

Student Handbook (Undergraduate Students) 2003-04

Introduction.....	4
1 The purpose of the undergraduate law degree at Oxford	5
2 The Faculty's Undergraduate Programmes.....	7
The BA in Jurisprudence, Course 1	7
The BA in Jurisprudence, Course 2	7
The BA in Jurisprudence (Course 1) with senior status	7
The Diploma in Legal Studies	7
3 The BA in Jurisprudence - Course 1	7
3.1 For students beginning the course in October 2003 and later.....	7
3.2 For students who began the course before October 2003	8
3.3 The Educational Aims and Programme Outcomes of the BA in Jurisprudence Course 1.....	9
4 The BA in Jurisprudence - Course 2	11
4.1 For students who began the course in October 2002 and later	11
4.2 For students who began the course before October 2002	12
4.3 The Educational Aims and Programme Outcomes of the BA in Jurisprudence Course 2.....	12
5 The BA in Jurisprudence Course 1 with Senior Status.....	13
6 The Diploma in Legal Studies	14
6.1 General.....	14
6.2 The Educational Aims and Programme Outcomes of the Diploma in Legal Studies	14
7 The subjects offered.....	15
8 The Teaching System	16
8.1 General.....	16
8.2 Statement on Agreed Reading Lists.....	17
9 The Assessment System.....	18
9.1 Methods of assessment.....	18
9.2 The pattern of formal assessments.....	18
9.3 The nature of Public Examinations.....	19
9.4 Assessment outcomes.....	20
9.5 The award of outcomes	21
9.6 Assessment standards.....	21

9.7 Examiners' conventions	23
10 The Role Of The Law Faculty and Its Facilities	25
11 Computing Services	26
11.1 Support People in the Faculty	26
11.2 Computers in the St Cross Building.....	27
11.3 Electronic Legal Resources and Training.....	27
11.4 Remote Computing Facilities.....	27
11.5 Oxford University Computing Services.....	28
11.6 Information about the University	28
11.7 Law-Mods and Law-FHS Email Lists.....	28
11.8 Virtual Bulletin Board.....	28
11.9 University Rules for Computer Use.....	29
12 Problems And Support	29
12.1 General	29
12.2 Special problems of law students.....	29
12.3 What to do when things go wrong	30
13 Support for students with disabilities	31
13 Careers.....	31
14 Accreditation for Professional Training.....	33
14.1 General	33
14.2 Course begun before October 2001.....	34
14.3 Course begun after 1 October 2001 and before October 2002 (Course 2) or before October 2003 (Course 1).....	34
14.4 Course 2 begun after 1 October 2002	35
14.5 Course (1 and 2) begun after 1 October 2003.....	35
14.6 Consideration of marginally failed examinations and deemed passes.....	35
14.7 Relevant addresses	36
15 Law Moderations Subjects	37
Constitutional Law.....	37
Criminal Law	37
Introduction To Law	38
Roman Law.....	39
16 Final Honour School of Jurisprudence Subjects.....	41
16.1 Standard Subjects.....	41
Administrative Law	41
Company Law	41
Comparative Law Of Contract.....	42

Constitutional Law.....	43
Contract.....	44
Criminal Justice And Penology	45
Criminal Law	47
Ethics	47
Family Law	48
History Of English Law.....	49
International Trade.....	50
Jurisprudence	52
Labour Law.....	52
Land Law	53
Principles Of Commercial Law	54
Public International Law.....	55
Roman Law (Delict)	56
Taxation Law	57
Tort	58
Trusts	59
16.2 Special subjects.....	60
European Community Competition Law	60
European Community Social, Environmental And Consumer Law	61
Introduction to the Law of Copyright and Moral Rights	62
Lawyers' Ethics	63
Personal Property.....	64
17 Legal Research Skills Programme	64
Appendix: University Policy Statements And Codes Of Practice	66
Equal Opportunities Statement (Students).....	66
Recruitment and admissions	66
The curriculum, teaching and assessment	66
Welfare and support services.....	67
Staff development and training.....	67
Complaints	67
Code Of Practice Relating To Harassment	67
Principles And Definition.....	67
Advice.....	68
Discipline	68
Institutional Arrangements	69
Disability Statement.....	69
Purpose Of Statement	69
1. Current Policy	70
2. Current Provision.....	71
3. Future Activity And Policy Development	74

Introduction

This handbook aims to save time by giving a certain amount of basic information which would otherwise have to be imparted verbally or learned by experience. But it 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 difference 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 will have allocated someone as your tutor of whom you may seek advice. Information gained from a personal contact is far better than any handout from an impersonal central organisation, and it is to your college that you should in the main direct your queries and difficulties. Fellows of colleges all belong to faculties, and can redirect any matter raised to an appropriate official or body out of the college if it is necessary to do so.

We believe that the information contained in this memorandum is accurate. But some of it paraphrases official texts (usually to be found in the University's *Examination Regulations*, a copy of which is issued to all students on their arrival in Oxford). If there should be any discrepancy between this handbook and the official text, it is the latter which prevails.

This handbook describes matters as they stand today. The faculty's programmes are, of course, the subject of continuing revision and adjustment, to take account of developments in the law itself, in the uses to which law qualifications are put, and in the potential available in the faculty. Oxford University has a rule, however, that changes cannot be introduced so quickly as to prejudice students who have already embarked on their course.

1 The purpose of the undergraduate law degree at Oxford

The law degree at Oxford is shaped by a set of goals common to law degrees at other leading British universities, as well as embodying ideals unique to Oxford.

The idea is not that you should simply emerge, after three years, better informed about law than you were before coming up. You could have sat at home for three or four years and achieved this through memorising from a book.

Reading law at Oxford is “educational” in the original sense of that term: it leads you up to levels of intellectual development, critical acumen, and sensitivity to the nuances of moral, legal and political argument that could not possibly be achieved without immersion for three or four years in an organised system of the highest quality lectures and tutorials, that only the best Universities can provide.

It is important to mention this here, and for you to remember it. For, it is understandable that when students come to the end of their final examinations, when of necessity they have just had to memorise a good deal of material, they sometimes remember only the effort of that last few weeks of memorising and synthesising of material, when thinking about the value of their studies, and not the long process of intellectual development and improvement that went before it, and (indeed) which made the final learning process not just possible but worthwhile.

This long process begins with **Law Moderations**, the first Public Examination you will have to take, after two terms, at the end of Hilary term. This examination serves several purposes. It is a means of giving you an essential grounding in two subjects (criminal law and constitutional law) which you must study if you are to gain exemption from the first stage of professional training to be a solicitor or barrister in England and Wales.

More broadly, however, **Law Moderations** introduce you to the essential nature of legal study, which will be new to most of you, and to the unique way in which that is taught at Oxford, primarily through tutorials. To this end, you will also be studying either Roman law or Introduction to Law, which will give you a broader understanding of the historical and moral foundations of legal thought, and an introduction to legal values, systems, and procedures.

Finally, **Law Moderations** provide a means by which the University can be sure that you are competent to go on to tackle seven further terms of legal study at Oxford, at the higher level requirement to pass the Final Examinations. So, the grades that you receive in **Law Moderations** do not count towards your final degree classification.

In this regard, Oxford is perhaps unique in not holding Public Examinations at the end of every year. The subjects you study for the **Final Examinations**, from your third term until your final term in Oxford, are all examined towards the end of your final term.

Why is this? It is because there is a strongly held view amongst tutors that it is undesirable to classify students before they have had a chance to reach the peak of their intellectual development, and that is almost invariably at the end of their final year, when they have a chance to consider together all of the topics and issues that they have studied.

No one doubts that to take examinations in eight and one half subjects in a relatively short space of time puts the examinee under a great deal of pressure. Pressure, however, can bring out

the best in us if we handle it in an appropriate way, and if study and revision has been given careful thought and a good deal of planning.

The skills you learn in “managing” your Finals will be invaluable to you in later life.

Your tutors will not, though, leave you to fend for yourself in making your preparations. College examinations (“**collections**”) normally take place at the beginning of every term, on the previous term’s work, which will give you the examination practice you need as well as helping you to crystallise your thoughts, to begin assembling revision material, and (most importantly) to give you some idea of how well you are progressing.

Your progress will also be the subject of formal review by your Head of College, and (less formally but no less importantly) by your tutor in his or her meetings with you during the term. The almost daily contact between students and tutors within the tutorial system makes the constant provision of assistance and evaluation, where helpful, a built-in feature of the relationship between tutors and students.

As far as teaching of individual subjects is concerned, Oxford is also unusual in concentrating study, in each term, on one or two subjects, rather than spreading the study of four or five subjects out over a whole year. This can give the course a disjointed appearance, but the appearance is misleading. The point of the Oxford system is to ensure that when you study subjects, you study them in depth, giving them your almost undivided attention. This is, ultimately, both more scholarly and more rewarding for you and your tutor.

Moreover, the fact that you must yourself take responsibility for completing the assigned reading from week to week, for formulating your thoughts in a short essay, and for defending them in argument with your tutor and your tutorial partners, will give you an invaluable ability to work constructively on your own, as well as developing your confidence in your own ability to understand, explain and defend ideas.

Undergraduate study at Oxford should not, however, be solitary work. It is the privilege of Oxford students to be able to use law libraries within college, alongside the Bodleian Law Library, where the week’s work can often be discussed and argued over with other law students.

Without always realising it, living and working alongside other law students during your years at Oxford will develop in you the kind of “teamwork” skills now so highly prized by the main employers of law graduates.

You should also ensure that, during your time at Oxford, you learn how to make use of the excellent IT facilities within the Bodleian Law Library, as skill in the use of these will be essential to lawyers in the 21st century, **and that means you!**

Ewan McKendrick
Director of Undergraduate Studies

2 The Faculty's Undergraduate Programmes

The Oxford law faculty offers the following undergraduate programmes:

The BA in Jurisprudence, Course 1

This takes three years of study, all spent in Oxford.

The BA in Jurisprudence, Course 2

This takes four years of study. The first, second and fourth years are spent in Oxford, and the third is spent in a continental European university with which the faculty has an exchange arrangement. The resulting degree is the BA in Jurisprudence (English Law with European/French/German/Italian Law).

The BA in Jurisprudence (Course 1) with senior status

If you already hold an undergraduate degree you may be able to take Course 1 as a "second BA". Your previous degree may entitle you to "senior status", which means that you omit the first year of the programme.

The Diploma in Legal Studies

This takes one year of study, spent in Oxford. Although it is similar in academic standard to the BA programmes, it is not a degree course. It is normally open only to those who have no significant previous education in the common law. It is principally aimed at students coming to the Faculty on exchanges from continental universities with which the Faculty has Erasmus arrangements.

3 The BA in Jurisprudence - Course 1

3.1 For students beginning the course in October 2003 and later

This programme comes in two principal parts. First, lasting the first two terms, there is the **Law Moderations** course. In this part, you will study three subjects: Constitutional Law, Criminal Law, and either Introduction to Law or Roman Law. (Some colleges allow students to choose for themselves between Introduction to Law and Roman Law, whilst others make the choice on their students' behalf.) This part of the programme is intended to introduce you to the main techniques

and ideas which characterise legal study, especially as it is conducted in the Oxford Law Faculty. It culminates in a set of examinations (one in each of the three subjects) at the end of Week 9 of the second term.

Second, lasting the remaining seven terms, there is the **Final Honour School** course. This part of the course was the subject of a careful review by the Faculty in 1999/2000 and the changes made by this review will apply to students admitted to Course 1 in October 2003. In the four terms after Law Moderations you will be required to study the following six subjects: Administrative Law, Contract, Jurisprudence, Land Law, Tort and Trusts (the order in which you will take these courses will be decided by your College tutors). In your third year you will be required to take EC Law and two optional Standard Subjects (or one optional Standard subject and two Special Subjects). Special subjects require only half the amount of work which is required by the standard subjects and are taught in different ways. The subjects taught in the third year will differ slightly from the subjects taught in the four terms after Law Moderations. The latter courses will be taught in eight units and each unit will require 30 hours of work on your part. The subjects taught in the third year will consist of seven rather than eight units (although each unit will still require 30 hours of work). You will be informed of the subjects available to you in your final year at the end of Hilary Term of your second year. This will give you sufficient time to choose your options for your final year. We hope to be able to offer most, if not all, subjects each year but we reserve the right not to run individual courses in any particular year should the resources needed in order to run the course not be available. This part of the programme is intended to provide an in-depth training in the skills which the faculty sets out to inculcate through its BA programmes. It culminates in a set of examinations (one in each of the subjects studied) at the end of the third year.

Alongside the subjects which you will study for the Final Honour School of Jurisprudence, you will take the faculty's **Research Skills Programme**. This Programme is divided into units, which you will take in the first, second and third terms of your first year. During the units, you will be checked for general IT skills (and if you lack these, be directed to the Oxford University Computing Service for guidance); and trained in the use of legal information resources, both paper and electronic, in approaching factual situations so as to discover the legal position in respect of them, and in working as a member of a team. Each unit will include a test to ensure that you have mastered the material in it, with repetition of teaching and testing until that is the case. The units should require only half a day or a day in each of the three terms.

We make no assumption that students taking our BA degrees should go on to become practising lawyers. But we recognise that most students wish to ensure that their law degree gains them exemption from the first stage of legal professional training in England and Wales, at any rate so as to keep that option open. Our BA degrees are accordingly constructed in such a way as to allow this. The subjects required by the legal profession are now compulsory subjects on the degree programme so that completion of the degree will also satisfy the requirements of the professional bodies.

3.2 For students who began the course before October 2003

Students who were admitted before October 2003 should refer to the up-to-date subject descriptions in this edition of the handbook, but should consult the copy of the handbook which

they received at the time of their admission to the University for details of the structure of the degree programme, which has changed little except in the following four respects:

The first relates to the content of the course after Law Moderations. After Law Moderations, you will study eight “standard subjects” and one “special subject”. Special subjects require only half the amount of work which is required by standard subjects, and are taught and examined in slightly different ways. Three of the standard subjects are compulsory for all students taking this programme: Contract, Jurisprudence, and Tort. For your fourth standard subject, there is a choice between Land Law and Trusts. Then you choose four more standard subjects from the range of optional standard subjects on offer. You also choose your special subject from the range of special subjects on offer. This part of the programme is intended to provide an in-depth training in the skills which the faculty sets out to inculcate through its BA programmes. It culminates in a set of examinations (one in each of the subjects studied) at the end of the third year.

The second change relates to the Research Skills Programme. One of the units will be studied in the second term of your second year.

The third change relates to the exemptions required in order to obtain exemption from the first stage of legal training in England and Wales. These are set out in the “Accreditation for Professional Training” section of this handbook.

The fourth change is that, whereas all standard subjects were previously intended to carry a workload of 8 x 30 hours, from 2005-2006 all standard subjects taken in the final year will have a workload of 7 x 30 hours.

3.3 The Educational Aims and Programme Outcomes of the BA in Jurisprudence Course 1

NOTE: Details of how these aims and outcomes are secured and assessed are in the programme specification available at <http://www.law.ox.ac.uk/undergraduate/>

The BA in Jurisprudence, Course 1, aims to:

- bring students into direct intellectual engagement with the law, an engagement distinguished by rigour, depth and conceptual sophistication, focusing mainly but not exclusively on English Law, and emphasizing the use of primary sources;
- furnish students with advanced skills suitable for legal practice or graduate study, but also transferable to a wide range of employment contexts and life experiences outside the law;
- encourage and enable in students a critical and reflective attitude to the law, and more generally a capacity and propensity for sustained independent study, thought and argument;
- constitute an intense learning experience characterized by close and frequent individual or small-group contact with tutors, a demanding schedule of independent study, and non-trivial exposure to academic disciplines other than law;
- provide a humane education appropriate to a student’s first years of university study.

The Course 1 programme outcomes are:

A. Knowledge and understanding

- An understanding of the nature of law, and its central concepts, values, principles and institutional features.
- An understanding of the character and uses of legal reasoning and argument.
- An understanding of the range of legal sources and how to use them.
- A thorough knowledge and understanding of the constitution of the United Kingdom, including its relationship to the European Union.
- A thorough knowledge and understanding of at least six core areas of English law.
- A thorough knowledge and understanding of some more specialised areas of law, and/or some legally-related subjects.
- An understanding of how law is seen through the lens of at least one academic discipline other than law itself, and hence, a working knowledge of that other discipline's methods and assumptions.

B. Intellectual skills

- An ability to read and assimilate complex legal and legally-related texts.
- An ability to bring together information derived from a number of different sources, distinguish the relevant from the irrelevant, and create a coherent synthesis.
- An ability to analyse complex issues so that they can be tackled in smaller steps.
- An ability independently to identify the legal issues that are raised by a question or factual situation.
- An ability to make a reasoned choice between rival answers to legal questions.
- An ability to think critically about the law and envisage its reform.

C. Practical skills

- An ability to communicate legal information and ideas for a variety of audiences and in a variety of contexts.
- An ability to read and digest legal materials accurately at speed.
- An ability to use the latest legal research technology.

D. Transferable skills

- An ability effectively to plan and organize the use of one's time
- An ability to work constructively as a member of a group or team.
- An ability to work independently.
- An ability to adapt to technological change.
- An ability to tackle everyday problems constructively.
- An ability to present one's arguments confidently and clearly.
- An ability to locate information quickly.
- An ability to think on one's feet.
- An ability to maintain critical distance from one's own arguments and ideas.

4 The BA in Jurisprudence - Course 2

4.1 For students who began the course in October 2002 and later

This programme comes in three principal parts. The first consists of the **Law Moderations** course, which is (except for the addition of language training, explained below) identical to the Law Moderations part of Course 1. In order to proceed to the second stage, it is normally necessary to achieve an average of 60 in the Law Moderations examination. The second part consists of the **Final Honour School** course, which is very similar to the identical part of Course 1. In the four terms after Law Moderations you will be required to study the following six subjects: Administrative Law, Contract, Jurisprudence, Land Law, Tort and Trusts. In your final year (after your year abroad) you will be required to take EC Law and two optional Standard Subjects (or one optional Standard Subject and two Special Subjects). The subjects prior to your year abroad will be taught in eight units and each unit will require 30 hours of work on your part. The subjects taken after your year abroad will be taught in seven units, and once again, each unit will require 30 hours of work. Alongside the Law Moderations and Final Honour School parts of the Course 2 programme, you will also have the **Research Skills Programme**, as described for Course 1.

