

Student Handbook (Undergraduate Students) 2007-8

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Introduction

This handbook gives you a certain amount of basic information but it cannot tell you all you need to know. You must be prepared to ask for information or advice.

The University of Oxford is large and amorphous; the differences between the university and the colleges (the result of the way in which the University has developed historically) are difficult to explain; the extent to which faculties have an independent existence is variable. It will take time for you to pick all this up by experience, and by asking.

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. 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. Changes in regulations made during the year are published in the *Oxford University Gazette*.

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 teaching capacity available in the faculty. However, changes cannot be introduced so quickly as to prejudice students who have already embarked on their course.

Professor Susan Bright
Director of Undergraduate Studies
August 2007

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 that are 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 books.

Reading law at Oxford is "educational" in the true sense of that term: it is aimed at facilitating the highest level of intellectual development, critical acumen, and sensitivity to the nuances of moral, legal and political argument. This is done by 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 keep this in mind. 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 process of intellectual development and improvement that went before it, and (indeed) which made the final learning process not just possible but worthwhile.

This 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:

- (i) 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).
- (ii) More broadly, however, this first stage introduces 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 a Roman Introduction to Private 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.
- (iii) 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. 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. A number of points should be made at this stage:

- (i) The reason for concentrating examinations at the end of your studies is the strongly held view amongst tutors that it is undesirable to classify (assess) 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 nine 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.**
- (ii) 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. This will give you the examination practice you need as well as help 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 a built-in feature of the relationship between tutors and students.

- (iii) 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.
- (iv) 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.
- (v) 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.**
- (vi) 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.

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/Spanish 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 open only to 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 General

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 a Roman Introduction to Private Law. 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:

- 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 the first two terms of your third year you will be required to take EC Law and two optional Standard Subjects.

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 for you to choose from in your final year at the end of Hilary Term of your second 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. The Final Honours School programme aims 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 monitored 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 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://denning.law.ox.ac.uk/published/ba1prog.pdf>

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 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 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 General

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, Regensburg and Pompeu Fabra (Barcelona)). There, you study a prescribed course. It amounts to a foundation course in French (Paris II), Italian (Siena), German (Bonn, Konstanz, Munich and Regensburg), or Spanish (Pompeu Fabra) 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/Spanish 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, Germany, or Spain there are classes in French, Italian, German, or Spanish 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, Italian, and Spanish 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, Germany, or Spain, 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. Please note that a student must achieve an average of 60 in the first sitting of Law Moderations to be able to continue on Course 2 in the Final Honour School.

4.2 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://denning.law.ox.ac.uk/published/ba2prog.pdf>

The BA in Jurisprudence, Course 2, has all the same aims as Course 1 (see 3.2 above). In addition, it 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 3.2 above), with the following additions:

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, Italy, or Spain 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 over three years, 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 nine subjects. Seven of these subjects are compulsory (Administrative Law, Contract, EC Law, Jurisprudence, Land Law, Tort and Trusts,). Alongside this, you 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 no free choices as to their subjects.

6 The Diploma in Legal Studies

6.1 General

This course takes one year of study, spent in Oxford. It is open only to 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. A full list of subjects offered is as follows. Detailed descriptions of them are given in subsequent pages.

- *Law Moderations:* Constitutional Law; Criminal Law; A Roman Introduction to Private Law.
- *Final Honour School compulsory standard subjects:* Administrative Law; Contract; European Community Law; Jurisprudence; Land Law; Tort; Trusts.
- *Final Honour School optional standard subjects:* Commercial Leases; Company Law; Comparative Law of Contract; Constitutional Law; Copyright, Patents & Allied Rights; Copyright, Trademarks & Allied Rights; Criminal Justice and Penology; Criminal Law; Competition Law and Policy (will not run in 2007-2008); Environmental Law; Ethics; European Human Rights Law; Family Law; History of English Law; International Trade; Labour Law; Personal Property; Principles of Commercial Law; Public International Law; Roman Law (Delict); Taxation Law.

- *Diploma in Legal Studies*: as Final Honour School compulsory and some standard subjects. Please see <http://denning.law.ox.ac.uk/undergraduate/courses.shtml> for more information on which courses are available to Diploma in Legal Studies students.

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 'reading 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 (and, to a lesser extent, lectures and also 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 to four days, draw your thoughts together and write your answer. You then 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).

You do not study all of your Law Moderations subjects, or your Final Honour School subjects, alongside one another at the same time. 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 (or three subjects over two terms). 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:

- 1) 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 Standard Subjects.
- 2) To state the material with which all students are expected to be familiar for the purposes of examination.
- 3) 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.

There is a cut off date of Friday of Week 8 Hilary Term after which reading lists on the Faculty web-page (<http://denning.law.ox.ac.uk/oxfordonly/students/agreed.shtml>) will not be updated, and FHS candidates taking the examination in Trinity Term that year will not be criticized nor penalized by the Examiners for being unaware of developments in the law which occur after that date.

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://denning.law.ox.ac.uk/published/documents.shtml>.

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.

When you arrive, your college will provide you with a copy of the University's Examination Regulations, and during your time in Oxford will advise you about how to enter for University examinations, academic address, procedures for dealing with exceptional arrangements (eg bereavement, disabilities), permission for non-native English speakers to have a bilingual dictionary in examinations, etc. Some weeks before an examination, the relevant Board of Examiners sends out a Notice to Candidates (known as the Examiners' Edict) with further details of the examination process, dates of examination papers and the likely date of publication of the results by the Examination Schools.

Please note: a candidate may not retake a subject in Law Moderations once he/she has passed in that subject.

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, you will have nine examinations.

Law Moderations examinations usually 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. 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. 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 (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; the examiners are directed 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 in the presence of a qualified invigilator, 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 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 above statement also applies to students taking the BA in Jurisprudence (Course 1) with senior status except that such students are not required to take Law Moderations so may proceed at once to read for 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/Spanish 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. Please note that continuing on Course 2 after Law Moderations is dependent on a candidate achieving an overall average mark in Law Moderations of 60.

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 the whole examination. 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 the whole examination. 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. A candidate may not retake a subject in Law Moderations once he/she has passed in that subject. 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 Plagiarism

You are reminded that the work that you present for your examination (this includes assignments, projects, dissertations and examination papers) must be your own work and not the work of another individual. You should not quote or closely paraphrase passages from another source, be that a book, article, web page, another student’s work or other source, without acknowledging and referencing that source. If you do present other people’s work as your own work you are committing plagiarism. This is cheating and the Faculty and the University treat any alleged offence of plagiarism very seriously.

If you are unsure how to reference your work properly, and would like further advice you should contact your Tutor or Director of Studies for guidance. An additional resource is available to you: the University's Educational Policy and Standards Committee has developed a website on plagiarism that defines plagiarism, gives examples of its various forms, states the University's policy on plagiarism, and offers a guide to good academic practice. Please see <http://www.admin.ox.ac.uk/epsc/plagiarism> to explore this valuable resource.

9.7 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 where appropriate and in addition to solving the problem posed.

Legal Research Skills Programme

A precondition for award of a degree in the Final Honour School of Jurisprudence is successful completion of the Law Faculty's Legal Research Skills Programme. To complete this course, each candidate attends three training sessions and performs a range of tasks. The tasks are performed under supervision and are assessed at the time of their performance. They may be reattempted until successfully completed. Candidates are required to demonstrate a basic understanding of the principles of legal resources, both hard copy and electronic. Assessment is by way of:

- online, multiple choice assessment exercises;
- worksheet exercises in the library;
- oral presentations, including using Powerpoint;
- contribution to discussions on the legal research problem.

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

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 failing mark will not be compensated by good marks in other papers. A candidate who fails one paper 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 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 marks will be deducted and this will result in the candidate's overall result in the paper being affected).

Final Honour School

For the award of degree classifications, marks in all standard subject papers have the same weight.

- *First Class Honours* are awarded on a system whereby four marks of 70 or above are needed, with no mark below 60.
- *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 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 marks will be deducted and this may result in a reduction in the candidate's class in that paper.

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 examination in 2006 and thereafter, the Final Honour School consists of nine standard subjects or eight standard and two special subjects. For the award of degree classifications, each special subject count as half an optional standard subject. Candidates who are embarking upon the final year of their Final Honour School course in 2007 no longer have the option to take special subjects.

Diploma in Legal Studies

For the award of the Diploma, marks in all standard subject papers have the same weight.

