables the University to provide sign language interpreters. Liaison with the Royal National Institute for the Blind's specialist officer facilitates assistance to blind and partially sighted students.

2. Current Provision

2.1 Co-ordination. University Disability Staff. Information on students with disabilities, university provision for them and support services is co-ordinated by the University's Disability Staff:

Deborah Popham
Disability Co-ordinator
University Offices
Wellington Square
Oxford OX1 2JD
Tel.: 01865 280660
Fax: 01865 280300
E-mail: deborah.popham@admin.ox.ac.uk

Alex Larg
Disability Adviser
University Offices
Wellington Square
Oxford OX1 2JD
Tel.: 01865 280562
Fax: 01865 280300
E-mail: alex.larg@admin.ox.ac.uk

Advisory Panel on Disability. The overall aim of the Advisory Panel on Disability is to increase the accessibility of Oxford University to Oxford students and others.

The Panel includes members who have a knowledge of, and interest in disability related issues, which may have been gained by professional or personal experience. The chair of the panel is currently Dr Nigel Bowles of St Anne's College, who is appointed by the University's chief executive body, the Hebdomadal Council. Other members represent the Conference of Colleges, Personnel, Student Health and Welfare, Libraries Committee, and Oxford University Student Union.

The panel reports directly to the Committee on Diversity and Equal Opportunity on policy matters. The panel advises the University committees on disability related issues, 'oversees' the allocation of grants from funds provided for disability access, and compiles an annual report for the committee on Diversity and Equal Opportunities.

2.2 Published information. The following publications are likely to be of assistance to students with disabilities:

University of Oxford, Undergraduate Prospectus (Revised each year; contains general information on admissions procedures, subject choice and colleges.) Obtainable from the Admissions Office at the University Offices.

University of Oxford, Graduate Studies Prospectus (Revised each year; contains information on taught and research courses for graduates, admissions procedures and colleges.) Obtainable from the Graduate Admissions Office at the University Offices.

The Access Guide Contains general advice on access and facilities such as lavatories, induction loops etc. as well as student profiles. Obtainable from the Admissions Office or the Disability Staff, or from Oxford University Student Union, New Barnett House, 28 Little Clarendon Street, Oxford OX1 2HU.

The Southern Trust Fund for Students with Disabilities: information for applicants, application form and information on how to apply for funding for personal support or equipment. Obtainable from the Disability Staff.

The Dyslexia Fund application form and information on how to apply for funding of an educational psychologist's report or specialist tutorial support. Obtainable from the Disability Staff.

Dyslexia Fact Sheets A series of advice notes for students including information on defining dyslexia, the university's services for dyslexic students, financial assistance, study skills and useful contacts. Available from the disability Staff.

Blind/Partially Sighted Fact Sheets. A series of advice notes covering assessment, financial assistance, study skills, equipment, examinations and useful contacts. Available from the Disability Staff.

Deaf/Partially Hearing Fact Sheets. A series of advice notes for students including financial assistance, study skills, equipment, examinations, and useful contacts.

The Disabled Students' Allowances A short leaflet summarising the scope of the Disabled Students' Allowances. Obtainable from the Disability Co-ordinator or Assistant.

2.3 Practical support for students with disabilities. The Funds Panel. The Funds Panel is a small group of staff and student members of the Advisory Panel on Disability and Committee for Diversity and Equal Opportunity assisted by the Disability Staff. The panel administers grants to disabled students for equipment and other forms of support, as described above. In general, the Funds Panel has taken the view (in line with current thinking in social services provision) that

students should be enabled to make their own support arrangements and buy equipment which suits their particular needs.

The Central Disabilities Fund is comprised of central University buildings money, and money for HEFCE. The fund is administered by the Funds Panel, and is available to help departments and faculty's to meet the needs of people with disabilities.

The University's Dyslexia Fund, is also administered by the Funds Panel, can assist students with the costs of dyslexia assessments and specialist tutors. The Disability Staff can help with referrals to chartered educational psychologists.

Other provision. The Disability Staff can offer students a needs assessment consultation. The needs assessment looks at all aspects of university life from lectures to examinations, from accommodation to library work and information technology. It gives students the chance to learn about support facilities at Oxford University and to discuss and agree support strategies to meet their needs. Needs assessment takes place in conjunction with colleges and departments. The Disability Staff will provide information on specialist equipment or refer the student to specialist advisers and organisations which can give support (such as personal care) or more complex advice (for example, on specially designed computer equipment). Support from the Funds Panel and advice to students with disabilities is not restricted to students in receipt of the Disabled Students Allowances.