The third principal part is the Year Abroad. It is spent in the law faculty of a continental European university with which the Oxford law faculty has an exchange arrangement (currently Paris II, Leiden, Siena, Bonn, Konstanz, Munich and Regensburg). There, you study a prescribed course. It amounts to a foundation course in French (Paris II), Italian (Siena) or German (Bonn, Konstanz, Munich and Regensburg) law, or the study of a range of topics in European Law (but which may also include courses in International and Dutch Law) (Leiden). Except in the case of Leiden, where the teaching is conducted in English, it takes place in the language of the country concerned. The university to which you go will assess you in its own way, in order to certify to Oxford that you have performed satisfactorily in your year abroad. It is that certification which, when you sit your Oxford Final Honour School a year after your return, will entitle you to graduate with the degree of “BA in Jurisprudence (English Law with European/French/German/Italian Law)” as opposed to “BA in Jurisprudence”, to which successful completion of the Final Honour School would otherwise entitle you.

The Faculty arranges, through the Institute of European and Comparative Law, training during the first two years to prepare you for your year abroad. For those going to France, Italy or Germany there are classes in French, Italian or German language and law which are designed not only to develop your language skills but also to give you confidence in being able to study in your European university during the year abroad. On the basis of the French, German and Italian law classes (which are taught in the language of the system studied) a final decision will be made towards the end of the second year as to whether you have sufficient linguistic competence to cope with the study abroad. Teaching in Leiden is conducted in English, and students there are studying a range of topics within European (and International) law, so there is no special law training during the two years before going abroad. The Faculty, does, however, arrange introductory Dutch language classes during the second year, to give the students going to Leiden a head start on the language of the country in which they will be living for the year abroad.

In addition to the Faculty's own approval on the basis of its assessment of the linguistic competence of students going to France, Italy or Germany, all students require the permission of their colleges to spend the year abroad, and that is likely to depend on their having worked satisfactorily during the first two years. The Faculty takes the view that students are unlikely to cope satisfactorily with a year abroad unless they are making a success of their legal studies in Oxford.

4.2 For students who began the course before October 2002

Students who were admitted before October 2002 should refer to the up-to-date subject descriptions in this edition of the handbook, but should consult the copy of the handbook which they received at the time of their admission to the University for details of the structure of the degree programme, which has changed little except in the following three respects:

The first relates to the content of the course after Law Moderations. After Law Moderations, you will study eight "standard subjects" and one "special subject". Special subjects require only half the amount of work which is required by standard subjects, and are taught and examined in slightly different ways. Three of the standard subjects are compulsory for all students taking this programme: Contract, Jurisprudence, and Tort. For your fourth standard subject, there is a choice between Land Law and Trusts. Then you choose four more standard subjects from the range of optional standard subjects on offer. You also choose your special subject from the range of special subjects on offer. This part of the programme is intended to provide an in-depth training in the skills which the faculty sets out to inculcate through its BA programmes. It culminates in a set of examinations (one in each of the subjects studied) at the end of the fourth year (after your year abroad).

The second change relates to the exemptions required in order to obtain exemption from the first stage of legal training in England and Wales. These are set out in the "Accreditation for Professional Training" section of this handbook.

The third change is that, whereas all standard subjects were previously intended to carry a workload of 8 x 30 hours, from 2005-2006 all standard subjects taken in the final year will have a workload of 7 x 30 hours.

4.3 The Educational Aims and Programme Outcomes of the BA in Jurisprudence Course 2

NOTE: Details of how these aims and outcomes are secured and assessed are in the programme specification available at <http://www.law.ox.ac.uk/undergraduate>

The BA in Jurisprudence, Course 2, has all the same aims as Course 1 (see 3.3 above), and in addition aims to:

- Include intensive study of a major European legal system other than the English legal system, and immersion in the associated legal culture, by means of one year spent abroad at a leading continental European university.

The Course 2 programme outcomes are the same as those for Course 1 (see 3.3 above), plus the following in addition:

A. Knowledge and understanding

- A good knowledge and understanding of the constitutional arrangements, sources of law, and modes of legal reasoning that apply in a European legal system other than that of England.
- A good knowledge and understanding of some core areas of law in the same European legal system.

D. Transferable skills

- An ability to study and work without disadvantage in a second European language in addition to English. (Applies to students sent to France, Germany or Italy only. Students sent to the Netherlands require the Dutch language only to an elementary level).
- An ability to integrate seamlessly into new cultures and ways of life.

5 The BA in Jurisprudence Course 1 with Senior Status

The **BA in Jurisprudence**, in its Course 1 form, can be taken as a “second BA”, i.e. by someone who already has at least one degree. There are two options. Such a student can take the programme in exactly the same form as those for whom it is their first degree, as described above. Or he or she can, with the agreement of his or her college and the Faculty, claim “senior status”.

If you are a student having senior status, you omit the Law Moderations part of the programme, and so proceed directly to the Final Honour School part. Your studies differ from the description of the Final Honour School given in the account of Course 1. You will study eight “standard” subjects and one “special subject”. Three of the “standard” subjects are compulsory (Contract, Jurisprudence and Tort) and you must do either Land Law or Trusts (although you can do both). Alongside this, you too will take the Research Skills Programme in the first, second and third terms of your first year.

However, senior status students join the Faculty not for the seven terms which the Final Honour School part of the programme normally takes, but instead for only six terms. In effect, they join the other students at the start of the latter’s second year; but by that time the latter have been working on the Final Honour School part of their programme for a term, as they took their Law Moderations examinations at the end of their second term. The result is that senior status students have to catch up that missing term’s work, by fitting the work which would otherwise occupy seven terms into six.

A senior status student may wish to secure exemption from the first stage of legal professional training in England and Wales. Two of the subjects upon which such exemption depends are, however, normally studied in the Law Moderations part of the programme: *Constitutional Law* and *Criminal Law*. To allow senior status students to cover these subjects, they can be taken as options in the Final Honour School. The effect, however, is that senior status students wishing to secure professional exemption are left with almost no free choices as to their subjects, but must take Administrative Law, Constitutional Law, Contract, Criminal Law,

Jurisprudence, Land Law, Tort, and Trusts as standard subjects, and one of the two European Community Law special subjects.

6 The Diploma in Legal Studies

6.1 General

This course takes one year of study, spent in Oxford. It is normally open only to those who have no significant previous education in the common law. It is principally aimed at students coming to the faculty on exchanges from continental universities with which the faculty has Erasmus arrangements.

The Diploma is not a degree. But the Diploma programme is substantially derived from the BA Course 1 programme. In your three terms, you choose and study any three of the subjects which are available as standard subjects (whether compulsory or optional) in the Final Honour School part of the BA programme. And you sit an examination in each of them (the same examinations as the BA students) at the end of your third term.

6.2 The Educational Aims and Programme Outcomes of the Diploma in Legal Studies

The Diploma in Legal Studies programme aims to:

- bring students into direct intellectual engagement with the law, focusing mainly but not exclusively on English law, and emphasising the use of primary sources;
- furnish students with a range of skills relevant to legally-related work other than legal practice or to the use of English law in legal practice in other jurisdictions, but also transferable to a wide range of employment contexts and life experiences outside the law;
- encourage and enable in students a critical and reflective attitude to the law;
- constitute an intense learning experience characterised by close and frequent individual or small-group contact with tutors and a demanding schedule of independent study.

The Diploma in Legal Studies programme outcomes are:

- A basic understanding of the nature of law, and of some its central concepts, values, principles and institutional features
- A basic understanding of the character and uses of legal reasoning and argument
- A basic understanding of the range of legal sources and how to use them
- A sound knowledge and understanding of at least three areas of law or legally-related subjects
- An ability to read and assimilate complex legal and legally-related texts

- An ability to bring together information derived from a number of different sources, distinguish the relevant from the irrelevant, and create a coherent synthesis
- An ability to analyse complex issues so that they can be tackled in smaller steps
- An ability independently to identify the legal issues that are raised by a question or factual situation
- An ability to conduct the legal research necessary to tackle even an unfamiliar legal problem independently
- An ability to make a reasoned choice between rival answers to legal questions
- An ability to read and digest legal materials accurately at speed
- An ability effectively to plan and organise the use of one's time
- An ability to work independently
- An ability to present one's arguments confidently and clearly
- An ability to locate information quickly
- An ability to think on one's feet

7 The subjects offered

The rules as to the number of subjects which you have to take, and the permitted combinations, are given above. The full lists of subjects offered are as follows. Detailed descriptions of them are given in subsequent pages (see .

- *Law Moderations:* Constitutional Law; Criminal Law; Introduction to Law; Roman Law.
- *Final Honour School compulsory standard subjects:* Administrative Law; Contract; European Community Law; Jurisprudence; Land Law; Tort; Trusts.
- *Final Honour School optional standard subjects:* Company Law; Comparative Law of Contract; Constitutional Law; Criminal Justice and Penology; Criminal Law; Ethics; Family Law; History of English Law; International Trade; Labour Law; Principles of Commercial Law; Public International Law; Roman Law (Delict); Taxation Law.
- *Final Honour School special subjects:* Commercial Leases; European Community Competition Law; European Community Social, Environmental and Consumer Law; Introduction to the Law of Copyright and Moral Rights; Lawyers' Ethics; Personal Property.
- *Diploma in Legal Studies:* as Final Honour School standard subjects.

8 The Teaching System

8.1 General

All the faculty's undergraduate programmes share a common teaching system. Indeed, students taking one of the programmes will commonly find themselves sharing teaching with those taking another. That teaching system is, however, multi-faceted. The main components of it are:

- reading by the student of legal texts, mostly books (law reports, learned journals, monographs, textbooks) in libraries, but increasingly also texts accessed electronically. This reading is for the most part guided by a list provided by your tutor.
- thinking about the results of your reading, and working these into a piece of written work answering a question set by your tutor.
- attending lectures, where the lecturer will normally set out to portray a topic in such a way as to add value to the treatments of it which you can read for yourself.
- attending tutorials (which usually denote a group of 1-3 students and a tutor) or small classes (perhaps up to 10 or 12 students and a tutor). These are more interactive than lectures, normally requiring substantial active participation by the students. They normally aim to review and develop the understanding of a topic which the students have gained from their own reading, thinking and writing, and/or attendance at lectures.

The teaching system employed by Oxford BA programmes is often referred to as the “tutorial system”. That name connects with the presence of tutorials in the system. But it is important to realise, as just explained, that you do not learn simply from things said and done in the tutorials themselves. By far the greatest part of your learning comes from the reading, thinking and writing which you do for yourself. But whilst you do this reading, thinking and writing by your own efforts, you do not do it unaided. It is the function of tutorials (plus to a lesser extent lectures, and also of interaction between students themselves) to provide intensive orientation in your study, and feedback on your efforts and ideas.

Most standard subjects are taught in much the same way. There are some variations, particularly in the optional subjects: these are noted in the subject descriptions below. There are also variations between one tutor's approach and another's. But generally, the subject's syllabus is broken down into eight units (with the exception of courses taken in your final year – year 3 for Course 1 students and year 4 for Course 2 students – which are broken down into seven units). Your tutor issues you with a reading list in respect of each of these units, culminating in a question to which you are expected to write an answer. (This will usually be either an essay, or a “problem question”: i.e. a statement of a fact situation, which you are asked to discuss with a view to offering the most plausible legal solution.) For each unit, you do the reading over perhaps three days, draw your thoughts together and write your answer, and attend a tutorial or small class at which you discuss what you have learnt with your tutor. Alongside all this you may attend lectures, but these could well be on subjects other than the unit or indeed the subject which you are currently studying for tutorials: for example, many students find it especially helpful to go to lectures on a subject after they have studied it for tutorials, so as to add further depth to their understanding of it, or to help them revise it; your tutors will advise you as to your approach to attending lectures. The faculty maintains that the load for each standard subject (covering reading,

thinking, writing, attendance at a tutorial, and attendance at lectures) should be 8 (units) x 30 hours work (with the exception of final year subjects where the load should be 7 (units) x 30 hours work).

The teaching pattern for special subjects is probably a little more variable. Again, the details are noted in the subject descriptions below. It is often more important to attend the lectures at a designated time than is the case for many standard subjects. You are expected to produce a smaller amount of written work. And classes replace tutorials, so the nature of the student-teacher interaction is different. Special subjects are generally divided into not eight but four units. Their load is 4 x 30 hours.

You do not study all of your Law Moderations subjects, or your Final Honour School subjects, alongside one another at the same time. Instead, the usual arrangement-which will apply during most of your Final Honour School work-is that you start and finish a course of reading and tutorials in a fresh standard subject each term (each term has eight weeks, into which the eight units of the subject fit); and, alongside this, take a second subject at half the pace, spreading it over two terms. That is, each term you will study one and a half standard subjects. Broadly speaking, this pattern means that you should have about 12 units of 30 hours work to do each term: which, since the terms last eight weeks, means a weekly load of about 45 hours. The arrangements for Law Moderations are less clear-cut, but generally you will start only two of your three subjects in your first term, adding the third in your second term. And for a short while before the Law Moderations examinations, and for some weeks before your Final Honour School examinations, you are left free to revise-though both during this period, and often also before it, you are offered the assistance of revision classes and lectures.

Study in the vacations is also important. Many students find that by going back over the subject which they have just finished, they can consolidate and deepen their understanding of it considerably. This has great benefits not only for their grasp of that particular subject, but also for the development of their intellectual skills generally. To give you a focus for your vacation work, your college will normally set you an internal examination on it, known as “collections”, at the start of the following term.

Teaching for the Research Skills Programme is organised differently. The content of and arrangements for this Programme are described in detail below, but briefly, it is for the most part taught by means of introductory lectures, and classes of about 20-25 students using the Bodleian Law Library’s IT and other facilities.

8.2 Statement on Agreed Reading Lists

The Faculty has agreed that each subject teaching group should annually produce a reading list. These reading lists will shortly be available on the Faculty web-page. The purpose of these lists is:

- To articulate, subject to review by the Undergraduate Studies Committee, each Subject Group’s assessment of the work that can be covered within 8 x 30 or 7 x 30 hours in the case of Standard Subjects, or 4 x 30 hours in the case of Special Subjects.
- To state the material with which all students are expected to be familiar for the purposes of examination.
- To provide guidance for tutors (especially newcomers to the Faculty, “weekenders”, etc.) as to the material typically taught.

It is possible for a single list to serve all these purposes, and some groups (especially small ones) may wish to take this approach. But many will wish the material listed for (2) to be only a sub-set (the “core”) of that listed for (1) and (3), leaving the tutors the option of substituting materials of their own choosing for the periphery, so long as the quantum articulated by the group is not exceeded.

9 The Assessment System

9.1 Methods of assessment

Several modes of assessment are used to test your achievement in respect of the outcomes referred to above, some of which count towards the degree and some of which do not. Details of how these outcomes are secured and assessed are given in the programme specification available at <http://www.law.ox.ac.uk/undergraduate/>.

Your tutors will take care to let you know in one way or another how you are faring as you proceed through your programme. In particular, at the end of each term the tutors who have taken you that term will write a report on your work, which will give you a further statement as to your progress. And your performance in the internal examinations held at the start of most terms, “collections”, will also be graded using the same scales as are used in the public examinations: indeed, collections are in most cases a “mock” version of the public examination that you will eventually take in the subject in question. But although the standard of your work is thus carefully gauged throughout your programme, none of the gradings which you receive along the way will contribute (either for good or ill) to the official assessment of your performance in your programme.

9.2 The pattern of formal assessments

The formal assessments which you will encounter during your programme will be organised in the following way.

- If you take the BA in Jurisprudence, Course 1, you will have two sets of public examinations: Law Moderations, at the end of your second term, and the Final Honour School, towards the end of your final (ninth) term. You will also be tested in respect of each of the units of the Research Skills Programme, in the first, second and third terms of your first year: satisfactory completion of these units is required in order for you to pass in the Final Honour School of Jurisprudence.
- If you take the BA in Jurisprudence, Course 2, you will likewise have two sets of public examinations in Oxford: Law Moderations, again at the end of your second term, and the Final Honour School, again towards the end of your final (in this case twelfth) term. And you will likewise be tested in respect of each of the units of the Research Skills Programme, in the first, second and third terms of your first year: satisfactory

completion of these units is required in order for you to pass in the Final Honour School of Jurisprudence. But in addition, during your year abroad you will be assessed on your work during that year, according to the system prevailing in the university which you are visiting. (That system varies between the various universities to which you might go: details are given separately to Course 2 students.)

- If you take the BA in Jurisprudence (Course 1) with senior status, you omit Law Moderations, but otherwise the pattern of formal assessment remains the same as for other students taking the programme in question.
- If you take the Diploma in Legal Studies, you have only one set of public examinations, towards the end of your final (third) term.

9.3 The nature of Public Examinations

In your public examinations (i.e. Law Moderations, the Final Honour School of Jurisprudence, or the examination for the Diploma in Legal Studies) you will have one examination in each of your subjects. So, for Law Moderations you will have three examinations, and for the Diploma in Legal Studies three examinations. For the Final Honour School the number of examinations will depend on when you began your course. If you began Course 2 before October 2002 or Course 1 before October 2003, you will have nine examinations (eight standard subjects plus one special subject). If you began Course 2 after 1 October 2002 or Course 1 after 1 October 2003, you will have either nine examinations (nine standard subjects) or ten examinations (eight standard and two special subjects).

Law Moderations examinations take place over three consecutive half-days. Final Honour School and Diploma examinations are spread over a couple of weeks: your precise timetable within this period will depend on the combination of papers which you have chosen to take, but the faculty seeks to ensure that no individual will face an excessive concentration of consecutive examinations. Detailed notes as to the timetable, location and the conduct of examinations are sent to you some time in advance of the event. Diploma in Legal Studies students may be called for a short oral examination (a “viva”) some time after your written examinations, but in practice this occurs rarely if ever. The results of all examinations are normally published some weeks later, on a date of which you will again be notified.

Whether in Law Moderations, the Final Honour School or the Diploma, each examination normally lasts for three hours (in the case of special subjects, two hours). 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. The examination in each subject offers a choice of questions, though in some cases there are rules as to permissible combinations of questions, which are strictly enforced. You are normally required to answer four questions in three hours (two questions in two hours, in the case of special subjects; three questions in three hours, in the case of Jurisprudence and Ethics); this rule too is strictly enforced, and attempting fewer than the required number of questions is penalised. (Question papers for the Diploma examinations are the same as those for the corresponding subjects of the Final Honour School, but you are required to answer only three questions in three hours, so as to give you a little

more time per question, and the examiners are required not to penalise you for infelicities of language and style.) 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.