- *For a Distinction*, two marks of 70 or above are needed, with the third mark of 60 or above.
- *For a Pass*, three marks of 40 or above are needed. A failing mark will not be compensated by good marks in other papers.
- *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 marks will be deducted and will may result in the candidate's overall result in that paper being affected.

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. Miss Emma Rampton is the Head of Administration, and Mr Paul Burns is the Academic Administrator. Mrs Ellen Moilanen is the Student Administration Officer. 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 has an excellent, extensive collection, providing support for the teaching and research needs of our students. It is a library of legal deposit, with the largest law collection in the United Kingdom. It offers not only its collection of books, but access to all relevant legal electronic databases and online journals. All books on the reading lists are placed at the library's Reserve desk, for ease of access. As a member of the University you are also able to

use any of the other 40 libraries which are part of the Oxford University Library Service, in addition to your own College's library.

Books in the law library may not be borrowed: they must be read in the library, this ensures they are always available when you need them, and there are self-service photocopying facilities. Public access computers are available in several areas of the Library, including the Freshfields Bruckhaus Deringer IT Room. They provide access to the the catalogue and the extensive range of databases provided by Oxford University Library Services. 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, which has wireless and ethernet access. The Baker & McKenzie Seminar Room is available for small group discussions when not in use for seminars.

Further details of services will be explained at your library induction. The procedures for enrolling as a user of the library are explained to you on arrival in Oxford, as part of the orientation sessions offered by the law library staff. Further information about the law library can be found at its web site <http://www.ouls.ox.ac.uk/law> <<http://www.ouls.ox.ac.uk/law>>.

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 in Oxford.

11 Computing Services

11.1 Your Oxford account and access to networked services

Your Oxford account is your main access to university online services. On arrival, your college should give you a letter from Oxford University Computing Services (OUCS) with an activation code for your Oxford account. Activating this account gives you access to:

- Oxford email, Weblearn and other 'single sign-on' services, which are available from any computer anywhere;
- registration and software for the Sophos anti-virus program for your own computer, which will be updated whenever you go on the network – current anti-virus software is required by most if not all departments and colleges before you can connect your computer to the Oxford network;
- registration and software for Remote Access to Oxford-only websites via the Virtual Private Network (VPN) or dial-up – you only need this for accessing Oxford-only websites if you are outside the university, and/or for accessing the wireless network in the Library;
- registration for Athens, which gives access to some of the library's databases.

Much of the material on university websites is accessible without passwords when you are on the Oxford domain (which generally means within Oxford University buildings). The VPN gives you access from outside the university domain, and Athens may be used to access some library electronic services from outside the university. Information about passwords will be provided at the Faculty induction lecture and on library tours. Contact Sandra Meredith (Faculty) or Angela Carritt (Library) if you need help.

Email can be accessed via Webmail (<https://webmail.ox.ac.uk>) and/or you can set up your own email client (Outlook, Thunderbird etc). The OUCS website provides clear information on how to do this. Please use your Oxford email account for all email communication with the Faculty, Bodleian Law Library (BLL) etc, as it identifies you as a member of the University.

11.2 Law-Mods and Law-FHS Email Lists

On arrival all BA Jurisprudence students and Diploma in Legal Studies students are automatically subscribed to the Law-Mods Maillist and Law-FHS Maillist. These maillists are 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 Oxford email accounts remain operative. If you do not receive messages from the Maillist, contact the Faculty Office.

Law-FHS carries information about lectures and seminars, examinations, IT and library training, library hours etc. Information only relevant to first year students goes on the Law-Mods list. These emails have a [Law-Mods] or [Law-FHS] prefix in the subject line. If you don't receive these emails, please notify the Faculty Office by emailing lawfac@law.ox.ac.uk.

11.3 Faculty website

The public Faculty website (www.law.ox.ac.uk) provides information about courses, news and events and more. On the Faculty intranet, the 'Resources for Courses' link gives access to detailed information about each subject, reading lists, powerpoint slides, lecture handouts and other support materials.

The password for accessing the intranet from outside the Oxford network is available from the Faculty Office (lawfac@law.ox.ac.uk).

11.4 IT support people in the Faculty

Contact Sandra Meredith (271499, sandra.meredith@law.ox.ac.uk) for help with using legal and journal databases and basic computer applications, and for information about using Weblearn (see 11.7). Email system.support@law.ox.ac.uk if you need help with the computers in the PC training room or if your University card does not work in the swipe card machines at doors in the St. Cross Building.

11.5 Computing in the St. Cross Building

Most of the computing provision for students in the St. Cross Building is within the Bodleian Law Library (BLL). The Freshfields Bruckhaus Deringer IT Training Room has 26 networked computers, giving access to all the online resources within the Library and University. Word and other Microsoft Office applications and EndNote are available on these computers. This room is available for general use when not being used for teaching. There are also networked computers in the upstairs gallery computer room, and more at various positions around the library, including in

the Graduate Reading Room. Kurzweil software, which allows blind readers to listen to pages of a book being read aloud, is also available in the BLL.

The main reading room has wireless access to the network via the Virtual Private Network, and there are power points at the ends of several desks. There is no network access in the lecture theatres, and extremely limited access to powerpoints. Charge your laptop before bringing it to lectures.

Do not leave your laptop unattended in the library or anywhere else – cables for securing your laptop are available at the library enquiry desk or at any computing shop. You can store your laptop and other items in a locker in the St. Cross Building. Ask at the Porter's Lodge for information about getting a locker.

The PC training room at the bottom of the stairs near the Faculty Office also has 26 networked computers with Word and other Microsoft applications. These are available for general use when not being used for teaching. Log-in information for these computers is available from the Faculty's IT Officer, and entry to the room is by swiping your University card. Printing from these computers is available in the small printing room opposite the PC training room. Use your library photocopy card to pay for printing. A scanner is also available in the printing room. The PC training room facilities are available when the main building is open, but generally not on weekends.

11.6 IT/electronic research resources training

Training in use of the Library's legal and journal databases is a key component of the Legal Research Skills Programme. There are also special sessions throughout term as advertised on the email list and the Library website (www.ouls.ox.ac.uk/law). Extensive electronic legal and journal resources are available to Oxford law students, and can be accessed via the library website, under Legal Databases, or via OxLIP (www.bodley.ox.ac.uk/oxlip). The library website also includes links to and information about quality free legal web resources.

One-to-one support in using the electronic library resources and free web resources, and in using EndNote and other general computing applications is available during the regular drop-in sessions during term, or by appointment with Sandra Meredith or the Library. Online tutorials for learning how to use specific legal and journal databases are available at www.ouls.ox.ac.uk/law/training/database_guides.

11.7 Weblearn

All students have their own 'My Weblearn' site on Weblearn, the University's Virtual Learning Environment (www.weblearn.ox.ac.uk). Your site is password protected with your Oxford password and accessible from anywhere in the world. You can save copies of your essays and other important documents on My Weblearn, which is backed up daily. As well as document holding, Weblearn provides threaded discussion boards and other features. Discussion groups, study groups and social groups may also have password-protected space on Weblearn.

11.8 Oxford University Computing Services

Oxford University Computing Services (OUCS) provide the main University IT services. The IT Help Centre at OUCS gives support in using these services by email and phone. PCs and Macs with a wide range of software, printers, and scanners are available at the OUCS building for general use. OUCS also provides numerous courses in all manner of computing, from 'computing for the terrified' to training and testing for the European Computer Driving Licence to web publishing to film making to programming. Their computer maintenance contracts are very competitively priced. The OUCS shop sells a limited range of computers, site-licensed software, USB keys, CDs, cables etc. 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 e-mail help@oucs.ox.ac.uk.

11.9 University Rules for Computer Use

The University's Computer Usage Rules and Etiquette information, including Regulations Relating to the Use of Information Technology Facilities, are available at 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, like anyone else, can have problems. 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 help for illness or other 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, there is a cut-off date of Friday of Week 8 of Hilary Term after which reading lists on the Faculty web-page will not be updated, and FHS candidates taking the examination in Trinity Term that year will not be criticized nor penalized by the Examiners for being unaware of developments in the law which occur after that date. For Law Moderations, the relevant date is 1st October before the examination. You will be notified if there are any changes to this convention.

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 (or less) 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. Advice should be sought from your college tutor or the Faculty Office.