A reader service for disabled members of the University is based at Ewert House. Resources for the Blind, formerly Recording Centre for the Blind operates a service for recording texts onto tape by volunteer readers. Members of the University and students who wish to make use of the service are recommended to contact the Centre as soon as they are able to give a general idea of their likely requirements. Enquiries can be addressed to Kim Miller, Ewert House, Ewert Place, Summertown, Oxford OX2 7BZ (tel.: 01865 2-80880).

Detailed information on the Bodleian Library and its dependent libraries is available in a separate guide. In addition, students may like to read the guides for individual libraries for information on facilities for disabled users in each library. Students can search the library catalogues on computer using the OLIS system. This can be accessed via computers/terminals within the libraries or via external computers using Oxford University's web site.

2.4 College support for students with disabilities. As can be seen from the Access Guide, most colleges have had experience of admitting disabled student members. Any support required by a disabled student is usually arranged through the student's tutor, or college supervisor in the case of a graduate student in conjunction with the Disability Staff. The college may refer the student to the Southern Trust Panel for financial assistance which the college is unable to provide. Tutors and the Disability Staff can liaise with students' subject departments on any special arrangements required, for example, where practicable, rearranging the location of lectures to make them accessible.

2.5 Counselling and careers support for students with disabilities. The University has a Counselling Service which is available to all student members who wish to have an opportunity to talk over personal problems. There is also an Advisory Panel on Harassment whose members may be consulted by student members who feel that they are being harassed on any grounds by members or staff of the University. The University Careers Service will also give advice to disabled students and has links, through the Disability Staff, with the *Workable* placement scheme for disabled undergraduates and graduates.

2.6 The physical environment of Oxford. Oxford is Britain's oldest university and has been growing organically with its host city for over 800 years. University buildings are therefore located throughout the city and there is no campus or university precinct, although there are significant concentrations of university and college buildings in the city centre, and in the Science Area just to the north. Many of the university clinical departments are concentrated on the hospital sites at Headington.

Oxford is easily accessible by rail and coach. The railway station has level access to both platforms. There is a great deal of traffic in the city itself, so car parking is difficult. However, colleges and university departments may be able to provide specially designated spaces for drivers with disabilities in addition to those areas provided by the local authorities. There are accessible shops, banks, doctors' surgeries and places of worship, although in many cases, because the city is so old, access is not ideal. (Detailed information on access and university and college facilities for disabled people is contained in the Access Guide, described in 2.2 above.)

2.7 Numbers of students with disabilities. It is estimated that there are currently about 536 students with substantial disabilities spread around 20 colleges as follows: Undergraduates 403; Postgraduates 119; Visitors 14

3. Future Activity And Policy Development

3.1 Support for students with disabilities. The Advisory Panel on Disability is charged with advising the Committee on Diversity and Equal Opportunity policy matters, and overseeing activities to improve access and facilities for disabled people.

The Disability Staff liaise with the Learning and Resource Centre (LaRC) Coordinator for the University's computing services, to improve links between the two services. The Co-ordinator will refer students to the Disability Staff for an assessment of their computing needs, and will act as a resource to ensure that software recommended is compatible with university software and the student's own equipment. The Co-ordinator is the point of reference for disabled users of the Learning and Resource Centre (LaRC) if a user is having difficulty accessing equipment.

The Oxford University Computing Service (OUCS) has a Braille Embosser available to students who require text in Braille format.

The LaRC has equipment to provide access to I.T. equipment for students with disabilities. Items such as scanners, large monitors, alternative keyboards/mice, height adjustable tables and chairs.

The Disability Co-ordinator has been in post since summer 1997. The role is continually developing and areas of current provision and areas for continued and new development include:

- Liaising with admissions tutors and central admissions over dissemination of information to disabled applicants.
- Collecting and analysing statistics on numbers of disabled applicants to the University and on numbers of disabled students and staff in colleges and departments.
- Has developed a database of students with disabilities.
- Continuing to prepare a series of fact sheets giving advice and sources of information and support on different disabilities for students, departments and colleges.
- Giving advice to disabled students and staff and to university colleges and departments on financial and personal support and equipment for students and staff with disabilities.

- Acting as co-ordinator of the University's support services for disabled students, including support for students with dyslexia and liaising between colleges, departments and libraries to provide packages of support for individual students.
- Offering needs assessments to new and current students to assist with support strategies.
- Setting up and acting as co-ordinator of networks of students and staff with disabilities and of
 - university departmental and college disability advisers.
 - Developing staff training and disability awareness in collaboration with the Head of Staff Development and Training.
 - Publication of a Guide to Services for Students with Disabilities.

3.2 Improved access and facilities. The Advisory Panel on Disability in collaboration with the University Surveyor's office will continue to plan and implement its rolling programme of adaptations and improved facilities at university buildings and sites.