9.4 Assessment outcomes

The possible outcomes for Law Moderations and the Diploma in Legal Studies are, in descending order, Distinction, Pass, and Fail. The possible outcomes for the Final Honour School are, in descending order, First Class Honours, Upper Second Class Honours (“2.1”), Lower Second Class Honours (“2.2”), Third Class Honours, Pass, and Fail. Failure is very rare. In Law Moderations and the Diploma in Legal Studies, most students emerge with a Pass; a few get Distinctions. In the Final Honour School, the largest group emerges with Upper Second Class Honours; smaller numbers with either First Class Honours or Lower Second Class Honours; very small numbers with Third Class Honours, and even smaller numbers with a Pass.

In the BA in Jurisprudence, Course 1, the final result with which you emerge from Oxford will be the outcome (First Class Honours, 2.1, etc) which you obtain in the Final Honour School of Jurisprudence. This will reflect your performance in the public examinations comprising the Final Honour School, in the way described below, plus (if you began your course after 1 October 2001) satisfactory completion of the Research Skills Programme. Your outcome in Law Moderations does not contribute to your outcome in the Final Honour School component, except that you must pass Law Moderations in order to be eligible to take the Final Honour School.

The same is true for the BA in Jurisprudence, Course 2, save that in order to qualify for the award of the degree “BA in Jurisprudence (English Law with European/French/German/Italian Law)” rather than simply “BA in Jurisprudence”, you must achieve a defined level of outcome in the assessment of your work in your year abroad. (Details are given separately to Course 2 students.) Beyond that, the outcome which you achieve in your year abroad does not affect your outcome in Oxford.

The above statements are also valid for students taking the BA in Jurisprudence (Course 1) with senior status.

In the case of the Diploma in Legal Studies, your final result will be the Distinction or Pass which you obtain in your final examination.

The grades which you obtain in your individual assessments are not formally part of your final result. They are however communicated to your college tutors, who will normally pass them on to you and, at your request, to others who have a legitimate reason for discovering them, such as your future employers.

If you fail in Law Moderations, the Final Honour School or the Diploma, or obtain only a Pass in the Final Honour School, you will have the opportunity to resit. If you fail any of the written examinations for the Diploma in Legal Studies, you may be called for a short oral examination (a “viva”), and if you fail the written and oral examinations, you will have the opportunity to resit. In the case of the Final Honour School or the Diploma, you will have to return a year later for this. In the case of Law Moderations, where the main examination takes place in

March, there is a resit opportunity after the end of your third term, in June. In theory, there is no limit to the number of times you can resit Law Moderations, but it is likely that your college will not allow you more than one resit before, if you are still unsuccessful, requiring you to leave. In any case where you may be faced with the question of resitting, you should consult your college tutor without delay for advice on your options.

9.5 The award of outcomes

The award to you of a particular outcome for the various assessments—Law Moderations, the Final Honour School, or the Diploma in Legal Studies—begins with a grading of each of your answers in the public examinations for it. 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 subject examinations. 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 outcomes you should be awarded for the assessment as a whole. Their approach to this task, known as the "examiners' conventions", is also explained below.

The outcome you receive for an assessment is almost entirely a function of your performance in the public examinations connected with that assessment. The only other factor to play a part is the assessments connected with the Research Skills Programme, which contribute to the BA in Jurisprudence, Courses 1 and 2, to the extent that unless you are certified to have satisfactorily completed the Research Skills Programme, you cannot achieve any outcome except Fail in the Final Honour School.

9.6 Assessment standards

There follows a statement of the standards which the examiners apply in their grading of your individual answers. This statement focuses upon the examiners' expectations in the Final Honour School of Jurisprudence and the examination for the Diploma in Legal Studies, which the faculty considers appropriate for students who have reached that stage of their studies. In Law Moderations, examiners are looking for the same kinds of qualities, but with the recognition that the students taking the examination are at an early stage in their studies.

First class (70% and above)

First class answers represent a level of attainment which, for an undergraduate, can be regarded as exceptionally good. They show several of 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 comprehensiveness and accuracy, 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;
- good appreciation of theoretical arguments concerning the topic, substantial critical analysis, and (especially in the case of high first class answers) personal contribution to debate on the topic.

Upper second class (60-69%)

Upper second class answers represent a level of attainment which, for an undergraduate, can be regarded as in the range reasonably good to very good. To an extent varying with their place within this range, they show at least most of 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 law;
- good comprehensiveness and accuracy, 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;
- reasonable familiarity with theoretical arguments concerning the topic, and (especially in the case of high upper second class answers) a significant degree of critical analysis.

Lower second class (50-59%)

Lower second class answers represent a level of attainment which, for an undergraduate, can be regarded as in the range between reasonable, and acceptable but disappointing. To an extent varying with their place within this range, they generally show the following qualities:

- normally, attention to the question asked (but a lower second class answer may be one which gives an otherwise upper second class treatment of a related question rather than the question asked);
- a fair knowledge and understanding of the topic addressed and its place in the surrounding law;
- reasonable comprehensiveness and accuracy, possibly marked by some substantial errors or omissions;
- a reasonably clear and appropriate structure, argument, integration of information and ideas, and expression, though the theoretical or critical treatment is likely to be scanty or weak.

Third class (40-49%) and pass (30-39%)

Third class and pass answers represent a level of attainment which, for an undergraduate, can be regarded as acceptable, but only barely so. They generally show the following qualities:

- the ability to identify the relevant area of the subject, if not necessarily close attention to the question asked;
- some knowledge and understanding of the topic addressed and its place in the surrounding law, notwithstanding weakness in comprehensiveness and accuracy, commonly including substantial errors and omissions;
- some structure, argument, integration of information and ideas, and lucidity of expression, though these are likely to be unclear or inappropriate and to offer negligible theoretical or critical treatment.

Essays and problems

The above statements apply not only to answers to essay questions but also to answers to problem questions. In particular, good problem answers will explore different solutions and lines of argument. The very best answers might offer a critical or theoretical treatment of the doctrines under discussion.

9.7 Examiners' conventions

Once marks are ascribed to individual answers, the examiners proceed to decide what overall result is merited. This question is governed by a separate set of guidelines, known as the examiners' conventions, as follows.

Law Moderations

- *For a Distinction*, two marks of 70 or above are needed and a third mark of 60 or above.
- *To pass*, three marks of 40 or above are needed. A candidate who fails one papers is allowed to resit that paper; a candidate who fails two papers or more has to resit the full examination.
- *Short weight*: it is essential that candidates follow the instructions on the paper; failure to do so will result in a penalty. A paper will not be deemed to have been fully answered if a whole question has been omitted, or, where part of a question is separately numbered or lettered, part of a question has been completely omitted. The precise degree of the penalty which is incurred will depend upon the extent to which the script is short weight. For example, in a system of numerical marking the marker will award some marks to an answer which is incomplete in the sense that a part of the question has not been answered. But where a question has been completely left out, then candidates must realise that a mark of zero will be registered for that question. Where a candidate completes the correct number of questions, but fails to answer a question which is compulsory (for example where the candidate does not answer a problem question as required by the rubric of the subject paper) then 50% of the marks will be deducted from the last of the questions which is answered.

Final Honour School

Up to and including the Final Honour School examinations in 2005 the award of degree classifications will be as follows:

- *First Class Honours* are awarded on a system where normally five marks of 70 or above are needed, with no more than one mark below 60 and no mark below 50.
- *For the award of Second Class Honours, Division 1*, five marks of 60 or above are needed, and no more than one mark below 50 (which must not be below 40).
- *For Second Class Honours, Division 2*, five marks of 50 or above are needed, and no marks below 40.
- *For Third Class Honours*, nine marks of 40 or above are needed, although a candidate may exceptionally be allowed one mark below 40.



- *For a Pass degree*, five marks of 40 or above are needed, and no marks below 30, although a candidate may exceptionally be allowed one mark below 30.
- *Short weight*: it is essential that candidates follow the instructions on the paper; failure to do so will result in a penalty. A paper will not be deemed to have been fully answered if a whole question has been omitted, or, where part of a question is separately numbered or lettered, part of a question has been completely omitted. The precise degree of the penalty which is incurred will depend upon the extent to which the script is short weight. For example, in a system of numerical marking the marker will award some marks to an answer which is incomplete in the sense that a part of the question has not been answered. But where a question has been completely left out, then candidates must realise that this will result in a reduction in the candidate's class in that paper. Where a candidate completes the correct number of questions, but fails to answer a question which is compulsory (for example where the candidate does not answer a problem question as required by the rubric of the subject paper), then 50% of the marks will be deducted from the last of the questions which is answered.

Up to and including the Final Honour School examinations in 2005, for the award of degree classifications marks in a special subject paper have the same weight as those in a standard subject paper. For first examination in 2006, the Final Honour School will consist of nine standard subjects or eight standard and two special subjects, and the award of degree classifications will be adjusted to reflect the difference in length between compulsory and optional standard subjects, and the fact that two special subjects may be substituted for one optional standard subject.

Diploma in Legal Studies

- *For a Distinction*, two marks of 70 or above are needed, with the third mark of 60 or above.
- *For a Pass*, three marks above 40 are needed.
- *Short weight*: it is essential that candidates follow the instructions on the paper; failure to do so will result in a penalty. A paper will not be deemed to have been fully answered if a whole question has been omitted, or, where part of a question is separately numbered or lettered, part of a question has been completely omitted. The precise degree of the penalty which is incurred will depend upon the extent to which the script is short weight. For example, in a system of numerical marking the marker will award some marks to an answer which is incomplete in the sense that a part of the question has not been answered. However, where a question has been completely left out, then a mark of zero will be registered for that question. Where a candidate completes the correct number of questions but fails to answer a question which is compulsory (for example where the candidate does not answer a problem question as required by the rubric of the subject paper), then 50% of the marks will be deducted from the last of the questions which is answered.

10 The Role Of The Law Faculty and Its Facilities

Students taking law programmes at Oxford are members of their college, of Oxford University generally, and of the university's Law Faculty.

Colleges have the main role in organising undergraduates' tuition, monitoring their academic progress, and taking care of their day-to-day problems. They also provide accommodation and meals, as well as sports, social, and welfare facilities. They normally have IT facilities, and a college library, with a collection of law books sufficient for most undergraduate needs. The colleges describe their arrangements and facilities in their entries in the Oxford University prospectus (many also have their own prospectus), and, in much more detail, in the material which they supply to their own students.

The university contributes the overall academic structure within which the various programmes run (it is responsible for defining syllabuses, for example, and running official examinations). It also provides sports, welfare, careers, language teaching and IT facilities. It describes its arrangements and facilities in the Oxford University prospectus, and, in more detail, in the literature which students receive upon or after entry, such as the Proctors' and Assessor's Memorandum.

Much of the colleges' and the university's literature is also accessible through the Oxford University website.

The Law Faculty is the entity through which the university delivers its activities in the area of law. It consists of all college and university staff who are involved in the teaching of law. Its members meet regularly to discuss its affairs. There are also subject groups within the faculty consisting of members with a particular interest in the various subjects. The faculty has an elected Chair. The faculty holds annual elections of its members to the Faculty Board, which takes an executive role on behalf of the faculty. The Board has a number of committees. Students are also represented on it and on some of its committees, and there is one committee (the Joint Consultative Committee) specifically devoted to discussion of issues between senior and junior members. The Faculty Board has a Chair and a Vice-Chair, and includes a Director of Undergraduate Studies, a Director of Graduate Studies (research degrees) and a Director of Graduate Studies (taught degrees).

The day-to-day administration of faculty activities is carried on in the Law Faculty office, which is staffed by the Faculty Administrator and a team of assistants. Most contact between undergraduates and the faculty takes place through this office.

The faculty's physical location is the St Cross Building, on St Cross Road. This building (which the Law Faculty shares with the English Faculty) houses the faculty office, the rooms in which most of the faculty's lectures and seminars are given, and the Bodleian Law Library. Most members of the faculty's academic staff have their offices not in the St Cross Building, however, but in their colleges.

The Bodleian Law Library is a very fine law library indeed by British standards. It owes much to the generosity of the donors commemorated at various places in it. You will appreciate its value increasingly as you proceed to more advanced work. It offers a huge collection of books, and access to electronic databases. Books may not be borrowed: they must be read in the library, but there are self-service photocopying facilities. 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. The procedures for enrolling as a user of the library are explained to you on arrival in Oxford, and the library staff hold induction sessions to explain its workings.

The faculty's students run the Oxford University Law Society. The success of this society varies, like most undergraduate societies, according to the energy and ability of those in charge of it. But it normally has a programme of distinguished visiting speakers, promotes meetings at which careers advice is given, and arranges moots—arguments of imaginary cases, often before High Court judges or even more senior judges.

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, before returning the completed questionnaires to the Faculty Office. In addition, the University invites Final Year Undergraduates to complete an anonymous questionnaire about their experience of their degree programmes during their time at Oxford.

11 Computing Services

You will receive a Herald user name and details about the University email system from your college on arrival. Your Herald email account must be activated soon after arriving.

All students are added to the relevant Faculty email list on arrival. This is the Faculty's principal means of communicating with students, and important information about lectures, the Legal Research Skills programme, visiting lecturers, IT training, library hours and so on is distributed on this list. All undergraduate students are expected to hear their email from this list regularly.

If you do not receive messages from the email list, contact Peter Humphrey (see below).

11.1 Support People in the Faculty

Contact Sandra Meredith (sandra.meredith@law.ox.ac.uk, phone 271499) if you need help using legal databases, the internet or computer applications such as Word, EndNote, Powerpoint, etc.

Contact Peter Humphrey (system.support@law.ox.ac.uk, phone 281263) for information about faculty email lists, accessing the Web Terminal Server, or with swipe card access to facilities.

Contact Catherine Donaldson (catherine.donaldson@law.ox.ac.uk, phone 271499) for information about the Law Faculty web site.

11.2 Computers in the St Cross Building

In the St Cross Building, there are two computing areas for students. One is the PC Training Room on the ground floor near the Faculty Office. It has 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.

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.

There are also 26 PCs provided in the Freshfields Bruckhaus Deringer IT Training Room in the Bodleian Law Library (if not being used for training). Within the Library, there is another computer room upstairs, and network connection points for laptops on readers desks. For help with these, contact Library staff.

11.3 Electronic Legal Resources and Training

Library 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).

In addition to the compulsory Legal Research Skills Programme, the Faculty of Law and the Bodleian Law Library IT Training and Development Officers provide training programmes in electronic legal research and database use. 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 mailing 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.

11.4 Remote Computing Facilities

The Web Terminal Service (with Law Faculty Desktop and OxLIP connections) is available to all law students. It can be accessed at 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. For students, your username is the same as your Herald user name and your password is your Bodleian card number.

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, go to OUCS (<http://www.oucs.ox.ac.uk>).

11.5 Oxford University Computing Services

The Oxford University Computing Services (OUCS) provides a wide range of IT services, focusing on those that are best provided on a centralized 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 how to use Herald and Word to making web pages 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 is at 13 Banbury Road, phone 273200, fax 273275, or email help@oucs.ox.ac.uk.

11.6 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.

11.7 Law-Mods and Law-FHS Email Lists

On first arrival all BA Jurisprudence students in the Law Faculty will be subscribed automatically to the Law-Mods Maillist. Once they have passed Law Moderations, they will be automatically transferred to the Law-FHS Maillist for the remainder of their degree programme. However, Senior Status students and Diploma in Legal Studies students will be automatically subscribed to the Law-FHS Maillist from the beginning.

These will be the Faculty’s main means of communicating announcements about changes to the lecture timetable and other important issues. It is therefore **essential** that **ALL** BA and Diploma students check their email on a regular, preferably daily basis, and ensure that their email accounts remain operative.

Please note that the Maillists can only be accessed using a Oxford University email address (which will be arranged for new students by their colleges on first arrival). If you do not receive messages from the Maillist, contact Peter Humphrey on (2) 81263 or system.support@law.ox.ac.uk.

11.8 Virtual Bulletin Board

Notices about social events and other law-related activities of a non-academic nature will be posted on the “virtual bulletin board” in the Current Students section of the Law Faculty web page.

11.9 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>.

12 Problems And Support

12.1 General

Being a student is exciting, challenging and rewarding, but it is not always a bed of roses! Everyone in Oxford is well aware that students can have problems, as well as anyone else. To a large extent we take these in our stride, consciously or unconsciously making use of the familiar support systems with which we surround ourselves, such as family bonds, friendships, and reliance upon those whose role it is to supervise us. But sometimes our problems need more intensive attention. Do not feel alarmed about acknowledging this: it really can happen to anyone. Oxford has a number of mechanisms designed to help.

The first line of resort will often be found in or through your college. All colleges have ways in which you can seek to address personal problems. Depending on the nature of the problem, it may be appropriate to approach your tutor, the college Chaplain, or some other person who has a designated responsibility for your welfare. Your doctor (most students register with a GP suggested by their college) is obviously a valuable resource. Appointments can also be made with the University's Counselling Service, in Wellington Square. Information about the Counselling Service can be found, *inter alia*, in the Proctors' and Assessor's Memorandum, a copy of which is supplied to you as you join Oxford, and which can also be found in your college's tutorial office. You will also find helpful information in the Memorandum on how to handle other kinds of difficulties you may conceivably face, such as harassment.

12.2 Special problems of law students

These may be more academic and practical than emotional, though they can of course give rise to the latter.

One, of which you have probably already been warned, is that you must be prepared to start at the beginning of a new subject, and undertake elementary work when those who are going further with subjects they did at school start on what is obviously more advanced work as soon as they arrive. There is a great deal to learn about law libraries, law books, law reports, abbreviations and references used in law books, and the general technique of legal writing. This cannot all be explained in a pamphlet or even in a book: it is part of what you have come to learn. Your college tutors will assist you in finding your way into these skills.

Another difficulty is that your subject is constantly developing, with new legislation and cases. There are frequent changes in the law, and developments may occur right up to and even during examinations which you take. Your tutor, and sometimes the examiners, will advise you about this problem also: nothing unreasonable is expected of anyone, and up-to-the-minute knowledge is not prized for its own sake. It is difficult to lay down general rules because of the varied nature of the developments that occur. However, no knowledge will be expected of statutes laid before Parliament after 1st April before the Final Honour School and Diploma in Legal Studies examinations. For Law Moderations, the relevant date is 1st October before the examination.

Another problem is the high cost of law text books. Not only are they expensive, but they are usually re-edited every four or five years to take account of recent developments. It must be stressed that a superseded edition of a law book is almost always worse than useless. This means that, although you will be able to recoup some of your expenditure by selling books back at appropriate times to a bookseller (especially Blackwells) you will certainly be caught out on others which will be rendered valueless by the appearance of a new edition. Your tutor may be able to help a little with advice but essentially this is an unavoidable occupational hazard for lawyers.