12.3 What to do when things go wrong/Opportunities for student feedback

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. The Faculty has been participating in trials of the new University-wide Student Course Experience Questionnaire and also operates a system of feedback on individual lecture and seminar series using a standard questionnaire. Evaluations and comments are subsequently drawn to the attention of the lecturer. Problems with the scheduling of lectures and seminars should be raised with the Director of Undergraduate Studies, via the Academic Administrator in the Faculty Office.

If you have a problem with your tutorial teaching, it should be addressed through college mechanisms for addressing such matters. Colleges operate questionnaire systems for receiving student feedback on tutorials, administered by their Senior Tutors. Individual colleges will differ slightly in their approaches, and will let you know the details of their own procedures.

The Undergraduate Studies Committee includes student representatives for much of its business. Student representatives also serve on a Joint Consultative Committee that exists specifically to discuss student concerns. Representatives to these Committees are selected from a committee comprised of the college law society presidents collectively known as the LJCC. Elections to the LJCC are held in Trinity Term for the following academic year. Representations concerning the programme are often made by or on behalf of the LJCC. The Director of Undergraduate Studies, other officers of the Faculty and members of the Faculty's administrative staff often engage in informal liaison with students and their representatives.

13 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 Equality Duty, which is reproduced at the end of this handbook.

The Law Faculty itself has two Disability Contacts. These are:

Miss Sarah Connor — Personal Assistant to the Dean of the Law Faculty
St. Cross Building
St. Cross Road
Oxford OX1 3UL
Tel No: 01865 281050
Fax No: 01865 274193
e-mail: sarah.connor@law.ox.ac.uk

Professor Timothy Endicott – Chair of the Law Board/Dean of the Law Faculty
St. Cross Building
St. Cross Road
Oxford OX1 3UL
Tel No: 01865 281050 or 01865 277754
Fax No: 01865 274193
e-mail: timothy.endicott@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).

14 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 choice', then 'occupations', followed by 'Tactics Sheets'. The service makes contact with you during your first year in Oxford, and helps you decide on an appropriate approach. You can seek further information, personal guidance, and up-to-the-minute vacancy details by dropping in to 26 Banbury Road.

You are urged to draw on the expertise of the Careers Service throughout your time in Oxford, not just immediately before graduation

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 in England and Wales, 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. If you intend to practice in another jurisdiction (including Scotland and Northern Ireland), you should seek advice from the appropriate professional body in the relevant country.

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 the financing of 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
Solicitors Regulation Authority	www.sra.org.uk
Bar Standards Board	www.barstandardsboard.org.uk
Law Careers Advice Network	www.lcan.org.uk

15 Accreditation for Professional Training

15.1 General

The degree of BA in Jurisprudence (Course 1 and Course 2) of the *University of Oxford* is recognised by the *Solicitors Regulation Authority (SRA)* and *Bar Standards Board* as satisfying the requirements of the academic stage of training specified by those bodies for entry into the legal profession.

A Joint Statement (from the *Solicitors Regulation Authority* and *Bar Standards Board*) concerning the requirements for a “Qualifying Law Degree” (QLD) came into effect for students who began their law degree course after 1 September 2001. 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 Solicitors Regulation Authority/Bar Standards Board as to its status.

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% (**Solicitors Regulation Authority and Bar Standards Board requirement**) in each subject. If any of your marks are below 40% you will need to take the steps indicated in 15.6 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 15.6 below.

15.2 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 Solicitors Regulation Authority and the Bar Standards Board 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.sra.org.uk and www.barstandardsboard.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 Solicitors Regulation Authority/Bar Standards Board, 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 Solicitors Regulation Authority/Bar Standards Board.

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 Solicitors Regulation Authority/Bar Standards Board has discretion whether to deem you to have passed that subject(s) and thus be awarded a QLD. Again, the Solicitors Regulation Authority and the Bar Standards Board apply their own particular definitions and rules and it is **essential to consult their respective web-sites** (www.sra.org.uk and www.barstandardsboard.org.uk) **and to follow the instructions strictly.**

Application to the Solicitors Regulation Authority/Bar Standards Board 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 Solicitors Regulation Authority/Bar Standards Board** (addresses under 15.7 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 Standards Board only): If you have not achieved class II.ii in the FHS, Bar Standards Board has discretion to allow you to proceed despite a poor result. Full details of how to proceed are given on the Bar Standards Board web-site (www.barstandardsboard.org.uk).

15.3 Relevant addresses

Professional Competency Team
Solicitors Regulation Authority
Ipsley Court
Redditch
Worcestershire B98 0TD.

Training Regulations Officer
(Academic Stage)
Qualifications Sections
The Bar Standards Board
289-293 High Holborn
London WC1V 7HZ.

16 Law Moderations Subjects

A Roman Introduction to Private 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 allows the mind to form its own judgments, freed from second-hand opinions.

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

There are lecture courses on each section, on the first, third and fifth section in Michaelmas Term and on the second and fourth 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 and last sections provide an opportunity to see how enormously influential the Institutes and the Digest have been in the western legal tradition and introduce, from a comparative perspective, the principal kinds of law-making, namely legislation and interpretation.

Syllabus: (i) The structure of the Institutes, to be studied in connection with Gaius, Institutes I.8; II.1-2 and 12-14; III.88 and 91 and Justinian, Institutes I.1; II.1 pr.; II.2; and III.13. Sources of Roman Law, to be studied in connection with Gaius, Institutes I.1-7 and Justinian, Institutes I.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; (v) Influence of Roman Law: an assessment of the dissemination and impact of classical Roman Law, especially the institutional scheme, on the European *ius commune*, the English common law, and the French and German codification movements. 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), or such other translations as are prescribed.

Teaching Conventions: The following convention is intended to explain and in some important ways to restrict the subject as defined above. Structure of the Institutes & Influence of Roman Law- 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 which require knowledge of the detail of the modern codes. One of the most important things an introductory Roman Law course can do is to lay out the civilian overview of the law and allow this to serve as a reference point for the organisation of later law, whether modern civilian or common law. The course therefore aims to provide an early introduction to comparative methodologies. Tutors will at discretion wish to highlight comparisons between the institutions and doctrines of Roman law and English law. Contract. The teaching will illustrate the tension between the law of contract as the law of a list of deals and the law of contract as the law of a single general principle. To that theme can conveniently be attached the consideration of writing and other formalities. 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.

Constitutional Law

This course covers the law of the constitution, including the structure and basic principles of the British constitution, and the impact of European Community law on the constitution. It also provides an introduction to the protection of human rights in English law.

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.

Students taking the BA in Jurisprudence (Course 1 and Course 2) take Constitutional Law as one of the three papers for Law Moderations and will in general cover eight topics in tutorials. Students taking the BA in Jurisprudence with Senior Status may choose to take Constitutional Law as an option in the Final Honour School and these students will in general cover seven topics in tutorials. The examination papers for both Law Moderations and the Final Honour School will consist of ten essay questions.

The precise pattern of tutorial teaching varies from college to college but the faculty expects that tutors will include the items listed in **bold type** in the Teaching Convention. Lectures are given in Michaelmas and Hilary Terms on most aspects of the course. Please see the core reading list for more detailed guidance as to the depth of knowledge required of the topics listed in the Teaching Convention.

Syllabus: The examination regulations contain no further specification of the subject.

Teaching Conventions: *Structure:* separation of powers, the role of the courts, the powers of the executive (including prerogative powers), devolution (to Scotland, Wales and Northern Ireland), the impact of European Community Law (the principle of supremacy, the direct effect of Treaty articles, regulations and directives, and (insofar as it relates to the indirect effect of directives) state liability). *General principles:* constitutional conventions (including ministerial accountability), parliamentary sovereignty, the rule of law. *Human rights:* **the structure and effect of the Human Rights Act 1998 (focusing in particular on its impact on parliamentary sovereignty and the judicial role); the application of the Human Rights Act 1998 in the context of freedom of political expression (including the law’s treatment of racist speech and blasphemous speech) and public protest;** the application of the Human Rights Act 1998 in the

context of police powers in relation to personal liberty (stop and search; entry, search and seizure; arrest; and detention).

Criminal Law

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.

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.

Students taking the BA in Jurisprudence with Senior Status may choose to take Criminal Law as an option in the Final Honour School and these students will in general cover seven topics in tutorials. (In topic 8, only the first part – relating to the Criminal Damage Act 1971 – is examinable; the remainder of topic 8 listed in the teaching convention below will be the subject of lectures but is not examinable in the FHS version of the course.)

Syllabus: The Examination Regulations contain no further specification of the syllabus.