Diploma students additionally face the problem of coming to Oxford, normally from an overseas country, and getting to grips with everything in the space of only nine months. They can therefore experience similar problems to those facing other students, but with an unusual intensity. One member of the faculty's academic staff takes particular responsibility for advising and supporting Diploma students. This role is currently held by Mr John Cartwright, Christ Church, who will make contact directly with all students coming to Oxford under the Faculty's Erasmus exchange scheme with European universities. Any other Diploma student should feel free to contact Mr Cartwright if the need arises. Advice can also be had from your college tutor or the Faculty Office.

12.3 What to do when things go wrong

If you are unhappy with the standard of lectures or seminars, you will have the opportunity to say so through comments you may make on evaluation forms that each lecturer will hand out during the course of his or her lectures or seminars. Problems with the scheduling of lectures and seminars should be raised with the Director of Undergraduate Studies, via the Faculty Office.

If you have a problem with your tutorial teaching, it should be addressed through college mechanisms for addressing such matters. Individual colleges will differ slightly on their approaches, and will let you know the details of their own procedures.

12.4 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 274193

e-mail: 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 274193

e-mail: 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).

13 Careers

The faculty's BA programmes give you some highly desirable skills: not only the obvious legal ones, but also others of more general application, such as a power of synthesis and analysis, and one of oral and written exposition. These equip you to enter upon a wide range of careers, some drawing on your legal expertise, others not. The most obvious careers involving legal expertise are those of solicitor and barrister, but local and central government, the legal departments of companies (usually after acquiring a professional qualification), the police, the probation service, welfare advisory services, insurance and shipping also spring to mind. More widely, Oxford law graduates have recently entered the Civil Service as Administration Trainees, or taken up posts in marketing and production in industry, management consultancy, banking and journalism. Also on

graduation a number of students continue their academic legal studies taking a higher degree course in the UK or abroad (maybe in the USA or mainland Europe). Their ultimate destination may be the legal profession or an academic career.

You can obtain advice about all aspects of career matters from the Oxford University Careers Service (<http://www.careers.ox.ac.uk>). For information on legal careers go to “careers advice” and “occupations”. The Service makes contact with you soon after your arrival in Oxford, and steers you into an appropriate approach to this issue.

The two careers which attract most attention amongst law students are of course those of **barrister** and **solicitor** in England and Wales. Information about these careers can often be obtained by going to hear talks by those already pursuing them. The *Oxford University Law Society* sometimes arranges such talks; so too does the Careers Service. During Michaelmas Term in particular, a large number of firms of solicitors hold presentations on their practices and careers opportunities. The Careers Service also organises an annual **Law Fair** in November, which is attended by representatives of a large number of solicitors’ firms, barristers’ chambers and the Government Legal Service.

There are complicated admissions procedures and deadlines to be met if you wish to become a barrister or a solicitor, and it is essential to act only on the most up-to-date information. You are urged to draw on the Careers Service for detailed advice. Broadly, however, if you have taken the appropriate combination of subjects during your BA programme (see section 14 below), you should be exempted from the first stage of professional training (the academic). But you will be required to take the second stage of professional training (the vocational): the **Legal Practice Course**, for those wishing to become solicitors, or the **Bar Vocational Course**, for those wishing to become barristers (N.B. a First or Second, preferably Upper Second, Class Honours degree is a prerequisite for admission to this course). After that, you will have a period of on-the-job training (the practical stage): a two year training contract for solicitors, or a one year **pupillage** for barristers. In the case of the bar, it is also necessary to become a member of one of the *Inns of Court*. The Careers Service will advise you as to the timetable and procedures for making all the necessary applications.

For most students, the first step in seeking out a career as a solicitor or barrister takes the form of a “**vacation placement**” (sometimes, in the case of the bar, called a “**mini-pupillage**”): *i.e.* of your spending a short period, usually one or two weeks, of one of your vacations in a solicitors’ office or barrister’s chambers.

Some students take two or more such placements, though you are discouraged from taking too many, not least because of the inroads which this would make into your vacation time, when you need to be doing a substantial amount of academic work. They are normally undertaken during the Easter, or more especially the summer, vacation of your second year (in the case of students with senior status, your first year, and in the case of those taking Course 2, it might be the summer vacation either before or after your year abroad). You can obtain information about them from the Careers Service. Given this situation some students find it helpful to gain a general insight at the end of their first year through a short period of informal work experience/shadowing in general practice firms.

These placements give you a “taster” of the kind of work in question: and not simply solicitors’ or barristers’ work generally, but also, more specifically, provincial *versus* City, or commercial *versus* criminal *versus* family, or large *versus* small, and so on. But you should be aware that many solicitors’ firms, in particular, treat them as in effect the first stage in their

recruitment process, and are keen to offer them especially to students whom they believe show a fair prospect of ultimately taking a training contract with them.

The contact which you make with the Careers Service over vacation placements will lead you naturally into their advising you as to the timetable for applying for a training contract or pupillage itself, and making available to you all the literature which they hold on the subject. You will also be able to discover the position as regards financing your training period: both the solicitors' profession and the bar nowadays make reasonably substantial provision for this.

Useful website addresses:

Oxford University Careers Service	www.careers.ox.ac.uk
The Law Society	www.lawsociety.org.uk
The General Council of the Bar	www.barcouncil.org.uk
Law Careers Advice Network	www.lcan.csu.ac.uk

14 Accreditation for Professional Training

14.1 General

The degree of BA in Jurisprudence (Course 1 and Course 2) of the *University of Oxford* is recognised by *The Law Society* and *The General Council of the Bar* as satisfying the requirements of the academic stage of training specified by those bodies for entry into the legal profession.

A new Joint Statement (from *The Law Society* and *The General Council of the Bar*) concerning the requirements for a "Qualifying Law Degree" (QLD) came into effect for students who began their law degree course after 1 September 2001. BA in Jurisprudence Course 2 students who began their law degree in October 2002 (senior status students who began in October 2003), and Course 1 students who begin their law degree in October 2003 (senior status students who begin in October 2004) are also affected by changes to the BA in Jurisprudence syllabus which come into effect from October 2005 (for first examination in 2006). So, for those who intend to qualify professionally in England and Wales, there are different requirements if you want your law degree to be a QLD for professional purposes, depending on when you started your course, whether you are an undergraduate or a senior status student in the University.

If you intend to qualify professionally in a different jurisdiction, you should inquire in that jurisdiction as to the status of your Oxford law degree and what subjects you should include in your course.

If you already have a law degree not from Oxford, you need to consult The Law Society/Bar Council as to its status.

14.2 Course begun before October 2001

In order to satisfy the requirement that you have studied and passed the examination and assessments set in the seven “*Foundations of Legal Knowledge*” and the skill of legal research has been developed, you must include in your law degree the following subjects (QLD subjects):

- Constitutional Law (*either in Law Moderations or the Final Honour School*)
- Criminal Law (*either in Law Moderations or the Final Honour School*)

And in the **Final Honour School**:

- Contract
- Tort
- Land Law
- Trusts
- Administrative Law

And either

- European Community Law (standard subject)

or one or other of the special subjects

- European Community Competition Law *or*
- European Community Social, Environmental and Consumer Law

You must receive a raw mark (the marks do not form part of the formal record) from the Moderators or Examiners of at least 40% (**Law Society requirement**) or 30% in the Final Honour School and 40% in Law Moderations (**Bar Council requirement**) in each subject. If any of your marks are below 40% or 30% you will need to take the steps indicated in 14.6 below.

If you intend to qualify as a barrister, you must have attained at least a class II.ii honours degree. If your degree is less than class II.ii., you need to take the steps indicated in 14.6 below.

14.3 Course begun after 1 October 2001 and before October 2002 (Course 2) or before October 2003 (Course 1)

In order to satisfy the requirement that you have studied and passed the examinations and assessments set in the six “*Foundations of Legal Knowledge*” and received training in legal research, you must include in your law degree the QLD subjects as listed under 14.2 above, and you must receive a raw mark (the marks do not form part of the formal record) from the Moderators or Examiners of at least 40% (**Law Society and Bar Council requirement**) in each subject. If any of your marks are below 40% you will need to take the steps indicated in 14.6 below.

In addition, you must successfully complete all units in the Faculty’s *Research Skills Programme*.

If you intend to qualify as a barrister, you must have attained at least a class II.ii. honours degree. If your degree is less than class II.ii. honours, you need to take the steps indicated in 14.6 below.

14.4 Course 2 begun after 1 October 2002

In order to satisfy the requirement that you have studied and passed the examinations and assessments set in the six “*Foundations of Legal Knowledge*” and received training in legal research, you must include in your law degree the following subjects (QLD subjects):

- Constitutional Law (*either in Law Moderations or the Final Honour School*)
- Criminal Law (*either in Law Moderations or the Final Honour School*)

And in the **Final Honour School**:

- Contract
- Tort
- Land Law
- European Community Law
- Trusts
- Administrative Law

You must receive a raw mark (the marks do not form part of the formal record) from the Moderators or Examiners of at least 40% (**Law Society and Bar Council requirement**) in each subject. If any of your marks are below 40% you will need to take the steps indicated in 14.6 below.

In addition, you must successfully complete all units in the Faculty’s *Legal Research Skills Programme*.

If you intend to qualify as a barrister, you must have attained at least a class II.ii honours degree. If your degree is less than class II.ii honours, you need to take the steps indicated in 14.6 below.

14.5 Course (1 and 2) begun after 1 October 2003

In order to satisfy the requirement that you have studied and passed the examinations and assessments set in the six “*Foundations of Legal Knowledge*” and received training in legal research, you must include in your law degree the QLD subjects as listed under 14.4 above and you must receive a raw mark (the marks do not form part of the formal record) from the Moderators or Examiners of at least 40% (**Law Society and Bar Council requirement**) in each subject. If any of your marks are below 40% you will need to take the steps indicated in 14.6 below.

In addition, you must successfully complete all units of the Faculty’s *Legal Research Skills Programme*.

If you intend to qualify as a barrister, you must have attained at least a class II.ii honours degree. If your degree is less than class II.ii honours, you need to take the steps indicated in 14.6 below.

14.6 Consideration of marginally failed examinations and deemed passes

If you have failed (raw mark below 40%) one or both of the above QLD subjects in Law Moderations (**Constitutional Law** and **Criminal Law**), you must re-take the subject(s) in order to pass Law Moderations and proceed to the Final Honour School.

If you have “marginally failed” any of the QLD subjects in the FHS, The Law Society and The General Council of the Bar have discretion to condone that failure, but each apply their own particular definitions and rules.

Full details are given on their respective web-sites (www.lawsociety.org.uk and www.barcouncil.org.uk) and **it is essential to refer to them and to follow the instructions strictly.**

If no application for exercise of the discretion is made to The Law Society/Bar Council, or condonation is refused, then you will be required to pass the relevant QLD subject in an approved *Common Professional Examination (CPE)/Postgraduate Diploma in Law (PgDL)* examination/assessment in another institution. But, in the case of failure in either Constitutional Law or Criminal Law in the FHS, you will have the option of taking the failed subject in a Law Moderations examination. Details of institutions offering approved CPE/PgDL courses may be obtained from The Law Society/Bar Council.

If through illness or other urgent cause you have been unable to complete all the papers in the FHS or performance in the papers has been seriously affected, The Law Society/Bar Council has discretion whether to deem you to have passed that subject(s) and thus be awarded a QLD. Again, The Law Society and The General Council of the Bar apply their own particular definitions and rules and it is **essential to consult their respective web-sites** (www.lawsociety.org.uk and www.barcouncil.org.uk) **and to follow the instructions strictly.**

Application to The Law Society/Bar Council must be made by your college **and it is your responsibility to take the initiative and ask your college to take the necessary steps to put the application together and send it to The Law Society/Bar Council** (addresses under 14.7 below). Applications must be made by the appropriate college officer (Senior Tutor), but, in the first instance, you may wish to discuss this with your college tutor.

NOTE: Failure to achieve class II.ii honours degree (Bar Council only): If you have not achieved class II.ii in the FHS, The General Council of the Bar has discretion to allow you to proceed despite a poor result. Full details of how to proceed are given on the Bar Council web-site (www.barcouncil.org.uk).

14.7 Relevant addresses

The Education and Training Department
The Law Society
Ipsley Court
Redditch
Worcestershire B98 0TD.

The Academic Stage Officer
Education and Training Department
The General Council of the Bar
2/3 Cursitor Street
London EC4A 1NE.

15 Law Moderations Subjects

NOTE: 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 examinations.

Constitutional Law

The precise pattern of tutorials varies from college to college but would include most of the topics listed in the Teaching Convention. Lectures are given on some central topics. Constitutional Law covers material in the “foundations of legal knowledge” and so must be taken by those seeking a profession qualification in England and Wales.

This course covers the law of the constitution, excluding administrative, local government, and nationality law; and the organisation of the judicial system in England together with such parts of the history of the judicial system as are essential to an understanding of its present organisation.

Questions will not be set specifically upon the following topics: sources of law, the organisation of the legal profession, and legal aid.

Teaching Convention. *General:* The rule of law, separation of powers, constitutional conventions, Bill of Rights. *The Executive:* Ministerial responsibility, prerogative powers, Act of State, the powers (in outline) of the Scottish Parliament and the Welsh Assembly. *The Legislature:* Legislative process, Parliamentary sovereignty, Parliamentary privilege. *European Community Law:* Outline of the institutional structure of the European Communities, with more detailed knowledge of the law-making powers and decision-making procedures of the Council. The principle of supremacy of EC law. The European Communities Act 1972, in particular sections 2 and 3. The direct effect of the EC Treaty, and of regulations and directives (Knowledge of the *Francovich* principle will only be required so far as it relates to indirect effect of directives). The duty of courts to interpret domestic laws consistently with EC law. The jurisdiction of the European Court of Justice to make rulings on the interpretation of EC law under Article 234 of the EC treaty, and the exercise by domestic courts of the discretion to refer under that Article. *Civil Liberties:* Freedom of Expression, Freedom of Assembly, Public Order, Personal Freedom (arrest; entry, search & seizure), Freedom of Information. *Organisation of the judicial system (not in lectures; possibly only as directed reading):* Structure of the Courts, The Jury, The Courts of Justice of the European Communities and the Court of First Instance of the European Communities. Teaching is based on the assumption that detailed knowledge of the structure and jurisdiction of the courts, the Police and Criminal Evidence Act 1984, Public Order Act 1986 and the Criminal Justice and Public Order Act 1994 will not be required for the examination.

Criminal Law

The subject requires attention to cases and statutes, and is an important bridge to subjects studied for the Final Honour School. It is hoped that students will find it interesting for its intellectual challenge, as well as for the colourful material. Criminal Law covers material in the “foundations of legal knowledge” and so must be taken by those seeking a professional qualification in England

and Wales. There are lectures on most of the major topics in the course, and tutorials will be arranged by your college tutor.

The course deals with the following: (i) General principles of criminal liability: *actus reus* and *mens rea*, omissions, causation, negligence, strict liability, complicity and inchoate offences. (ii) General defences. (iii) The law relating to offences against the person (including sexual offences) and offences against property and other economic interests.

Teaching Convention. The following matters are examinable. In every case, candidates are expected to have a knowledge of other statutory provisions which are relevant to the interpretation of examinable offences. 1. *General principles of criminal liability*: actus reus (including liability for omissions); mens rea (including different kinds of fault, such as intention, negligence, strict liability); causation. 2. *General defences to criminal liability*. 3. *Liability as a party to a crime*, including participation as a principal and secondary participation (including “joint enterprise”). Questions will **not** be set on sections 4 or 5 of the Criminal Law Act 1967 (assisting offenders after the fact and compounding offences). 4. *Liability for the inchoate offences* of incitement, conspiracy (both statutory and common law) and attempt. 5. *Liability for the following kinds of homicide*: murder; manslaughter of all kinds; offences created by the following sections of the Road Traffic Act 1988: 1, 3A; the offence created by the Suicide Act 1961, s.2(1). 6. *Liability for the offences created by the following sections of the Sexual Offences Act 1956*: ss. 1, 2(1), 3(1), 4(1), 5, 6, 7, 9, 14, 23(1); also by the Indecency with Children Act 1960, s.1. Candidates in the academic year 2003-2004 will be expected to have a general understanding of the corresponding provisions in the Sexual Offences Act 2003. 7. *Liability for the following offences*: common assault and common battery; the offences created by the following sections of the Offences Against the Person Act 1861: 16, 18, 20, 23, 24, 47; the offence created by s.89(1) of the Police Act 1996; the offences created by the following sections of the Road Traffic Act 1988: 1, 2, 3. 8. *Liability for the following offences*: the offences created by the following sections of the Theft Act 1968: 1, 8, 9, 10(1), 12, 15 including 15A, 16, 17, 21, 22, 25; the offences created by the Theft Act 1978 (as amended by the 1996 Act); the offences created by the Criminal Damage Act 1971, ss. 1-3. **No** questions will be set requiring knowledge of s.24A of the Theft Act 1968.

Material available in the Examination Room. I. Dennis (ed), *Criminal Law Statutes* 2002/3, Sweet and Maxwell, 2002.

Introduction To Law

The main purpose of this subject is to engage students in thinking critically of law as a social institution. This implies a consideration of the values of legal institutions and a comparative perspective. The course therefore compares the main sources of law, legislation and case law, focusing on the characteristics of the relevant institutions and the types of law they produce.

The central part of the course deals with the criminal and civil processes. The readings explore the values at stake in doing things “the legal way”. In the criminal justice context, this exploration centres around the extent to which the legal process should be designed to secure convictions or protect individuals, and how the values in question translate into practical issues. In the civil justice context, it involves a critical view of the adversarial process and issues of protection of parties to a case. This leads naturally to examination of the way lawyers should conduct cases and of the access of the public to legal services.

The final element of the course also forms a background to the whole, and will be dealt with in lectures throughout. This involves thinking how far law should be considered as necessarily

being the only way of dealing with certain problems and how it compares with alternative methods.

College tutors will select certain topics for concentrated study in tutorials, but it is essential also to attend the lecture programme in order to obtain a unified view of the course.

Syllabus. The underlying principles of the course are: To introduce students to the main sources of law, viz., legislation and judicial precedent, which they will deal with in the substantive courses and to place this knowledge within a critical framework involving some evaluation of these types of law in a comparative perspective and in the light of the European Convention on Human Rights and Fundamental Freedoms; and to introduce them to the distinction between public and private law.

The Syllabus comprises Ten Topics, and teaching is based on the assumption that the examiners will allow tutors to make a selection among the Topics.

The lecture programme is designed to supplement tutorial teaching and to provide a basis for students to acquire a more unified view of the course. It is therefore expected that students will attend lectures.

The precise syllabus covers: 1. Legislation and its Interpretation; 2. The Judicial Role; 3. Evolution of the Legal Process; 4. Public and Private Law; 5. The Broad Concept of the Rule of Law and its particular relevance to Due Process of Law; 6. The Criminal Process, Aims and Values; 7. Illustrations of Criminal Process Values; 8. The Civil Process; 9. Access to Legal Services and Professional Ethics; 10. Alternative Dispute Resolution.

Roman Law

This subject is an introduction to legal concepts and legal thought, which for centuries have been directly influenced by Roman Law. The course therefore shows where many of the ideas which we take for granted have come from.

The course is based on primary materials, the set texts from *Gaius* (second century AD) and *Justinian* (sixth century AD). The texts are studied in translation. No Latin is needed, nor is Latin an advantage. Contact with primary materials is one of the great merits of the study of law. It frees the mind from second-hand opinions.

The course has three sections: I. Sources of Law and the Scheme of the Institutes; II. Property; III. Obligations (A) Contract (B) Delict (Tort)

There are lecture courses on each section, on the first two sections in Michaelmas Term and on the third section in Hilary Term. There are also tutorials arranged by your college tutor. Within this structure it is possible to introduce most of the principal concepts and distinctions which are still of importance in modern law. The two great categories, property and obligations, comprehend most of the private law encountered in ordinary life and legal practice. The first section provides an opportunity to see how enormously influential the scheme of the Institutes has been in the western legal tradition and introduce, from a comparative perspective, the principal kinds of law-making, namely legislation and interpretation.

Syllabus. (i) Sources of law and the general arrangement of the Institutes to be studied in connection with Gaius, *Institutes* I. 1-8, and Justinian, *Institutes* I. 1-2. (ii) Property to be studied in connection with Gaius, *Institutes* II. 1-33, 40-51, 65-79, and Justinian, *Institutes* II. 1-6. (iii) Contract (but not quasi contract) to be studied in connection with Gaius, *Institutes* III. 88-162 (omitting 94-127, 151-154b, 157-160), and Justinian, *Institutes* III. 13-26 (omitting 15.2-7, 16-20,

23.4-5, 25.4-8, 26.7, 26.9-12). (iv) Delict (but not quasi-delict), to be studied in connection with Gaius, *Institutes* III. 182-225, Justinian, *Institutes* IV. 1-4.

Candidates will be required to answer questions on the prescribed texts from the *Institutes* of Gaius and Justinian in English translation. The texts and translations used will be those of F de Zulueta (*Institutes of Gaius*) and T C Sandars (*Institutes of Justinian*).

Teaching Convention. The following convention is intended to explain and in some important ways to restrict the subject as defined above. *Scheme of the Institutes*: Questions on the arrangement of the Institutes will expect candidates to be aware of the fact that modern codes and overview literature all to a greater or less extent embody the institutional scheme. Candidates will be expected to have some knowledge of the codification movement, sufficient to allow them to understand that codification, although the best known feature of modern civilian systems, was not previously characteristic of Roman law and that the reputation of Roman law for “system” long rested solely on the Institutes. However, questions will not be asked directly on the modern codes or overview literature. *Contract*: Questions will be asked on the emergence in Roman law of a list of nominate contracts rather than a general law of contract, on the definition of the figures in that list and their fourfold classification, on the extent to which the gaps between them were filled, on the role of writing and other formalities, and on the difference between contracts tried according to “strict law” and those tried according to the standard of good faith. Questions will not be asked directly on other aspects of the law of contract, hence not on implied terms, vitiating factors, or measure of damages. In relation to the distinction between strict law and good faith candidates should nonetheless be able to illustrate the role of good faith in the generation of implied obligations. *Quasi-Contract and Quasi-Delict*. No texts are set on these topics and questions will not be asked directly on them. In answering questions on the structure of the Institutes in general and of the law of obligations in particular candidates should know of the existence of and be able to take account of these categories. *Meaning of “questions will not be asked”*. Where these conventions say that questions will not be asked, they mean to exclude all forms of question, whether of the essay, problem or gobbet kind. *Form of the Examination*. Subject to anything that may be said in the moderators’ edict, candidates will be required to answer four questions in three hours and will be required to answer one question, and one question only, of the kind which asks for comment on extracts from the set texts (gobbet questions). Candidates will be given a choice from two such questions each of which will require comment on two extracts from a choice of four. They will not as heretofore be permitted to answer both the gobbet questions.

16 Final Honour School of Jurisprudence Subjects

NOTES: (i) Teaching in some standard and special 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 candidate by examiners nearer the time of examinations.

16.1 Standard Subjects

Administrative Law

Administrative Law is concerned primarily with judicial control of the activities of the executive branch of government. The main topics covered in tutorials are: (1) the grounds on which decisions and rules made by the executive can be challenged in the court - some of these relate to the substance of the decision or rule and others to the procedure by which it was made; (2) the remedies which can be obtained by applicants challenging administrative decisions; (3) the liability of public authorities in contract and tort. Some tutors also deal with tribunals, public local inquiries, next steps agencies, contracting out and public sector ombudsmen. Some of these topics are the subject of lectures, which also occasionally deal with more theoretical aspects of the subject. Administrative Law covers material in the “foundations of legal knowledge” and so must be taken by those seeking a professional qualification in England.

The subject is taught in tutorials arranged by your college tutor.

Extract from Examination Regulations. “Questions will not be set on the law of local government or of public corporations except as illustrating general principles of administrative law. Candidates will be required to show a sufficient knowledge of such parts of the general law of the constitution as are necessary for a proper understanding of this subject.”

Teaching Convention. Students will be expected to know the general principles of the European Convention on Human Rights jurisprudence so far as they affect judicial review, natural justice, remedies and damages actions. Questions will not be asked which require a detailed knowledge of the meaning of a particular Convention right.

Company Law

The company is one of the most important institutions of our society. There are over one million registered companies which, of course, vary radically in size and commercial significance ranging from the “one-person” company to the large public companies. By virtually any measurement the company is the dominant vehicle through which business is conducted. There are a number of reasons for this but principally it is because it is a very flexible commercial institution and it is made conveniently and cheaply available.

The purpose of the course is to introduce students to the basic conceptual apparatus of company law and to analyse some of the policy issues raised in regulating this pervasive commercial form. It is important to note that the course is of relevance not only to those who wish to pursue a career as commercial or company lawyers, but also to those who have no such

aspirations, as a knowledge of the company and how it works is relevant to many aspects of legal practice. The course involves an analysis of not only cases but also statute law and, although the Companies Act 1985 is among the largest statutes on the statute book, the course is not overly dominated by a study of statutory materials.

The subject is taught in tutorials arranged by your college tutor.

Extract from Examination Regulations. “Company Law comprises (a) Incorporation and its consequences. (b) The company’s constitution and its alteration. (c) Corporate management. (d) Publicity and meetings. (e) Shares and shareholders. (f) Capital. (g) Organic changes.”

Teaching Convention. The teaching of the subject is based on the following assumptions as to the contents of the various heads of the Regulations: (a) Includes (i) types of companies, (ii) the corporate entity doctrine, (iii) pre-incorporation contracts, (iv) corporate capacity (excluding corporate criminal and tortious liability; proprietary recovery on an ultra vires transaction; the application of subrogation principles). (b) Includes (i) appointment and removal of directors, (ii) jurisdiction and constitution of the board of directors, (iii) the indoor management rule, (iv) duties of directors and their enforcement, (insider dealing should be dealt with as part of director’s duties but knowledge of Part V of the Criminal Justice Act 1993 is not required) (v) Department of Trade investigations, (vi) other corporate officers. (c) Includes (i) auditors, (ii) the general principles underlying the disclosure obligations of companies, (iii) meetings (only in so far as they relate to shareholder control of management). (d) Includes (i) the nature of the shareholder’s interest (excluding the acquisition of shareholder status), (ii) transfer of shares (only in so far as this relates to the problem of shareholder oppression), (iii) protection of shareholder rights (including just and equitable winding up). (e) Includes (i) types of corporate securities; (ii) charges (excluding priorities and out of time registrations); (iii) raising and reduction of capital; (iv) dividends. (It is assumed that Part IV of the Companies Act 1989 will never be brought into effect). (f) Includes general principles of insolvency law.

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

Comparative Law Of Contract

This course centres on a comparison of the general principles governing the law of contracts in French and English law, but it sets this study in the context of work on the more general features of the two legal systems, notably their approaches to the sources of the law, and their constitutional and institutional settings.

The course is arranged in two parts. The first (representing two tutorial weeks) looks at the general features of the French legal system and invites comparison with the English: here, comparisons between the roles of legislatures, courts and jurists are made. The ways in which the law is divided are explored in the two systems, notably the line between public and private law, (though no detailed knowledge of the substantive administrative law of either system is required). The significant features and principles of the Constitution of the Fifth Republic are compared to those of the United Kingdom.

The second part of the course (representing six tutorial weeks) looks at the French and English general law of contracts both from the point of view of their own substantive principles and as the context for the illustration and elucidation of some of the more general questions dealt with in the first part. While the material itself is necessarily restricted, the provisions of the Code

civil and examples of the caselaw and juristic commentary are studied. Comparisons may include those drawn at the level of present principle, underlying values, legal technique or practical result. Students taking this course may come either from a common law or civil law background, but the reading set for the course focuses on (though is not limited to) the French materials, it being assumed that the students taking the course have already undertaken studies in English general contract law. The course requires a good reading knowledge of French. There is a source-book of cases and materials (Kahn-Freund, Lévy and Rudden) which was tailor-made for the course, but students are also required to read the Code civil and French cases and to refer to French textbooks. There are also textbooks in English on the French legal system and substantive law (Bell, Boyron and Whittaker, *Principles of French Law*), French constitutional law (Bell, *French Constitutional Law*), administrative law (Brown and Bell, *French Administrative Law*) and the Law of Contract (Nicholas, *The French Law of Contract*).

The lectures are given by Mr John Cartwright and Dr Simon Whittaker in Michaelmas and Hilary Terms respectively. Tutorials are offered by Mr John Cartwright and Dr Simon Whittaker.

Extract from Examination Regulations. “Comparative Law of Contract comprises: (a) Sources and methods of French law: the structure of the legislature and the style of legislation; the significance of the Codes and of their reform; the structure of the courts and the significance of case law in the development of the law; academic legal research and writing and its influence on the development of the law. (b) The French law of contract: formation of contracts and conditions for their validity; rights arising from contracts and their enforcement. Questions will not be set on the law of agency. Candidates will be required to compare the French law with the relevant portions of English law. Candidates will be required to have an adequate knowledge of the original source material in French.”

Teaching Convention. The teaching of the subject is based on the following assumptions: 1. Candidates should be prepared to answer questions on both parts of the subject mentioned in the Examination Decrees, but in the examination paper they will be given a wide field of choice. 2. As mentioned in the Examination Decrees this is a paper on Comparative Law. The emphasis on the teaching is therefore on comparative aspects of French and English Law and candidates should be prepared to answer questions in the light of both systems. 3. The scope of the subject is broadly indicated by the content of *A Source Book on French Law (by Kahn-Freund, Lévy and Rudden), 3rd edition, 1990*. In the field of Contract this means that those aspects of the Law of Contract which in France go under the name of “Commercial Law” are not included. Nor are the principles of Civil Law applicable to specific types of contract (Sale, Letting and Hiring etc.) included, except insofar as they are indispensable for an understanding of the general principles of the law of contract (e.g. Article 1674 and following of the Civil Code in connection with lésion). 4. Candidates should be prepared to comment on the provisions of the Civil Code. They should also be prepared to discuss extracts from the materials in the *Source Book*. Candidates are strongly advised in addition to use at least one of the French textbooks.

Material available in the Examination Room. Arts 4-6; 1101-1122; 1126-1167; 1183-1184; 1382-1383 of the French Civil Code.

Constitutional Law

The precise pattern of tutorials varies from college to college but would include most of the topics listed in the Teaching Convention. Lectures are given on some central topics. Constitutional Law

covers material in the “foundations of legal knowledge” and so must be taken by those seeking a profession qualification in England and Wales.

Extract from Examination Regulations. “The law of the constitution, excluding administrative, local government, and nationality law; and the organisation of the judicial system in England together with such parts of the history of the judicial system as are essential to an understanding of its present organisation. Questions will not be set specifically upon the following topics: sources of law, the organisation of the legal profession, and legal aid.”

Teaching Convention. *General:* The rule of law, separation of powers, constitutional conventions, Bill of Rights. *The Executive:* Ministerial responsibility, prerogative powers, Act of State, the powers (in outline) of the Scottish Parliament and the Welsh Assembly. *The Legislature:* Legislative process, Parliamentary sovereignty, Parliamentary privilege. *European Community Law:* Outline of the institutional structure of the European Communities, with more detailed knowledge of the law-making powers and decision-making procedures of the Council. The principle of supremacy of EC law. The European Communities Act 1972, in particular sections 2 and 3. The direct effect of the EC Treaty, and of regulations and directives. The duty of courts to interpret domestic laws consistently with EC law. The jurisdiction of the European Court of Justice to make rulings on the interpretation of EC law under Article 234 of the EC treaty, and the exercise by domestic courts of the discretion to refer under that Article. *Civil Liberties:* Freedom of Expression, Freedom of Assembly, Public Order, Personal Freedom (arrest; search & seizure), Freedom of Information. *Organisation of the judicial system (not in lectures; possibly only as directed reading):* Structure of the Courts, The Jury, The Courts of Justice of the European Communities and the Court of First Instance of the European Communities. Teaching is based on the assumption that detailed knowledge of the structure and jurisdiction of the courts, the Police and Criminal Evidence Act 1984, Public Order Act 1986 and the Criminal Justice and Public Order Act 1994 will not be required for the examination.

Contract

Contract is one of the four compulsory standard subjects within the Final Honour School syllabus. It also covers material in the “foundations of legal knowledge” and so must be taken by those seeking a professional qualification in England and Wales. The subject deals with the general principles of the law governing enforceable agreements. It is not concerned with special rules governing specific types of contracts, such as sale, carriage or employment. The principal topics normally discussed are: (a) the rules relating to the formation of agreements and to certain further requirements which must be satisfied to make agreements legally enforceable; (b) the contents of a contract and the rules governing the validity of terms which exclude or restrict liability; (c) the nature and effects in a contractual context of mistake, misrepresentation, duress and undue influence; (d) the general principle that right and duties arising under a contract can only be enforced by and against the parties to it; (e) performance and breach, including the right to terminate for failure in performance and the effects of wrongful repudiation; (f) supervening events as a ground of discharge under the doctrine of frustration; (g) remedies for breach of contract by way of damages, action for the agreed sum, specific performance and injunction. (h) the basis of contractual liability. The subject is taught in tutorials arranged by your college tutor. Particular areas are also explored in lectures, (and, for second and final year students, there is a seminar on aspects of the Contract/Tort overlap).

Extract from Examination Regulations. “Candidates will be required to show a knowledge of such parts of the law of restitution as are directly relevant to the law of contract. Questions may be set in this paper requiring knowledge of the law of tort.”

Teaching Convention. The teaching is based on the assumption that questions will not be asked on Contracts that are illegal or contrary to public policy or on Gaming and Wagering Contracts; and that detailed knowledge will not be expected of Formal Requirements, Agency, Assignment or Contractual Capacity.

Material available in the Examination Room. Blackstone’s *Statutes on Contract, Tort and Restitution* (by Francis Rose), 14th edition, 2003/2004.

Criminal Justice And Penology

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. The aim of the course is to provide students with a sound analytical understanding of some central developments and debates relating to this subject.

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 offenders and 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 advanced mathematical skills called for. There is no single textbook, but clear guidance is provided to students on core reading materials, which include research reports, scholarly journal articles and chapters from books, as well as proposals for reform from pressure groups and government.

The course includes an assessment of the scope and different manifestations of criminal behaviour, 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; 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 adult offenders are explored in some depth. Among the topics usually covered 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 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; and 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. The extent to which the operation of the criminal justice system involves unfair discrimination against citizens on the grounds of race or gender is also explored, with some tutors incorporating this question into all of the other issues studied. Indeed, while the teaching is organised into discrete topics, it should be emphasised that much of the material covered in one topic has implications for issues highlighted in other parts of the course.

Students need to attend the lecture courses in both Michaelmas and Hilary Terms as there are no satisfactory textbooks which cover this subject as a whole. Tutorials will be arranged by your college tutor. The Centre for Criminological Research holds 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, and students are very welcome to attend.

Although the course is intended to be of general interest it should prove to be particularly useful to those who are contemplating work in a criminal practice or in any branch of the criminal justice system. It will also be good preparation for those who may wish to proceed to postgraduate study in criminology or criminal justice.

Extract from Examination Regulations. “Criminal Justice and Penology comprises (a) The dimensions and patterns of crime and criminal behaviour, the interpretation of official and other statistics. (b) The exercise of discretion in the criminal process by police, prosecutors, and courts prior to sentencing. (c) The law and practice of sentencing. (d) The development of English penal policy and practices. (e) The contemporary forms of penal and other sanctions and the assessment of their efficacy. *Notes:* (1) Theories of punishment are included in the syllabus in so far as they are relevant to any of the above headings. (2) The above headings include children and young persons and offences committed by them. (3) Headings (d) and (e) will comprise about half the course.”

Teaching Conventions. Teaching in this subject is based on a core reading list organised into a number of topics from which tutors normally choose eight. These topics are currently as follows: 1. The aims of criminal justice and the social construction of crime. 2. The aims and justifications of punishment (with special emphasis on retributive and restorative theories). 3. Police powers and the rights of suspects. 4. Prosecution policy and practice. 5. Sentencing: discretion, disparity and approaches to reform. 6. Non-custodial penalties: fines, compensation and community penalties. 7. Prisons: policy, practice and privatisation. 8. Incapacitation and deterrence. 9. Early release from prison/parole. 10. Youth justice. 11. Victims of crime and their place in the justice process. 12. Ethnicity and racial discrimination. 13. Gender and criminal justice

The core reading list indicates the material with which students are expected to be familiar in the examination and also indicates some further reading. Tutors are at liberty to organise the core reading material, and the order of topics, according to their own preferences. The lectures provided in this subject do not necessarily cover all of this material. No statutory or other material is provided to students in the examination.