Teaching Conventions: 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; the offence created by the Suicide Act 1961, s.2(1). 6. Liability for the offences created by sections 1, 2 and 3 of the Sexual Offences Act 2003. Candidates will be expected to know of the existence of the other offences created by that Act. 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; 8. Liability for the following offences: the offences created by the Criminal Damage Act 1971 sections 1-3; the offences created by the Theft Act 1968, sections 1, 8 and 9; and the offences created by the Fraud Act 2006, sections 1-4. Candidates will be expected to know of the existence of the offences created by sections 12, 21, 22 and 25 of the Theft Act 1968 and section 3 of the Theft Act 1978.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

17 Final Honour School of Jurisprudence Subjects

NOTES: (i) Teaching in some standard 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.

Administrative Law

Administrative Law is concerned primarily with judicial control of the activities of the executive branch of government. The main topics covered 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 is now one of the compulsory standard subjects within the Final Honours 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 is taught in tutorials arranged by your college tutor.

Syllabus: 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 Conventions: 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.

Commercial Leases

A majority of commercial property (shops, offices, and industrial units) is rented property. Leasehold commercial property is therefore very important to the UK economy and to legal practice. This course will provide an understanding of the legal relationship of landlord and tenant in the context of the letting of commercial property. It will encourage students to think about the lease as a contractual arrangement, a proprietary estate and as a regulated instrument, and what the appropriate way is to regulate the division of interest between landlord and tenant. It should appeal to students who have enjoyed contract law, but also builds on aspects of the land law course. For tenants, flexibility is important. If the business is successful, and its location important, it will want to stay put, even after the lease ends. If the business grows or shrinks it may need to be able to get out of the lease, by selling it or surrendering it. For many landlords, the lease is an investment and they will focus on the lease as a tool for guaranteed, low risk, but rising income. Both parties will want a property that is well maintained, but who should pay for this? The course will look at how

leases balance these interests through the contract, but also at when the government has stepped in to regulate.

There are three main stages in the leasehold relationship: entering into the lease, management issues, and ending the relationship. The major influence upon the legal relationship of landlord and tenant is the lease contract negotiated between the parties. The course will therefore look at how leases are distinguishable from other occupancy relationships, and the main terms that appear in leases. In doing so, it will consider the range of factors that influence the content of the lease, such as the type and location of property, the relative negotiating strength of the parties, and wider economic and social policies. The course will also explore how leases provide for management of the property during the lease: allocating responsibility and liability for repair, how the property can be used, reviewing the rent, and servicing the property. As estates, leases can be 'sold' or assigned: the course will look at the ability of landlords to control the disposition of leasehold interests, and the impact that this has upon the enforcement of the leasehold covenants between both the original landlord and tenant, and between the current landlord and tenant. It will also look at rights that the tenant has to renew the lease at the end of the term. Leases usually contain 'forfeiture' provisions, enabling the landlord to end the lease early in the event of tenant default and the course will look at how this right has been regulated by common law and statute. Exploring the legal relationship will, therefore, involve looking at the application of principles of land law and contract law that law students will already have encountered (such as the distinction between leases and licences, and principles of contractual interpretation) as well as the law (both statutory and common law) specific to commercial leases.

Syllabus: In more detail, the course will cover:

1. the creation and nature of leases of commercial property and regulation of business tenancies;
2. the law relating to management issues within commercial leases, with particular reference to rent review, repairing obligations, and user covenants;
3. alienation of commercial leases
4. the enforcement of leasehold covenants;
5. termination of commercial leases, forfeiture and rights of renewal.

Teaching Conventions: The course will be taught by a series of lectures and a seminar in MT, and a combination of tutorials and seminars which can be taught either in MT alone, or across MT and HT. Students will be expected to have an understanding of contract law and land law.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

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 2006 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.

Syllabus: 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 Conventions: 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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Comparative Law: Contract

This course centres on a comparison of the general principles governing the law of contract in French and in English law, choosing this topic both because of its substantive interest and because it is a good place from which to embark on comparative legal studies. For this reason, the course is arranged in two parts. The first introductory part (representing one tutorial week) looks at very general features of the French legal system, especially as regards the sources of the law, and it invites comparisons with the apparently very different approaches of English law. The second part of the course (representing six tutorial weeks) looks at the French and English general laws of contract both from the point of view of their own substantive principles and as the context for the illustration and elucidation of the more general questions addressed in the first part. While the material itself is necessarily restricted, the provisions of the Code civil and examples of the case-law and juristic writing (*la doctrine*) are studied. Comparisons may include those drawn at the level of principle, underlying values, legal technique or practical result.

Students taking this course may come from either a common law or a 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 French sources are studied in French, though there are a number of introductory works on French law and French contract law in English (including Bell, Boyron and Whittaker, Principles of French Law and Nicholas, The French Law of Contract) and articles comparing aspects of French and English contract law. A good deal of the French material for the course is contained in Kahn-Freund, Lévy and Rudden, A Source Book of French Law. Overall, therefore, the course requires a good reading knowledge of French.

The pattern of teaching will be as follows. In Michaelmas term there will be a seminar on the sources of law in French and English law early in term by Professor Simon Whittaker. The lectures on French contract law will be given in Michaelmas and Hilary term by Mr John Cartwright and Professor Simon Whittaker.

Syllabus: 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 Conventions: 1. This is a course of comparative law and not merely an introduction to a particular topic of non-English law and the examination will therefore require candidates to answer questions in the light of both English and French law. 2. The course looks at the general law of contract and this means that special rules applicable to commercial, consumer or public contracts or to particular types of contract (such as sale, hire etc.) are not included except insofar as they are significant for an understanding of the general principles.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

[Competition Law and Policy]

This course is not available in 2007-8.

Contract

The syllabus comprises 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.

Contract 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 subject is taught in tutorials arranged by your college tutor. Particular areas are also explored in lectures.

Syllabus: 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 Conventions: 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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Copyright, Patents and Allied Rights

It is commonplace to claim that we live in an information age and that rights in creative and informational products - from film scripts to human genes - are becoming increasingly important. In this course we introduce two of the central regimes for the protection of those products, Copyright and Patent Law, and their allied regimes of Moral Rights and Confidential Information. Copyright protects literary, musical, dramatic and artistic works, sound recordings, films, cable programmes and published editions from certain unauthorised uses, and is supported by a moral rights regime that protects authors, dramatists, artists, composers and film directors against false attribution of authorship and derogatory treatment of their works. Patents protect inventions from unauthorized manufacture and use, and are supported by a common law breach of confidence action that protects inventors and others from the unauthorized disclosure of their confidential information. We ask why we have these regimes and how they operate at a national and European level. The course will appeal to those interested in the arts & entertainment and science & engineering industries, in publishing, literary theory, technology and intellectual property practice. It will be taught in eight two-hour seminars and six one-hour tutorials spread over Michaelmas & Hilary Terms by Dr Michael Spence, Dr Justine Pila, Dr Imogen Goold and Ms Barbara Lauriat. NOTE: Students may not choose both Copyright, Patents and Allied Rights and Copyright, Trademarks and Allied Rights.

Syllabus: The law and theory of copyright, moral rights, patents and confidential information. The subject will be examined by means of a three-hour written examination in which FHS candidates will be required to answer four questions and DLS candidates will be required to answer three questions.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Copyright, Trade Marks and Allied Rights

It is commonplace to claim that we live in an information age, and that rights in creative and informational works, from film scripts to corporate logos, are becoming increasingly important. In this course we introduce two of the central regimes for the protection of those works, copyright and

trade mark law, and their allied regimes. Copyright protects literary, musical, dramatic and artistic works, sound recordings, films, cable programmes and published editions from certain unauthorised uses, and is supported by the moral rights regime, which protects authors, dramatists, artists, composers and film directors against false attribution of authorship and derogatory treatment of their works. Trade mark law protects signs of commercial origin, and is supported by the passing off action, which protects against certain unauthorized use of information to mislead or deceive the market. We ask why we have these regimes and how they operate at a national, European and international level. The course will appeal to those interested in the arts and entertainment industries, in publishing, in literary theory, in information technology, in marketing, in trade, in unfair competition, and in intellectual property practice.

It will be taught in eight two-hour seminars and six one-hour tutorials spread over Michaelmas & Hilary Terms by Dr Michael Spence, Dr Justine Pila, and Ms Barbara Lauriat. NOTE: Students may not choose both Copyright, Patents and Allied Rights and Copyright, Trademarks and Allied Rights.