Criminal Law

The course is not available for those who have taken the subject in Law Moderations, and is intended for those who have transferred to Law after Mods, and for senior status students. The syllabus is the same as that for the Law Moderations course, but the paper in the Final Honour School is examined separately, and is intended to be more challenging. Criminal Law covers material in the “*foundations of legal knowledge*” and so must be taken (if not taken in Law Moderations) by those seeking a professional qualification in England and Wales.

The subject is taught in tutorials arranged by your college tutor.

Extract from Examination Regulations. “(a) General principles of criminal liability-actus reus and mens rea, omissions, causation, negligence, strict liability, complicity and inchoate offences. (b) General defences. (c) The law relating to offences against the person (including sexual offences) and offences against property and other economic interests. This paper shall not be offered by any candidate who has passed Law Moderations.”

Teaching Convention. The following matters are examinable. In every case, candidates are expected to have a knowledge of other statutory provisions which are relevant to the interpretation of examinable offences. 1. *General principles of criminal liability*: actus reus (including liability for omissions); mens rea (including different kinds of fault, such as intention, negligence, strict liability); causation. 2. *General defences to criminal liability*. 3. *Liability as a party to a crime*, including participation as a principal and secondary participation (including “joint enterprise”). Questions will **not** be set on sections 4 or 5 of the Criminal Law Act 1967 (assisting offenders after the fact and compounding offences). 4. *Liability for the inchoate offences* of incitement, conspiracy (both statutory and common law) and attempt. 5. *Liability for the following kinds of homicide*: murder; manslaughter of all kinds; offences created by the following sections of the Road Traffic Act 1988: 1, 3A; the offence created by the Suicide Act 1961, s.2(1). 6. *Liability for the offences created by the following sections of the Sexual Offences Act 1956*: ss. 1, 2(1), 3(1), 4(1), 5, 6, 7, 9, 14, 23(1); also by the Indecency with Children Act 1960, s.1. Candidates in the academic year 2003-2004 will be expected to have a general understanding of the corresponding provisions in the Sexual Offences Act 2003. 7. *Liability for the following offences*: common assault and common battery; the offences created by the following sections of the Offences Against the Person Act 1861: 16, 18, 20, 23, 24, 47; the offence created by s.89(1) of the Police Act 1996; the offences created by the following sections of the Road Traffic Act 1988: 1, 2, 3. 8. *Liability for the following offences*: the offences created by the following sections of the Theft Act 1968: 1, 8, 9, 10(1), 12, 15 including 15A, 16, 17, 21, 22, 25; the offences created by the Theft Act 1978 (as amended by the 1996 Act); the offences created by the Criminal Damage Act 1971, ss. 1-3. **No** questions will be set requiring knowledge of s.24A of the Theft Act 1968.

Material available in the Examination Room. I. Dennis (ed), *Criminal Law Statutes* 2002/3, Sweet and Maxwell, 2002.

Ethics

This standard subject affords an opportunity to pursue more extensively some of the philosophical questions with which Jurisprudence is concerned. The examination allows the law student to focus on topics closely or directly related to the law (e.g. rights, social equality, enforcement of morality, political authority). But one may also read widely in the classic and contemporary writings on the central questions of morality as it bears on individual and social choices.

The syllabus is as specified for Philosophy in some Honour Schools. This paper cannot be offered by any candidate who offered it (or Moral and Political Philosophy) when he or she passed in any other Honour School.

The subject is taught in tutorials arranged by your college tutor. Lectures are shown on the University's Philosophy Lecture List (available in your college, and also online at www.philosophy.ox.ac.uk).

Extract from Examination Regulations. "Candidates will be given an opportunity to show some first-hand knowledge of some principal historical writings on this subject, but will not be required to do so. Questions will normally be set on the following topics: 1. Ethical concepts: obligation, goodness, virtue. 2. Objectivity and the explanation of value beliefs. 3. Moral Psychology: akrasia; conscience, guilt and shame. 4. Freedom and responsibility. 5. Consequentialism and deontology. 6. Self-interest, prudence and amoralism. 7. Rights, justice and equality. 8. Kant: The Groundwork. 9. Happiness, welfare and a life worth living."

Family Law

The emphasis of this course is on current law as it relates to family matters, but this is placed within the historical, social and economic context in which it operates and the policy issues under debate.

Since marriage is the most important institution affecting the legal provisions relating to the family, the law relevant to entering marriage is covered, and, by implication, the law of nullity, which illustrates many of the policy concerns of marriage law itself. The law of divorce remains a central part of the course, although it should be pointed out that legal complexity has now shifted away from issues pertaining to the dissolution of the marriage to those surrounding the financial and property consequences of this. However, attention now has to be paid to the basic institutional structure of the system by which divorces are granted, which requires some consideration of matters which are not usually considered 'technical law', but which are of great importance to the legal process, such as the place which mediation or conciliation has within the system. The social effects of the divorce system are also considered.

The examination of the way in which financial and property consequences of divorce are legally handled involves a relatively extensive examination of recent case law, and attention is paid to the relevance of social security provisions. Property law is also relevant outside the divorce context when the special position of husband and wife who have interests in items of property is considered. However, the legal consequences of relationships outside marriage are also dealt with, a part of the course which brings particular focus to areas of law covered elsewhere, especially trusts, property and contract.

The legal position of parents and children has been significantly re-structured by the Children Act 1989 which is now the major controlling statute covering arrangements regarding children after parental divorce and the powers and duties of local authorities concerning children. But the law relating to children also covers adoption and the problems relating to such developments as artificial reproductive techniques and surrogate parenthood.

Although the syllabus does not extend to the law of succession generally, the protection of family members on the death of one of their number is within its scope.

Apart from the usual legal textbooks, students are expected to read or use some materials from the social sciences and a range of governmental publications, especially Law Commission reports. Much of the law is statutory in origin, but these are mostly post 1969 statutes.

Extract from Examination Regulations. “Family Law comprises (a) The formation, validity, and dissolution of a marriage, including the process according to which marriages are dissolved. (b) The mutual rights and obligations of husband and wife, including the effect of marriage on the property rights of the spouses; the relevant principles of intestate succession and family provision; the legal position of unmarried persons who live together in a domestic arrangement. (c) Parental responsibility and children’s rights; child support; adoption; the powers and duties of courts and local authorities with respect to children (excluding juvenile delinquents).”

Teaching Convention. The teaching of the subject is based on the following assumptions: 1. It is impossible to understand Family Law without a firm grasp of the problems of social policy involved in it and it is impossible to understand the relevant legislation without knowing the reasons which prompted its passing. 2. The law relating to children includes legal questions related to artificial reproduction and surrogacy insofar as they are relevant to family relationships and obligations. 3. Questions of the Conflict of Laws and questions of the jurisdiction of the English courts in matters concerning non-English elements are not covered by the syllabus. 4. Candidates will not be expected to carry out computations under the child support formula.

Material available in the Examination Room. Blackstone’s Statutes on Family Law, 12th edition 2003-2004

History Of English Law

This option studies the history of the principal features of the branches of the law that are today known as the law of land, tort and contract, along with the sources of the law. The timespan has a clearly agreed beginning, which is the conquest of 1066, but a less clearly defined end, probably somewhere about the beginning of the 20th century. This period, of course, contains a large number of separable issues, and the course is designed so that individuals can follow to some extent their own preferences, both amongst and within the major heads of study.

The examination paper contains an above average number of questions, (currently 14, with a decent proportion of those framed in the alternative), which reflects the flexibility of teaching pattern. The treatment of the subject is primarily legal, though the political, social and economic constituents in the story are referred to whenever this assists our perception of specifically legal ideas.

The teaching presumes a familiarity with the notions of property, tort and contract law and is virtually exclusively taught as a final year option. The legal history does not serve as an introduction to the modern law; if anything, the converse is the case. It is in this sense an advanced course; the feedback to the modern law is conceptual or theoretical, though a study of the history may occasionally illuminate a modern problem. There is, however, absolutely no need to have studied any other kind of English history, nor is familiarity with foreign languages necessary since the course is designed around translated materials.

The sort of subject matter which might typically form the basis for a term’s work is listed below. Lectures are usually given by Dr J S Getzler, Mr J Hackney and Mr M Macnair, and tutorials will be arranged by your college tutor. *Sources of the Law*: Law Reporting – yearbooks and named Reporters. Treatises – Glanvill, Bracton, Coke, Blackstone etc. Other legal works such as Registers of Writs. *Tort*: Trespass and case. Nuisance. Defamation. Trover and Conversion. Negligence. Strict liability and fault. Tort Law & the Industrial Revolution. *Land Law*: Tenure – freehold and copyhold. The real actions. Estates in land, the doctrine of estates and property in

land. Freehold estates - life estates, fee simple, fee tail etc. Leaseholds. Future interests - remainders etc. Users and Trusts. Perpetuities. *Contract*: The old personal actions. Debt. Covenant. Account. Assumpsit. Consideration. The Ideology of Freedom of Contract.

Extract from Examination Regulations “History of English Law comprises The history of the land law, contract, and tort, and the sources of English legal history. Candidates will be required to show a sufficient knowledge of the history and structure of the judicial system.”

International Trade

This course takes as its subject matter a sale of goods by a seller in one country to a buyer in another, and examines the contractual relations between various parties that may be involved in the making and performance of such a sale. Accordingly, it is concerned first with the relations between buyer and seller, emphasising the special features of the sale which are due to its international character. Secondly, it is concerned with the carriage of goods from the seller to the buyer, once again emphasising the special rules which govern international carriage. So as to keep the course within reasonable bounds, it deals only with carriage by sea; it does not cover the special rules governing international carriage by air, road and rail. Thirdly, the course deals with an aspect of banking law. Payment in international sales is often made, not directly by buyer to seller, but through the mechanism of a banker's commercial credit; the law relating to such credits forms the third part of the course.

Looked at from another angle, the course is concerned with the special problems that arise in overseas sales because the parties are often comparative strangers to one another, and because there is often a long interval of time between the despatch of goods and their receipt. During that time, the parties are exposed to certain financial and physical risks. The financial risk to which each party is exposed is that of the other's insolvency: to protect himself against this risk the seller will want to be paid as early as possible while the buyer will want to pay as late as possible. One major topic for discussion is the way in which the law and commercial practice seek to reconcile these conflicting desires. So far as the physical risks are concerned, there is the possibility that the goods may be lost or damaged or delayed in transit. Sometimes that risk has to be borne by one of the parties to the contract of sale; sometimes it has to be borne (at least in part) by the carrier; and exactly how it is to be borne has obvious repercussions on the decisions to be made by each party with regard to insurance.

Although its name might suggest something different, the course is about a branch of English domestic law. Our concern is with the English rules governing international transactions (though these rules are often applied to contracts which have no physical connection with this country). It follows that the materials and methods of this course are almost entirely those of the traditional law course, i.e. that it consists largely of a study of decided cases and legislation, though the latter is to a considerable extent influenced by international conventions. Internationally accepted customs and practices figure prominently in the banking section of the course; but the course contains nothing that anyone with the standard equipment of a common lawyer cannot handle.

The course has three principal attractions. Firstly, it raises not only complex and fascinating analytical issues but also fundamental issues of legal policy. Secondly, a study of International Trade will help candidates very considerably with their understanding of the law of contract, particularly in the areas of privity, breach, frustration and remedies. Thirdly, the course forms a useful background to one of the most intellectually satisfying types of legal practice.

Lecturing and other guidance is important in this subject because there are no suitable student books for students to study it for themselves at the right level. The books available are either too simple, or are large practitioners' works in the use of which students need guidance.

Lectures are given on carriage by sea, on the international sale of goods contract (Professor E McKendrick); and on letters of credit (Professor A S Burrows). There are handouts for each set of lectures. In the Hilary Term (second of the year) there is a weekly class where the three contracts are treated together and their interaction studied. For this there are separate lists of cases and questions. Tutorials (which include practice in analysing problems) are also available in that term with Mr E Peel and Mr D Nolan, and that is the term in which the bulk of the student's own personal work on the subject (other than attending lectures) should be done.

Extract from Examination Regulations. "International Trade comprises (a) Sale of goods, with special reference to export and import sales. (b) Carriage of goods by sea. (c) Bankers' commercial credits."

Teaching Convention. The teaching of the subject is based on the assumption that its parts are so closely related that questions, especially problems, may and will involve all three. As regards particular questions of scope, the teaching of the subject is based on the following further assumptions: **1. Sale of Goods includes** (a) *The general principles of sale of goods with special emphasis on these parts of the subject which give rise to problems in international sales, viz:* (i) Definition of 'sale' and 'goods'; (ii) Classification of goods; (iii) Transfer of title and passing of property; (iv) Destruction and deterioration; (v) Remedies. (b) *Analysis of particular types of contracts, viz:* (i) F.O.B.; (ii) C.I.F. (c) *Special problems arising between buyer and seller where goods are carried in a "container":* The following topics are omitted: (i) Exclusive Sales Agreements; (ii) Agency agreements; (iii) Confirming houses; (iv) The uniform law on International Sales and the UN Convention on Contracts for the International Sale of Goods. **2. Carriage of goods by sea includes** (a) The contract for carriage of goods by sea under a Bill of Lading. (b) The contract for carriage of goods by sea under a Charterparty. (c) Contracts for carriage of goods by sea in a chartered ship: (i) where a Bill or Bills of Lading are given to the charterer; (ii) where a Bill or Bills of Lading are given to other shippers. (d) Contracts for the carriage of goods by sea in a "container". The following topics are omitted: (i) Salvage; (ii) Admiralty jurisdiction in rem (except insofar as a knowledge of the general nature of this jurisdiction is required for an understanding of the whole subject); (iii) General Average (except insofar as a knowledge of its general nature is required for an understanding of the whole subject); (iv) Agency, including the authority and powers of shipmasters; (v) The law relating to part-owners of ships; (vi) Mortgages of ships and cargoes, and maritime liens. Detailed knowledge is not expected of the following: (i) Demise charterparties; (ii) Customs of trade; (iii) Methods of calculation of laytime; (iv) Transshipment; (v) Shipowners liens; (vi) The cesser clause. **3. Banker's Commercial Credits includes** (a) the mechanics of Banker's Commercial Credits. Types of credit. (b) Contractual effects of the issue of the credit: (i) between Buyer and Seller; (ii) between Buyer and Banker; (iii) between Seller and Banker. (c) Performance by seller of his obligation. Tender of Documents. (d) Damages for Breach of the Banker's contract. (e) Nature of the Banker's security interest. The following topic is omitted: Transfer and assignment of credits **4. Outline but not detailed knowledge** will be expected of the Hamburg Rules of 1978.

Material available in the Examination Room. Butterworth's Student Statutes, Commercial and Consumer Law, 2nd edition, ed. Richard Hooley, 1999-2000

Jurisprudence

Jurisprudence is one of the compulsory standard subjects within the Final Honour School syllabus. The subject affords an opportunity to reflect in a disciplined and critical way on the structure and functions of law and legal institutions and systems, on the nature of legal reasoning and discourse, and/or on the connections between law and morality and/or between law and other human relationships and characteristics. In some places it would be called theory of law or philosophy of law.

The content of the course is therefore deliberately broad and flexible. College tutors offer widely differing ranges of topics and reading lists, and the examination therefore makes full allowance for the diversity of approaches and materials. (Knowing that the examiners change only incrementally the range of issues from which questions are drawn, and the kinds of questions posed, tutors have an eye to former examination papers in designing their reading lists).

For many years the examination has comprised sixteen questions from which candidates are invited to choose any three. While general, the questions are typically precise and pointed. What is looked for is the ability to bring closely to bear on them the student's own thought, with appropriate reference both to books or articles within the domain and to other legal subjects studied by the candidate

A lecture series called "*Jurisprudence: A Guide through the Subject*" is offered annually in Hilary Term, in which several lecturers work in relay to provide a broad overview of major themes. Details of this and many other aspects of the course can be found at www.law.ox.ac.uk/jurisprudence/

Labour Law

Issues in labour law affect most people during their working lives. What rights does a worker have if he or she is dismissed? Is there a right to strike? What can the law do about discrimination on the grounds of race or sex? This is a rapidly changing field, particularly in the past decade, which has witnessed a transformation in labour law. Most major industrial disputes are now fought out in the courts rather than on the shop-floor, in stark contrast with the traditional view that strikes are best resolved by the parties themselves. Less conspicuous, but of growing importance, is the impact of EC law on British labour law, particularly in the field of sex discrimination.

Labour law will be of considerable interest to anyone who is concerned with the interaction between law, politics and society. All British governments in recent decades have regarded policies on labour law as central to their political programmes. Labour Law is also useful in practice. Many young barristers acquire invaluable experience by appearing before employment tribunals; and most solicitors' firms, whether in the City or elsewhere, require specialists in employment law. It remains truer than ever that "the law governing labour relations is one of the centrally important branches of the law - the legal basis on which the very large majority of people earn their living. No-one should be qualified as a lawyer - professionally or academically - who has not mastered its principles." (Kahn-Freund).

The course covers the law concerning individual employment law (including discrimination law), as well as trade unions, industrial action and collective bargaining. The student is not expected to acquire a detailed knowledge of the whole of this relatively large and complex field, but to pick out the central themes, and integrate them into a wider social and theoretical context.

The main relevant statutes are supplied to examination candidates. It has normally been the case that candidates are not expected to have detailed knowledge of any legislation which has not received the Royal Assent by the beginning of the calendar year in which the examination takes place. Candidates will be required to answer four questions from a choice of twelve.

The subject is taught by means of a programme of lectures/seminars in Michaelmas and Hilary Terms, and by college tutorials which are co-ordinated with them.

Extract from Examination Regulations. “Labour Law comprises: (a) The law relating to collective bargaining. (b) The law relating to industrial disputes. (c) Trade Union law. (d) Individual employment law.”

Teaching Convention. 1. The following description details the syllabus as defined in the regulations: (a) *The Law relating to Collective Bargaining.* Collective bargaining and the law, including freedom of association and the enforcement of collective agreements, both as contracts and as codes of terms and conditions of employment. (b) *The Law relating to Industrial Disputes.* Industrial disputes and the law (tort, contract, statutory immunities, criminal law, settlement of disputes, relevant social security law). (c) *Trade Union Law.* Trade unions and the law, including the status of trade unions and the legal relations between trade unions and their members. (d) *Individual Employment Law.* The mutual contractual and statutory rights and obligations of employers and employees, including legislation on wages, on periods of notice, on redundancy payments and on unfair dismissal. **2.** There are the following specific inclusions and exclusions: (a) Legislation on health, safety and welfare is included only so far as it deals with arrangements for consultation with employees and their representation on health and safety matters. (b) Legislation concerning sex- and race- discrimination in employment and on the part of trade unions is included. (c) Social Security Law is included only so far as it concerns the payment of benefits to those taking or affected by industrial action and their dependants and is to be studied in outline only.

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

Land Law

Land Law covers material in the “foundations of legal knowledge” and so must be taken by those seeking a professional qualification in England and Wales. Candidates in the FHS examination may offer either Land Law or Trusts, but must offer both if seeking a professional qualification in England and Wales.

The focus of attention within the course is on interests in land: interests which have effect not merely between the parties to a transaction but also affect people who later purchase the land. Examples of such interests are the fee simple (virtually equivalent to ownership of the land), leases, easements and mortgages. The course concerns itself with questions such as: What interests count as interests in land? How are they created? Exactly when will they affect purchasers of the land?

Land Law has a well established set of principles, often regulated by statute, to govern it. In part this is because people dealing with land need to know with certainty what the result of a particular transaction will be. Even so, there are many areas of the subject which are currently being developed by case law.

The course is not about conveyancing, the buying and selling of land. It is true, however, that in Land Law we are conscious of the needs of purchasers. Thus, for example, the

circumstances in which purchasers will be bound by interests are inextricably tied in with the way land is bought and sold.

The subject is taught in tutorials by your college tutor. For an introduction to the subject see Lawson and Rudden, *The Law of Property* (Oxford University Press, 2nd edition).

Extract from Examination Regulations. “(a) The nature of ownership in land; estates, interests, and equities. (b) Successive and concurrent interests. (c) Leases; creation: the running of covenants. (d) Easements: covenants: licences. (e) Mortgages: interests of mortgagors and mortgagees; remedies of mortgagees. (f) Protection of title to and of rights in and over land by registration. (g) Limitation.”

Teaching Convention. Teaching is based on the assumption that questions will not be set specifically upon the following subjects: incorporeal hereditaments (other than easements), custom, words of limitation, settlements under the Settled Land Act 1925, the details of the law of prescription, priority and consolidation of mortgages, details of the formality requirements for contracts for the sale or other disposition of an interest in land, the details of the law in *Barclays Bank v O'Brien*, the details of the Land Charges Act 1972. It is assumed that a knowledge of the provisions of the Consumer Credit Act 1974 will not be required, save insofar as the provisions of ss 137-9 (“extortionate credit bargains”) affect the relief available to borrowers against enforcement of a lender’s remedies. It is also assumed that a knowledge will not be required of the details of the Unfair Terms in Consumer Contracts Regulations 1999. It is assumed that knowledge will be required in the examination only of those aspects and details of the law as are covered by a list which the teaching group will publish in April of the year in which Course I candidates sitting the examination will ordinarily have matriculated (eg, in the case of students sitting the examination in June 2004, a list published in April 2002), together with those aspects and details of the law as are covered by any supplementary list which the group may publish in the April immediately preceding the examination.

Material available in the Examination Room. Sweet and Maxwell ‘s Statutes Series, Property Law 2002/3, 8th edition

[NOTE: With effect from 1 October 2004 (for first examination in 2005) the above Extract from Examination Regulations and Teaching Convention will be replaced by the following: **Extract from Examination Regulations:** (a) The nature and ownership in land: estates, interests and equities. (b) Formalities required for transactions relating to land: estoppel. (c) Successive and current interests. (d) Leases. (e) Easements, covenants, licences. (f) Mortgages. (g) Protection of title to and of rights in an over land by registration. **Teaching Convention.** is assumed that knowledge will be required in the examination only of those aspects and details of the law as are covered by a list which the teaching group will publish in April of the year in which Course 1 candidates sitting the examination will ordinarily have matriculated (eg, in the case of students sitting the examination in June 2004, a list published in April 2002), together with those aspects and details of the law as are covered by any supplementary list which the group may publish in the April immediately preceding the examination.]

Principles Of Commercial Law

This standard subject may not be taken by a FHS student who is also taking the special subject Personal Property.

Part of the fascination of commercial law springs from its responsiveness to the changing needs of the business community. Through the ingenuity of those in business and their legal

advisers new instruments and procedures are constantly being devised which have to be tested for their legal effect against established principles of the law of property and obligations.

The core of the course involves a rigorous examination of personal property law in the context of commercial transactions. The first part of the course looks at general concepts of personal property law and begins by examining the transfer of property in sales of goods (including title disputes with third parties). It then looks at pure and documentary intangibles by focusing on the assignment of choses in action, documents of title to goods and documents of title to money (i.e. bills of exchange). The second part of the course looks at real security in personal property, including priorities (between secured interests) and the characterisation of, and justification for, real security.

A feature of the whole course is that the student learns how a desired legal result can be achieved, or a legal hazard avoided, by selection of an appropriate contract structure. Additional issues (i.e. other than property issues) of central importance to commercial transactions, which are looked at include agency, implied terms in the sale of goods, guarantee and set-off.

Though students will be expected to analyse statutory materials as well as case law, a distinguishing feature of the course is its concentration on fundamental concepts and their application in a commercial setting. The course thus offers an intellectual challenge and provides a good foundation for those contemplating practice in the field of commercial law.

The course is taught by Professor Andrew Burrows and Mrs L Gullifer. Teaching is by a combination of tutorials (arranged by your college tutor), and seminars given in Michaelmas Term. Lectures are also given in Michaelmas Term.

Extract from Examination Regulations. “Principles of Commercial Law comprises: the structure and organisation of commercial contracts; concepts of personal property law in the context of commercial contracts; (domestic) sale of goods, with particular reference to property aspects; dealings in pure and documentary intangibles; commercial credit and security, with particular reference to real security; the resolution of priority conflicts arising from commercial dealings in personal property; the future development of commercial law. The above subject shall not be offered to any candidate who is also offering the special subject Personal Property”.

Teaching Convention. Students will not be required to concern themselves with the law relating to cheques (as distinct from general law relating to bills of exchange).

Material available in the Examination Room. Butterworths Student Statutes, Commercial and Consumer Law, 2nd edition, ed. Richard Hooley, 1999-2000

Public International Law

The course covers the major areas of general international law and is not over-specialised. However, the various teachers normally cover in their lectures areas of topical importance, including human rights, the law of the sea, the use of force and the procedures for peaceful settlement of disputes. In addition, other special areas such as jurisdictional immunities and the law of diplomatic privileges and immunities are dealt with in lectures. The normal policy is to place emphasis on recent experience and to place issues firmly within the context of policy considerations.

Although in principle the syllabus is extensive, both the teaching practice and the mode of setting the FHS paper avoid any drawbacks which might result from this wide scope. Thus, different teachers will focus on different selected topics, and the student will find that it is not

necessary to know the whole syllabus from A to Z. In the same context, the Schools paper provides a wide selection of questions.

The subject has very considerable practical significance, particularly for persons who consider entering the service of international organisations, foreign ministries of their countries, or specialised practice. For those who do not intend to follow a career in international law, the subject provides a broad sweep of issues which illuminate not merely questions of international law but the problems and processes of the world of diplomacy. International law provides the technical and intellectual underpinnings to large areas of international co-operation, including freedom of maritime traffic, civil air transport, river basin management, the settlement of land and maritime boundary disputes, the propagation and enforcement of human rights standards, and the resolution of jurisdictional conflicts arising in the context of anti-trust and other forms of economic regulation by States. The subject is taught in tutorials arranged by your college tutor.

Extract from Examination Regulations. “Public International Law comprises (a) The law of peace. (b) The law governing the use of force and the settlement of international disputes. (c) The general structure, powers, and principles of the United Nations Organisation.”

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

Roman Law (Delict)

The Roman Law option focuses on set texts from the *Digest*. Its primary aim is to understand those texts and the ideas and methods of the great Roman jurists who wrote them. The secondary aim is, by comparison, to throw light on the law of our own time. It caters for the interests of those who know some Latin and are interested in making use of their classical background or of developing the knowledge of Roman law they have acquired by taking the Roman Law course in Law Moderations. It allows students to study in some detail the outlook and methods of reasoning of the classical jurists who provide the models on which professional legal argument has ever since been based.

The lectures are based, so far as the Roman law is concerned, on the set texts. Indeed, one of the advantages of this course from the point of view of students is that the body of relevant texts and other authoritative material is more limited than it is in most, perhaps all, the other options. It is possible to concentrate on detail.

In the examination candidates are required to comment on selections from the set Latin texts. They are not required to translate them. Nevertheless a modest knowledge of Latin is essential not merely for examination purposes but in order to get the best out of the Roman law options. GCSE Latin or the equivalent is often found to be adequate for this purpose; but some tutors take the view that A-Level Latin is desirable.

By its nature 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 an exposition of the set texts, supported by further lectures on associated topics. Tutorials will be arranged for you by your college tutor (see also the first paragraph above).

Extract from Examination Regulations. “Roman Law (Delict) comprises: (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. Candidates will be required to compare the Roman Law with the relevant portions of the English law of torts.”

Taxation Law

NOTE: available in 2004-2005, for first examination in Trinity Term 2005. This option may be limited to a maximum of 20 students in any one year; if there are more than 20 applications to take this option, a ballot may be held. Applications should be sent to the Taxation Subject Group Convenor by a date to be specified during the relevant Trinity Term, and students will be notified of the outcome before the end of Trinity Term.

Taxation pervades every area of life, including property, family, employment and business affairs. Tax law is well suited to interdisciplinary study, intersecting as it does with economics and politics. It also offers rich opportunities for the study of many areas of law, given that tax factors have frequently influenced development of legal concepts and principles. In turn, tax laws are shaped by concepts of property, commercial, corporate and employment law and approaches to drafting and interpretation of legislation. This course introduces students to selected issues in the law of taxation, chosen to illuminate fundamental concepts and to link to other parts of the undergraduate law course. The focus is on tax law, but the technical issues are examined by focusing on themes and principles and placing the law within its political and economic context, in order to create an understanding of the requirements of a tax system and the difficulties encountered in designing, legislating for and administering such a system.

Students taking this course are required to use a variety of sources, ranging from statute and case law to easily accessible literature from other disciplines, such as economics and accounting. All the material is non-mathematical and no computation is required in any part of the course. The approach taken and topics chosen ensure that the course is of interest to a wide range of students. Those entering the legal profession will find that knowledge of taxation is of value whether they intend to specialise in taxation, for which there are many opportunities, both in the City and in private client work, or as background to practice in other areas. The course will provide a valuable intellectual framework for the tax element in the professional legal training courses. Students interested in careers outside the legal profession will also find that the tax course provides a thorough grounding in a topic of central importance to business, politics and government. The course examines the objectives and functions of a “good” tax system and how these affect the tax base; that is, what society chooses to tax. The focus of the course is on direct taxes - income tax, capital gains tax and inheritance tax in relation to individuals and businesses and the application of these taxes to private trusts - but alternative methods of allocating the tax burden, such as consumption taxes and wealth taxes, are also discussed.

Themes explored include the problem of defining what should be included in the scope of taxable income or profit. For example, should employee “fringe benefits” such as company cars, be taxable and to what extent should employees and business owners be entitled to deduct expenses such as travel costs, food and clothes for tax purposes? Transactions, gains and expenditure not covered by income tax may be subject to capital taxes. The distinction between capital and income is considered as are methods of capital taxation. Problems highlighted in the context of families, businesses and trusts are whom should be taxed and when. In the case of a discretionary trust, for example, should taxation be levied on income as it accrues to trustees or only if (and when) it is distributed to a beneficiary? The issue of tax avoidance is of central concern in most tax systems. The course examines the way in which our tax system has lent itself to ingenious tax avoidance (or tax planning?) schemes and the attempts of the judges and the legislature to combat these activities.

The course is taught by a series of lectures/ seminars in Michaelmas and Hilary terms and by tutorials which are co-ordinated with them. Some guest lectures from practitioners and visiting academics are likely to be offered within this programme.

Extract from Examination Regulations. “Taxation Law comprises: (a) Definition of tax, the objectives and functions of a tax system; types of tax, theories of the tax base; definition of income and alternative tax bases; outline structure of the UK tax system, sources of tax law and interpretation. (b) Taxation of employment income and business profits. (c) Capital gains tax and inheritance tax. (d) Taxation of private trusts. (e) Tax avoidance”

Teaching Convention. 1. The course requires a knowledge and understanding of policy as well as technical issues and these are integrated throughout the course. Both aspects will be covered in the examination paper. 2. Corporation tax is not covered in detail but referred to under part (b) of the syllabus for the purposes of comparison of taxation of corporations with that of other business forms. 3. No knowledge of the legislative anti-avoidance provisions relating to the taxation of trusts will be required: and the taxation of accumulation and maintenance trusts will be considered only in outline. 4. The course will not cover VAT, stamp or excise duties, local government taxation or the taxation of sources of income not referred to expressly in the regulations. 5. Candidates will not be required to carry out any computations.

Material available in the Examination Room. Tolley’s Yellow Tax Handbook, Parts I and II, latest edition .

Tort

Tort is one of the compulsory standard subjects within the Final Honour School syllabus. It also covers material in the “foundations of legal knowledge” and so must be taken by those seeking a professional qualification in England and Wales. The law of tort is mainly concerned with providing compensation for personal injury and damage to property, but also protects other interests, such as reputation, personal freedom, title to property, enjoyment of property, commercial interests. The subject is taught in tutorials arranged by your college tutor. Particular problems are also explored in seminars for examination candidates in Trinity Term.

Extract from Examination Regulations. “Questions may be set in this paper requiring knowledge of the law of contract.”

Teaching Convention. Teaching is based on the following assumptions: 1. Questions will not be set on the following subjects: torts to goods (other than negligence), malicious prosecution, insanity as a defence, liability for animals. 2. Candidates will not be required to have detailed knowledge of the Rehabilitation of Offenders Act 1974 or the statutory provisions in force at any time giving immunity from suit to persons acting in contemplation or furtherance of a trade dispute. 3. Questions may be set on the following topics: (a) The form and quantum of compensation in actions for personal injuries and death. (b) The relationship between insurance (first and third party) and the law of tort. (c) The cost of providing compensation for personal injuries and death through the law of tort; the ways in which the costs are distributed. (d) Criticisms of, and proposals for reform of, the law of tort insofar as it operates as a system of compensation for personal injury and death. 4. Questions may be set on product liability, including the provisions of the Directive on Liability for Defective Products (85/374/EEC), but detailed knowledge of the principles of European Community Law or the jurisdiction of the European Court of Justice will not be required.

Material available in the Examination Room. Blackstone's *Statutes on Contract, Tort and Restitution* (by Francis Rose), 14th edition, 2003/2004

Trusts

This standard subject covers material in the “*foundations of legal knowledge*” and so must be taken by those seeking a professional qualification in England and Wales. Candidates in the FHS examination may offer either Land Law or Trusts, but must offer both if seeking a professional qualification in England and Wales.

The institution of the trust, involving the separation of the control (in trustees) from the beneficial enjoyment of rights both personal and proprietary, is one of the original contributions of English law. It is employed in a variety of modern contexts, e.g. provision for children during minority, management during successive interests, the creation of discretion as to distribution, provision for the perpetual devotion of income to charitable purposes, the holding of the funds of clubs and associations, the simplification of conveyancing, and estate management.

It is also increasingly used in commercial transactions, and the syllabus has been revised to reflect this.

The course does not attempt an overall coverage, but explores particular areas in depth, looking particularly to underlying theory e.g. the nature of a trust; formal requirements for trusts; constitution of trusts; secret trusts; trusts, powers and purposes; certainties; property-holding by unincorporated associations; charitable purposes; resulting trusts and *cy-près*; some aspects of trustees' powers and duties; principles of constructive trusts; remedies, including some aspects of tracing; and retention of title clauses.

The Examination Decrees contain a formal statement of the topics in the syllabus for both courses and the Teaching Convention explains how these topics are grouped into Part A (General) and Part B (Special Topics) for the purposes of teaching and examining. You are likely to cover all Part A topics in tutorials, but a selection of Part B topics depending on personal choice. The subject is taught in tutorials arranged by your college tutor, and the lectures are designed to cover areas of particular difficulty.

Extract from Examination Regulations. “The nature and classification of trusts. Express private trusts: purpose trusts. The creation [Until 1 October 2004: and variation] of private trusts: secret trusts. Resulting and constructive trusts. Charitable trusts: the *cy-pres* doctrine. Liability of trustees for breaches of trust: remedies [Until 1 October 2004: retention of title].”

Teaching Convention. For the purposes of teaching and examining, the subject is split into two parts and the following description details the syllabus as defined in the regulations. In the examination candidates will be required to answer at least one question from Part A and at least one question from Part B and one problem question. There will be at least one problem question set in each of Parts A and B. *Part A – General.* Material specifically mentioned in Part B is excluded from Part A topics. (a) The nature and characteristics of trusts and powers of appointment; control of the exercise of trustees' powers and discretions by beneficiaries and by the court. (b) Certainties of intention, subject matter and objects of trusts and powers of appointment. (c) Formalities in the creation of trusts and in the disposition of interests arising under trusts. (d) Non-charitable purpose trusts (including unincorporated associations). (e) Complete and incomplete constitution of trusts. (f) Resulting trusts; and those constructive trusts arising under the line of authority exemplified by *Gissing v. Gissing*. *Part B - Special Topics.* Questions on topics in Part B may assume knowledge of relevant topics in Part A. Questions will not be set

spanning more than one topic in Part B. (a) The nature and definition (but not the administration) of charitable trusts; the cy-pres doctrine. (b) Secret trusts (excluding mutual wills). (c) Variation of private trusts under the Variation of Trusts Act, 1958 (only for FHS in 2002, 2003 and 2004). (d) Delegation by trustees of their powers and duties; general principles of duties of trustees in relation to the acquisition, protection and investment of trust property, excluding Limitation and trustee's rights of indemnity and contribution. (e) The principle that express trustees should not put themselves in a position in which their interest and duty conflict. (f) Nature of constructive trusts and fiduciary relationships. (g) Remedies; tracing of trust property, liability in respect of assumption of trusteeship, receipt of trust funds, assistance in a breach of trust. (h) Retention of title clauses (only for FHS in 2004) and trusts arising under the line of authority exemplified by *Barclays Bank v. Quistclose*.

Material available in the Examination Room. Sweet and Maxwell's Statutes Series, Property Law 2002/3, 8th edition.

16.2 Special subjects

NOTE: In order to organise seminar groups and to make sure that the teaching resources are sufficient, the Faculty Office will need to know definitely, by the end of Trinity Term of the preceding year, the number of students wishing to take each special subject. Your college tutor will advise you when your choice of special subject must be made.