Syllabus: The law and theory of copyright, moral rights, trade marks and unfair competition. The subject will be examined by means of a three-hour written examination in which FHS candidates will be required to answer four questions and DLS candidates will be required to answer three questions.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

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 noncustodial 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.

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.

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 organizes seminars during the academic year at which invited, distinguished speakers discuss current research or major issues of policy. This programme is advertised on the Centre's website at www.crim.ox.ac.uk and students are encouraged to attend.

Syllabus: 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: In 2007-8, in addition to lectures throughout both terms, students in this course will also receive a mixture of class and tutorial-based teaching. Each class will last for 90 minutes and be delivered three times (with approximately 20 to 25 students per class) in the allotted week. Four tutorials will then be held in Hilary term, with students being allocated to one of the three available tutors (Dr Goold, Dr Lazarus, and Prof Zedner) and, if necessary, the graduate teaching assistant. All classes and tutorials will be organised centrally by the course convenor Dr Liora Lazarus. Topics to be covered in classes and tutorials (and which will be examinable) are as follows: Class One: Aims of the criminal justice system (Week 4, MT) Dr. Mary Bosworth Class Two: Aims of policing and prosecution (Week 6, MT) Prof. Ian Loader

Class Three: Aims of punishment and sentencing (Week 8, MT) Prof. Lucia Zedner Tutorial One: Prisons: policy, practice and privatisation (Week 4, HT) Tutorial Two: Non-custodial penalties (Week 5, HT) Tutorial Three: Youth justice (Week 6, HT) Tutorial Four: Victims or Race and Gender (Week 7, HT)

The course reading lists 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 course 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 theft and fraud offences are taught. 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.

Environmental Law

This course is an introduction to the subject of environmental law and covers the main areas of substantive UK (with the focus on England) and EC environmental law. Environmental law is concerned with the law relating to the protection of the environment and includes areas such as pollution control law, nature conservation, environmental impact assessment, and trade law. Much of the substance of UK environmental law is derived from EC law and as a subject environmental law builds on the core subjects of EC Law and Administrative Law as well as applying concepts from other areas such as criminal law and tort law.

The course will take into consideration the socio-political context that environmental law operates in and the course will explore the complex and ever expanding case law and legislation on the subject. A major theme of the course is the type of challenges that environmental problems provide for the law. In the last decade environmental law has given rise to difficult legal questions including: what should be the rights of citizens to legally challenge ‘public’ decision-making; what should be the limits of discretion placed on administrative decision-makers in their pursuit of environmental protection; how should environmental protection be weighed up against other social goals; what are the best means of achieving environmental protection; and how much regulatory autonomy should Member States have under EC law to protect the environment in the way they so wish.

Syllabus: Environmental Law comprises the English and EC law relating to-

- a) Definitions, functions, principles and objectives of environmental law including the different regulatory strategies used in environmental law.
- b) the control of pollution, waste management, and contaminated land
- c) nature conservation
- d) the consideration of environmental impacts in the town planning process

- e) rights and remedies in environmental law
- f) the regulatory autonomy of Member States in relation to environmental protection in the EC including the interrelationship between trade and environmental protection.

Teaching Conventions: The course will be taught by a series of lectures, two classes, and five tutorials across MT and HT. Students will be expected to know basic principles of EC law and administrative law, acknowledging that the former is also taken in the final year.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

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 all Honour Schools including Philosophy. 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).

Syllabus: Candidates will be given an opportunity to show some first hand knowledge of some principal historical writings on this subject, including those of Aristotle, Hume and Kant, but will not be required to do so. Questions will normally be set on the following topics: 1. The Metaphysics of Ethics: including the nature of morality and moral properties, the truth aptness of moral judgements, moral knowledge and moral relativism. 2. Value and Normativity: including good and right, reasons, rationality, motivation, moral dilemmas. 3. Self interest, Altruism, and Amoralism. 4. Ethical Theories: including consequentialism, utilitarianism, and contractualism. 5. Specific Moral Concepts: including happiness, wellbeing, rights, virtue, fairness, equality, and desert. 6. Moral Psychology: including conscience, guilt and shame, freedom and responsibility. 7. Applied Ethics, including medical ethics.

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. The case law of the European Courts is of considerable importance and looms large in the study of EC law. Community law takes immediate effect in English Law, and is enforceable by English courts.

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.

EC Law is now one of the compulsory standard subjects within the Final Honours 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 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. Emphasis is placed on the scope of the law making competence of the institutions, in particular as regards the internal market, and on the principle of subsidiarity, which is intended to act as a “brake” on the exercise of such competence. 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. The rights of Community employed and self-employed persons to free movement and non-discrimination graphically illustrates the significance of the Community legal system for such persons, while at the same time being of considerable significance to commercial undertakings and their advisors. General principles applicable to mutual recognition of qualifications is covered, as are the Directives on establishment and service provision by lawyers/All nationals of Member States are also “EU Citizens” and this status is of increasing importance as regards rights of free movement, residence and equality.

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.

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

Syllabus: 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 Conventions: 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) competence of the institutions to make law, in particular to regulate the internal market under Article 95 EC, and the application of the principle of subsidiarity. 4. 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. 5. The general principles of Community Law, including the

fundamental rights; the Charter of Fundamental Rights 6. Direct effect of EC Law: conditions for and consequences of norms having direct effect within Member states; including effects on national rules on procedures and remedies, state liability.

Special Topic The free movement of persons, services and goods, and the principle of non-discrimination on grounds of nationality. 1. The free movement of goods; quantitative restrictions and measures having equivalent effect. Exceptions on grounds of public policy, public health etc., and mandatory requirements in the general interest. 2. 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 (principles from case law plus legislation on lawyers' qualifications) Exceptions on grounds of public policy, public security and public health, and mandatory requirements in the general interest. 3. 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 (see above). Exceptions on grounds of public policy, public security and public health, and mandatory requirements in the general interest. 4. European Citizenship, rights to entry and residence and non-discrimination, other rights of European Citizens.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

European Human Rights Law

The objective of the course is to provide a thorough grounding in the application of the European Convention on Human Rights. The primary aim is to introduce students to the substance of Convention rights and to their interpretation and enforcement, including the relevant jurisprudence of the European Court on Human Rights. This will include an analysis of general principles as well as broad themes arising from the interpretation and limits of several specific Convention rights (such as fair trial, protection of private life, and non-discrimination). Other European conventions and institutions will be referred to when relevant. By the end of the course, students will: have a sound understanding of the significance of human rights and civil liberties, and their theoretical dimensions, in Europe; be familiar with and able to apply the relevant provisions of the ECHR to practical problems concerning a range of the rights and liberties; have a knowledge and understanding of the European Human Rights system as a whole and the place of the Convention in that system; and have an understanding of the institutional procedural requirements for bringing human rights claims under the ECHR. We are fortunate that several members of the Faculty have a keen interest in teaching this subject. Teaching will take place over Michaelmas and Hilary Terms, and will consist of a combination of lectures, tutorials and seminars.

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 an 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. 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 assisted reproductive techniques.

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.

Syllabus: Family Law comprises (a) The formation, validity, and dissolution of a marriage and civil partnership, including the process according to which marriages and civil partnerships are dissolved. (b) The mutual rights and obligations of spouses and civil partners, including the effect of marriage on the property rights of the spouses; the relevant principles of family provision; the legal position of unmarried persons who cohabit. (c) Parental responsibility and children's rights; child support; the powers and duties of courts and local authorities with respect to children (excluding juvenile offenders).

Teaching Conventions: 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 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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

History of English Law

This option studies the history of the principal features of the branches of law that are today known as land law, tort, and contract. The course is taught using a selection of primary sources (in translation where necessary) and of academic literature. Students are expected in the course of study to acquire knowledge of the sources of law and of the judicial system. 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 12, 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.

Lectures are usually given by Dr J S Getzler, Mr J Hackney and Dr M Macnair, and tutorials will be arranged by your college tutor. The sort of subject matter which might typically form the basis for a term's tutorials is listed below.

Property Law: Tenures. 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. Uses and Trusts. Perpetuities.

Contract: The old personal actions: Debt, Covenant, Account. The rise of Assumpsit & the emergence of the doctrine of consideration. Later development of contract law.

Tort: Early development of actions of Trespass and Trespass on the Case. Nuisance. Defamation.

Trover and Conversion. The 18th to 19th century `rise of Negligence`.

Syllabus: History of English Law comprises the history of the land law, contract, and tort. Candidates will be required to show a sufficient knowledge of the sources of English legal history, and of the history of the judicial system, so far as relevant to the development of the substantive areas of law studied.

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 in Michaelmas Term on carriage by sea (Dr. T. Krebs), on international sale of goods; 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) may also be available in that term (with Mr E Peel and/or 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.

Syllabus: 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 Conventions: 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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

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 <http://www.law.ox.ac.uk/jurisprudence/>

Syllabus: The examination regulations contain no further specification of the subject.

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.

Syllabus: 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 Conventions: 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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Land Law

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.

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 must offer both Land Law and Trusts.

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, 3rd edition) or Gardner, *An Introduction to Land Law* (Hart Publishing, 2007).

Syllabus: (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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Personal Property

The objective of this course is to provide students with an overview of the law of personal property, focusing in particular on underlying concepts and subjecting those concepts to a detailed, critical examination. The course aims to broaden students' knowledge by introducing them to fundamental ideas which the FHS compulsory subjects do not cover: such as the role of the tort of conversion in protecting interests in property; and the means by which gifts of interests in property can be made. The course further aims to deepen students' understanding of important concepts which feature in the core subjects of Land Law and Trusts: students will be re-introduced to and, more importantly, invited to re-examine concepts such as the nature of ownership and the need for security of transactions.

This special subject may not be taken by any student who is also taking the standard subject *Principles of Commercial Law*.

- i) Introductory Seminar/Lecture: 1 x 2hr session
- ii) Seminars: 7 x 2hr sessions
- iii) Tutorials: 4 x 1hr sessions

These sessions will be spread over MT and HT.

Mr Swadling and Mr McFarlane will provide seminar and tutorial teaching and will also examine.

Syllabus: 1. The Protection of Rights in Respect of Personal Property - The different claims available to protect interests in personal property, their nature and classification; the distinction between property rights and personal rights; the different approaches taken at law and equity; what is being protected?: the concepts of ownership, possession and title

2. The Tort of Conversion

- Detailed examination of conversion; Establishing a cause of action in conversion: what interests does conversion protect?; The measure of damages, including the question of gain-based damages; The comparison with receipt-based claims in equity.

3. Interests less than Ownership

- The numerus clauses and the list of property rights; Comparison with the list of property rights in land; The recognition of new property rights, considering in particular the chattel lease

4. Security Interests

- Definition and the different forms of security; Protection of third parties and the problem of concealed security interests; Comparison with security in land

5. The Derivative Acquisition of Rights

- The means by which property rights in respect of goods can be acquired; Difference between original and derivative acquisition; Forms of derivative acquisition: gift, sale, etc; The requirements for the making of a valid gift; The passing of title under a contract of sale.

6. The Original Acquisition of Rights

- The difference between consensual and non-consensual acquisition; Forms of original acquisition: wrongs, unjust enrichment, miscellaneous other events; The debate as to whether and when property right can be acquired as a response to wrongdoing; The debate as to whether and when property rights can be acquired as a response of unjust enrichment

7. The Destruction of Property Rights

- Security of transactions and the need to protect third parties; The nemo dat principle and the good faith purchaser defence; The definition and consequences of accession; The debate as to the possibility of abandonment; Limitation

Principles of Commercial Law

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 and implied terms in the sale of goods.

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, Mrs L Gullifer and Professor Hugh Beale. 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.

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

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Public International Law

The course covers the major areas of general international law and is not over-specialised. The lectures cover the core tutorial topics on the nature and sources of international law, the law of treaties, international legal personality, jurisdiction and immunities, State responsibility, the use of force and the procedures for peaceful settlement of disputes. In addition, the lectures introduce students to special areas such as the law of the sea, international criminal law, international environmental law, international economic law and investment arbitration. 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, NGOs, foreign ministries of their countries, or specialised private practice (particularly in the areas of commercial law and of human rights). 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 the prosecution of war crimes, environmental protection, freedom of maritime traffic, civil air transport, 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 lectures and tutorials arranged by your college tutor. The public international law teaching group assumes that students taking this subject will attend all the lectures.

Syllabus: 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 exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

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, although it is not essential to have done the Roman Law course for Mods. 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. There will be six seminars in Michaelmas Term, on quasi-delict, *furtum* and *iniuria*, and eight in Hilary Term on the *Lex Aquila*. Students will be offered four tutorials, to be arranged by their college tutors.

Syllabus: 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, Digest XLVII.2.21 and 36 (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

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 of which no prior knowledge is required. 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 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. 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 lectures in Michaelmas and co-ordinated classes commencing in Michaelmas and continuing to 5th week in Hilary. These lectures and classes are key elements of the teaching. The four tutorials are in Hilary.

Syllabus: 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 Conventions: 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.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

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. Lectures in Michaelmas and Trinity terms cover most, but not all, of the topics on the agreed reading list. Revision lectures on contract and tort take place in Hilary term.

Syllabus: Questions may be set in this paper requiring knowledge of the law of contract.

Teaching Conventions: There is an agreed reading list for tort, which is revised annually. The topics on the list in bold type are taught by all Oxford tutors. The other topics without bold headings are taught by some Oxford tutors. The examiners are entitled to set questions requiring knowledge of issues across the bolded and unbolded categories and across topics. Questions will not be set on topics that do not appear on the list.

The Tort Teaching Group in Hilary 2007 agreed that, in respect of the following topics which have been optional (i.e. without bold headings):

- (1) the topic of 'Privacy' would be deleted from the Tort Teaching Convention as it more properly belongs in the European Human Rights FHS option; and
- (2) the topic of 'Compensation: Assessment of Damages for Personal Injury and Death' would be given a change in emphasis to encompass other tort remedies, and as a consequence candidates would no longer be expected to know the minutiae of the rules for the assessment of damages for personal injury and death. A revised core reading list for this topic will be available for MT 2007, and the revised topic of Tort Remedies will become examinable in FHS 2009 for course 1, and in FHS 2010 for course 2, in accordance with the notice sent by the Director of Examinations to all tort tutors in TT 2007.

Currently, the topics with headings in bold type are: **Negligence/Duty of Care; Negligence/Breach of Duty; Causation and Remoteness of Damage; Negligence and Economic Loss; Defences; Liability for Defective Premises; Nuisance and the Rule in Ryland v Fletcher; Product Liability; Vicarious Liability.** Currently the topics with headings that are not in bold type are: Joint Liability; Employers' Liability; Breach of Statutory Duty; Defamation; Trespass; Economic Torts; Tort Remedies, including Damages for Personal Injury and Death; Compensation: Faulty and Insurance.

Some of the materials on the agreed reading list are in bold type. This indicates the seminal and leading cases and other materials with which examiners are entitled to expect that candidates answering questions on that topic are familiar. Other materials are not in bold type. These materials appear on the reading lists of some of the tutors who teach the particular topic in question.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

Trusts

The institution of the Trust is one of the most important ideas in English law. Its very definition is heavily contested, but most would agree that a trust arises where someone (a trustee) nominally owns property, and may wield many of the powers of ownership, but is generally unable to take advantage of that ownership. Instead the trustee-owner holds the property to the benefit of some other person (known as a beneficiary), a class of persons, or an object such as a charitable purpose bringing benefit to the public. Trusts can arise in two main ways – by intention; or because the law has other reasons to make an owner into a trustee. The purpose of the intentional trust is to transfer wealth in a more complex way than would be easy or possible to achieve by straight-out conveyance, such as to have the property distributed on particular terms and conditions, or to disperse ownership to win tax advantages, or to allow ongoing management of the asset. There are myriad situations in which the law has other reasons to make an owner of property into a trustee; one very important one is where a couple's home is nominally owned by only one partner, but the other partner deserves a share in it. The course looks at the scenarios in which the different kinds of trusts arise, and at how they behave.

In one respect, the course also looks outside trusts. A trustee is a fiduciary, being someone having a duty to act for another's benefit through the control of property. But outside property-holding there are other examples of fiduciaries too, such as solicitors, who must act for their clients' benefit; or agents who can contract on behalf of their principals. The course looks at the law's control of fiduciaries in general, whether they are trustees holding assets or persons otherwise charged with promoting the interests of others.

Trusts is one of the compulsory standard subjects within the Final Honours 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.