European Community Competition Law

This course covers material in the "*foundations of legal knowledge*" and so must be taken by undergraduates on Course 1 (three-year course) and Course 2 (four-year course) who began their course in or after October 1996 and are seeking a professional qualification in England and Wales, unless they are also taking the standard subject European Community Law or the special subject European Community Social, Environmental and Consumer Law.

The course covers four topics, each representing one week's work: **Topic 1:** Article 81. This part of the course includes a general discussion of the principles of Article 81 as they relate to both horizontal and vertical agreements. Also an analysis of the main issues within Article 81, including: agreement, concerted practice, the need for there to be an object or effect on competition and effect upon inter-state trade. **Topic 2:** Article 82. This part of the course covers the main principles relating to abuse of a dominant position. The course, therefore, considers the various criteria for assessing dominance and also the differing types of abusive behaviour such as price discrimination, refusal to supply and predation. **Topic 3:** Enforcement. This part of the course concentrates upon enforcement of competition policy under both Articles 81 and 82. It includes an analysis of public enforcement through the Commission and of private enforcement through the actions brought by individuals in national courts. **Topic 4:** Merger Control. The last week of the course deals with the law relating to merger control which is governed by Reg 4064/89EC (as amended).

The course is taught over four weeks in seminar-type groups, and lectures are also provided to cover the various topics. Attendance at the lectures before attending seminars is very important, and students who are intending to take the subject should make sure to attend these, even if they take place in a term other than that in which their seminars take place. Written work will not be

marked on a weekly basis, but students will be required to write a collection after completing the course of seminars which will be marked and returned.

The subject is examined by means of a two-hour written examination in which candidates will be required to answer two questions. There will be some choice of questions in the examination, but each individual question may well cover more than one topic in the course.

Extract from Examination Regulations. “(a) The law relating to cartels and Article 81 of the EC Treaty. (b) The law concerning abuse of a dominant position dealt with in Article 82 of the EC Treaty. (c) Enforcement of competition law by the Commission and in national courts. (d) The law relating to merger control covered by Reg. 4064/89EC (as amended). The subject will be examined by means of a two-hour written examination in which candidates will be required to answer two questions.”

Material available in the Examination Room. Rudden and Wyatt’s *EU Treaties and Legislation*, 8th edition, OUP, 2002. (Until 1 October 2005) Community Guidelines on State Aid for Rescuing and Restructuring Firms in Difficulty - OJ 1999 C288/2. Council Regulation (EC) No.1/2003 on the implementation of the rules on competitions laid down in Articles 81 and 82 of the Treaty – OJ 2003 L1/1.

European Community Social, Environmental And Consumer Law

This course covers material in the “*foundations of legal knowledge*” and so must be taken by undergraduates on Course 1 (three-year course) and Course 2 (four-year course) who began their course in or after October 1996 and are seeking a professional qualification in England and Wales, unless they are also taking the standard subject European Community Law or the special subject European Community Competition Law. This special subject will be available for examination in 2004 and 2005.

The course provides an introduction to two specific areas of EC law, environmental and consumer law. Its aim is to consider both the “market” dimension of these areas (their contribution to the completion of the Community’s single market) as well as the “social” dimension (their importance for the individual, and the possible impact of the developing concept of European citizenship). The gradual development of the Community’s competence in these spheres will be explored, with particular reference to the principle of subsidiarity. A version of this principle first appeared in one of the environmental provisions of the EC Treaty and it is now embodied more generally in Article 5 of the Treaty.

The course examines the growth of European Community legislative activity in the fields of environmental regulation, consumer protection, social policy and labour market regulation. It includes study of the scope and evolution of EC competence in these fields, with reference to, *inter alia*, the principle of subsidiarity, and also includes examination of particular EC Directives. Aspects of enforcement and remedies available to the individual are considered.

The course is taught over four weeks in seminar-type groups, and lectures are also provided to cover the various topics. Attendance at the lectures is very important, and students who are intending to take the subject should make sure to attend these, even if they take place in a term other than that in which their seminars take place. Students will be expected to have refreshed their knowledge of EC Law acquired in Law Mods *in advance* of classes on this course. Written work will not be marked on a weekly basis, but students will be required to write a collection after completing the course of seminars, which will be marked and returned.

The subject is examined by means of a two-hour written examination in which candidates will be required to answer two questions.

Extract from Examination Regulations. “(a) The growth of EC competence in environmental law; the principle of subsidiarity; the relationship between trade and the environment in EC law; general issues relating to the implementation and enforcement of EC environmental law. (b) The growth of EC competence in consumer law. (c) *locus standi* and the legal remedies available to the individual to enforce EC law; the role of the citizen in the enforcement of EC environmental and consumer law. The subject will be examined by means of a two-hour written examination in which candidates will be required to answer two questions.”

Teaching Convention. 1. The development of EC environmental law, considering the relevance of the principle of subsidiarity, the Treaty basis for Community competence in this field, and in the relationship between trade and the environment. General issues of implementation and enforcement of EC environmental law, in particular by the Commission. 2. The development of EC consumer law, considering the relevance of the principle of subsidiarity, and the Treaty basis for Community competence. 3. Consideration of EC environmental and consumer law from the perspective of the citizen. The role of the individual in enforcement of these areas of law against the Member States and against the Community itself, including problems of *locus standi*.

Material available in the Examination Room. Rudden and Wyatt’s *EU Treaties and Legislation*, 8th edition,

Introduction to the Law of Copyright and Moral Rights

This special subject will be available for examination in 2004. It is commonplace to claim that we live in an information age and that rights in intangible property - from film scripts to computer software - are becoming increasingly important. This course examines two of the central regimes for the protection of intangible property, copyright and moral rights. Copyright protects literary, musical, dramatic and artistic works, sound recordings, films, cable programmes and published editions from certain unauthorised uses. Moral rights provide that authors, dramatists, artists, composers and film directors may insist on being identified with their work and may object to its false attribution. They may also prevent its derogatory treatment. For example, a copyright action might be brought when pirate videos are made, when a rock group objects to the digital sampling of its music, or when computer programmes are copied. A moral rights action might be brought when a doorway is cut into a wall that is decorated with a mural or, perhaps, when a sculpture that has been commissioned for a particular site is moved. The course asks why we have such rights and how they operate at a national, European and International level. It will appeal to those interested in the arts and entertainment industries, in publishing, in literary theory, in information technology and in intellectual property practice.

The course is taught in four two hour seminar-type groups in Hilary Term. Dr M J Spence teaches those parts of the course dealing with copyright and moral rights in general and Professor David Vaver teaches that part of the course dealing with defences and remedies. Students may write a collection at the end of the course, which will be marked and returned.

The subject is examined by means of a two-hour written examination in which candidates are required to answer two questions.

Extract from Examination Regulations. “(a) The justification and development of copyright and moral rights. (b) The UK law of copyright and moral rights. (c) Issues in the harmonisation of European copyright and moral rights. (d) Issues in the protection of computer

software. The subject will be examined by means of a two-hour written examination in which candidates will be required to answer two questions. “

Material available in the Examination Room. Blackstone’s Statutes on Intellectual Property, 6th edition.

Lawyers’ Ethics

This special subject will be available for examination in 2004. This special subject involves a philosophical exploration of lawyers’ “role morality” in an adversary system, comparing it with the standards of common morality, and with the ethical criteria of Kantian, Utilitarian, and Idealist traditions in order critically to assess contemporary and historic assumptions about lawyers’ professional practices and social responsibilities. This exploration is conducted on the basis of real examples and draws selectively on reported cases in one or two different areas of legal activity (which may vary from year to year) including criminal justice, family lawyering, commercial practice, civil liberties, or environmental regulation; upon existing codes and guides published by the legal professions; upon reports of Lay Observers and Legal Services Ombudsmen; and upon materials from other legal systems including America, Australia, and Canada.

Specific topics explored may vary from year to year but will include one or two of the following: confidentiality, conflict of interest, costs and charging practices, competence, citizenship and commitment.

The course is co-ordinated and taught by Mr R H S Tur, assisted by other specialist tutors, in 8 one-hour lectures and 4 fortnightly two-hour classes. Because of the range of topics and areas covered, the course provides an opportunity for contributions from invited specialists. The classes seek to combine the virtues of both class teaching and lecturing.

Reading lists (similar in scope and depth to those in standard subjects) are provided for each class, together with an outline of discussion topics. There will be an opportunity to submit written work for marking.

Students would ordinarily be admitted to this course of study only in their final year. No special knowledge or qualification is required for admission, but candidates will benefit from a good understanding of law in general and of Contract, Tort and Administrative Law in particular. The course is complementary to Jurisprudence and is best taken either after, or contemporaneously with, that subject.

Books currently recommended include Monroe H. Freedman, *Understanding Lawyers’ Ethics*, David Luban, *Lawyers and Justice*, Don MacNiven, *Creative Morality*, William H. Simon, *The Practice of Justice*, Andrew Boon and Jennifer Levin, *The Ethics and Control of Lawyers in England and Wales*, and Donald Nicolson and Julian Webb, *Professional Legal Ethics*.

The subject is examined by means of a two-hour written examination in which candidates are required to answer two questions.

Extract from Examination Regulations. “Lawyers’ Ethics comprises four topics as follows: A. Ethics, Applied Ethics, and Professional Ethics *together with* B. two or one of the following substantive topics: Confidentiality; Conflict of Interest; Costs and Charging Practices; Citizenship; Competence; Commitment (e.g. Christianity, Marxism, Feminism, Liberalism); *together with* C. one or two of the following areas of legal endeavour: Criminal Justice; Family Lawyering; Commercial Practice; Constitutional Law and Civil Liberties; Environmental Regulation. The subject will be examined by means of a two-hour written examination in which candidates will be required to answer two questions.”

Personal Property

This special subject may not be taken by any student who is also taking the standard subject **Principles of Commercial Law**. It will be available for examination in 2004.

This is not a complete course in personal property. It is concerned above all with the acquisition of title to personalty inter vivos and the protection of title to personalty. It covers the following topics (square brackets indicate a topic to be noticed but not investigated). (1) Taxonomy: Real and personal property; money, goods, other personalty; corporeal and incorporeal things; incorporeal things embodied in paper; [chattels real]; assignable and non-assignable claims; the reasons for distinguishing one kind of personalty from another. (2) Derivative Acquisition:[Succession]; gratuitous transfer inter vivos (gift) to one person, to more than one person concurrently, to more than one person sequentially, [to purposes]; non-gratuitous transfer under sales, under other transactions. (3) *Nemo dat* and its Exceptions: The tension between security of transactions and the sanctity of ownership; civilian solutions; common law solutions; money. (4) Original Acquisition. Mixture; accession; new things (natural and artificial); substitution; treasure trove; occupation; ‘finders keepers’. (5) Protection: The civilian model (the *vindicatio*); pure proprietary claims, in equity and at law; protection at law through personal claims arising in tort and unjust enrichment; the basis of protection and the role of ‘ownership’.

The course is taught over four weeks in seminar-type groups, with some lectures. Specimen essay topics will be included with the reading list for each seminar. During the course two essays, each of about 2,000 words, must be submitted.

The subject is examined by means of a two-hour written examination in which candidates will be required to answer two questions.

Extract from Examination Regulations. “(1) The taxonomy of personal property. (2) Original and derivative acquisition of title to personalty at law and in equity. (3) The principle *Nemo dat quod non habet* and the exceptions to that principle. (4) The protection of property in personalty, with comparative reference to civilian jurisdictions. This subject will be examined by means of a two-hour examination in which candidates will be required to answer two questions. It shall not be offered by any candidate who is also offering the standard subject Principles of Commercial Law.”

17 Legal Research Skills Programme

The Legal Research Skills Programme will provide training in the use of legal information resources (both paper and electronic), legal research, and teamworking. The programme will also check students’ competence in the use of information technology.

The Legal Research Skills Programme has been designed to meet the requirements for a qualifying law degree as specified by the Law Society and the Bar Council in the Joint Announcement on Qualifying Law Degrees. All undergraduate law students who matriculated after September 2001, including Senior Status students who intend to practice law in England and Wales, are required to successfully complete the programme. Diploma in Legal Studies students are not required to take the programme.

Unit 1 – Legal Research Materials. Unit 1 will be taught in weeks 2 and 3 of Michaelmas Term in the first year of study. It will consist of a two-three hour session using web-based tutorials

and assessment exercises. It aims to familiarise students with a variety of electronic primary and secondary resources for legal research.

Students will also be expected to demonstrate a basic level of competence in the use of IT by using the internet, email systems, databases (e.g. a library catalogue) and produce documents in a word-processed format. Basic instructions in downloading documents and sending email attachments will be provided. Students must have activated their Herald account (in the University's email system) before attending their session of Unit 1.

Students who do not feel confident that they can successfully use Herald, search the internet or use a word-processing package should attend relevant Oxford University Computing Services courses before the commencement of this programme.

Unit 1 is taught in the Freshfields Bruckhaus Deringer IT Training Room in the Law Library.

Unit 2 – Hard Copy Resources. Unit 2 will be taught in weeks 1 and 2 of Hilary Term of the first year of study. In this two-three hour unit, students will develop the skills they learnt in Unit 1 by using selected hard copy resources to discover the status of current and old legislation, track the development of case law, and find commentaries, amongst other things. Students will also consider the relative merits of hard resources and the online resources studied in Unit 1. In preparation for Unit 3, this will be a small group activity.

Unit 2 is taught in the Freshfields Bruckhaus Deringer IT Training Room in the Law Library.

Unit 3 – Applied Legal Research and Teamwork. Unit 3 will be taught in the second half of Trinity Term of the first year of study. This unit will be undertaken over the course of one day and will consist of a short lecture and an applied research exercise. It will require students to work as part of a team and to use the skills learnt in Unit 1 and Unit 2 in order to find a solution to a given problem scenario.

Classes are organised on a college basis. Timetables are provided with information for new students, on the Law Mods mailing list, and on the LRSP website.

For more information about this course, go to <http://www.law.ox.ac.uk> and login to the Faculty intranet or contact Sandra Meredith, the Faculty IT Training and Development Officer.

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.

[The following course was omitted from section 16.1 of the Undergraduate Handbook 2003-4]

European Community Law

The law of the European Communities is based largely on the EC Treaty, and legislation made under the Treaty by the Council, the Parliament, and the Commission. Community law takes immediate effect in English Law, and is enforceable by English courts. The course covers material in the "foundations of legal knowledge" and so must be taken by undergraduates on Course 1 (three-year course) and Course 2 (four-year course) who began their course in or after October 1996 and are seeking a professional qualification in England, unless they are also taking one of the special subjects, European Community Competition Law and European Community Social, Environmental and Consumer Law.

The Oxford course deals with

- (i) the institutions of the EC, including the jurisdiction of the Court of Justice and Tribunal of first instance;
- (ii) the essential features of the Community law, and its incorporation into national law;
- (iii) the principle of free movement of persons and services within the EC; and
- (iv) the rules governing the free movement of goods within the EC.

Study of the institutions entails consideration of the majority voting rules used by the Council in making Community legislation, and examination of the roles of the Commission and European Parliament in decision making. Most of the course, however, is concerned with the nature and operation of rules of EC law rather than with institutional matters.

The 'general part' of the course covers such matters as the aims and policies of the EC within the broader European Union, the sources and supremacy of Community law, its direct effect before national courts and its impact on domestic legal rules, procedures and remedies, including the principle of State Liability for breach of EC Law. The court of final recourse in matters of Community law is the European Court of Justice. It has jurisdiction e.g., to give preliminary rulings on references from national courts (references are an increasingly common occurrence in the U.K.), and to review the legality of Community legislation. Such matters receive detailed treatment in the course.

The free movement of persons aspect of the course presents a combination of social and commercial law. On the one hand, the rights of Community workers and others to free movement and non-discrimination graphically illustrate the significance of the Community legal system for such persons; on the other hand, the rights to free movement and residence vested in companies and firms are of considerable significance to commercial undertakings and their advisors.

The syllabus includes study of the Community rules on the free movement of goods. These have been given wide ranging effect by the European Court and have given rise to considerable litigation in English courts, which have made many references to the European Court.

EC law raises issues of intrinsic theoretical interest, and considerable practical importance. No linguistic expertise is necessary, since Community legislation and case law are published in all official Community languages, including English. The subject is taught in tutorials arranged by your college tutor.

Extract from Examination Regulations: "European Community Law comprises: A. The basic structure and functions of the three communities; the aims of EC; law-making; the composition and jurisdiction of the Court of Justice; directly effective Community norms. B. Free movement of persons and services. C. Free movement of goods. Questions will not be asked specifically on the market in coal and steel; the substantive law of the EC other than B and C above; Euratom; the relation between Community law and the national laws of other Member States."

Teaching Convention: **A. The General Part:** 1. The basic structure and functions of the EC; 2. The aims of the EC within the EU: free trade, customs union, common market/internal market, economic community; 3. Law-making within the EC: (a) composition, functions and inter-relation of the main institutions involved in law-making; (b) forms of law-making (c) the application of the principle of subsidiarity; 4. The European Ombudsman; 5. The Court of Justice (and Court of First Instance): (a) composition, powers and style; (b) suits against Member States; procedure and effect; (c) suits against Community organs; (i) review of legality: grounds (including general principles of Community Law); locus standi; (ii) suit for inaction; (iii) plea of illegality; (iv) non-contractual liability; (d) Preliminary rulings. 6. The general principles of Community Law, including the fundamental rights; the Chamber of Fundamental Rights 7. Direct effect of EC Law: conditions for and consequences of norms having direct effect within Member states; including effects on national rules on procedure and remedies, state liability. **B. Special Topic:** 1. The free movement of persons, services and goods, and the principle of non-discrimination on grounds of nationality; 2. The free movement of goods; prohibition of custom duties and measures having equivalent effect, discriminatory taxes, and quantitative measures and restrictions having equivalent effect. Mutual recognition of qualifications. Exceptions on grounds of public policy, public health etc., and mandatory requirements in the general interest. 3. The free movement of workers, non-discrimination, entry to and residence in the Member States, the right to seek work in other Member States, eligibility for employment in other Member States, equality in social and tax advantages and rights of members of the family. Mutual recognition of qualifications. Exceptions on grounds of public policy, public security and public health, and mandatory requirements in the general interest. 4. The Right of Establishment and Freedom to provide services, including non-discrimination. Entry and residence for self-employed persons in the Member States. Mutual recognition of qualifications. The right of corporate bodies to set up primary and secondary establishments and to provide services. Exceptions on grounds of public policy, public security and public health, and mandatory requirements in the general interest. 5. Other rights of residence for retired persons, students, and the residuary rights directive. 6. European Citizenship, rights to entry and residence and non-discrimination, other rights of European Citizens.

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