Teaching Conventions: FOR FHS 2008, 2009 AND (FOR COURSE 2 ONLY) 2010

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. You are likely to cover all Part A topics in tutorials arranged by your college tutor, but a selection of Part B topics depending on personal choice. In the examination candidates may choose questions from Part A and Part B without any restriction, and in the 2007 examination candidates will be required to answer at least 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) 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. (d) The principle that express trustees should not put themselves in a position in which their interest and duty conflict. (e) Nature of constructive trusts and fiduciary relationships. (f) Remedies; tracing of trust property, liability in respect of assumption of trusteeship, receipt of trust funds, assistance in a breach of trust. (g) Trusts arising under the line of authority exemplified by *Barclays Bank v. Quistclose*.

FOR FHS 2010 (COURSE 1 ONLY), 2011 (COURSES 1 AND 2), AND ONWARDS

1 The idea of a trust; beneficiaries' rights.

- The 'categories' of express, resulting and constructive trusts. • The beneficiary principle. • The nature and characteristics of a beneficiary's interest under a trust (including the effect of the rule in *Saunders v Vautier*); the transfer of such an interest (including the formality rules relevant to this).
- Purpose trusts (non-charitable and charitable, including the rules defining a charitable purpose); purported gifts to unincorporated associations; *Quistclose* trusts.

2 Express trusts

- Their essential requirements (notably 'the three certainties', but not the rule against perpetuities).
- Formality rules relevant to express trusts (arising inter vivos and on death); the effect of non-compliance with these rules (including the rule in *Rochefoucauld v Boustead* and secret trusts, but not including mutual wills). • The effect of promises to settle.

3 Constructive trusts

- Certain possible instances of constructive trusts: those associated with: - acquisition by fiduciaries (*Keech v Sandford*, *A-G for Hong Kong v Reid*); - vendor-purchaser contracts (*Lysaght v Edwards*) (but not the details of these); - transfers 'subject to' the rights of others (*Binions v Evans*, *Lys v Prowsa Developments*); - failure for want of formality (*Rochefoucauld v Boustead*, *Blackwell v Blackwell*); - the tracing rules (*Foskett v McKeown*); - mistaken payment (*Chase Manhattan v Israel-British Bank*); - 'family property' (*Gissing v Gissing*); - perfecting imperfect gifts (*Pennington v Waine*). • 'Remedial' constructive trusts.

4 Resulting trusts

5 Duties and powers

- The duties and powers (dispositive, administrative and fiduciary) of the trustees of non-charitable trusts. • The enforcement and control of these duties and powers; personal and proprietary remedies (including the tracing rules); the rule in *Re Hastings-Bass*; trustees' obligations to disclose information. • Exclusion clauses; the defence of consent to breach of trust, and that in the Trustee Act 1925 s 61, but not other defences. • Delegation. • The possible differences in these respects between express, constructive and resulting trusts. • Fiduciary duties where there is no underlying trust.

6 Trusts and third parties

- The impact of trusts on those not, or not originally, their trustees; recipient and accessory liability, and trusteeship by assumption.

Materials available in exam: Details to be advised. Materials supplied last year are listed on the front of last year's examination paper (see www.oxam.ox.ac.uk)

18 Legal Research Skills Programme

The Legal Research Skills Programme (LRSP) provides training in the use of legal information resources (both paper and electronic), legal research, and teamworking, and checks that students are competent in the use of information technology. Students are expected to have a basic level of competence in the use of IT. Students who cannot easily use the university email system, search the internet or use a word-processing package should attend relevant Oxford University Computing Services courses.

Students complete the LRSP in their first year. Unit 1 is two hours in early Michaelmas Term; Unit 2 is two hours in early Hilary Term; and Unit 3 is six hours (one day) in late Trinity Term. All timetables are advertised on the Law-Mods mailing list and on the LRSP website. Students are expected to attend the session to which they are assigned. The LRSP is taught in the Freshfields Bruckhaus Deringer IT Training Room in the Bodleian Law Library.

The LRSP was designed to meet the requirements for a qualifying law degree as specified by the Solicitors Regulation Authority and the Bar Standards Board in the Joint Announcement on Qualifying Law Degrees. All undergraduate law students, including Senior Status students, are required to successfully complete the LRSP. Diploma in Legal Studies students do not have to take the LRSP, but they are welcome to do so.

In **Unit 1 – Introduction to electronic resources for legal research**, students use web-based tutorials and online assessment exercises to develop skills in finding sources from their reading lists in the library's main legal and journal databases.

In **Unit 2 – Introduction to hard copy resources for legal research**, students learn how to use selected hard copy resources to find the law and to make sure it is up-to-date. Students also learn to use the citator features of legal and journal databases, and skills in online subject searching.

In **Unit 3 – Applied Legal Research and Teamwork**, students work in small teams to find a solution to a legal problem and give a presentation on their findings. Students use the legal resources investigated in Units 1 and 2, and various technologies including PowerPoint and Weblearn.

For more information, see <http://denning.law.ox.ac.uk/oxfordonly/subjects/lrsp/index.htm> 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. All colleges select students for admission without regard to sex, marital or civil partnership 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.

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 (including Bullying)

The University of Oxford is committed to equal opportunities and to providing an environment in which all employees and contractors ("staff"), students and those for whom the University has a special responsibility (for example visiting academics and students – henceforth referred to as "visitors") are treated with dignity and respect, and in which they can work and study free from any type of discrimination, harassment, or victimisation.

All staff and students are responsible for upholding this policy and should act in accordance with the policy guidance in the course of their day-to-day work or study, ensuring an environment in which the dignity of other staff, students, and visitors is respected. Offensive behaviour will not be tolerated.

Harassment is a serious offence which is punishable under the University's disciplinary procedures.

Heads of department and their equivalents, those with significant supervisory duties, and others in positions of responsibility or seniority, including students who fall into these categories, have specific responsibilities. These include setting a good personal example, making it clear that harassment will not be tolerated, being familiar with, explaining, and offering guidance on this policy and the consequences of breaching it, investigating reports of harassment, taking corrective action if appropriate, and ensuring that victimisation does not occur as a result of a complaint. Instances of harassment should be brought to the attention of an appropriate person in authority, such as a head of department or a senior college officer.

The University is committed to making all staff and students aware of this policy and the accompanying guidance and to providing effective guidance and briefing on it. The University will take steps to ensure that both the policy and guidance are fully understood and implemented. The policy and guidance is available to view at

<http://www.admin.ox.ac.uk/eop/har/index.shtml>

The policy will form a part of every employment, and student contract, or relationship, or contract for services. The University will encourage a culture of non-tolerance of any form of harassment.

Information concerning allegations of harassment should be treated in the strictest confidence. Breaches of confidentiality may give rise to disciplinary action.

Definition of Harassment: A person subjects another to harassment where he or she engages in unwanted and unwarranted conduct which has the purpose or effect of:

(a) violating that other's dignity, or

(b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that other.

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

Acts of harassment may be unlawful. Harassment on grounds of sex, race, religion, disability, sexual orientation or age may amount to unlawful discrimination. Harassment may also breach other legislation and may in some circumstances be a criminal offence e.g. under the provisions of the Protection from Harassment Act 1997.

Reasonable and proper management instructions administered in a fair and proper way, or reasonable and proper review of a member of staff's or a student's work and/or performance will not constitute harassment. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

Intention and Motive: The other person's motives are not the main factor in deciding if behaviour amounts to harassment. Just because certain behaviour may be acceptable to the alleged harasser or another person does not mean it is not harassment.

Bullying: Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It may not be based, or may not appear to be based, on gender, race or any other specific factor.

Victimisation: Victimisation occurs specifically when a person is treated less favourably because he/she has asserted his/her rights under this guidance, either in making a complaint or in assisting a complainant in an investigation (information about complaints and investigations is set out in Part IV). The University will protect any member of staff, student, or visitor from victimisation for bringing a complaint or assisting in an investigation. Victimisation is a form of misconduct which may in itself result in a disciplinary process, regardless of the outcome of the original complaint of harassment.

Examples of behaviour that may amount to harassment include:

- suggestive comments or body language;
- verbal or physical threats;
- insulting, abusive, embarrassing or patronising behaviour or comments;
- offensive gestures, language, rumours, gossip or jokes;
- humiliating, intimidating, demeaning and/or persistent criticism;
- open hostility;
- isolation or exclusion from normal work or study place, conversations, or social events;
- publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures or other materials;

- unwanted physical contact, ranging from an invasion of space to a serious assault.

(The above list is not intended to be exhaustive.)

All these examples may amount to **bullying**, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person.

Many of the above examples of behaviour may occur through the use of internet, email, or telephone.

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

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.

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.

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

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.

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

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.

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).

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

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 Equality Duty (DED)

The Disability Equality Duty (DED) is an important new duty (following the DDA [2005] amendment) aimed at promoting disability equality across the public sector. The DED, also referred to as the general duty, sets out what public authorities must have due regard to in order to promote equality of opportunity.

The Collegiate University is already under the statutory duty not to discriminate against disabled students and staff by treating them less favourably than other persons as well as the

statutory duty to make reasonable adjustments, both anticipatory adjustments and individual adjustments for disabled staff and students.

The University's general duties are that in carrying out its functions it shall have regard for the need to:

- Eliminate discrimination that is unlawful under the act;
- Eliminate harassment that is unlawful under the act;
- Promote equality of opportunity between disabled persons and other persons;
- Promote positive attitudes towards disabled persons; and
- Encourage participation by disabled persons in public life.

In practice this means that the Collegiate University must take account of disability equality in every area of its day to day work which would include policies, practices, procedures and plans.

The University has produced a Disability Equality Scheme (DES) as part of the new Disability Equality Duty which focuses on both disabled staff and students. The DES includes an action plan for the next three years focusing on barriers to equality of opportunity for disabled staff and students and how the University proposes to remove these barriers.

The DES has been produced with the involvement of a working party with members invited from a cross section of the University including both undergraduate and graduate disabled students, academic and non-academic disabled staff as well as representatives from colleges and University departments. Students and staff have been engaged in the DES process in a number of ways including a student forum and staff questionnaire and will be engaged in the ongoing DES process.

The University has collected, and will continue to collect, data on students and staff with disabilities. The University's DES contains baseline data on disability and will enable better monitoring of both staff and students numbers to take place.

Figures on disabled applicants are currently published by the Admissions Office as part of their annual report. The University's DES will provide an ongoing opportunity to publish data on disabled staff and students to ensure that the University can demonstrate its progress.

The University's first Disability Equality Scheme can be accessed using this link (<http://www.admin.ox.ac.uk/eop/disab/des.shtml>) but is also available in hard copy and alternative formats including audio, Braille and large print which can be requested via Peter Quinn, Senior Disability Officer, via 01865 (2)80459 or by emailing: disability@admin.ox.ac.uk.

Disability Support

1. Introduction

This section 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. It is advisable to check facilities by contacting the Disability Office Staff, as changes may have been made since this publication.

2. Current Policy

2.1 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.

2.2 Access and admissions. The University and colleges view applications from students with disabilities on the same academic grounds 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.

2.3 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. 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.

2.4 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).

2.5 Financial assistance to students with disabilities. The University has designated funds to assist disabled students, although these can be over-subscribed. The University also has a Specific Learning Disabilities/SpLD 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 who meet the UK residency requirements. 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.

2.6 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 Oxfordshire Council for 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 established a link with *Workable*, the organization 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.

3. Current Provision

3.1 Co-ordination. The University Disability Office is part of the Diversity and Equal Opportunities Unit. The Office staff provide advice and guidance to University students and staff on: the effects of specific disabilities and medical conditions on study; access and adaptations to University buildings; applying for disability-related funding; assistive equipment and information technology; curriculum accessibility; how to apply for special examination arrangements; support services within the University and external links. Further details are available on the Disability Office website www.admin.ox.ac.uk/eop/disab, or by contacting the Disability Office Staff, Peter Quinn, Deborah Popham, Ann Poulter and Sara Scott at:

Disability Office

University Offices

Wellington Square

Oxford OX1 2JD

Tel.: 01865 280459

Fax: 01865 280300

E-mail: disability@admin.ox.ac.uk

3.2 Published information. The following publications are likely to be of assistance to disabled students:

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. Obtainable from the Admissions Office or the Disability Staff, or from Oxford University Student Union, Thomas Hull House, New Inn Hall Street, Oxford OX1 2DH, or at <http://www.admin.ox.ac.uk/access/>

Accessing Disability Support at the University of Oxford: A Guide for Undergraduate Students Guide for undergraduate students on how disability services are organized and co-ordinated, with step-by-step details of how to access appropriate support. Available from the University Disability Office.

Accessing Disability Support at the University of Oxford: A Guide for Graduate Students Guide for graduate students on how disability services are organized and co-ordinated with step-

by-step details of how to access appropriate support. Available from the University Disability Office.

Accessing Support for Dyslexia and other Specific Learning Difficulties (SpLDs) at the University of Oxford Guide on how services for undergraduate and graduate students with dyslexia or another Specific Learning Difficulty (SpLD) are organized and co-ordinated with step-by-step details on how to access appropriate support. Available from the University Disability Office.

Bridging the Gap: A Guide to the Disabled Students' Allowances (DSAs) in Higher Education Information on the Disabled Students Allowance and how to apply for it. Available from the University Disability Office and online at:

http://www.studentsupportdirect.co.uk/pls/portal/docs/PAGE/SPIPG001/SPIPS001/SPIPS008/SFD_BTGB_0708.PDF

3.3 Practical support for students with disabilities.

Funds: The Central Disabilities Fund is comprised of central University buildings money, and money for HEFCE. The fund is administered by a Disability 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 Disability 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. Full information about other provision for disabled students is detailed in the series of Disability Office guides, *Accessing Disability Support at the University of Oxford*, listed at 2.2 above. Disability Office Staff will provide further information and answer specific individual queries. Support from the Disability Funds Panel and advice to students with disabilities is not restricted to students in receipt of the Disabled Students Allowances.

The Accessible Resources Acquisition and Creation Unit (ARACU) is part of Oxford University Library Services (OULS) and their mission is to acquire or create library materials for any member of the University with a disability that hinders their access to library and archival material within OULS. ARACU turn print into accessible formats for disabled students and have a wide range of electronic resources and facilities that can be trailed. Details of these can be found at <http://www.ouls.ox.ac.uk/services/disability/aracu>. Members of the University and students who wish to make use of the service are recommended to contact the University Disability Office for a referral, as soon as they are able to give a general idea of their likely requirements.

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.

The Oxford University Computing Service aims to make all of its electronic resources and facilities as accessible as possible to all its users. The Help Centre has the following software available, Jaws (screen reader), Magic (screen magnification), Text-help (word prediction, homophone checker and document reader) and Kurzweill 1000 (scanning, text-recognition and screen reading). The Centre also has a range of items such as scanners, large monitors, alternative keyboards/mice, height adjustable tables and chairs for use by disabled students at OUCS.

The Oxford University Student Union (OUSU) produce a range of publications, including the Disability Action Guide. OUSU coordinate a Disability Action Group. They also run Student Advice Service to provide a confidential listening service as well as practical advice on resolving issues that students might encounter during their time at Oxford. The Student Advice Service is staffed by a professional student adviser. OUSU sabbatical officers (the Vice-Presidents for Welfare and Equal Opportunities, Women, Graduates and Access & Academic Affairs) are also available for students to talk to in confidence.

3.4 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 a Student Support Document (SSD) meeting attended by the student's tutor, or college supervisor in the case of a graduate student in conjunction with the Disability Staff. The college and University may be able to jointly fund applications to the Southern Trust Fund for financial assistance. 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.

3.5 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 with the *Workable* placement scheme for disabled undergraduates and graduates.

3.6 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.)

3.7 Numbers of students with disabilities. There are currently over 1000 students with disabilities and Specific Learning Difficulties (SpLDs) at Oxford. The number of students with disabilities at Oxford is steadily increasing and we hope that this will continue.

4. Future Activity and Policy Development

4.1 Support for disabled students.

Support for disabled students is continually developing. The University's first Disability Equality Scheme has been a very significant event for the institution and its members. It demonstrates the University's commitment to removing barriers that might deter people of the highest ability from

applying to Oxford. The University's Disability Equality Scheme was published on 4th December 2006 and can be downloaded from <http://www.admin.ox.ac.uk/eop/disab/des.shtml>

The University encourages students to be open about their disabilities and to discuss their needs. This open approach has increased the number of students declaring their disabilities prior to coming to Oxford, and has greatly improved their time at the University. The University will continue to work with disabled students in seeking guidance for how best to approach the area of disclosure and how to disseminate awareness of the necessity of disclosure in making individual adjustments.

4.2 Improved access and facilities. The University of Oxford is committed to providing equality of opportunity and improving access for all people with disabilities who study here. This commitment is reflected in an increasing number of applications and the increasing range of facilities being made available. The University has a rolling programme to provide full access to University buildings, and colleges are always willing to discuss access and adaptations to their own sites.